

# KINDER INSTITUTE ON CONSTITUTIONAL DEMOCRACY



## 2018-19 ANNUAL REPORT



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Kinder Institute on  
Constitutional Democracy  
University of Missouri



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 five 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 five 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 is already unique in the civility of discourse with which we function.



Justin B. Dyer,  
Kinder Institute Director



Jeffrey L. Pasley,  
Kinder Institute Associate Director



*Valentine’s Day ode to the Constitution*

The acts of pre- and reviewing find themselves a little blurred—or at least jumbled—this time around, since we spent a fair amount of 2018-19 hatching plans for years to come.

First, though, what happened: In some respects, it was more of the same, though with heavy emphasis on ‘more.’ As the “By the Numbers” breakdown reflects, starting with Richard R. John’s talk on “Antimonopoly as Countersubversion” and finishing up with the May 9 book launch party for Kinder Institute Associate Professor/Director of Undergraduate Studies/All-Around Inspiration Carli Conklin’s *The Pursuit of Happiness in the Founding Era: An Intellectual History*, hardly a Friday went by when we weren’t hosting a visiting or in-house scholar in Jesse 410 to give a talk as part of our “Pursuit of Happiness Hour” colloquium series.

On the undergraduate side, we had more students (and more alum and friends of the Institute) make the trip to Oxford this March as part of Prof. Jay Sexton’s spring study abroad course. We had more students than ever enroll in the seminars associated with our *Constitutionalism & Democracy* Honors College course series. And while it had one less staff member than in 2017-18, Vol. 5 of the *Journal on Constitutional Democracy* will almost certainly eclipse the record page count of 175 (achieved in Vol. 4).

And it’s not all counting stats. For example, our public talks this year covered a wider expanse of topics, both chronologically and thematically. Continuing a trend that has been developing for the past couple years, the list of sites where participants in our Kinder Scholars D.C. Summer Program interned spanned a wider range of fields than it ever has.

While every talk, workshop, and symposium we hosted brought something new and immensely

valuable to the table, we’d be remiss not to single out Kinder Institute Associate Director and Professor of History Jeff Pasley for putting on the February 15-16 conference on the crisis over Missouri statehood. Not only was the event a mammoth undertaking, given its nine panels, two embedded lectures, closing roundtable, and specialty “Dough Face” donuts and Constitution candy hearts (ask Jeff next time you see him). It was also a rousing success, as presenters from as far away as Sweden and as close as Tate Hall shed new light on a seismic, and woefully understudied, moment in the development of constitutional democracy in the United States—a true “fire-bell in the night.”

As for what’s on the horizon, we don’t want to give too much away here—what would we write about in this space next year if we did?—but we’re thrilled to finally be able to say that starting in Fall 2020, students will be able to sign up for our two new degree programs: an interdisciplinary B.A. in Constitutional Democracy and our one-year M.A. in Atlantic History & Politics, which will feature a four-week abroad component at Oxford’s St. Peter’s College. While we technically rolled out a beta version of it in August 2019, the start of the Fall 2020 semester will also mark the official launch of the Kinder Institute Residential College, an immersive, communal scholarly experience through which up to 60 incoming Mizzou freshmen will have the opportunity to live together in Wolpers Hall and take classes with Kinder Institute faculty during their first two semesters on campus.

In other words, a reason to come back for next year’s annual report and the year after’s, when more concrete news about all these new endeavors will be there for the taking. As always, we thank everyone who’s come to a lecture, sent us an email, or stopped by the office for their curiosity about and support of the Kinder Institute.

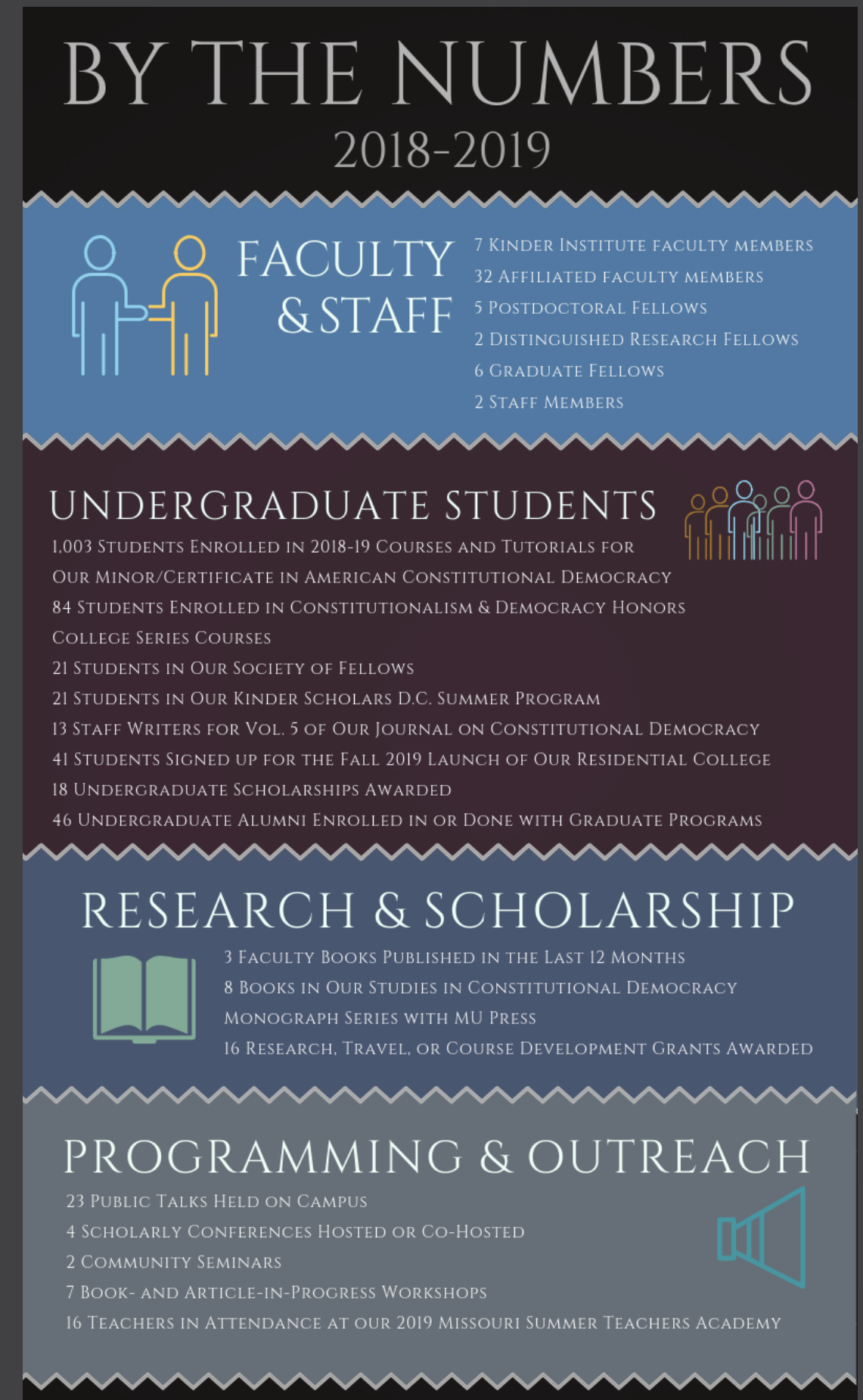


*Conference on the crisis over Missouri statehood*



# 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.



FALL 2018



KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY

NEWSLETTER | FALL 2018



# The COLUMNS



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

What follows in the Fall 2018 section are recaps of half of the eight colloquia that we hosted in Jesse 410 that semester, which featured presenters from as far away as Anchorage and as close as Jesse 411 giving talks on everything from new takes on Jackson's Bank Veto to the post-World War II roots of today's hyper-partisan political culture.

*Continued on page 16*



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

These are annual traditions that we've become familiar with, but there was an additional first in Fall 2018 that we were trying out fresh. As a result of the generosity of a pair of longtime friends of the Kinder Institute, we were able to satisfy the 2004 federal law that all publicly funded educational institutions provide programming on the history of the American Constitution on September 17 in an entirely new way: with our inaugural **James E. Fleming & Linda C. McClain Constitution Day Lecture**. For loyal readers of *The Columns*, those names likely ring a bell. Profs. Fleming and McClain, who respectively serve as Honorable Paul J. Liacos Professor of Law and Professor of Law and Paul M. Siskind Research Scholar at Boston University, are frequent visitors to Columbia, having given talks and led workshops over the years on everything from the "ghost" of *Lochner v. New York* to the legacy of *Loving v. Virginia*. And now in addition to sharing their cutting-edge research on American constitutionalism and legal history with us, their endowed Constitution Day lecture will provide other scholars around the globe with the ability to do the same.

*Continued on page 12*



*Continued from page 11*

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



### ***Constitutional Principles and America's Original Sin***

University of Texas Professor of Government Gary Jacobsohn

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

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

principles were constitutionally immutable—was not only a victory for federalism but one that was pregnant with relevance to slavery. John C. Calhoun in particular saw Luther’s petition to expand the franchise in Rhode Island via republican appeal as a threat to slavery. In turn, he saw the decision as a defense of the institution in so far as it protected states’ rights against the threat of federal meddling and, in doing so, cut off at the knees the abolitionist argument that slavery was unconstitutional because it repudiated the republican principles that were outlined in the Declaration of Independence and subsequently incorporated in Article IV.

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

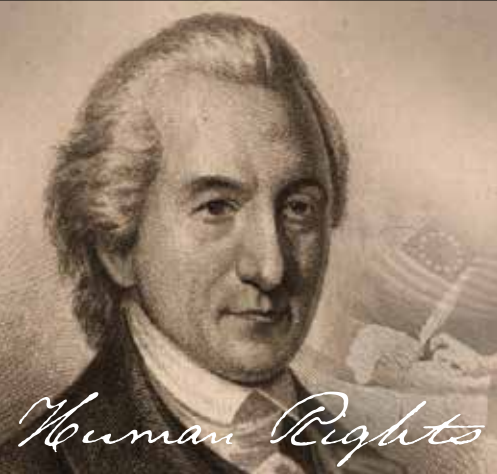
In addition to this question of federal vs. state applicability, Prof. Jacobsohn went on to note how questions of public vs. private applicability likewise underscore the United States’ comparatively limited reliance on constitutional principles. For example, he characterized a recent ruling in Germany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

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

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






*Human Rights  
at the  
American Founding*

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



Kinder Institute on Constitutional Democracy  
democracy.missouri.edu

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

University of Kentucky Associate Professor of History Jane Calvert

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

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

As a frame of reference for Dickinson’s contributions, she explained how, prior to and immediately after the Revolution, the going definitions of rights and rights-holders in America fell closely in line with the British’s exclusionary construction of the “Rights of Englishmen,” which traces

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

Dickinson’s innovations are most apparent in his thinking on two matters in particular: rights for African Americans and rights for women. As for the former, though cases have been made for framing Adams and Franklin as anti-slavery advocates, Prof. Calvert vehemently dismissed such claims in heralding Dickinson as the only disinterested abolitionist among the seven leading founders. She noted, however, that it wasn’t until *Somerset v. Stewart* (1772) established that chattel slavery was unsupported by English common law that Dickinson began to express a truly secular and humanitarian concern for enslaved persons, rather than a religiously rooted concern about slavery. And how this concern was expressed would evolve and gather intensity over the course of the two decades after the landmark British case. On one hand, *Somerset* can be seen as a leading factor in Dickinson’s opposing the American Revolution, given how it suggested to him that ending slavery was far more likely under the British constitution than under an undeveloped American legal and political system that was subject to the pro-slavery influence of the southern states. In a view that would take on various, similar tenors over time, it was under this logic that Dickinson deemed the not-yet-united states both the asylum and bane of liberty, claiming that the colonies could not bemoan their own slavery while holding men and women in bondage. During the Revolutionary and pre-Constitution periods, Dickinson would continue to lobby for the rights of enslaved persons brought into and born in the United States. He attempted, if unsuccessfully, to introduce strong anti-slavery clauses into the Articles of Confederation, as well as the constitutions of Pennsylvania and Delaware, and he unconditionally freed his own slaves, with reparations, in 1786. He remained adamant

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

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

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

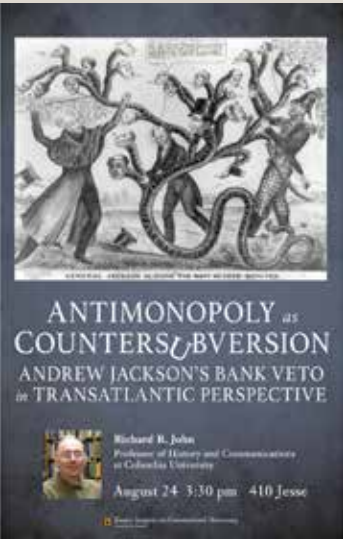
In addition to Constitution Week events in Columbia, a cohort of students and faculty traveled across the state to attend Kinder Institute Endowed Chair **Jay Sexton** and Fall 2018 Distinguished Research Fellow **Lawrence Goldman’s** rollicking back-and-forth conversation in Kansas City that revisited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



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

*Antimonopoly as Countersubversion*

Columbia University Professor of Communications  
Richard R. John



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

Indicative of a critical lens through which the veto is commonly refracted, analyses like these broadly speak to the degree to which Jackson's rhetoric about the Bank wove anti-monopolistic concerns into the republican lexicon, presenting monopoly as antithetical to liberty and special interests as antithetical to equal rights. While Prof. John would go on to bring additional layers to this reading, he first made sure to acknowledge the truth in it. Philosophically, a large motivation for the veto *was* Jackson's steadfast belief that a monied aristocracy buoyed by federally-doled out privileges would destroy the morality and virtue of a happily governed republic.

However, as Prof. John focused on for much of the remainder of his talk, the going interpretation of the veto as protecting the welfare of the many against the predatory capitalistic

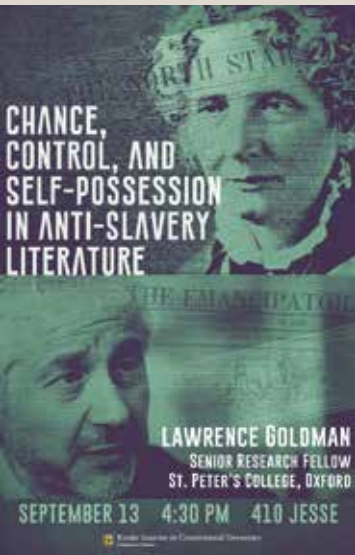
interests of the few tends to suffocate other interesting aspects of Jackson's decision. And perhaps other interesting influences over how the decision was presented to the public might initially be more apt. Prof. John pointed out how, particularly in the first draft of the veto address and in a circular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

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

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

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

Throughout his lecture, however, Prof. Goldman placed this being always subject to chance in conversation with an inverse condition emerging both in Jacksonian America and in early-Victorian England: the increased predictability of bourgeois life. Rooted, at least in large part, in the rise of free contracts—



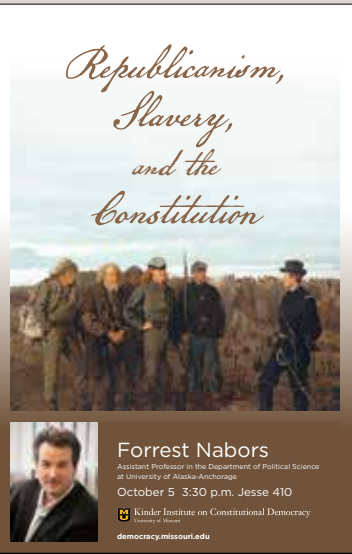
as well as respect for their enforcement—this newfound stability took various forms. On both sides of the Atlantic, this era saw the development of institutions, such as well-capitalized banks and insurance companies, geared at taming risk (a phenomenon that, as seen in the paintings of Thomas Cole, likewise extended to efforts to tame the environment itself). It was also an era in which social science and data collection became prominent mechanisms for asserting some predictive control over life events. The common denominator was a spirit of functional rationalization, traceable into the 20th-century work of Max Weber, that afforded members of the antebellum bourgeoisie a capacity for self-possession—i.e., a capacity to rationally calculate, independently determine, and freely pursue their own best interests.

And this was a development, Prof. Goldman continued, that had a profound impact on bourgeois understanding of slavery and, in turn, on the rhetoric of both the anti-slavery movement and anti-slavery literature. As he described, a recognition of the contrast between the order of their own lives and the cruel, unpredictable, and despotic power to which enslaved persons were subject led leading anti-slavery figures like Angelina Grimké and Theodore Weld to pursue what they saw as the intertwined higher callings of self-denial and abolitionism. In terms of the world of anti-slavery literature, one person, Harriet Beecher Stowe, stood head-and-shoulders above contemporaries in the detail, sentiment, and clarity with which she represented not only the precariousness of the lives of slaves, but also the brutality and inhumanity with which precariousness was manifested. In a theme common to the anti-slavery genre as a whole, Stowe focused in *Uncle Tom's Cabin* (and elsewhere) on the family unit as particularly insecure, subject to violent fracture based entirely on the changing fortunes, conditions, and concerns of the lives of slave owners. And this contrast between order and disorder—

between arbitrary misfortune and being arbiter of one's fortune—would ultimately come to define how emancipation was conceived: both as a freedom from risk and a freedom of rational self-possession.

*Republicanism, Slavery, and the Constitution*

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



In late 2017, Prof. **Forrest Nabors** published *From Oligarchy to Republicanism: The Great Task of Reconstruction* as part of the Kinder Institute's *Studies in Constitutional Democracy* monograph series with University of Missouri Press. The book, which went to win APSA's American Political Thought Award for Best Book of 2017, reflects Prof. Nabors' abiding interest in regimes and systems, as he argues in it that antebellum republicans understood slavery as both the greatest direct and greatest indirect threat to a government that derives its authority from the people—first and foremost because it was a moral blight that violated the ideals articulated in the Declaration of Independence, but also because it was an institution that facilitated structural shifts toward oligarchic rule of the wealthy, slave-owning few. As he discussed in his October 5 colloquium at the Kinder Institute, his new book project works backward in time from *The Great Task of Reconstruction* to argue that many members of the founding generation likewise saw slavery not only as a flagrant violation of natural rights but also as the most significant impediment to enshrining republican government throughout the nation. This was readily apparent in New England, where Lockean rhetoric about the universality of natural rights rang out before Locke even began writing, and where, in the years after the Revolution, this republican sentiment was quickly codified in the structure of state governments. Where Prof. Nabors focused his attention,



however, was in the late-18th- and early-19th-century mid-Atlantic—particularly, Virginia—where a measure of anti-slavery, republican sentiment was developing in spite of the aristocratic, slaveholding form of government that prevailed in many parts of the region. And he noted how there was some push, even in Virginia, to match sentiment and structure, with figures such as Patrick Henry not only speaking openly about slavery as a moral wrong but also looking to Massachusetts’ constitution as a model for how to secure republican self-government in the state.

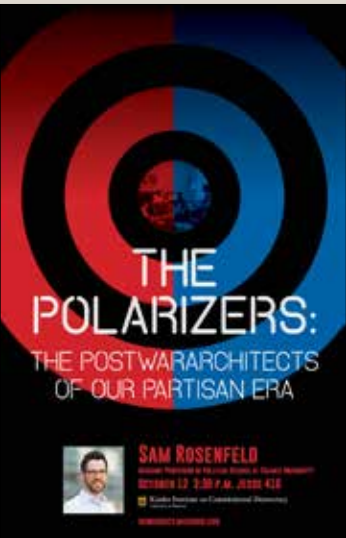
Of course, this observation leaves a stark contradiction unresolved: why Henry and others’ enlightened rhetoric did not result in enlightened practice. Why, that is, did the southward, state-by-state course of abolition in the years after the Revolution not continue from Pennsylvania to Virginia? As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

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

To call Virginia’s support of diffusion a miscalculation would be an understatement. The 1820 Missouri Compromise, which permitted slavery in certain western lands, would splinter whatever anti-slavery coalition had begun to form between New England and the lower Mid-Atlantic, and the divide would only grow in the decades after, as a younger generation of southern statesmen gravitated toward defending slavery over continuing to pursue reform projects that at least had the potential to advance the cause of abolition in the U.S.

***The Polarizers: Postwar Architects of Our Partisan Era***

Colgate University Assistant Professor of Political Science  
Sam Rosenfeld



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

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

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

As a case study, he then traced these claims into the work of the liberal, amateur activists who made headway in transforming the Democratic party in the post-New Deal era (roughly 1945-1960). For one, he noted how activists

drew much of their vocabulary from the arguments of mid-century political scientists, like E.E. Schattschneider, who deemed the local and regional aggregation of party power to be an arcane practice that hamstrung the federal government on issues like civil rights and who, in turn, promoted programmatic, disciplined parties with mutually distinct agendas and coherent plans of action. On the ground, the theories of figures like Schattschneider translated into efforts to disempower Southern Democrats by gaining control of the party in states where it had become weakened and, in states where that wasn’t possible, by establishing reform beachheads that lobbied to bring issues of national prominence more to the forefront of party rhetoric.

It was out of these coordinated efforts that larger scale innovations emerged. During his time as DNC Chairman, for example, Paul Butler introduced changes to steer the party toward greater coherence. He promoted the creation of a national council that would promulgate Democratic policy positions in the four years between conventions, and he also pushed for new protocols in Congress aimed at undermining the pragmatic, consensus-building norms that he found overly

timid: the development of an organized whip system, and the elimination of both the filibuster and committees structured around seniority. The Democratic party, Butler hoped, would no long be seen as one of accommodation, compromise, and attainability, but rather as one of steadfast liberal principles that were clearly distinguishable from their conservative counter-positions.

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





FACULTY AND GRAD STUDENTS

“Struggle for Statehood” Bicentennial Exhibit Preview

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

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

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

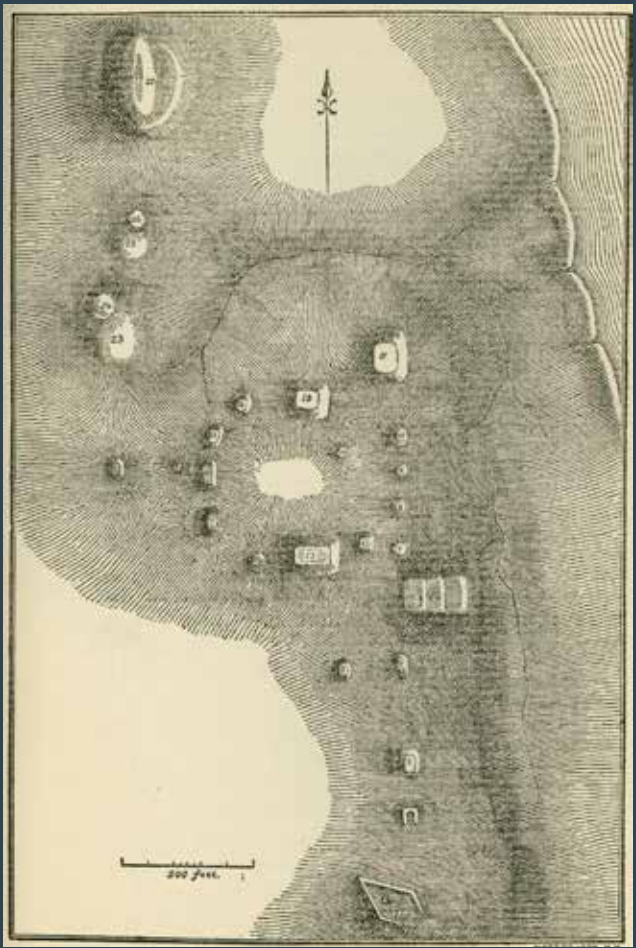
“The project team worked hard to tell this story in a way that was understandable, interesting, and inclusive for all Missourians,” she added, “and our exhibit designers created several graphics that I think enhance this. For example, we have a map showing the various boundary lines, proposed in Congress,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

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

five sites selected annually to host the exhibit for six weeks. But if you can’t get out to see it, here’s a *briefs* sneak preview of what will be making the rounds in Missouri.

from Missouri’s First Peoples

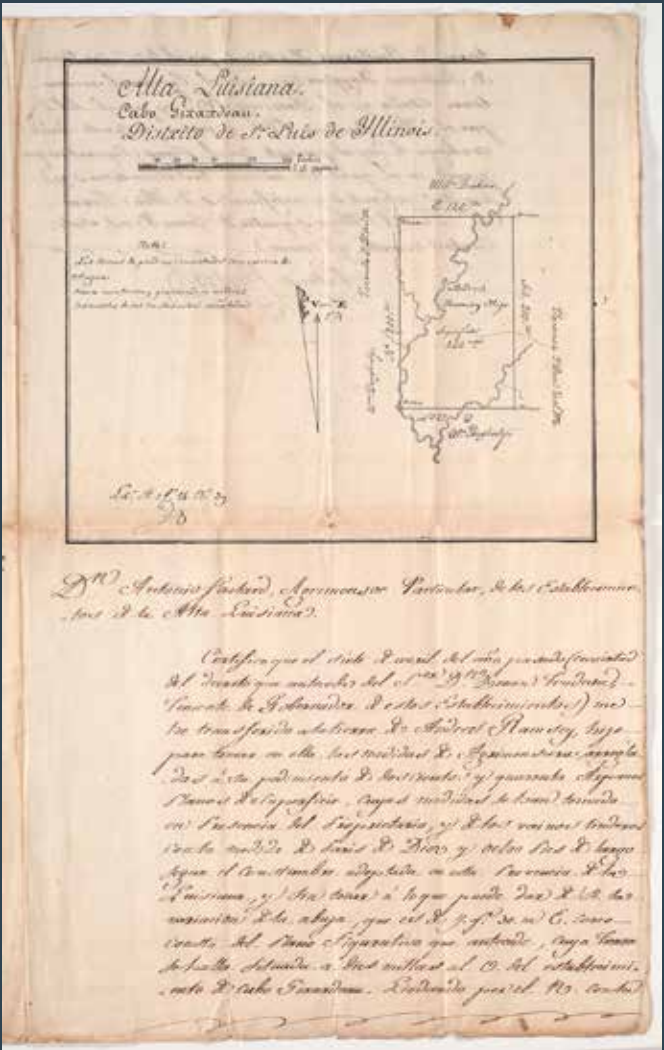
Before Europeans ever arrived in the land that would become Missouri, the region had a long history of being a center of human civilization. The landscape was dotted by hundreds of ceremonial mounds that gave St. Louis its nickname, “Mound City.” Only a few of these mounds remain visible today in places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



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

from Colonial Missouri, “The Spanish Interlude”

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



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

from Slavery along the Mississippi

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

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



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



### from Living on the Edge of Statehood, Duels & Violence

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



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

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

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

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

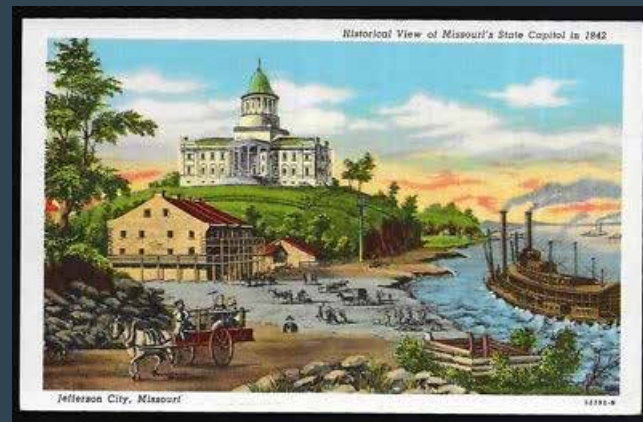
joined the debate, issuing statements reflecting the views of their constituents. These public meetings, petitions, and legislatures’ statements made Missouri’s admission a national question and emerging national crisis.



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

### from Aftermath

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



## UNDERGRADUATE STUDENTS

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





## KINDER SCHOLARS WRAP-UP

### *Finding the Future in the Past*

with Mary Grace Newman

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

There are only a handful of scenarios to which the above sentence might apply, but on the



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

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

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

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

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

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

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

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

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

## SOCIETY OF FELLOWS SUMMER SEMINAR

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

### **Session 1: *The American Tradition of Economic Equality***

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

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

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

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

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







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



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

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

### Session 2: *Everyone Quotes Tocqueville*

MU Professor of Political Science **Marvin Overby**

### Session 3: *Arguments for Women's Suffrage*

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

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

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

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

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



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

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

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

**Session 4: *Federalist and Anti-Federalist Republican Visions***  
MU Professor of Political Science **Jay Dow**

**Session 5: *The American Slave Empire***  
Kinder Institute Assistant Professor of Constitutional Democracy **Christa Dierksheide**

**Session 6: *The Politics of Slave Resistance***  
Kinder Institute Chair in Constitutional Democracy **Jay Sexton**

**Session 7: *The Future of Health Policy in the U.S.***  
MU Assistant Professor of Political Science **Jake Haselswerdt**

**Session 8: *Beauty and Politics in Wendell Berry’s Poems***  
Kinder Institute & Truman School Assistant Professor **Sarah Beth Kitch**

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

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

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

**Session 9: *Behind “Enemy” Lines?: The Congressional Detailee Program and the American Constitutional System of Shared Powers***  
Kinder Institute Assistant Professor of Constitutional Democracy **Jennifer Selin**





## JOURNAL ON CONSTITUTIONAL DEMOCRACY

### *The Hoovervillian Perspective: An Untold History of Perseverance*

by Bryce Fuemmeler

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

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

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

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

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

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

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

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

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

During the campaign, the implications continued. At a speech in Seagirt, New Jersey, Roosevelt gave what seemed like a sympathetic comment about temperance, stating that "[intemperance] is bound up with crime, with insanity and, only too often, with poverty." While Roosevelt's warning was likely kindhearted, it was also a demeaning overgeneralization. By tethering drunkenness to poverty in particular, he not only reinforces the causal relationship between Hoover and all facets of the

*The deeper implication of Roosevelt's address, then, is that poor Americans—and especially the poor Americans of the nation's Hoovervilles—lacked the agency to redeem themselves. And it is an implication that millions of voters wholeheartedly believed.*

nation's desperation; more importantly here, he also further promulgates the misconception that the impoverished citizens of America were unable—or unwilling—to rise out of these desperate conditions via their own agency.

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

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



WINTER 2019



KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | WINTER 2019

# The COLUMNS



While the line between what constitutes a “public lecture” and what constitutes a “colloquium” has begun to blur, such is not the case here. Far from the research presentations that typically happen on Fridays as part of the Colloquium Series, the first event recapped in this “public lectures” section was instead a spirited, extemporaneous back-and-forth between scholars of the history and present state of populist politics in America. As for the second event recapped, while it was technically a research presentation, it was nonetheless part of a developing lecture tradition at the Kinder Institute—the yearly talks given by our Distinguished Visiting Research Fellows that provide insight into the larger projects they’re working on while in residence in Jesse Hall.

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One of the most rewarding (and, not unimportantly, most fun) things about our undergraduate programs is getting to witness the community that students forge through them, each one unique in its quirks, but alike in its bonding spirit of shared intellectual inquiry and energy. For the most part, though, this has been a community—or, rather, a community-building opportunity—that first-year students had limited access to. In August, this oversight was corrected.

The start of the Fall 2019 semester marked the official launch, or “soft launch,” of what we previewed in this space in winter: the Kinder Institute Residential College, a new program—the first of its kind at Mizzou, in fact—that will bring incoming freshmen together in historic Wolpers Hall and immediately integrate them into the life of the Kinder Institute. During their first year on campus, college residents will co-enroll in four classes from our B.A. curriculum. They’ll be introduced to Institute faculty through lectures that add contour to their coursework. And they’ll be turned loose to design extracurricular programs—reading groups, debate societies, film clubs—that put their work in the classroom in conversation with their interests outside of it.

And of course, just by virtue of passing through the fourth floor of Jesse Hall every day, college residents will get a behind-the-scenes glimpse at everything that life as an upperclassman at the Kinder Institute entails, from grad school applications, to *Journal* workshops, to scrambling for D.C. internships, to packing for Oxford.

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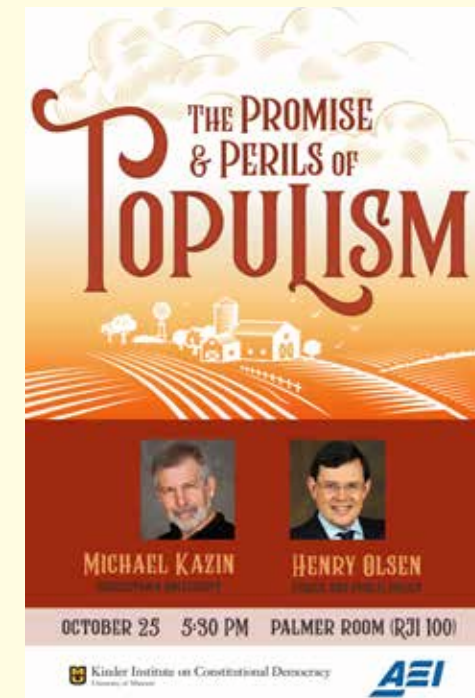
In every discussion we had leading up to proposing the Residential College, this merging of worlds was central to our design. We wanted, that is, to create a four-year, truly collaborative experience at the Kinder Institute where freshmen were learning from juniors, where seniors were studying with M.A. students, where faculty were working with freshmen, and everything in between.

And while the early tea leaves are promising, every little bit helps, so if you know a student who's interested in heading to MU, send them our way, or better yet, to [democracy.missouri.edu](http://democracy.missouri.edu), where they can read up on the Kinder Institute Residential College. And feel free to also direct any questions—or any prospective students with questions—to the Kinder Institute's Thomas Kane, [KaneTC@missouri.edu](mailto:KaneTC@missouri.edu).

## PUBLIC LECTURES

### *The Promise and Perils of Populism*

Georgetown University's Michael Kazin and Henry Olsen of the Ethics & Public Policy Center



As it turns out, a free-flowing conversation between leading scholars of American politics and political history is serpentine enough to resist linear recap. But even in bouncing between eras, continents, political figures, and public intellectuals, Georgetown University Professor of History **Michael Kazin** and Ethics & Public Policy Center Senior Fellow **Henry Olsen** provided the capacity audience at the Reynolds Journalism Institute's Smith Forum with a clear

vision of how thin the line is that separates the talk's two key terms: promise and peril.

In regard to the sunnier side, in responding to moderator and MU History Department Chair **Catherine Rymph's** first question, both Kazin and Olsen located promise in how populism's origins and definition speak to the way in which it importantly empowers politically marginalized groups. In practice, if not in name, Olsen showed how populism traces back to the Greek city-states, where majorities of the *demos*, motivated by a charismatic leader and a feeling of deprivation, often strove to re-claim government from an oppressive, elite "other." In terms of definition, Kazin added, little changes when we examine populism's American iteration. It has historically been invoked as a term that characterizes the politics of a people opposing an immoral elite and has often been rooted in wonderful ideals: the protection of civil liberties, for example, or of rule of the people.

From whence, then, peril? The answer to this question, the speakers discussed, can be located on either side of the oppositional paradigm. Olsen, for example, differentiated "good" from "bad" populism by looking at how the elite "other" is characterized. If as an enemy, populist politics can quickly and easily trend toward violence; characterizing the "other" as an adversary, however, leaves open the ideal outcome of re-integrating the party displaced by populist movements into the



*. . . the devolution of useful populism into abusive populism can likewise be a function of how the deprived group defines itself, as was the case with the Civil War and Reconstruction-era populist construction of imperiled personhood around whiteness.*





fabric of politics on new terms. As Kazin described, the devolution of useful populism into abusive populism can likewise be a function of how the deprived group defines itself, as was the case with the Civil War and Reconstruction-era populist construction of imperiled personhood around whiteness. And he went on to note that ‘peril’ can take on forms other than violence. There is also a functional pitfall to populism. Its significance might reside in how it gives voice to discontent, but a government can’t be run on oppositional rhetoric alone. You have to make things work, Kazin argued, which populists aren’t necessarily good at.

Bringing the topic into the present, Kazin and Olsen first framed today’s populism in terms of the past 50 years. Specifically, both cited an industrial shift toward automation and globalization, and the subsequent growth of corporate prosperity and wage disparity, as being at the root of twenty-first-century populist politics in the U.S. That said, both also cited how these politics look markedly different on the left and the right in contemporary America. On the left, populist rhetoric pits an undifferentiated working class concerned with unregulated capitalism against an economic elite. On the right, concerns tend to be nationalistic and anti-bureaucratic, resulting in a populist bloc aligned in opposition to immigration, cultural liberals, and the federal government itself.

“Are we in a populist moment,” Prof. Rymph asked in closing. If we are, Kazin posited, is that such a bad thing? That we disagree and how we disagree are vital to American politics, and to critique mobilization around disagreement as an expression of damnable elitism is patently antidemocratic. As Olsen noted in bringing things to an end, there is historical precedent for what we see today. Specifically, the wedding of populism and realignment elections is something of a recurring theme in American political history, though he warned that the spirit of hatred currently underlying this precedent seems both abnormal and highly dangerous.

You can hear more from Olsen and Kazin on the subject on the “Thinking Out Loud” page of the KBIA website, [www.kbia.org](http://www.kbia.org), and you can find a rebroadcast of the entire conversation on the C-SPAN website.

### *The Genesis of American Indian Constitutionalism*

Truman State Professor of History and 2018-19 Kinder Institute Distinguished Research Fellow Daniel Mandell

As Distinguished Research Fellow **Dan Mandell** noted in opening the Kinder Institute’s Spring 2019 kickoff lecture, the structural framework of the 1621 treaty between the Plymouth Colony and the neighboring Wampanoag tribe drew on a norm of divided constitutionalism that would shape relations with indigenous peoples for centuries to come, both in the British colonies and the United States. Derived from the early conceptualizations of international law and natural rights put forth by Renaissance thinkers such as Gentili and Grotius, the treaty acknowledged Wampanoag sovereignty while simultaneously granting Plymouth courts the jurisdictional right to judge potential conflicts between individuals from the two communities. Variations of this arrangement, Prof. Mandell showed, were emerging during the era as an oft-utilized imperial tool. Spain and Portugal, for example, forged multiethnic

empires where the autonomy of indigenous peoples was to some degree protected within larger imperial structures, while Dutch settlers considered themselves as strangers or visitors in lands where native groups remained sovereign entities. In terms of the English standard, the agreement between Plymouth Governor William Bradford and Wampanoag sachem Massasoit reflected British leaders’ growing sense of market-driven ambivalence toward indigenous legal and cultural structures—their calculation, that is, that acknowledging indigenous sovereignty had the potential to enhance Britain’s trade opportunities and neutralize its trade competitors.

Initially, the post-treaty reality reflected the terms of the agreement that Bradford and Massasoit had reached. In fact, most laws regarding relations with the Wampanoag applied to the colonists—what they could and could not buy and sell, for example—and even the 1652 ruling that prohibited members of the tribe from working in the colony on the Sabbath was directed at Plymouth residents who were trying to side-step theological mandate. Soon, however, ethnocentrism began to creep in and constitutional order began to break down. Perhaps most notably, in 1675, Plymouth courts ordered the execution of three Wampanoag for the murder of fellow tribesman and Christian convert John Sassamon, an egregious extension of colonial authority and violation of the 1621 agreement that was the first trial of its kind to take place in a non-tribal court as well as the spark for King Philip’s War.

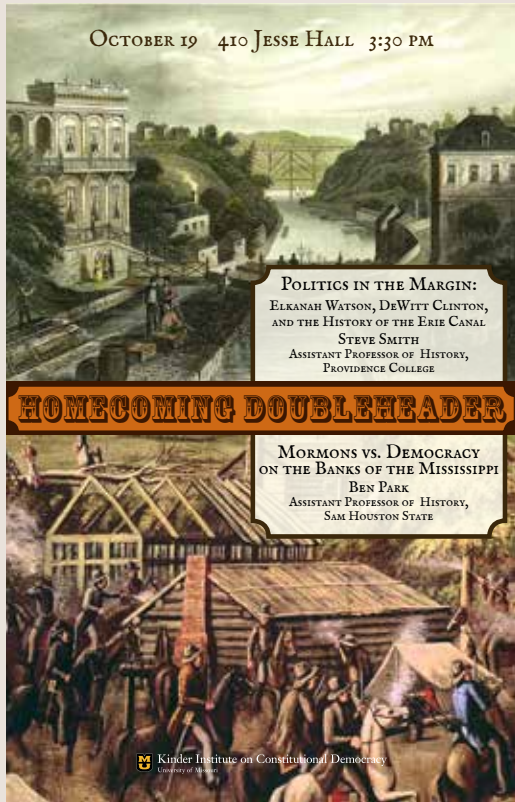
Indian policies in the early United States reflected a similar trajectory. Under Secretary of War Henry Knox, Indian affairs became the purview of his office, rather than the Department of State, meaning that tribes retained their political and legal autonomy as foreign nations while the U.S. retained cross-community jurisdictional authority—virtually the same arrangement as in Plymouth. Jefferson would later follow suit, asserting, for example, that all native peoples held the title to their land and could regulate commerce thereon as they pleased, but as jurisdictional boundaries became more fluid, and violent profit-seeking more rampant, American policymakers and courts began to seek out ways to exert more and more control over tribes. As Prof. Mandell laid out in tracing the narrative of American Indian constitutionalism over time, racism was not the only force besieging native sovereignty. In addition, developing sentimentalism regarding individual rights was behind a number of legislative turning points—from the Dawes Act of 1887 to the Indian Civil Rights Act of

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1968—that sanctioned the U.S. government’s intervention in tribal life and its reduction of the jurisdiction of tribal courts. And while figures such as John Collier advocated, sometimes successfully, for the restoration of sovereignty, self-government, and resource control to tribes, this push-and-pull between individual rights and the rights of tribal communities remains at the heart of constitutional debates to this day.





## COLLOQUIUM SERIES

We’re particularly excited about where, or rather with whom, this round of colloquium recaps kicks off: a pair of Mizzou/Kinder Institute alum who were back in town for homecoming to catch past colleagues and dissertation advisers up on the irons they currently have in the scholarly fire.

### *History Department Homecoming*

Sam Houston State’s Benjamin Park and Providence College’s Steven Carl Smith

“It was a gloomy day in Nauvoo, Illinois.” So began Sam Houston State University Assistant Professor of History (and inaugural Kinder Postdoc) **Ben Park’s** October 19 talk on “The Mormons vs. Democracy on the Banks of the Mississippi River.” Following expulsion from Missouri, the Mormon community, led at the time by Joseph Smith, found itself in an existential stand-off of sorts with democratic order. From the perspective of those who had just re-settled in Nauvoo, the political and physical violence they faced in Missouri marked an egregious trampling of minority rights. From the perspective of Missourians and many others in the nation, though, everything from their communal system of finance, to their hierarchical social and religious structures, to their radical theology

indicated Mormons’ corruption of democratic practices and democratic mores.

In providing an overview of his new book project, *Democracy’s Discontent: A Story of Politics, Polygamy, and Power in Mormon Nauvoo* (forthcoming in 2019 from W.W. Norton/Liveright), Prof. Park focused on three explanatory themes regarding how Mormon leadership responded to what they

understandably saw as democracy writ large’s unmitigated failure to protect the community’s rights and liberties.

**Electoral:** Mobilized around and directed by the prophetic authority of church leaders, the Mormon community in Illinois turned to bloc voting in the wake of expulsion from Missouri, delivering significant electoral allegiance (and sometimes success) to state and national candidates who came to Nauvoo with convincing promises of political protection. This strategy, however, did little to sway their opponents, who claimed that sectarian bargains violated democratic processes and that re-locating modes of expression from the individual to the collective violated traditional notions of religious freedom.

**Legal:** In an innovation with close ties to Joseph Smith’s alleged attempted assassination of former Missouri Governor Lilburn Boggs—who issued Executive Order 44 while in office, which called for Mormons to “be exterminated or driven from the State if necessary for the public peace”—Mormons used *habeas corpus* as a mechanism for protecting liberties, expanding its jurisdictional purview so to be able to try cases that originally occurred outside of the city or state in Nauvoo, on the grounds that doing so was the only means of ensuring a fair trial by peers, given the pervasive anti-Mormon sentiment in the region.

**Political:** Internally, the Mormons of Nauvoo turned to aristarchy, or “rule by the wisest,” forming the Council of 50 under the premises that rule of the people only works when the people rule in righteousness and that God’s rule should thus dictate—and, if necessary, circumscribe—the parameters of democratic participation. While many outside the community were outraged by the irony of a theocratic council claiming to embody a commitment to democracy, this was not the only moment in the 19th century when individual liberty was understood as being bound by the context of God, rather than protected by federal force. As Prof. Park pointed out, both John Brown and the Grimke sisters appealed to divine order over federal law in advancing the causes of abolition and equality for women, respectively.

And as he noted in ending his talk, the violence that the Mormons faced in Missouri soon spilled across the river into Illinois, where their neighbors came to find in Nauvoo a rejection of any semblance of tenable political order and created the vigilante Committee of Safety, responsible for the assassination of Joseph Smith, to preserve democracy in the state.

[Intermission]

Some 20 years earlier and 1,000 miles east, another former governor, New York’s DeWitt Clinton, boarded the *Seneca Chief* in Buffalo and pushed off down the Erie Canal for Manhattan. For Clinton, who was publicly heralded as the father of the Canal, the steamer trip, which culminated in casks filled with Lake Erie being poured into New York Harbor, was a victory lap of sorts. As Providence College Assistant Professor of History (and MU History Ph.D.) **Steven Carl Smith** noted in introducing the key players in his talk on “Politics in the Margins,” for Elkanah Watson, though, the spectacle of DeWitt Clinton marrying the two bodies of water was little more than a “splendid fraud.”

Watson’s bitterness was rooted in a competing, if also largely ignored, paternal claim. A traveling northeastern merchant who observed and reveled in the commercial boon of England’s canal systems, Watson, the record shows, lobbied George Washington for similar infrastructure in New York’s Mohawk Valley long before Clinton began working within state government to secure funding for and oversee construction of the Erie Canal. At the center of Prof. Smith’s talk was not so much Watson’s ire at being overlooked and un-sung but rather what he transformed





this ire into: a mixed media alternate history. For example, Prof. Smith described how Watson affixed pamphlets and newspaper clippings that lauded *him* as essential to the Canal’s existence onto the pages of his yearly almanacs, creating a homemade, collagic archive that told a counter-narrative to the one in which Clinton starred.

And he annotated his copy of Cadwallader Colden’s pro-Clinton history of the Erie Canal with similar intention. In the margins, one will find acerbic notes concerning historical accuracy; one will find patronizing rants about language patterns that “support” Watson’s claim that Clinton actually ghost wrote the celebratory account of his formative role in the Canal’s construction; and one will find repeated references by Watson to where his conspicuous absence from the history should be noted (or, alternately, where his presence in the history should be felt). As was the case with his re-upholstered almanacs, a second material text was inscribed upon another, literally, in some cases, writing over the original. And as Prof. Smith argued in wrapping up his talk, an interesting question of audience arises from Watson’s creations. As his marginalia became more voluminous, he ceased to be a reader and became an author, engaged in conversation not so much with Colden but instead with future archivists who might fashion from his notes a corrected history.

***Dangerous Ground: Squatters, Statesmen, and the Rupture of American Democracy, 1830-1860***

Kinder Institute Postdoctoral Fellow in Political History John Suval

In assessing the tide-shifting significance of squatter (aka popular) sovereignty, the tendency among many Civil War historians has been to emphasize the what at the expense of the who. What’s lost as a result of this, Kinder Institute Postdoctoral Fellow **John Suval** noted in opening his October 26 colloquium, is a narrative of political maneuvering and western land taking that sheds new light on the history of Jacksonian Democracy and what put the United States on a path to civil war.

Central to this narrative, Prof. Suval explained, is a *quid-pro-quo* through which Jacksonian Democrats tethered their collective fate to that of white squatters, initially to astounding success. Specifically, both in rhetoric and policy, Jacksonian Democrats transformed squatters from intruding rabble without legal rights into forerunners of American expansion. Chief among the tools responsible for this makeover was the “settle-first-legalize-later” policy of preemption, which enabled squatters to retroactively—and for a pittance—obtain title to U.S. lands they occupied. Throughout the 1830s and 1840s, this would serve as the symbiotic backbone of squatter democracy. The pioneer got cheap land and the Jacksonian statesmen in Washington got votes. As Prof. Suval showed, however, it was about much more than ballot support. The constituency Democrats stitched together by voraciously preserving preemption rights against Whig attack was made up of white men of all station and place: elite and not, slaveholding and not, Northerner

and Southerner. Unifying its base across regional boundaries and class divisions thus allowed the party to expand its power while all the while side-stepping the question of slavery.

The squatter would grow during this era to near mythical status—descended equally of Plymouth Rock and Daniel Boone, a patriotic improver who displaced “the prowling wolf and roaming savage” from the frontier and who planted and defended the American flag at the nation’s vulnerable, ever-westward tending borders. Beginning in the 1840s, though, a number of factors would lead to the unraveling of this marriage of convenience. First came the Wilmot Proviso, which aimed to ban slavery in all territories acquired through the Mexican-American War. Though the Proviso itself failed, it galvanized the Free Soil Party around a platform that would ensure that western lands remained free of slavery and free for white settlers. After years of dodging the question of slavery, Democrats would have to take a stand on its extension, jeopardizing the delicate coalition they had built around spoiling Northerners and Southerners alike.

The party’s initial response was to re-double its commitment to squatter democracy, with Michigan Democrat Lewis Cass introducing a policy of popular sovereignty that called for settlers themselves to decide the slavery question. Once put to the test, first in Oregon and then in California, popular sovereignty proved ill-equipped to preserve party unity. White squatters, it quickly became apparent, wanted little to do with slavery; this to the dismay of Southern Democrats like John C. Calhoun, who vehemently challenged the legitimacy of letting squatters determine constitutional order on the fly.

Which brings us to where Prof. Suval’s talk began and where, in the mid-1850s, the fire of civil war was being stoked: Bleeding Kansas, where tract skirmishes between squatters escalated into factional battles between pro-slavery and free-state partisans, and where claiming land and deciding the fate of slavery, once cornerstones of Democrats’ “never the twain shall meet” party-building strategy, became irreversibly intertwined.

***Enlightened Absolutism and the Origins of the American Revolution***


MU Postdoctoral Fellow in History Rachel Banke


Most of us know—just as most of colonial America knew—George III by the sometimes diametrically opposed caricatures of him that emerged around the time of the American Revolution: He was either bull-headed or the pliable shill of his advisors. Either “Farmer George” or a courtly man of gadgets. In her November 30 talk at the Kinder Institute, however, MU Postdoctoral Fellow in History **Rachel Banke** laid out an earlier, pre-caricature vision of the British king as a young, naïve, not-yet-stubborn ruler who was committed to developing a strain of domestic and foreign leadership that was defined by its quality of enlightened absolutism.




**SQUATTERS, STATESMEN,  
AND THE RUPTURE OF  
AMERICAN DEMOCRACY**

1830-1860






**John Suval**  
Postdoctoral Fellow in American Political History  
October 26 3:30 p.m. Jesse 410




Kinder Institute on Constitutional Democracy  
University of Missouri




*Enlightened  
Absolutism  
and the Origins of the  
American Revolution*





**Rachel Banke**  
Postdoctoral Fellow in American History  
November 30 3:30 p.m. Jesse 410  
democracy.missouri.edu



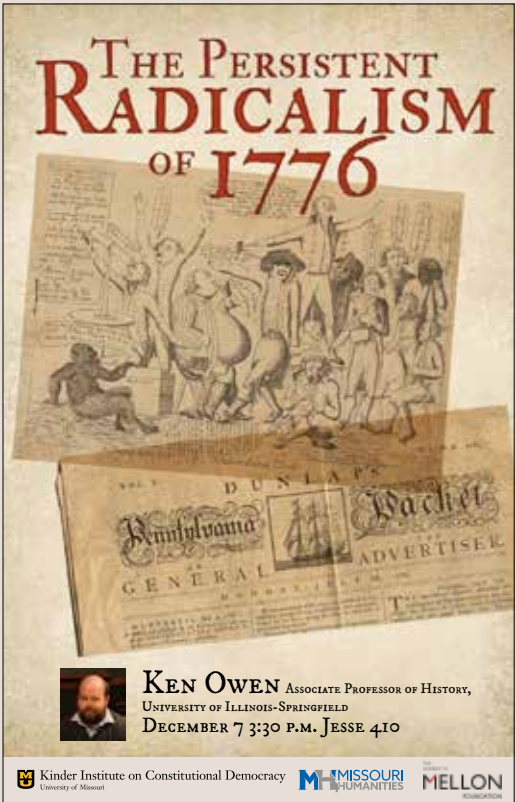
Kinder Institute on Constitutional Democracy  
University of Missouri



Central to this vision was John Stuart, 3rd Earl of Bute and tutor to a young George III, who had a heavy hand in shaping the future king’s political philosophy. Elements of this philosophy, Prof. Banke noted, began to become clear in “The Essays,” a series of historically contextualized musings on principles of governance. For example, George III was critical in “The Essays” of James I, particularly for how he rooted his notion of royal prerogative in contempt for the people. By contrast, George III presented Queen Elizabeth in his writings as a gold standard of governance for how she raised the kingdom to glory via constitutional knowledge and compassion for her subjects, both at home and abroad.

From Elizabeth’s model came the broad tenets of George III’s own enlightened understanding of absolutism: that the constitution constrains only those actions which negatively impact the public good, for example, or that sovereignty is best vested in a virtuous king. As Prof. Banke detailed, the practical manifestations of this understanding took various forms under George’s leadership (and with Bute’s behind-the-scenes direction). He rid the court of self-serving, often deceitful attendants, who acted out of personal ambition rather than principled commitment to the people. He also promoted a balanced treasury and maintained military presence throughout the British empire’s colonies. This last act of monarchical justice is especially telling when it comes to George III’s particular conception of enlightened absolutism. If, on the one hand, it was an act designed to ensure security, it was likewise an expression of how reforming government in the best interests of the people implied, for the king, the prerogative to steer the state without interference.

As a case study in the king’s enlightened governance, Prof. Banke examined the crown’s presence in Quebec after the conclusion of the Seven Years’ War. Provincial Governor James Murray, she showed, sowed social stability and good will by cultivating relationships with, and preventing British persecution or exploitation of, the defeated French-Canadians. Most notably, he extended French civil law and demanded not only toleration of but also benevolence toward the province’s Catholic population. The result was twofold: civic harmony in Quebec but resentment and outrage in the Thirteen Colonies, where, particularly after the 1774 Quebec Act, Murray’s protection of the rights and interests of French-Canadians increasingly came to be seen as coming at the expense of British liberties (and British merchants). And though Bute had been retired from politics for some time in 1774, he nonetheless became the target of colonists’ ire, serving as something of a proxy for George III in pre-Revolution political cartoons that represented British reforms as designed to disempower the colonies and that foretold the conflict to come.



*The Persistent Radicalism of 1776*

University of Illinois-Springfield Associate Professor of History  
Ken Owen

We are all too familiar with one set of revolutionary thinkers who convened in 1776 at Independence Hall in Philadelphia. However, at the center of University of Illinois-Springfield Prof. **Ken Owen’s** semester-concluding talk at the Kinder Institute, and also at the center of his recent Oxford University Press monograph, was a second, far less heralded set of Independence Hall radicals: the utopian visionaries who also gathered there in 1776 to draft the first Pennsylvania constitution.

The work of this latter group was short-lived, as their constitution was revised in 1790 to more closely resemble its federal counterpart. And perhaps for this reason, Prof. Owen posited, it has gotten little attention—and sometimes mild derision—from historians. He went on to argue, though, that this dismissal is short-sighted, unduly ignoring the degree to which the spirit of idealism driving the 1776 Pennsylvania Constitution significantly influenced the philosophy of the United States’ framing document.

As Prof. Owen described, Pennsylvania’s first constitution was unquestionably the most radical experiment of its time, a distinction that was due at least in part to the state’s reluctance to declare independence from Great Britain. Specifically, colonial Pennsylvanians’ experience with official channels *not* governing in the name of the people had two related effects: the development of extralegal, voluntary organizations opposed to the state’s loyalist factions and sentiments and, from this, the intensification of conversations regarding the principled construction of a government that *could* serve communal interests. The 1776 constitution would materialize from these conversations, and its innovations distinguished it from contemporary state constitutions, particularly in terms of the extent to which they ensured that power would, in fact, be derived from the people. For example, its unicameral legislature, combined with the state’s uniquely expansive extension of the franchise, guaranteed that, as much as possible, elected officials would actually represent the communities they represented. Even more radically, drafts of the state’s Declaration of Rights went so far as to attempt to impose legal obstacles to excessive property accumulation in order to introduce a tradition of economic equality.

In practice, and per the framers’ design, the innovations of the 1776 constitution would successfully encourage increased public participation in and contribution to the affairs of government. During the Revolutionary era, for example, the various committees that coalesced around the question of price-fixing, and the series of impassioned, often contentious statehouse yard speeches that addressed this topic, revealed citizens’ deep commitment to the state’s conception of the aims of government. It was not the most orderly vision of democracy, Prof. Owen noted, but it did mark both a public attempt to resolve

political tension via inclusive debate and a governing apparatus that could be flexible in responding to the popular will. And this was about more than the singular issue of price-fixing, Prof. Owen argued; bound up in the speeches, pamphleteering, and debates were radical ideas about where political legitimacy is derived from and how claims to such legitimacy are articulated.

These ideas about legitimacy, Prof. Owen went on to show, were subsequently woven into the fabric of the state’s early political history. During the Whiskey Rebellion, not only did the ad-hoc representative structures in place in Western Pennsylvania help the region’s townships and counties negotiate with state and federal agents to prevent the escalation of violence; in defying the governor’s call to raise militias, and in raising liberty poles instead, citizens of these counties and townships likewise demonstrated the role of extra-governmental activists in shaping the course of state politics. Similarly, in a particularly heated 1799 gubernatorial race, candidates on both sides were deliberate and sophisticated in using committee structures and public meetings to tether the legitimacy of their campaigns to the voice of a consenting public. And while the state’s first constitution was at this point technically a relic, its utopian roots were nonetheless evident in these meetings, rebellions, and township representatives, all of which collectively demonstrated how, in Pennsylvania, the actions of the public did often double as an expression of popular control over governmental affairs.





## SCHOLARLY CONFERENCES



A handful of individual papers are recapped in the spring newsletter, but below and in the following pages is a full schedule for February's "A Fire Bell in the Past: The Missouri Crisis at 200" conference. The conference was the first ever international scholarly gathering devoted entirely to re-assessing the origins and lasting reverberations of the crisis over Missouri statehood, and the book that emerges out of its proceedings, slated to be published in 2021 as part of the Kinder Institute's *Studies in Constitutional Democracy* monograph series with University of Missouri Press, will mark a long overdue examination of this watershed event in light of modern historical scholarship.

And a pair of special thanks: to the Missouri Humanities Council—one of our partners in the state's Bicentennial Alliance (among many, many other collaborations)—who hosted Prof. Stephen Aron's Friday evening dinner lecture; and to the Reynolds Journalism Institute, who graciously let us take over their beautifully-windowed Palmer Auditorium as a conference space.

### FRIDAY, FEBRUARY 15

#### *Panel 1, 8:30-10:15am: The Origins of the Missouri Crisis*

CHAIR: Jay Sexton (MU/Kinder Institute & History)

WELCOME: Lt. Gov. Mike Kehoe (State of Missouri)

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

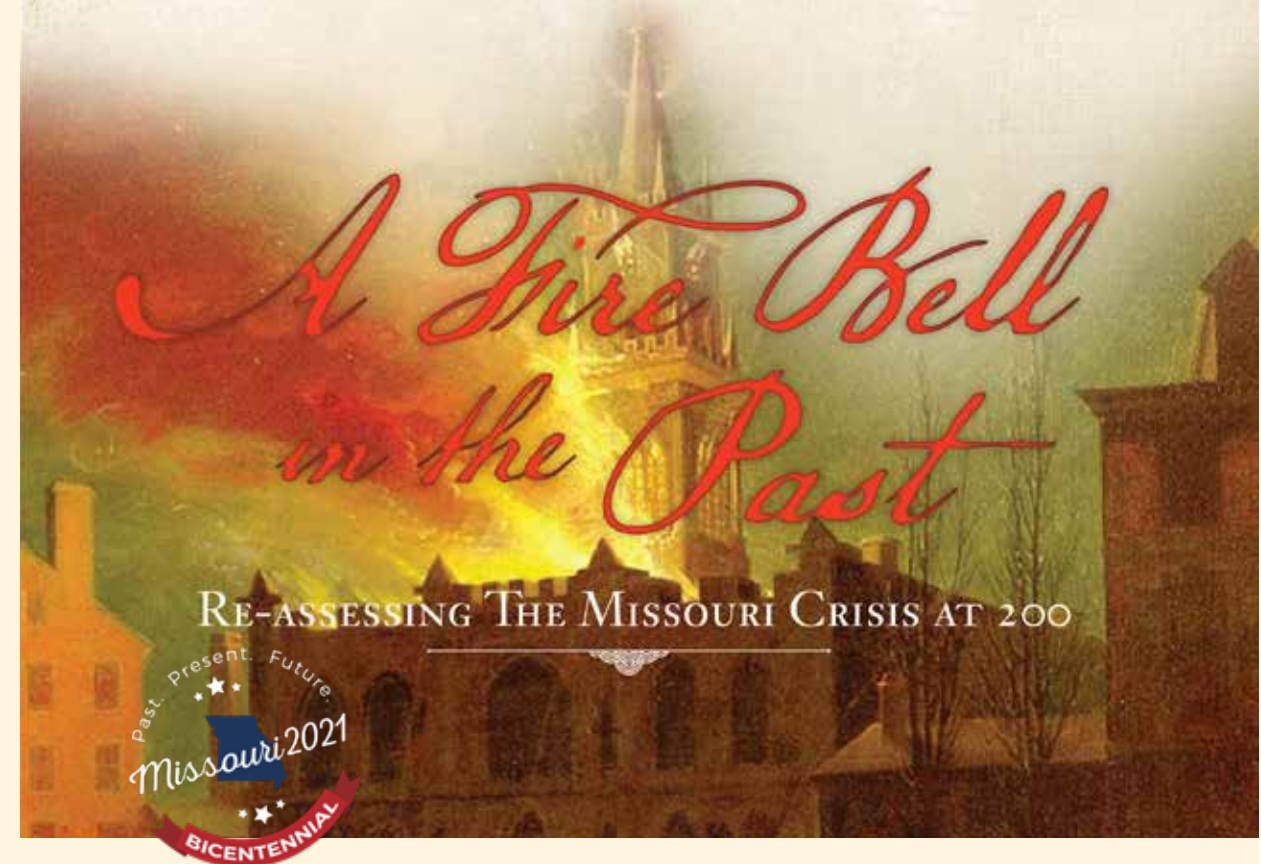
#### *Panel 2, 10:30am-12:15pm: The North vs. Missouri: The Emergence of Antislavery Politics*

CHAIR: Ken Owen (University of Illinois-Springfield)

- Asaf Almog (University of Virginia), "New England and the Missouri Crisis: The Shifting Boundaries of Compromise"
- Sarah L.H. Gronningsater (University of Pennsylvania), "The New Yorkers? What Were They Thinking? The Origins of the Tallmadge Amendment"
- Matthew White (Ohio State), "'Under the Influence of the Excitement Then Universal': Pennsylvania's Missouri Crisis and the Viability of Anti-Slavery Politics"

#### *Lunch Talk, 12:30-1:30pm*

- David Waldstreicher (City University of New York), "How John Quincy Adams Shaped the Missouri Crisis and How the Missouri Crisis Shaped John Quincy Adams"



#### *Panel 3, 1:45-3:15pm: Founders and Sons*

CHAIR: Lorri Glover (Saint Louis University)

- David Gellman (DePauw University), "Sharing the Flame: John Jay, Missouri, and Memory"
- Gary Sellick (*Papers of Thomas Jefferson*), "'Like Quarrelling Lovers, to Renewed Embraces': The Sage of Monticello and the Missouri Compromise"
- Samuel Postell (University of Dallas), "The Political Education of Henry Clay"

#### *Panel 4, 3:30-5:00pm: The Missouri Crisis in a Wider World*

CHAIR: Alyssa Zuercher Reichardt (MU/Kinder Institute & History)

- Peter Kastor (Washington University), "The Multinational History of Missouri Statehood and the Re-imagining of North American Politics"
- Tangi Villerbu (University of La Rochelle), "Ste Genevieve in 1820: An Atlantic History"
- Martin Öhman (University of Gothenburg), "An Era of a Systematic Contest: Friends of Industry, International Competition, and the Missouri Question"

#### *Community Dinner & Public Lecture, 7pm (Reynolds Alumni Center, Conley Ave.)*

- Stephen Aron (UCLA), "The End of the Beginning and the Beginning of the End in the Middle: Putting the Crisis over Missouri Statehood in Its Historical Place"





SATURDAY, FEBRUARY 16

Panel 5, 9-10:15am: Before Dred Scott: Practicing and Debating Black Citizenship

CHAIR: Daive Dunkley (MU/Black Studies & History)

- Anne Twitty (University of Mississippi), “Litigating Freedom During the Missouri Crisis”
- Andy Lang (City University of New York), “A Second Compromise? Antislavery Politics and the Black Citizenship Debate in the Missouri Crisis”

Panel 6, 10:30am-12pm: The Slaveholders Respond

CHAIR: W. Stephen Belko (Missouri Humanities Council)

- John Van Atta (Brunswick School), “At War with Equal Rights: The Missouri Crisis in Southern Eyes”
- Christa Dierksheide (MU/Kinder Institute & History), “Slavery, Diffusion, and State Formation in the Era of the Missouri Crisis”
- Lawrence Celani (MU/History), “Missouri and the Afterlife of Slavery in Illinois”

Panel 7, 1-2:30pm: Cultural Conflicts and Compromises

CHAIR: Lily Santoro (Southeast Missouri State University)

- Edward Green (MU/Kinder Institute & History), “The Shadow of the British: Western Frontier Diplomacy in the Era of the Missouri Crisis”
- Lucas Volkman (Moberly Area Community College), “Geography of Contention: The Missouri Crisis and the Frontier Dynamics of Religious Strife”
- Samuel Cohen (MU/English), “Manuscripts, Mysteries, & Mulattoes: *Clotel*, *Puddn’head Wilson*, and the Exclusion Clause of 1820”

Panel 8, 2:45-4:15pm: The Missouri Controversy and Constitutional Democracy

CHAIR: Jonathan Gienapp (Stanford University)

- Aaron Hall (University of California-Berkeley), “The Missouri Crisis of Constitutional Authority”



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

Panel 9, 4:30-6pm: The Long Shadow of the Missouri Crisis

CHAIR: Robert Pierce Forbes (Southern Connecticut State University)

- Nicholas Wood (Spring Hill College), “Doughface: The Origins and Political Legacy of an Antebellum Political Insult”
- Ron Hatzenbuehler (Idaho State University), “Lincoln’s Rubicon: Congress’s Repeal of the Missouri Compromise”
- Zach Dowdle (State Historical Society of Missouri & MU/History), “‘For a Few Thousand Slaves...the Whole Continent Shook’: Border State Free-soil Politics and the Long Shadow of the Missouri Compromise”

Panel 10, 7:30-9pm: Closing Roundtable, Kinder Institute Seminar Room, 410 Jesse Hall

CHAIR: Gary Kremer (State Historical Society of Missouri)

- Jeffrey L. Pasley (MU/Kinder Institute & History)
- Matthew Mason (Brigham Young University)
- John Craig Hammond (Pennsylvania State University)
- Diane Mutti-Burke (UMKC)







## FACULTY AND GRADUATE STUDENTS

In addition to teaching classes and prepping book and article projects, our faculty were on the move during the fall and winter, presenting their research at destinations near and far. The full list is too extensive for these pages, but the long-distance traveler awards go to **Christa Dierksheide**, who was in Santiago, Chile, in early December to present at the “Independence, Revolts, and the Early Americas” conference co-sponsored by Monticello and University of Notre Dame, and **Jay Sexton**, who delivered a series of invited lectures at University of Tokyo’s Center for Pacific and American Studies in mid-January.



Not to be left out, a number of our Graduate Fellows also got in on the action after receiving travel grants from the Institute during the fall award cycle. **Ed Green** and **Joseph Ross** received funds to do work at the National Archives in D.C.; **Aaron Kushner** made a spring trip to the Oklahoma State University and Oklahoma Historical Society archives to research Cherokee ancestral political thought; and **Jordan Butcher** bounced between Jefferson City, Lincoln, NE, and Oklahoma City to conduct interviews for her dissertation project on the effect of term limits on state legislators and legislative institutions.



Other Fall 2018 award recipients included: Prof. **Heather Ba** (Political Science), for trips to the Nixon, Eisenhower, and Kennedy Presidential Libraries; Prof. **Jay Dow** (Political Science), for travel to the Library of Congress and the Wyoming Historical and Geological Society in Wilkes-Barre to research Reconstruction-era efforts to introduce proportional representation to the United States; and **Kris Husted** and **Ryan Famuliner** (Journalism/KBIA), to support the six-part, Missouri history and politics-focused “Show Me the State” radio series, which started airing in early 2019 on our local NPR affiliate.



## FACULTY Q & A

Perhaps a season (or a semester) late, but we finally got a chance to sit down and do a formal Q&A with one of the two Kinder Institute faculty members who joined our ranks in Fall 2018: Assistant Professor of Constitutional Democracy and Public Affairs **Sarah Beth Kitch**, who holds a joint appointment with the Kinder Institute and MU’s Truman School and arrived in Columbia following stints as a Thomas W. Smith Postdoctoral Research Associate at Princeton (2016-17) and as a Visiting Assistant Professor of Political Science at Northern Illinois University (2017-18).

In terms of format, we changed things up just a bit this time around, asking Prof. Kitch to introduce herself to *Columns* readers through some brief reflections on the books that shaped her academic and personal life (and that she thinks can do the same for MU students).

### *From the Bookshelves of Professor Sarah Beth Kitch*

**KICD:** What was the ur-book for your academic career? The thing you read at some point in your past that made you say, “you know what, I think I will be a political theorist”?

**Sarah Beth Kitch:** My affection for teaching themes in political theory developed with my own questions. Along the way, my friend Amanda Achtman reminded me often of Rilke’s *Letters to a Young Poet* (1929):

I would like to beg you dear Sir, as well as I can, to have patience with everything unresolved in your heart and to try to love the questions themselves as if they were locked rooms or books written in a very foreign language. Don’t search for the answers, which could not be given to you now, because you would not be able to live them. And the point is to live everything. Live the questions now. Perhaps then, someday far in the future, you will gradually, without even noticing it, live your way into the answer.

Live the questions now. At 18, I wanted to know, “What does it mean to be human? How can I become the kind of person I want to be? What kind of person do I want to be, anyway?” I longed for a sense of significance. I had a question we all have: “What’s the meaning of my life?” At the time, themes of my own story found resonance in political thinkers like Augustine of Hippo, Jane Addams, and Albert Camus. The questions develop and shift over time.

In addition to my questions, I found my voice with the help of five teachers who shaped my formal education. These persons taught me that I could make something, that words were beautiful as well as powerful, that dealing carefully with significant themes in human experience could be healing work. My academic career is a way to do something that, as Abraham Joshua Heschel says, involves me; it is a way to invite others to participate in cultivating an ethical awareness.



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**KICD:** Similar sentiment, different life stage, but what was the thing that you read in grad school that had the biggest impact on—that was most responsible for shaping the trajectory of—your dissertation work and/or your current research?

**SBK:** As I approached time to begin my dissertation, I was struggling intently with the theme of integrity. The work I desired to do precluded the career path my father preferred for me. The question of *integrity* is: what does it mean to know and to do what makes one whole? In *Brave New World*, *Nineteen Eighty-Four*, and *That Hideous Strength*, I found characters laboring with the same question: Aldous Huxley’s John, George Orwell’s Winston, C.S. Lewis’ Jane Studdock. I explored the theme of integrity in the face of political violence as a way to illuminate my own questions, but also to move beyond my questions into the authors’ questions.

As my questions have developed, so has my research. My recent study of Martin Luther King, Jr.’s political theology shows how King’s participation in the prophetic tradition shapes his politics. Partly through King, I began to read more carefully one of his great influences, Abraham Joshua Heschel. I am at work on a project that demonstrates the value for policymakers of Heschel’s work on ethical sensitivity in the context of American democracy.

**KICD:** A few years back, Jeff [Kinder Institute Associate Director **Jeff Pasley**] was putting together a “Syllabus of Democracy,” essentially a reading list that encapsulates the subject matter at the heart of the KICD mission. What’s the reading (or set of readings) that would be your first entry on such a list?

**SBK:** The readings my students and I began with last semester set Socrates’ reinvention of citizenship, in which moral conscience is the new center of gravity, alongside Tocqueville on the justice of democracy and Jane Addams’ reflections on what it takes to make real conditions that support the dignity of every person, including full political participation.

**KICD:** What’s the essay/article/lecture/book in your field that’s most made you say, “gosh, I really wish I wrote that”?

**SBK:** I’ve never had that thought, but I have had experiences of, “Gosh, this is so compelling. I wish I could talk about things like that.” Those moments happen in essays and longer works: Martin Luther King, Jr.’s “Ethical Demands for Integration,” or Heschel’s essays

on childhood or aging or healthcare, or Hannah Arendt’s *The Human Condition*. Significantly, that moment also happens in poems and stories. When I was in graduate courses, Camus’ *The Fall* and *Exile and the Kingdom* cast vivid images for me. I want to learn to talk about hospitality or evil or conflict or hope or healing in the context of politics with Camus’ profound conviction that what we do matters. I know, that’s not his rep—but that’s the joy of entering into his work.

**KICD:** What’s the reading that you’re always most excited to have students look at and/or the reading that you’ve been most excited to give to students but that bombed miserably?

**SBK:** One text I enjoy sharing with students is Aristotle’s *Nicomachean Ethics*. It’s tough reading, but being accompanied can bring it to life. My favorite moment is when somebody says, “Hey, that’s my question!” There are many opportunities for that connection, since Aristotle talks about themes like action, habits, friendship. Another work I love to share is Ernest Gaines’ *Lesson Before Dying*. It’s a surprising journey, immediately relevant to our questions about democracy in America today.

Oh, my most miserably bombed first-time introduction is Flannery O’Connor’s *Wise Blood*. (Students from former days, send corrections or contradictions to kitchsb@missouri.edu.) O’Connor is hilarious. I think I didn’t prepare students to expect a book that relies on humor to reflect on the best as well as darkest potential in human beings, so we had to circle around a few times to connect with the work. Incidentally, I discovered that O’Connor’s essay on “The Nature and Aim of Fiction” works really well for preparing students to interact with fiction as a way of understanding themes in politics.

**KICD:** The three “desert island” books that you could live with for the rest of your life and be happy to read over and over?

**SBK:** Wendell Berry, *This Day: Collected and New Sabbath Poems*; Zora Neale Hurston, *Their Eyes Were Watching God*; Abraham Joshua Heschel, *Who is Man*

Now that I’m thinking about it, I really hope that, if it comes to that, I get to have those books. And Dietrich Bonhoeffer’s *Letters and Papers from Prison*. I’m constantly humbled by how low my tolerance is for the human experience of loneliness. The thing that always precipitates my humbled state is remembering the perseverance one glimpses in Bonhoeffer’s *Letters and Papers*.

## UNDERGRADUATE STUDENTS

It was business/busy-ness as usual on the undergraduate side of the ledger during the second half of the Fall 2018 semester. In addition to working on the typical run of fall applications—for the Kinder Scholars Program (see below) and the spring “Global History at Oxford” class and trip, as well as for grad school and post-baccalaureate fellowships—members of our Society of Fellows had a handful of other events filling up their dance cards. For regular gatherings, we hosted an October 24 dinner lecture with ranked choice voting advocate **Larry Bradley** and a November 1 screening of the 2018 award-winning documentary *RBG* with Prof. **Catherine Rymph**’s U.S. Women’s Political History students. To wrap up the semester, on December 4-7 we held our first ever undergraduate research colloquium, with students from this year’s *Journal on Constitutional Democracy* staff discussing their work on topics including “Civic Education and the Consumption of the U.S. Constitution,” “*The Federalist Papers* in International Perspective,” and “Framing the Framer” (see the end of this section for History major Jack Schappert’s take on this latter subject). The colloquium was part of—and made possible by—the Andrew W. Mellon Foundation’s “Democracy and the Informed Citizen” grant initiative, which was administered by our longtime friends at the Missouri Humanities Council.



## KINDER SCHOLARS

Since you will hear much more about this group in the summer section of this report, for now, let us simply introduce our fifth class of Kinder Scholars. Made up of former and current Fellows, FIG leaders, Oxford travelers, and students we met for the first time in November, the group headed out to D.C. in June, after a series of spring meetings with 2019 Kinder Scholars Program Coordinator **Luke Perez** and summer R.A. **Jordan Pellerito**.

One name that’s not on this list, but almost was, is **Jack Schappert**. Jack declined the invitation to D.C. in favor of helping us launch our newest undergraduate initiative, a summer research fellowship that will provide a rising senior studying history or political science with faculty assistance (and a head start) on developing his or her capstone project.

**Karlee Adler** (Sophomore, History)  
**Aaron Carter** (Junior, Political Science & Journalism)  
**Madeline Clarke** (Junior, Political Science & Geography)  
**Christian Cmehil-Warn** (Junior, Economics & Statistics)  
**Siobhan Connors** (Junior, Journalism)  
**Maxx Cook** (Junior, Economics & East Asian Studies)  
**Ashley Dorf** (Sophomore, Journalism)  
**Josh Eagan** (Junior, Economics & Political Science)  
**Kate Griesse** (Sophomore, Political Science)  
**Gage Grispino** (Junior, Biochemistry)  
**Alex Hackworth** (Junior, Biology & Psychology)  
**Xavier Lukasek** (Junior, History & Political Science)  
**Jennifer Marx** (Sophomore, Biology/Pre-Med)  
**Riley Messer** (Junior, Political Science)  
**Laura Murgatroyd** (Junior, Journalism & Political Science)  
**Andrew Pogue** (Sophomore, Business)  
**Ariana Santilli** (Sophomore, International Studies)  
**Claire Smrt** (Sophomore, Journalism)  
**Sidney Steele** (Junior, Convergence Journalism & Political Science)  
**Lauren Wilcox** (Sophomore, Strategic Communication)



## UNDERGRADUATE Q & A

As our list of Kinder Institute alumni expands, and as these alumni go on to do incredible things out in the world, we wanted to broaden our coverage a little bit to account for this growth, touching base with a few students every few months for brief updates about where they are, what they’re up to, and what’s on the horizon. Thanks to **Anurag Chandran**, **Sarah Jolley**, and **Andrew Wisniewsky** for submitting to the first go-around at this new format. Without any geographical rhyme or reason, here’s the inaugural installment of “Where Are They Now?”

### *Where Are They Now?*

A Kinder Institute Alumni Update Series

**Sarah Jolley** (Class of 2019, Society of Fellows, Kinder Scholars, *Journal on Constitutional Democracy* Staff Writer)

*Though not technically a Mizzou alum when she responded to these questions, Sarah is officially the first alumnus of our Oxford Fellowship program, having spent the Fall 2018 semester abroad at Corpus Christi College, which she weighs in on here...*

**KICD:** We could start in any number of places, but I’m perhaps most curious about the pedagogical adjustment of being over there. How’d you deal with the culture shock of the Oxford tutorial vs. the MU lecture class (or even seminar), and what do you see as the benefits of the one vs. the other?

**SJ:** My biggest challenge transitioning from Mizzou classes to Oxford tutorials was adjusting to the level of autonomy and independence Oxford students experience. Every week, I received a reading list and a prompt, and seven days later, I was expected to produce a well-researched essay and satisfactorily discuss it with my tutor. There’s also a huge difference in contact hours; whereas I might expect to spend fifteen to eighteen hours a week in class at Mizzou, at Oxford I spent only four hours a week in lectures and tutorials. Re-learning how to efficiently manage my time (and balance my sightseeing-to-research ratio) was a struggle. Thankfully, my Mizzou classes provided me with the research, writing, and discussion skills I needed to succeed in tutorials.

I think there are pros and cons to each system. If you’re a motivated learner, the independence of the Oxford tutorial system can be very empowering. You dive headfirst into subjects and gain an amazing depth of knowledge in a short period of time. By spending an hour each week engaged in conversations with your tutor and only one or two other

students, you really get to know your professors and benefit from their mentorship. However, while Oxford students enjoy an incredible depth of knowledge in their subjects, Mizzou and U.S. universities do an excellent job providing students with a wide breadth of knowledge. Mizzou students are encouraged to explore their interests, change their majors, and combine different areas of study, which I think produces innovative and well-rounded learners.

**KICD:** As I understand it, the goal of this exchange is kind of threefold: to expose students to a new style of learning and to immerse students in a new culture, both of which you’ve already touched on, but also to give students a chance to take classes that, at least in theory, might help clarify their post-Mizzou plans. So let’s do a status update on that front: Did the time at Oxford magically reveal exactly what your next step is? Did it spark your interest in pursuing further study of a particular subject (or subject matter)? Did it muddle things even more?

**SJ:** This exchange absolutely helped me clarify my next steps. When I left for Oxford, I felt really torn between going to law school and getting a Ph.D. in history. Two months of research and historiographical debate later, I realized the world of professional academia isn’t my calling. Thankfully, Oxford does a wonderful job helping you realize the many post-baccalaureate opportunities available to students with backgrounds in the liberal arts and humanities. After this experience, I feel much more confident about my decision to pursue a career in law.

**KICD:** One thing that I particularly liked hearing stories about from the Spring Break trip was how excited everyone got about exploring a place (city, campus, countryside/landscape) from which history just seemed to naturally emanate. Now that you’ve actually spent more than a week there, does the charm still hold? What new places did you become attached to, what old places did you re-visit, and what’s it like to just have day-to-day access to a city with that rich a past?

**SJ:** I don’t think I could ever become immune to the charm and history of a place like Oxford. It’s surreal to walk down an alley and contemplate that a person one hundred, two hundred, or even five hundred years ago enjoyed the same view. My favorite place to revisit was Christ Church Meadow, which has a beautiful trail that runs past the River Cherwell and the River Thames. My favorite new place is without a doubt the iconic Radcliffe Camera (home to the History Faculty Library), which served as my second home in Oxford.

### *Lightning Round*

1. 25-50 words on bread sauce and other culinary—curiosities? delights?—of the British Isles?

Bread sauce (a dipping sauce made of bread, milk, and assorted spices) was definitely the strangest culinary delicacy I encountered during my time in the U.K. I can also confirm Oxford is a proud sponsor of the three potatoes a day diet.

2. Best thing you read during your term there and 10-15 words on why?

I highly recommend Matt Houlbrook’s *Queer London*, which investigates how the urban landscape of London shaped, and in turn was shaped by, queer men during the 19th Century.

3. The thing about British culture you’d like to bring stateside?

It would have to be the tradition of afternoon tea. After a long day in the library, I would come back to Corpus Christi’s Junior Common Room and always find a cup of tea, a quick snack, and a few friends.

4. Most exciting (or mysterious or ridiculous) Oxford social tradition that you got to be witness to?

I got to witness parts of Matriculation, when incoming students are officially initiated as members of the University. Everyone must wear official academic dress, including the “sub fusc” (an unnecessarily mysterious way of saying dark suit with white shirt) and academic gown. While I can’t vouch for the actual ceremony, the aftermath involves a hilarious celebration complete with dancing, drinking, and off-key singing of the official college songs.

**Anurag Chandran** (Class of 2016, Society of Fellows, Kinder Scholars, Certificate in American Constitutional Democracy, founder of *The Journal on Constitutional Democracy*)

*After spending 2016-17 as a member of the first class of Schwarzman Scholars in Beijing, Anurag moved to Mumbai, and the rest, as you’ll see, is history-in-progress...*

The Schwarzman Scholars Program (SSP) completely changed my life, and it is directly responsible for what I am doing now. Through the program, my fellow scholars, and the incredible host of faculty and global leaders we had the pleasure of interacting with on a daily basis, I realized that I didn’t have to, or even want to, wait until I was older to try and work toward creating real impact. Upon graduating from SSP, I moved to Mumbai, India, and started laying the groundwork for my foundation. I had read a lot and seen videos of India’s development challenges. However, I never really understood the extent of it. I traveled frequently to rural and tribal parts of the country to understand, experience, and

realize what life in rural India is like. What I saw shocked me, and I kept returning to do what little I could in order to help out the people who were soon becoming like family. It started off with visiting schools and talking to teachers and children. Then, on request of one of the teachers, I gathered a couple friends from Mumbai, and we painted a school that had been ignored for over 40 years. This was not only a lot of fun, but the response we got from the community—the teachers, children, and the parents—was just so heartwarming. I went on to do a fundraising campaign on Facebook, and with a few more volunteers in tow, we painted a couple more schools. Fast forward 10 months, and we are now a legally registered not-for-profit in India called Impact On The Ground Foundation and work with tribal schools in the state of Maharashtra to improve the quality of education by conducting workshops and after-school programs, training teachers, and being an overall resource for schools.

The journey has had its mighty ups and downs, but I frequently think about how impactful the Kinder Institute was in my life. Truly, the Kinder Institute gave me my very first experience and training in leadership, by allowing a seemingly little idea for an undergraduate research journal to grow into founding the *Journal on Constitutional Democracy*. Further, the Society of Fellows and the Kinder Scholars D.C. Program allowed me to couple my leadership skills with an intellectual curiosity and problem-solving mentality.

**Andrew Wisniewsky** (Class of 2018, Society of Fellows, Kinder Scholars, *Journal on Constitutional Democracy* managing editor, 2016-17)

*Andrew parlayed his undergraduate work into acceptance at University of North Carolina Law School, though it looks like he will have a few letters in addition to J.D. following his name soon...*

I just finished my first semester at UNC law and it’s been a wonderful experience. Law school is far from a nightmare, as long as you like (or at least don’t hate) reading slightly incomprehensible court opinions. Plus, you can bore all your loved ones by telling them about the cool stuff you learned in civil procedure class!

So far (other than studying...), I’ve worked with a local lawyer on a death penalty case and with UNC’s Innocence Project on a post-conviction appeal. It’s great helping with real cases in the community and making a difference. Public interest lawyers are overworked to say the least, and UNC really pushes students to help out when they can.

I’m also part of UNC’s dual JD/Masters in Library Science program—which means next year I’ll split time between the law and library science schools.



## JOURNAL ON CONSTITUTIONAL DEMOCRACY

### *Framing the Framers*

by Jack Schappert

What does it mean?

What did he mean?

“Write something worth reading”

The documents of the American founding have been mythologized and themselves become source material for everything from public discourse to Supreme Court rulings. But what’s often lost in the celebration and admiration of these documents is that they were written by individuals with their own ideas and influences, the meaning, complexity, and extent of which aren’t decipherable in the brief excerpts from these works that we tend to quote. This essay is an attempt to achieve a better understanding of the intent behind the opening words of the *Declaration of Independence* by analyzing Benjamin Franklin’s earlier writings, with a particular focus on passages from *Poor Richard’s Almanack* and “The Way to Wealth.”

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” “Life, Liberty, and the pursuit of Happiness”: a powerful triumvirate of ideals, but how did the Founders envision citizens living out or up to them? It is an easy sentiment to support and aspire to, but less easy to realize in daily action, particularly because it comes without instructions from the very people who conceived of it, not so much as a single line of guidance for how one might effectively embody it. So where might one turn to better understand the directive underlying this message? It was written by three men, and two became president, but only one came to be called the First American. In his early work, this First American, Benjamin Franklin, constructs a framework for living a proper life of liberty and happiness through an adherence to numerous virtues, but especially *frugality* and *industry*.

The motivations of a person writing for profit may seem dubious to some, but Franklin writes with a self-awareness, humor, and candor that all speak to his sincere intention to write not (or at least not primarily) for his own gain but rather for the benefit of his fellow man. For example, consider his introductions to the first edition of *Poor Richard’s Almanack*, written in 1733, and “The Way to Wealth,” an essay from 1758. In each, Franklin writes with a quiet celebration of his own success but is careful to make clear that success is truly measured by the actions of his readers—by the good they do for themselves and others in regarding his instruction.

I might in this place attempt to gain thy favor by declaring that I write almanacks with no other view than that of the public good, but in this I should not be sincere; and men are now-a-days too wise to be deceived by pretenses, how specious so ever. The plain truth of the matter is, I am excessive poor...The printer has offered me some considerable share of the profits, and I have thus begun with my dame’s desire [to write and earn enough money to buy her new stockings].

I concluded at length, that the People were the best Judges of my Merit; for they buy my

works; and besides, in my Rambles, where I am not personally known, I have frequently heard one or other of my Adages repeated...this gave me some satisfaction, as it showed not only that my Instructions were regarded, but discovered, likewise some respect for my authority.

In the first passage above, from *Poor Richard’s*, Franklin establishes his credibility with and expresses his concern for his readers by anticipating their criticism of his intent and undercutting it with humor (and a dose of harmless deception). Franklin’s Poor Richard persona, a down-on-his-luck every man just trying to make ends meet, is a total reversal of who Franklin really was and why he was really writing: an economically successful, well-established printer and author writing nobly for the betterment of society. But it is precisely this paradox that enables Franklin both to deflect the possible skepticism of his readers and to get their buy-in. Whether Franklin’s readers know his identity or not, he is self-aware enough to recognize that a well-to-do printer lecturing to his less successful audience would be patronizing and that the lessons of such a lecture would be immediately dismissed. However, the poor and desperate almanack writer who admits his capitalistic motivations evokes a chuckle of acceptance: one that acknowledges that pursuing “some considerable share of profits” and “writ[ing] almanacks with [a] view of the public good” (and a sincere desire to advance it) are not mutually exclusive endeavors.

Franklin’s down to earth nature and what it reveals about his motivations for writing resurface twenty-five years later in “The Way to Wealth,” this time even more directly. The occasion for the entire essay is that Franklin witnesses a stranger giving a speech about personal improvement in which the speaker cites Franklin’s almanack. This incident certainly illustrates the extent of Franklin’s fame and how quickly he had become a figure of authority on betterment. However, Franklin’s language in painting the scene evokes the image not of a famous man but one with a modest disposition...

<sup>1</sup>Spalding, Matthew, ed. *The Declaration of Independence*. Washington, DC: Heritage Foundation, 2010.

<sup>2</sup>*Franklin: Essays, Articles, Bagatelles, and Letters, Poor Richard’s Almanack, Autobiography*, ed. The Library of America (New York, New York: Literary Classics of the United States, 1987) 1384–85.

<sup>3</sup>*Franklin: Essays, Articles, Bagatelles, and Letters, Poor Richard’s Almanack, Autobiography*, ed. The Library of America (New York, New York: Literary Classics of the United States, 1987) 1185.

<sup>4</sup>Larzer Ziff, *The Portable Benjamin Franklin* (New York, New York: Penguin Books, 2005), 208.

<sup>5</sup>Poor Richard’s Almanack.” Benjamin Franklin Historical Society. 2014. Accessed November 01, 2018. <http://www.benjamin-franklin-history.org/poor-richards-almanac/>.

<sup>6</sup>*Franklin: Essays, Articles, Bagatelles, and Letters, Poor Richard’s Almanack, Autobiography*, ed. The Library of America (New York, New York: Literary Classics of the United States, 1987) 1185.

SPRING 2019





KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | SPRING 2019

# The COLUMNS



With the exception of Prof. **Dan Mandell's** January 25 Distinguished Visiting Research Fellow Lecture and Prof. **Carli Conklin's** semester-closing book talk, all of our spring events are recapped in this section. We also used the spring as an opportunity to do away with a distinction that had probably run its course. Whereas we used to differentiate lectures from colloquia, colloquia from workshops, and workshops from discussions, we're now classifying all non-conference events under the single header of public talks.

And a quick programming note before we dive into the recaps. Special thanks go out to MU senior **Mary Grace Newman**—a former Kinder Scholar and member of the Society of Fellows—for pinch-hitting for regular reporter **Thomas Kane** on February 22 and providing an excellent synopsis of Prof. **Allen Hertzke's** talk.

*Continued on page 63*



For the second year running, we're using this space to bid farewell to one of our professors, though the direction of said farewell has changed this time around, from southwest to due east. **Christa Dierksheide**, a fixture on the fourth floor of Jesse and the second floor of Read Hall for the past two years, headed back to Charlottesville this summer to take a position as the Brockman Foundation Jefferson Scholars Foundation Professor at University of Virginia. This is an amazing opportunity and well-deserved honor for Christa, who did her Ph.D. at UVA and still has deep roots there. But make no mistake: it's also a huge loss for the University of Missouri and Missourians in general. As a decorated scholar of the Jeffersonian era, Christa raised the intellectual bar at MU for faculty and students alike, and she was generous, to put it mildly, with her subject-specific and curatorial expertise, giving our capital city's 2019 namesake lecture, leading our Kinder Scholars on tours of Monticello each summer, and offering sage wisdom during the process of putting together the Missouri Humanities Council's traveling "Struggle for Statehood" bicentennial exhibit. Which is all to say that Christa will be missed, and sorely so, but also that we hope everyone who picks up this report joins us in wishing her well in this next chapter. We all look forward to watching from the Midwest as what is an already stellar career continues to develop in the shadows of the Blue Ridge Mountains. Christa's, sadly, was not the only fourth floor departure. Their degrees in hand, our two inaugural M.A. Fellows in Political History have abandoned the graduate student

*Continued on page 62*



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bullpen in Jesse for graduate bullpens elsewhere. **Edward Green** shipped off to Pennsylvania State University to pursue his Ph.D. in History as a College of Liberal Arts Graduate Scholar, while **Henry Tonks** has started in on the same doctoral track at Boston University. And finally, **Aaron Kushner**, a longtime Ph.D. Fellow in Political Science and co-editor of *Starting Points*, took a postdoctoral fellowship at Arizona State University's School of Civic and Economic Thought and Leadership, which will reunite him with **Adam Seagrave**, his former adviser and, to bring things full circle, the Kinder Institute Professor whom we bid farewell to last spring.



## PUBLIC TALKS

### *Exposing Secrets: The Curious History of U.S. National Security Whistleblowing*

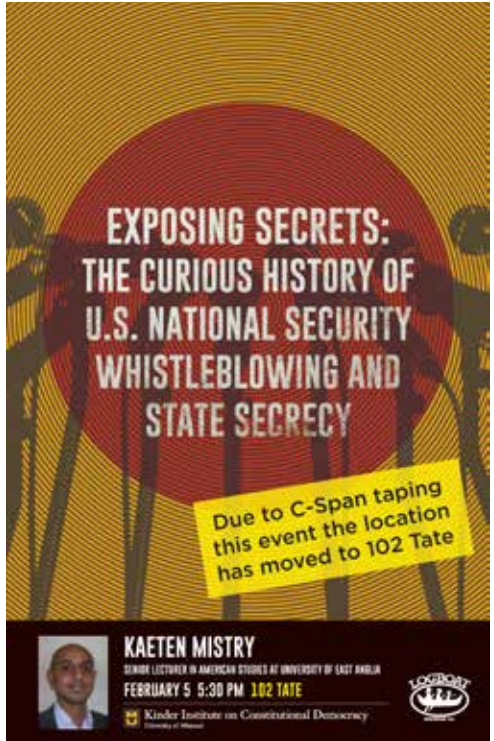
University of East Anglia Senior Lecturer in American Studies  
Kaeten Mistry

As East Anglia Senior Lecturer in American Studies **Kaeten Mistry** noted in introducing his February 5 back-and-forth with Kinder Institute Chair **Jay Sexton**, the goal of his current research is both genealogical and corrective: to trace the lineage and evolution of the concept of whistleblowing, but to do so in a way that moves us beyond the familiar hero/traitor binary and toward an understanding of how the phenomenon emerged in tandem with the development of the national security state and the legal regime of state secrecy. So while familiar names certainly factor in—Daniel Ellsberg in the 1970s, for example, and Edward Snowden in post-9/11 America—the narrative Prof. Mistry is crafting in his work begins much earlier in the 20th century, with the rise of overt and covert American power abroad and the implications for state information that came with it. In framing the discussion to come, Prof. Sexton added that there are also exciting methodological questions raised by Prof. Mistry's project: How does one craft a history of something for which there is no pre-existing historiographical literature? How does one tell the story of a term that barely appears in indexes or card catalogues?

To be expected, the conversation itself went on to take a number of twists-and-turns and to pursue tangents at a rate sometimes quicker than notes could be taken (though we did manage to jot down the etymological connection between 'whistleblowing' the term and the Birmingham-produced, English bobby and football referee-endorsed Acme Thunderer). What follows is thus a breakdown of some of the key points on which Profs. Mistry and Sexton happened to linger.

*How does one define whistleblowing, and how is it different from, say, a leak?*

Much of the distinction here comes back to intention and retribution. As Prof. Mistry explained, information leaks (think Deep Throat) are anonymous, highly political, rarely punished, and often personal, though they at least come with the pretense of defending public interest. Whistleblowing, by contrast, is the prosecutable release of private, classified information by an insider who is acting out of a perceived need to shed light on institutional transgression on the part of the state and with the intention of initiating critical reforms in and to democratic society. And it is because of this challenge posed to the status quo that existential hand-wringing over whistleblowing and the aforementioned hero/traitor binary have become so prevalent. Additionally, it is because of the known identity of the person blowing the whistle that the character of the revealer often drowns out the nature of what was revealed in public discourse.





*Where does the history of U.S. national security whistleblowing start, and what have been some of this history's notable inflection points?*

On one hand, Prof. Mistry cited the passage of the 1947 National Security Act and the subsequent creation of the CIA and the bureaucratized national security state as perhaps the most “visible” landmarks in the history of whistleblowing in the U.S. But to really get at origins requires going back one world war further, to the 1917 passage of the Espionage Act. A somewhat ad hoc response to the need for a system that would both protect confidential government information *and* uphold the First Amendment and the democratic tradition of open government, the new bill introduced for the first time in the United States a means of classifying information (confidential, secret, top secret). More importantly, the central compromise of the Espionage Act opened up a legal avenue for punishing whistleblowers. While members of the press were free (within the bounds of law) to publish privileged state information that made its way to their desks, the state was likewise able to prosecute those insiders who violated standardized handling methods by placing this information in the press’ hands.

Ultimately, Prof. Mistry showed, the degree to which the Espionage Act hinged on and encouraged executive prerogative can be used to help explain the whistleblowing boom of the 1970s. This was, to be sure, a decade of executive turmoil, and the events underlying this turmoil—Vietnam, Watergate, revelations about CIA operations abroad—are at the heart of the modern narrative of national security whistleblowing. Daniel Ellsberg, he argued, is a textbook case study in this, a figure who released the Pentagon Papers as a result of the violation of public trust that he saw in the gap between the nation's involvement in Vietnam and what the government said about its involvement.

*Thinking in terms of a long view, what does the future hold for whistleblowing?*

Two things to keep in mind: First, spikes in whistleblowing in the 1970s and the past decade were directly tied to long-running military engagements, so there is a natural dampening (or accelerating) factor associated with the phenomenon. In addition, as recent work in the social sciences has shown, whistleblowing actually has very little tangible impact on the state and is a generally unstable form of spurring accountability and change.

That said, Prof. Mistry closed by pointing to issues that we will likely need to resolve when it comes to responsibly and democratically protecting privileged information going forward. With the national security state growing exponentially since the 1950s, two questions in particular have been raised by the dilemma of more people having more access to more information: How to roll back over-classification of information and, resurrecting Eisenhower's warning about the military industrial complex, how to address the increasingly blurry lines between the state and the private sector.

## How the Founders Made the Constitution Their Valentine

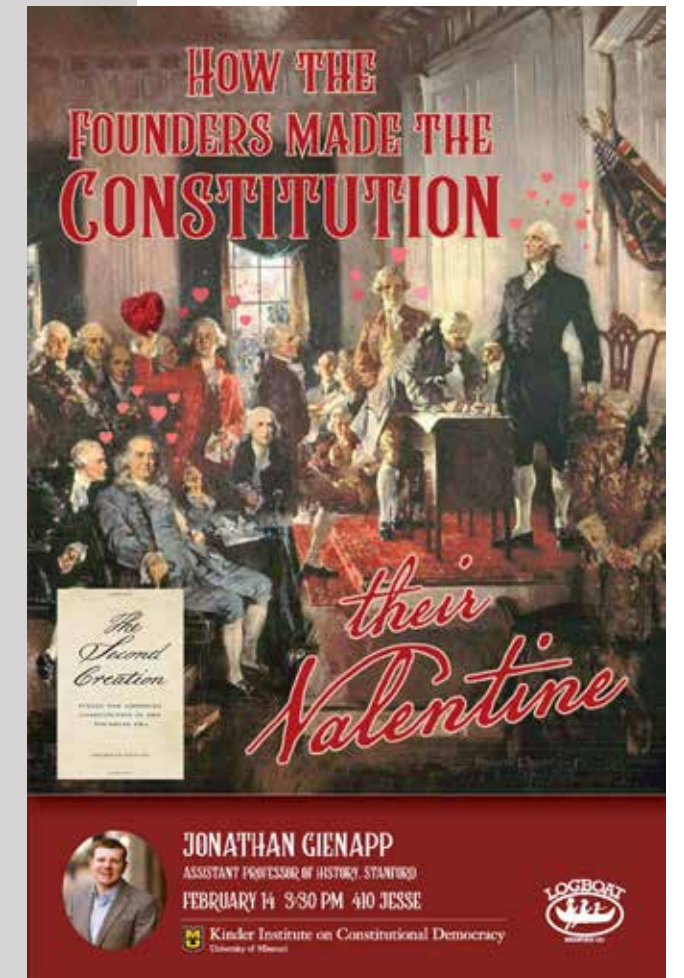
Stanford University Assistant Professor of History Jonathan Gienapp

At the risk of breaking hearts on Valentine's Day, Stanford Assistant Professor of History **Jonathan Gienapp** began his February 14 lecture at the Kinder Institute by noting that our present day, almost mythical reverence for the Constitution—as well as for the eternal wisdom of those who framed it—might be rooted in a somewhat misleading narrative. Specifically, this act of enshrinement is predicated on the belief that “inventing” the Constitution ended with the close of the Convention in 1787 and that the document officially ceased taking shape with ratification in 1788. As Prof. Gienapp argues in his new book, and as he laid out in his talk, this version of the constitutional origin story ignores the formative role that leaders played in creating the Constitution in the decade *after* ratification.

*"We are in a wilderness without a single footstep to guide us"*  
—Madison to Jefferson, 30 June 1789

The Constitution, Prof. Gienapp’s “second creation” argument asserts, was born in flux and entered the world shrouded in uncertainty. Questions of how it was to be interpreted and used—questions as fundamental as what, exactly, it was—were both pervasive and divisive in the early republic. Contests over how to justifiably imagine both the character and function of the document thus became a recurring theme in the first Congress, and while these struggles were ultimately lifegiving, Prof. Gienapp would also show how they produced a concept of constitutional fixity that perhaps belies the document’s essential nature.

The first task at hand was working against Americans' habitual gravitation toward the British construction of a constitution as an un-written system of customs, practices, and traditions and getting them to instead conceive of it as a single, written text. Clearing this hurdle, however, only introduced debates about the problematic—or, at the very least, the fluid—nature of language itself. Anti-Federalists in particular railed against the ambiguity and, in this, the permissibility of the Constitution's language, contending that it licensed a government to simply do as it pleased. Their Federalist counterparts didn't wholly disagree. In "Federalist 37," for example, Madison tied the difficulties that delegates at the Constitutional Convention faced to their flawed medium, an inconvenience that resulted in a necessarily imperfect and unfinished product. Where Anti-Federalists' logic fell apart for Madison, though, was in the moral they drew from what he considered their fetishization of language. All laws, he and others argued, were by nature ambiguous until their meaning was arranged via adjudication. The ambiguity inherent in what he saw as a constitutional draft was thus evidence not of





a catastrophic failure on the part of the framers but rather of the expectation that Congress would complete the work-in-progress before them.

This contest over language (or, perhaps more apt here, its absence) immediately came to a head in congressional debates over who was authorized to remove executive officers, a question not answered by the text. Many, like South Carolina’s William Loughton Smith, balked at Congress’ decision to vest this power in the president, but they did so not so much on the basis of the decision itself but rather on the grounds that granting Congress the authority to fill the Constitution’s silences would make the document anything and nothing all at once. Opposite Smith were those like Madison, who effectively won the day by claiming that these silences only signaled the additional creative work that any unfinished document calls for and, moreover, that coping with these silences was a key part of Congress’ given task of understanding and determining this particular unfinished document’s fundamental nature.

Two years later, debates about a Bill of Rights introduced questions not only of what about the Constitution needed to be amended but also of how change was to be integrated into the text. Madison lobbied for direct incorporation, envisioning the Constitution as an organically evolving whole, complete with layers of textual sediment. Countering him, Rodger Sherman successfully lobbied for the creation of a supplemental text that would preserve the essential character of the original document. While it may seem like a quibble over semantics, Prof. Gienapp explained how Sherman’s argument actually brought about a profound shift in how the Constitution was understood, making it easier for early Americans to see it as a sacred artifact circumscribed in time—a proto-version of our contemporary reverence.

Going forward, excavating the Constitution’s history became central to the practice of litigating how to interpret it. In debates over the national bank, for example, Madison pivoted his anti-bank rhetoric at the last minute to issue an ironic constitutional challenge, citing the intentions of the delegates at the Constitutional Convention to support his stance that Congress’ capacities were limited to those un-ambiguously enumerated by the original language of the text; had the delegates wanted to include a power of incorporation among these capacities, he reasoned, they explicitly would have. Fisher Ames likewise summoned early constitutional history to support his pro-bank stance, leaning into the irony of the ordeal by quoting 1788 Madison (from “Federalist 44”) in decrying 1791 Madison’s argument as “sophistry.” The pattern of using the past to resolve questions of the present repeated when the 1796 passage of the Jay Treaty was met with outrage, this time with quotes from the ratifying debates flying across the aisle of Congress. Washington would settle things in his favor by making the record of the Constitutional Convention public, and with this, referring to the designs of the framers became more or less a default means of addressing indeterminacy. If, in 1788, it was possible to view the Constitution as both fixed in time and still changing, these two “character traits” were now unreconcilably antagonistic. But as Prof. Gienapp noted in closing his talk, there is nothing about the primordial nature of the document that actually necessitated this shift toward denigrating the notion of the Constitution as incomplete. Having to choose between a fixed or changing vision of it—a choice that still guides contests between originalists and living constitutionalists—was not a byproduct of the Constitution itself but of how the first generations of leaders imagined (and re-imagined) it.



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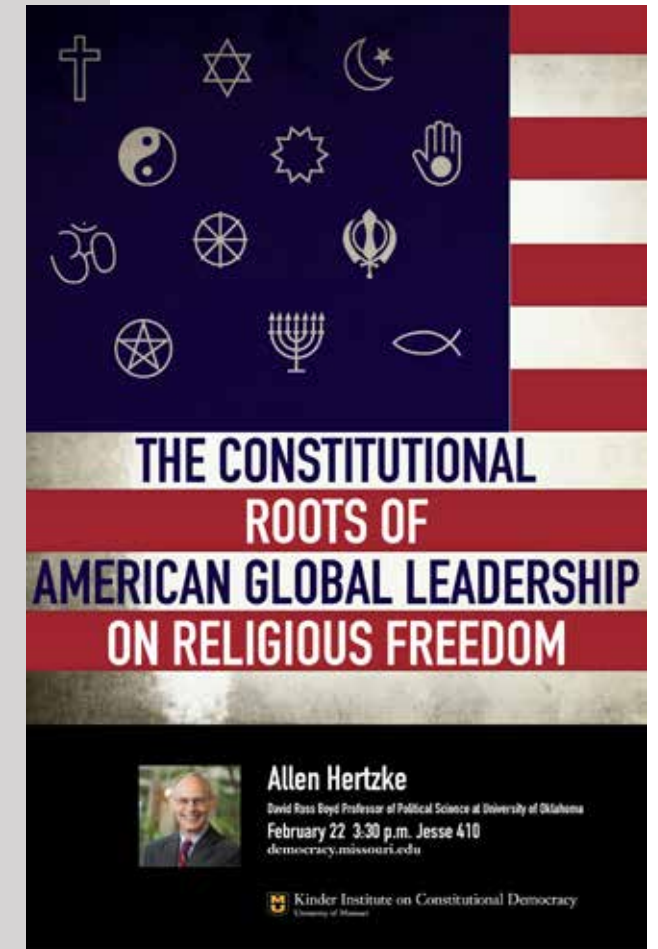
## ***The Constitutional Roots of American Global Leadership on Religious Freedom***

University of Oklahoma Professor of Political Science  
Allen Hertzke

The theme of University of Oklahoma David Ross Boyd Professor of Political Science **Allen Hertzke’s** February 22 talk at the Kinder Institute was a “paradox of our age”: the value of religious freedom and yet its ebbing international consensus. However, behind this paradox is a promise, a historic moment to realize (or re-realize) today. Recent events on the ground as well as empirical studies have allowed political scientists and advocates of the inseparable concepts of religious freedom and liberty of conscience to publicly underscore just how significant these concepts are to pursuing and expressing fundamental dignity. On one hand, the United States is an important part of these contemporary conversations about the global promotion of religious freedom because it has long been such a crucial actor in this freedom’s global protection. Equally important, Prof. Hertzke noted, is remembering that the U.S. became a major champion of religious liberty because of its constitutional heritage. And the historic thread binding the free exercise of religion to American life, he added, is drawn through the stories of people: Mary Dyer, executed in Boston in 1660 for persistently advocating for her right to live and express her Quaker faith; or Roger Williams, who fostered “soul freedom” in the 17th century. Although people have embraced this constitutional heritage in the past, Prof. Hertzke conveyed that, today, this legacy is fraying. What is the great concern stemming from this phenomenon? When the battle for religious freedom is lost in the U.S., the U.S. sacrifices its ability to encourage religious freedom around the world, meaning the cause is down one of its most important allies.

With the context of this legacy of religious freedom and of U.S. involvement in the struggle to protect it set in audience members’ minds, Prof. Hertzke then raised the question of “how American constitutional heritage [has] shaped our global role.” He offered his answer in four parts: the American model, the American experience with the Catholic Church, American global leadership, and research, advocacy, and infrastructure.

The U.S. developed its global role in religious freedom, Prof. Hertzke first argued, by establishing and practicing a model for countries to replicate and follow. At its inception, this American model of religious freedom was unprecedented. People looked toward the U.S. and saw something they believed impossible: an institutional framework in which people could shape their own religious lives. Religion and liberty coexisting—and mutually thriving—in the U.S. empowered global activists to share this model with their own countries and nations, and it rippled out to other parts of the world, as the U.S. continued to protect religious liberty at home. For example, in the early 2000s, the American model demonstrated its domestic commitment to religious liberty by protecting Nashala Hearn’s right to





*...the International Religious Freedom Act, the collaborative legislative work of people from diverse ideologies and religious backgrounds that was passed by Congress in 1998, was similarly instrumental in securing and protecting religious freedom abroad.*



express her faith. A school district in Oklahoma had prohibited Hearn from wearing a hijab in school, and after she took the district to court, the Justice Department intervened to settle the case so that her constitutional rights were not infringed upon. President Obama would go on to cite Hearn's case and America's promise of religious toleration while speaking in Cairo in 2009, a point of reference, Prof. Hertzke noted, that allowed him to connect more genuinely with his audience about the importance of religious freedom on a global scale.

Decades earlier, the American experience with religious freedom provided a foundation for the U.S. to sway another significant global actor, the Catholic Church, toward religious toleration. John Courtney Murray, a Jesuit priest from the U.S., contributed to the Second Vatican Council in the 1960s by advocating for the Catholic Church to adopt the Council's Declaration on Religious Freedom, and its focus on the dignity of the human person transformed the Catholic Church and, with it, international relations. Before the Second Vatican Council, 70% of Catholic countries were authoritarian. After it, the last great wave of democratization took hold of the world.

Prof. Hertzke then showed how American leaders have likewise influenced the global sustenance of religious freedom by utilizing their voices and platforms to bring people from diverse religious backgrounds together. Before World War II, fascism began eroding religious liberty, a condition that both Franklin and Eleanor Roosevelt used their position and power to fight against. FDR publicly championed the "freedom of every person to worship God in his own way—everywhere in the world." For her part, Eleanor Roosevelt led the United Nations to adopt the *Universal Declaration of Human*

*Rights*, a seminal document which in Article 18 states that "everyone has the right to freedom of thought, conscience and religion." This continued during the Cold War. The Helsinki Accords of 1975 furthered people's commitment to religious liberty; Ronald Reagan and John Paul II worked together during the 1980s to promote this liberty and unseat Soviet communism from Europe and elsewhere; and the International Religious Freedom Act, the collaborative legislative work of people from diverse ideologies and religious backgrounds that was passed by Congress in 1998, was similarly instrumental in securing and protecting religious freedom abroad.

Within Prof. Hertzke's four-pronged argument, the final way that American constitutional heritage has shaped the United States' global role in the fight for religious freedom can be seen in the advocacy networks this heritage has facilitated. Scholarly institutes for international lawyers and researchers have allowed the U.S. to widely assist in the promotion of liberty of conscience, and the American constitutional DNA has similarly

led private citizens to travel abroad to protect religious liberty. Additionally, through resources such as U.S. State Department records and Pew Research Center data, scholars from across the world can now analyze the implications of religious restrictions for other parts of society—women's rights, economic development, terrorism—to show that freer religious societies lead to the protection and expansion of what Americans consider positive aspects of human dignity.

Although this historical overview may appear a reason for optimism, Prof. Hertzke soon explained the "troubles in the cradle of religious liberty." Religious liberty may seem fundamental; however, religious restrictions in the U.S. have more than doubled since 2007, a fraying of constitutional heritage that stems from both the secular left and the right. From the left, Prof. Hertzke argued, religious liberty is put "in scare quotes." From the right, we have seen a rise of ethnic nationalism and attacks on synagogues and mosques, especially in the last few years. This erosion and repression of religious liberty is echoing around the world as well, fueling religious violence and war and creating a global crisis that the U.S. should be concerned with precisely because of how essential religious freedom is to sustaining "democracy and peace."

### *Empire Through Birth Rights*

Saint Louis University Ph.D. Candidate in History  
Idolina Hernandez

In his 1798 "The Aliens: A Patriotic Poem," Kentucky Senator-bard and noted Federalist Humphrey Marshall drew a distinction between those non-citizens who were "proper" and those who were "malignant." The occasion for the poem—it was a response to (and defense of) the recently passed Alien and Sedition Acts—might provide immediate explanation for its content, but as Saint Louis University Ph.D. candidate **Idolina Hernandez** showed in her March 15 presentation at the Kinder Institute, truly understanding Marshall's verse requires unpacking the much longer and more complex history of integrating or rejecting refugees in British America and the United States.

We might begin exploring this historical narrative in 16th-century France, Hernandez noted, with Protestant Huguenots fleeing violent persecution at the hands of the country's Catholic majority. These émigrés sought refuge in Switzerland, the Netherlands, and England, and eventually crossed the Atlantic to Great Britain's North American colonies, most notably landing in Charleston, SC, and the area around New Rochelle, NY. As Hernandez explained, this pattern of immigration gave rise to 'denization' as a legal category for refugees that limited the protections they received from the colonial government. Denization granted the right to purchase land, for example, but without *jus solis* (the right to cede land to heirs). That said, colonial governors and assemblies could grant denizens naturalized citizen-status, and as a result, naturalization became a mutually advantageous imperial tool through which full rights were exchanged for the promotion of industry or for refugees settling lands at the contested fringes of—the contested borders between—empires. This was the case after the Proclamation of 1763, when Great Britain's government financed emigration and naturalized refugees as a way



EMPIRE THROUGH  
BIRTH RIGHTS:  
NATURALIZATION,  
CITIZENSHIP,  
AND REFUGEES IN  
EARLY AMERICA

IDOLINA HERNANDEZ  
ST. LOUIS UNIVERSITY  
MARCH 15 4:00 PM 410 JESSE  
Kinder Institute on Constitutional Democracy  
University of Missouri

LOGO: BOET



of populating the territory acquired from France at the conclusion of the Seven Years' War.

Still, naturalization ultimately remained the prerogative of George III, and as the Declaration of Independence's grievances reveal, if it was used as a mechanism for integration, it was likewise wielded as a politically expedient and punitive means of obstructing citizenship and land ownership. As Hernandez made clear in wrapping up her talk, manipulating refugee policy based on refugee type didn't stop with the birth of the American republic. Much like the colonial governors before them, early American legislators used naturalization as a vehicle for territorial expansion. At the same time, who was and who was not deemed acceptable—or, as Marshall put it, proper—was complicated and ultimately determined not only by which side of inter-empire conflicts between Great Britain and France the U.S. happened to fall on but also, as the Alien and Sedition Acts demonstrate, by the partisan implications of immigrant voting patterns.

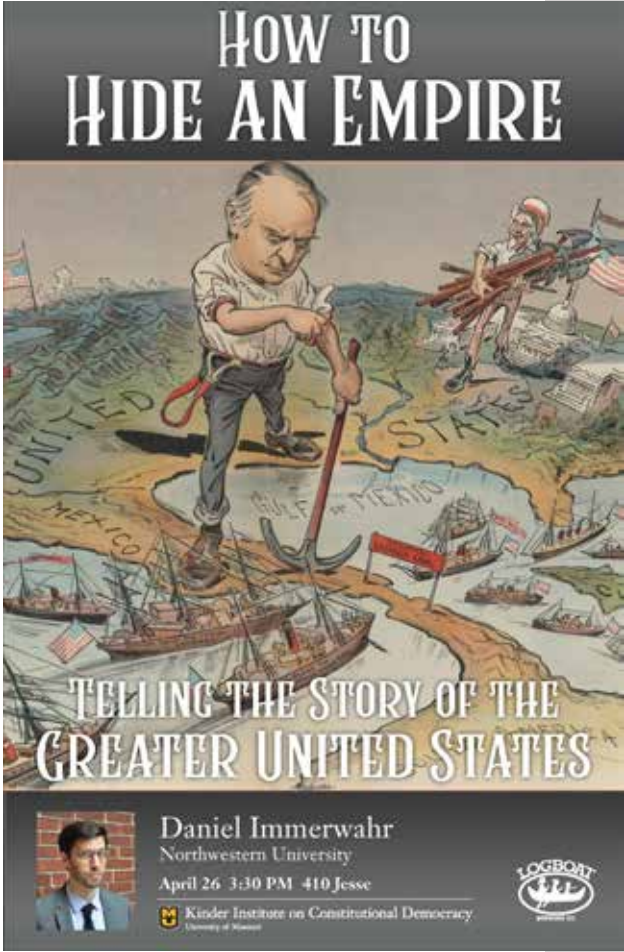
*How to Hide an Empire*

Northwestern University Associate Professor of History  
Daniel Immerwahr

In the final version of Roosevelt's famous "A Date Which Will Live in Infamy" speech, the President mourns the bombings on "the American island of Oahu," a turn of phrase significant here for how it consummates FDR's behind-the-scenes resistance to editorial suggestions that he place equal emphasis on the tragic bombings of the Philippines and Guam, U.S. Territories targeted in the same offensive against the backbone of the Allied Forces' air defense.

Not long afterward, a group of Michigan 7th graders wrote to Rand McNally, publisher of the wartime atlas they were using to dutifully oblige FDR's request that the public follow along with the events of WW II, asking why Puerto Rico, Hawaii, and the Philippines were listed in the atlas' index of "foreign places." Rand McNally wrote back that these islands belonged to the U.S., yes, but were not integral to the nation, a rejoinder that drew stern pushback not only from the 7th graders but also the Department of the Interior, to whom the aghast students forwarded Rand McNally's response.

Both the President's rhetorical choices and the publisher's faulty logic speak to the larger point driving Northwestern Associate Professor of History **Daniel Immerwahr's** April 26 talk at the Kinder Institute: though we have consistently, often actively, failed to acknowledge it, the United States' narrative becomes far richer and more candid when the history of its overseas holdings factors into the telling of it. Drawing from his recent book on the subject, *How to Hide an Empire*, Prof. Immerwahr focused on three specific dates in illustrating this thesis.



**1898: The Treaty of Paris**

Post-Gadsden Purchase, the "logo" or mainland map of the U.S. lasted only three years un-amended before the nation began expanding, first into strategically important, uninhabited islands in the Pacific and Caribbean and then into Alaska. Colonial discourse would catch up to colonial ambition in 1898, after the Spanish-American War concluded with the acquisition of Puerto Rico, the Philippines, and Guam as U.S. Territories (this era also saw the annexation of Hawaii and American Samoa). As Prof. Immerwahr showed, this led to cartographical, nomenclatural, and cultural shifts in how the United States' now openly global identity was represented: maps took on an entirely different nature, highlighting holdings and territories, with one even dividing the mainland not into states but into moments of expansion; writers would cast about for new ways to refer to the U.S. in its adulthood, testing out 'Greater Republic' and 'Greater United States' before landing on 'America' (Teddy Roosevelt would use this term more in two speeches than all previous presidents combined); and following suit, after decades of singing "Hail, Columbia," "America the Beautiful" and "God Bless America" rose to prominence.

It would be a short-lived fervor. While Great Britain introduced the new celebration of Empire Day, the U.S. introduced Flag Day, a prioritization of nation over empire that was reinforced by the scant, ad hoc federal resources devoted to territorial governance; in 1916, The Office of Territory and Island Possessions had only 10 employees above the level of clerk.

**December 7, 1941: Before and After Pearl Harbor**

This emphasis on nation began to become more vivid in the mid-1930s, when the United States did little to build up or prepare its Territories as a potential war with Japan loomed, even putting the Philippines on a countdown to independence in 1934 and thus establishing it as a commonwealth that the U.S. no longer had an obligation to protect. This stance became more pronounced during World War II, when the United States' Europe-first strategy—magnified by its denying the Philippines' request for expedited independence so it could negotiate on its own behalf—ultimately led to the brutal colonization of the Philippines, as well as Guam, by Japan. The U.S. would eventually re-divert resources to the Pacific Theatre, but the cost on the ground—absorbed almost entirely by residents of the region—would be catastrophic. Liberating (or, alternately, re-claiming) Guam, which was taken in a day, required two weeks of bombing. Liberating Manila—at that point the 6th largest city in the United States—would take twice as long and claim over 100,000 Filipino lives, result in widespread ecological destruction, and decimate huge swaths of the city's urban landscape and civic infrastructure.

In his research on the liberation of Manila—conducted largely by sifting through diary entries and letters from the time—Prof. Immerwahr un-earthed a telling exchange. After offering a young Filipino boy chocolate, an American G.I. was surprised when the recipient thanked him in English. The G.I.'s response when he found out that, post-colonization, English was the language of instruction in Filipino schools: "We colonized you?"

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### The 2008 Presidential Election

The Philippines would gain independence on July 4, 1946, a development, Prof. Immerwahr noted, that marked a shift in U.S. imperial thinking and tilted its colonial footprint toward the “pointillist empire” of military bases that we see today. But if the United States’ colonial approach has changed, the colonial dimensions of political life have in no way vanished. Take, for example, the 2008 presidential election. Republican candidate John McCain was born in the extraconstitutional Panama Canal Zone at a time when the citizenship status of children born there—even if to U.S. parents—was still being sorted out; Republican Vice-Presidential candidate Sarah Palin’s husband was affiliated with the Alaskan Independence Party, which has long deemed U.S. annexation of the state illegitimate; and, of course, Barack Obama, whose citizenship has repeatedly (and egregiously) been called into question since the election, was born in Hawaii a year *after* it officially became a U.S. state.

### *That Time the Devil Beat Daniel Webster*

Kinder Institute Postdoctoral Fellow Rudy Hernandez

Famous merchant and War of 1812 creditor Stephen Girard died in 1831 the wealthiest man in Philadelphia and one of the richest in all of the United States. His relatives assumed a payday was coming, but much to their surprise—and chagrin—Girard had earmarked nearly his entire fortune for the creation and endowment of a boarding school (Girard College) for, his will read, “poor, white, male orphans.” Girard’s relatives hired none other than Daniel Webster to challenge the validity of the bequest, and the case, argued by Nicholas Biddle on the other side, bounced between circuit courts for years before finding its way to the U.S. Supreme Court in 1844.

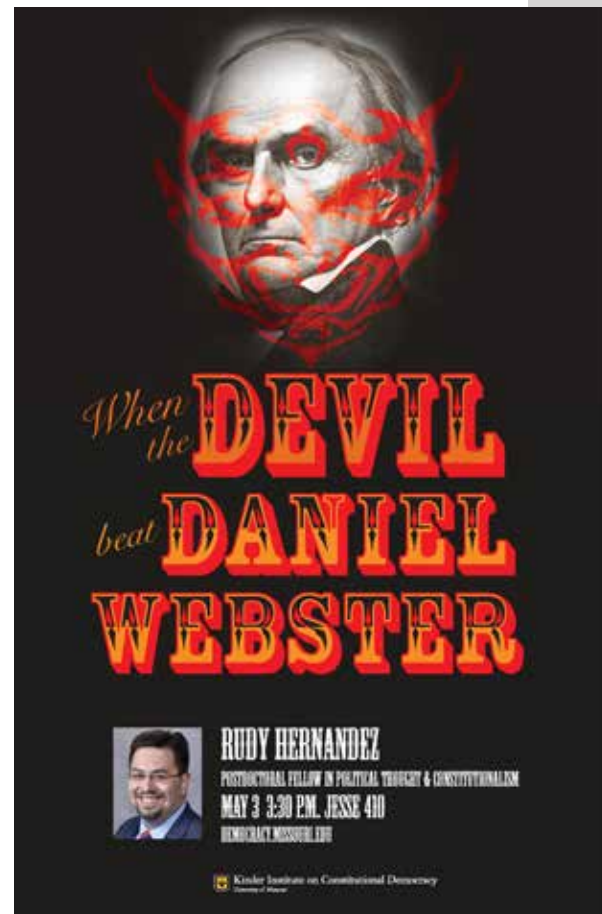
As Kinder Institute Postdoctoral Fellow **Rudy Hernandez** noted in introducing his May 3 talk, while a disputed will making it to the nation’s high court might seem a bit trivial, *Vidal et al. v. Girard’s Executors* is, in fact, a judicial landmark and a defining moment in church-state history in the U.S. Why? Because of a stipulation in Girard’s will—what John Quincy Adams would later term “the infidel clause”—that no one religiously ordained be permitted on the Girard College campus. Girard’s logic, Prof. Hernandez outlined, was that banning all clergy would shield the “tender minds” of students from the excitement of clashing sectarian doctrines and allow them to instead devote their energies to the more vocationally useful study of “facts and things”—geography, navigational science, surveying, Spanish and French—and to the cultivation of republican virtue.

Emblematic of Girard’s devotion to French Enlightenment thought (and also of his freemasonry), the infidel clause was at direct odds both with the “Nursing Fathers” belief that republican government required the promotion of religion and with the commonly held position that Christianity was part of the common law. The latter, Prof. Hernandez showed, was true, as Christian doctrine had found its way into common law case history via mid-17th-century blasphemy

trials in Great Britain. Webster leaned on this. Though he cited only two cases in his arguments—one of which even held that non-conformity was *not* tantamount to blasphemy—he repeatedly stressed custom’s central place in the common law in staking out his anti-Christian claims against Girard, contending that religious education was customary to living in Pennsylvania; that answers to the fundamental questions of ordered life customarily came from religion; that it had become custom for one to learn accommodation through witnessing the interactions of multiple sects; and ultimately that denying students access to religion until they were 18 would ill-prepare them for the customs of adult life.

Chief Justice Joseph Story, however, was unconvinced. Even in conceding that, yes, Christianity *had* been part of the common law tradition in Pennsylvania, he raised the question of what positive law one might point to in order to prove that the infidel clause was, as Webster was arguing, openly and unconstitutionally hostile to Christianity. Story’s answer: No such law existed. For one, religious liberty accommodated disbelief. More important for Story, though, was the fact that banning clergy from campus did not ban Christianity from campus. The *Bible* could still be taught, and the purest Christian form of morality still be pursued. This textualist reading of the will, Prof. Hernandez suggested in closing, was a loss of sorts for Girard, whose more radical intent was tempered by it, a clear loss for Webster, and more or less the end of legal arguments built around Christianity and the common law.

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## CONFERENCES

### *A Fire-Bell in the Past: Reassessing the Missouri Crisis at 200*

A rousing success, if we do say so ourselves, the February 15-16 conference reassessing the Missouri Crisis on the eve of its 200th anniversary brought together scholars from as far away as Gothenburg and as close as MU's Tate Hall to discuss the whirlwind of events surrounding Missouri's contentious application for statehood. A full conference schedule can be found in the previous section of this report, and a not-to-be-missed "live recording" of the conference can be found on the @MO\_Crisis200 Twitter account, thanks to the dexterity of History Ph.D. student **Jordan Pellerito**. What follows here are brief synopses of some of the extraordinary presentations that we were lucky enough to have made it out for during the busy weekend.

**Bobby Lee**, 2017-2020 Harvard University Junior Fellow, "The Boon's Lick Land Rush and the Coming of the Missouri Crisis"

In an attempt to block Missouri's entrance into the union, New York Senator Rufus King pegged the territory's population in 1820 at around 11,000, well below the threshold necessary for admission. At the center of Dr. Lee's talk was not only just how willfully wrong King's estimate was but also the population boom that made it so. As Lee explained, while the Tallmadge Amendment might have been the spark for the Missouri Crisis, the Amendment never would have come to be had tens of thousands of settlers not "pour[ed] like a flood" and "crash[ed] like an avalanche" into present day Howard County, MO—just 45 minutes north and west from the conference site—between 1815 and 1820.

As is so often the case, the history of Boon's Lick, ground zero for the explosive demographic change that the Missouri territory experienced in the eighteen-teens, was one of craven, unjust dispossession. The land around Boon's Lick was ideal for settlement: fertile, rich with game and timber, and river-accessible. It was also Ioway and Sac and Fox land that settlers had for some time been occupying illegally. However, on the fabricated grounds that the land had already been ceded to the U.S. in a treaty with the Osage, Indian title was revoked in 1815, leading to a 1700% surge in Howard County's population in the five years after (making it the fastest growing county in the United States during this period). By 1820,

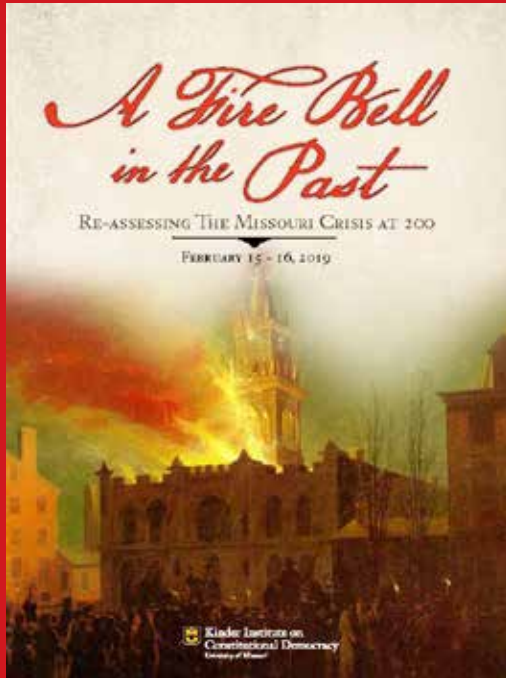
Missouri as a whole boasted over 66,000 residents, more than enough to qualify for statehood and, with this, give rise to the debates over the extension of slavery into western territories that much of the conference was devoted to examining. As Dr. Lee noted in closing, the story of Boon's Lick isn't necessarily an isolated one, and we would do well to remember that land, and not gold, served as the single strongest magnet for immigration and migration throughout nineteenth-century United States history.

**Diane Mutti-Burke**, University of Missouri-Kansas City Professor of History, "Jefferson's Fire-Bell: Slavery in the American Borderlands"

Slavery in Missouri, Prof. Mutti-Burke noted at the outset of her presentation, was not identical to slavery in the deep south. However, as she would show in the course of giving an overview of her conference paper—and as William Wells Brown likewise made clear in his *Narrative*—though perhaps different "when compared with the cotton, sugar, and rice growing states," slavery in Missouri was no less brutal or inhumane.

The primary distinguishing factor between slavery in the Missouri borderlands and slavery in the cotton belt was one of scale. The vast majority of farms in Missouri were owned by proprietors who held ten or fewer slaves, and the entire number of enslaved persons never exceeded 18% of the state's total population. This difference in scale created differences in practice. For example, because of close quarters on the small farms, there was a much higher degree of day-to-day personal interaction, leading on one hand to a new form of resistance for enslaved persons—exploiting intimate knowledge—but on the other hand to even more unchecked abuse on the part of slaveholders. In addition, issues related to labor shortage and to the variable nature of seasonal demands in a diverse agricultural economy were addressed by inter-farm hiring networks, which placed a particular burden on the nuclear family. Abroad marriages became a norm in Missouri, with enslaved men often living miles, if not counties, away from their wives and children. While this produced more liberal policies regarding the mobility of enslaved people, as well as greater familiarity and interaction within the slave community as a whole, the work frolics and church services in which enslaved persons collectively took part always came with both greater oversight and the consequences thereof.

**Matthew White**, Ph.D. Candidate in History at The Ohio State University, "Pennsylvania's Missouri Crisis and the Viability of Anti-Slavery Politics"







**Sarah L.H. Gronningsater**, University of Pennsylvania Assistant Professor of History, “The New Yorkers? What Were They Thinking? The Origins of the Tallmadge Amendment” (Paper delivered by CUNY-Graduate Center Professor of History **David Waldstreicher**)

When asked by Jefferson Davis in an 1850 letter whether he had, in fact, been present at an 1819 anti-slavery meeting in Lancaster, PA, James Buchanan responded that he had but quickly added that he was merely “under the influence of the excitement then universal.” As White argued in his talk, the anti-slavery excitement to which Buchanan referred was in large part the end result of a steady, post-1812 economic decline in Pennsylvania that crescendoed with the Panic of 1819 crippling Philadelphia’s textile manufacturers. The violence—political

and physical—that ensued revealed fissures that had in actuality been forming for some time, namely those between pro-bank Family Party Pennsylvanians and the state’s Independent Republicans, anti-bank anti-federalists with deep ideological and participatory ties to the American Revolution. In 1819, however, the latter party’s ire became outward- and southward-facing. At nominating conventions across the state, including the one in question in Davis’ letter to Buchanan, anti-tariff, pro-slavery, and anti-Tallmadge/anti-restriction positions were folded both into one another and into a single historical memory, coming to be collectively demonized by Independent Republicans as profaning the Revolution’s promise to extend freedom into prosperity. As the Missouri Crisis heated up, a rhetoric of disunion heated up with it, though White noted in closing that radical Pennsylvanians would back away from the precipice of imagining an “American Flanders,” ultimately concluding that while it could be a component of a party platform, anti-slavery sentiment could not itself drive one.

Just north of Philadelphia, anti-slavery fervor (and reticence) would likewise shape many New Yorkers’ thoughts about the Crisis. Or, as Prof. Gronningsater’s paper explored, it was not at all happenstance that the Tallmadge Amendment emerged from the pen of a New York representative. While the state had as many slaves as Georgia in the 1780s, emancipation would begin in and continue throughout the 1790s and early 1800s, with former slaves in New York not only gaining freedom but also (at least for men) the franchise. There was, of course, backlash to this, particularly when it became clear that the support of once enslaved men was sizable enough to sway elections, and the certificate of freedom requirement passed in 1811 was un-subtly designed to suppress the black vote. It would be another decade, though, until an insidious disenfranchisement scheme actually worked, and the pre-1821 protection of the rights of former slaves in New York suggested a broader understanding of citizenship at the state level that mapped directly onto the debate over Missouri at the national level. While Martin Van Buren and his bucktails might have abstained from voting on how New Yorkers would collectively respond to the Missouri question, DeWitt Clinton and others were openly and adamantly against the expansion of slavery into Missouri or any other new state, arguing

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for constitutional recognition of the fact that citizens of New York should be recognized as citizens of all states and that safeguarding the rights of black New Yorkers in Missouri thus required the wholesale ouster of slavery in new lands.

Stepping out of his role as a medium for Sarah Gronningsater, Prof. Waldstreicher added that the story of New York might be used to re-orient the Missouri Crisis’ place within the larger narrative of nineteenth-century U.S. history, positioning it not as the early tremors of the Civil War but instead as the waning moments of the first wave of emancipation that brought questions of race, voting, and democracy to the national stage and introduced new forms and magnitudes of partisan strategizing.

**Chris Childers**, Pittsburg State University Assistant Professor of History, “The Missouri Crisis and the Uncontested Reelection of James Monroe”

Such partisan strategizing reappeared in full force during Saturday afternoon’s presentation on the uncontested reelection of James Monroe. In an 1819 letter to Jefferson, Prof. Childers began, John Adams described how “clouds, black and thick” loomed over the nation and the 1820 election, though Adams immediately qualified his dire empyreal symbolism by noting that he expected the president and vice-president to be brought back into office by a great majority. And indeed they were; only three states showed even half-hearted resistance to Monroe’s reelection.

As the talk laid out, however, the 1820 election results reflected neither the obstacles Monroe faced on the path back to the presidency nor how these obstacles cast doubt on just how good the feelings were in the “Era of Good Feelings.” Monroe’s relationship with the old guard in his own state is a case study in this un-heralded electoral obstruction and how the Missouri Crisis was in the middle of it all. Though Monroe initially spoke out against the restriction of slavery in Missouri, he ranked Virginia politicians by gravitating toward compromise. Virginia’s democratic-republican establishment firmly believed compromise on the issue to be a threat to state sovereignty and to the union in general, and they responded to what they saw as Monroe’s wavering by making noise in state nominating caucuses about whether or not he was a candidate fit to resolve the Missouri question. Monroe’s response? He and his associates sent a to-be-leaked letter to *Richmond Enquirer* Editor Thomas Ritchie, the contents of which: deflected all compromise attention onto New York Federalist (and overall conference punching bag) Rufus King; hinted at an already-penned presidential veto of any congressional compromise bill; and reiterated Monroe’s constitutional support for opening new states to slavery.

Mollified, the Virginians fell back into line, but they would not be Monroe’s only opponents. Pro-restriction Northerners, especially DeWitt Clinton in New York, also posed a brief roadblock to Monroe’s second term. In the case of Clinton, Monroe merely drew on patronage politics to quash the challenge, confirming the shifting partisan landscape that Prof. Waldstreicher summoned in closing out his reading of Prof. Gronningsater’s paper.



*Virginia’s democratic-republican establishment firmly believed compromise on the issue to be a threat to state sovereignty and to the union in general, and they responded to what they saw as Monroe’s wavering by making noise in state nominating caucuses about whether or not he was a candidate fit to resolve the Missouri question.*



5TH ANNUAL  
**SHAWNEE TRAIL REGIONAL CONFERENCE**  
ON AMERICAN POLITICS AND CONSTITUTIONALISM

Back in Columbia for its fifth year, the Shawnee Trail Regional Conference on American Politics & Constitutionalism kicked off with a new wrinkle: a March 7 roundtable discussion on “Locke, Liberalism, and the American Revolution,” through which scholars here-and-far provided feedback on each other’s works in progress. To start things off, Kinder Institute Postdoctoral Fellow **Rodolfo Hernandez** offered comments on University of Texas Ph.D. candidate **Christina Bambrick’s** paper, “Considering the Possibility (and Desirability) of Liberal Virtues.” Specifically, he raised the question of whether a society built around such virtues—for example, autonomy, moderation, and tolerance—suffers from lack of a singular definition of “the good life” or, alternately, whether a movement away from this classical, Aristotelian virtue might cultivate free and open debate about what constitutes a comprehensive, consensus doctrine of human good. Returning the favor, Bambrick looked at Prof. Hernandez’s work on *Vidal v. Girard’s Executors* (1844), a somewhat curious Supreme Court case surrounding the constitutionality of wealthy merchant and freemason Stephen Girard’s establishment of a school for orphans from which clergy of all sects were banned. The implications of the case, Bambrick noted, were many—for religious liberty; for how the Framers understood the relationship between Christianity and the common law; for republican education and citizenship; and for Daniel Webster’s presidential aspirations.

As MU History Ph.D. Candidate **Travis Eakin** noted in commenting on Kinder Institute Postdoctoral Fellow **Luke Perez** and Kinder Institute Graduate Fellow **Aaron Kushner’s** co-authored paper on “John Locke and the Natural Right to Immigration,” answering the question suggested by the paper’s title means attending to a distinction between related verbs. Within the Lockean construction of the right to self-preservation, a government violating the social contract implies the citizen’s right to depart said government/breach said contract—i.e., it implies the right to emigrate. In so far as the emigrant cannot, per Locke’s logic, return to the chaotic state of nature and thus must enter or immigrate to a new civil society, a transitive question emerges: Is the government of this new civil society duty-bound to protect the natural rights of the immigrant? And for Locke, the answer is yes. Kushner and Dr. Perez likewise zeroed in on a binary at the heart of Eakin’s paper on Friedrich Gentz’s work on the American and French Revolutions: legal vs. illegal. As they pointed out, in parsing Gentz’s reasoning for why the revolutions in question fell on one or the other side of this binary, geography matters deeply. The Atlantic’s worth of ocean between them and the

crown trained North American colonists in the intricacies and practice of self-government, thus legitimizing the American Revolution, for Gentz, on the grounds that participants in it sought pre-existing vs. invented rights.

Day one of the conference concluded with a graduate development workshop, with Cornell Law Professor **Josh Chafetz** (who also gave the conference’s keynote lecture) commenting on University of Texas Ph.D. Candidate **Thomas Bell’s** dissertation, as well as a pair of book symposia for Boston University Law School Professor and Paul M. Siskind Research Fellow **Linda C. McClain’s** *Bigotry, Conscience, and Marriage: Past and Present Controversies* and BU Honorable Paul J. Liacos Professor of Law **James E. Fleming’s** *Constructing Basic Liberties: A Defence of Substantive Due Process*.

Day two of the conference opened with a panel on American Political Thought that situated attendees squarely within the early republic. Baylor Professor of Political Science **Lee Ward** discussed how Jefferson’s shifting thoughts on the conditions most conducive to republicanism (and the French Revolution’s role in this shift) might be used to trace his gravitation away from supporting balanced constitutionalism and toward the idea that popular control over government might better resolve social, political, and economic inequality. Brown University Visiting Fellow **Glory Liu** then answered the question of why Adam Smith was so popular among early American leaders, showing how it wasn’t because he was an “apostle of free trade” but because of how his arguments in *Theory of Moral Sentiments* and *Wealth of Nations* could be re-purposed for various elements of statecraft (for Hamilton, in support of the national bank, for example, and for Adams as a warning against a psychology that values wealth over virtue). Following Dr. Liu, Black Hills State University Assistant Professor and former Kinder Institute Postdoc **Nicholas Drummond** explored the “split personality of Publius thesis,” ultimately landing on Hamilton’s work on Washington’s Farewell Address as evidence of his and Madison’s contradictory opinions on the extended republic argument in “Federalist 10.” To wrap up the panel, Prof. **Adam Seagrave**—formerly of the Kinder Institute and currently Associate Director of Arizona State’s School of Civic and Economic Thought and Leadership—made the case that revisiting acclaimed political theorist Michael Zuckert’s work on Locke, natural rights, and the American experiment might address the contemporary problem of polarization by reminding us of how the United States is the lone nation founded on an ideal basis for just politics.

**Panel 2: “Constitutional Politics/Constitutional Law”**  
(Discussant: Boston College’s **Ken Kersch**)

- **Ben Johnson** (Penn State Law), “Cases or Questions: Implementing the Supreme Court’s Appellate Jurisdiction”
- **Laura Erika Jenkins** (Syracuse University), “Paradise Lost: The Effects of Judicial Review on Commerce Clause Grounds on Congressional Debate”
- **Calvin TerBeek** (University of Chicago), “The Constitution as Political Program: The Republican Party and Originalism, 1977-1998”

**Panel 3: “The Presidency in the Constitutional Order”**  
(Discussant: Baylor University’s **Curt Nichols**)

- **Sarah Burns** (Rochester Institute of Technology), “The National Security State: Nationalizing the Response to Threats and Concentrating Power in the Executive”
- **Jordan Cash** (University of Virginia), “For the President Who Has Everything: Constitutional Limitations on Presidential Power”
- **John Dearborn** (Yale University), “The Political Efficacy of Ideas: Budgeting versus National Security Reform in the Development of the Modern Presidency”
- **Tobias Gibson** (Westminster College), “Modern Presidents and American Constitutionalism”

**Panel 4: “Constitutional Politics”**  
(Discussant: MU’s **Jay Dow**)

- **Jordan Michaela Butcher** and **Aric Gooch** (University of Missouri), “The Case of Term Limits in the Continental Congress, 1774-1789”
- **Adam Myers** (Providence College), “The Federalism Debate in the New Deal Era: America’s Democratic Governors Speak”
- **Joseph Postell** (University of Colorado-Colorado Springs), “The Politics of Legislative Delegation to Administrative Agencies”
- **Charles Zug** (University of Texas), “‘A Proper Object for the Care of Government’: The Obamacare Precedents Debate Revisited”

A special thanks to **Connor Ewing**, longtime Shawnee Trail attendee and currently an Assistant Professor at the University of Toronto, for shouldering logistics for this year’s conference.





*(Re)Building American Identities*

Hatched at a Fall 2018 meeting of the Kinder Institute Subcommittee on Processes and nursed along throughout the Spring 2019 semester by a tireless group of scholars at the Kinder Institute and in the MU History and Political Science Departments, the idea for our first ever graduate student conference finally came to fruition on April 27 in Jesse Hall 410. While it was a truly team effort, a special shout out should go to Postdoctoral Fellow in Political History **John Suval** and Kinder Institute Graduate Fellow in Political Science **Aaron Kushner**, both of whom saw the project through from beginning to end. The all-day affair, panels for which are detailed briefly to the right, included a lunch hour job market presentation by Drs. **Sarah Beth** and **John Kitch** and concluded with Kinder Institute and MU Law Associate Professor **Carli Conklin’s** keynote address, “‘Not only by what they receive, but what they reject also’: The Drafting of American Identity/ies in the *Declaration of Independence*.”



Panel 1, 10:00-11:30am, Chair: **Luke Perez**

- “Legislation before Litigation: The Process of Desegregating MU,” **Mary Beth Brown** (History)
- “A Revised Calculus of Voting: Political Information Costs and Voter Turnout,” **Gidong Kim** (Political Science), co-authored with Professor **James Endersby**
- “Claude M. Lightfoot’s ‘Period of Persecutions’: Trials of a Black Communist, 1954-1964,” **Mike Olson** (History)

Panel 2, 12:45-2:15pm, Chair: **Zachary Dowdle**

- “Here Comes the Neighborhood: American Liberal Politics and the Revival of Communitarianism in the 80s and 90s,” **Henry Tonks** (History)
- “Party Development in the Early Republic,” **Aric Gooch** (Political Science)
- “Creating a Community: Tenant Activism in the Pruitt-Igoe Housing Complex,” **Andrew Olden** (History)

Panel 3, 2:30-4:00pm, Chair: **John Suval**

- “Measuring the Impact of Court-Mandated Redistricting on Policy Outcomes,” **Michael Wales** (Political Science)
- “‘The right of pre-emption has become a subject of great importance’: Squatters, Public Lands, and Constituency Building in the Missouri Territory, 1810-1820,” **Joseph Ross** (History)
- “Before They Vanished: The Native American Visual Aesthetic of the Early Republic as Depicted by Artists George Catlin and George Winter,” **Sawyer Young** (History)

Panel 4, 4:15-5:45pm, Chair: **Rudy Hernandez**

- “The Longue Durée of Choctaw Removal, 1800-1860,” **Edward Green** (History)
- “Marginalized Memories: Native Americans, Lafayette, and the Revolution’s Legacies,” **Jordan Pellerito** (History)
- “Cherokee Citizenship and American Political Development,” **Aaron Kushner** (Political Science)

UNDERGRADUATE STUDENTS

The undergraduate section of our spring newsletter is traditionally an occasion for listing, and this year was no different. On this page you’ll find lists of places in D.C. where our Kinder Scholars interned this summer; lists of D.C. field trips and seminar topics; and, just below, a list of advanced degrees and other opportunities that some of our recently graduated seniors will be pursuing next year.

**Tyler Brumfield:** Obama Foundation  
**Katie Graves** and **Claire Reiling:** University of Virginia Law School  
**Anna Jaoudi:** Villanova University Law School  
**Luke Mouton:** Oxford University, MSc in Criminology and Criminal Justice  
**Matt Orf:** Oxford University, MA in Global History

Not featured here is our Oxford program, but rest assured that once the majesty of 16th-century architecture has worn off and the students are ready to field questions about their time abroad, we’ll provide readers with a full update on both the March 2019 spring break trip and our 2019-20 Oxford Fellow, who will spend next year at Corpus Christi College studying, researching, and deciding whether or not to try bread sauce (see this report’s previous section for more details about that delicacy).



KINDER SCHOLARS

Here are the majority of the places in (and around) the capital city where our students spent their 9-to-5s this summer.

**Karlee Adler:** Smithsonian Women’s Committee  
**Aaron Carter:** Washington Report on Middle East Affairs  
**Madeline Clarke:** The Eleanor Roosevelt Papers Project at George Washington University  
**Christian Cmehil-Warn:** The White House Transition Project  
**Siobhan Conners:** The FCC  
**Maxx Cook:** George Washington University’s Regulatory Studies Center (via the Charles Koch Institute)  
**Ashley Dorf:** National Archives  
**Josh Eagan:** Study for Terrorism and Response to Terrorism, University of Maryland  
**Kate Griese:** International Conservation Caucus Foundation  
**Alex Hackworth:** KRG-US  
**Xavier Lukasek:** State Department Office of European Affairs  
**Jennifer Marx:** National Disability Rights Network  
**Riley Messer:** American Oversight  
**Laura Murgatroyd:** Sightline Media Group  
**Andrew Pogue:** Customs and Border Patrol  
**Ariana Santilli:** PAI  
**Claire Smrt:** NASA History Division  
**Sidney Steele:** *Street Sense* Media  
**Lauren Wilcox:** The Office of California Representative Lou Correa

On the faculty side, students were joined this time around by Kinder Institute Postdoc and Interim Kinder Scholars Program Director **Luke Perez**, Kinder Institute Chair and Professor of History **Jay Sexton**, former Kinder Postdoc **Armin Mattes** (now of UVA) and current MU History Ph.D. candidate **Caitlin Lawrence**, History Chair **Catherine Rymph**, Professor of Political Science **Jay Dow**, Kinder Institute Associate Director and Professor of History **Jeff Pasley**, Professor of Political Science **Marvin Overby**, and Kinder Institute and Political Science Assistant Professor **Jen Selin**.

The usual topics were covered—from the first Congressional election to the rise of the administrative state—and field trips included Mt. Vernon, Monticello, the Women’s Suffrage Museum, Antietam, and the CIA.



## JOURNAL ON CONSTITUTIONAL DEMOCRACY

### *Daniel Webster's Foreign Policy: Controlling Liberalism*

by Isaac Baker

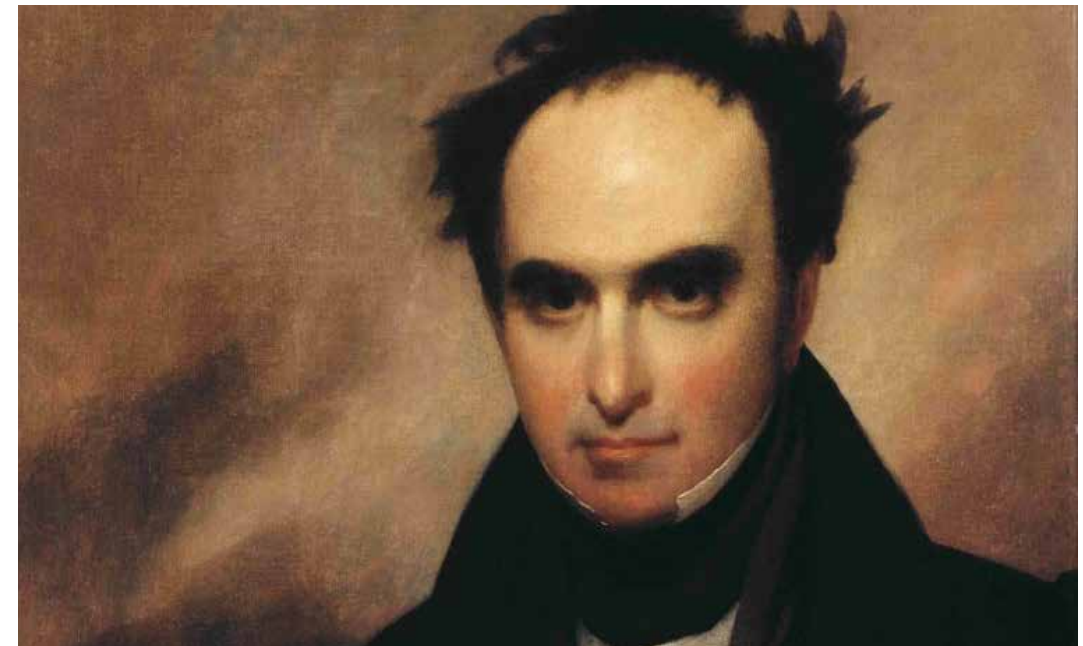
Three Americans during the early nineteenth century stand out for their leadership despite never ascending to the office of presidency: Henry Clay, John C. Calhoun, and Daniel Webster. They all served at one point in their careers as representatives, senators, and secretaries of state under different administrations, coming to collectively be known as the Great Triumvirate. The focus of this paper, Daniel Webster, represented New England as an exemplary Federalist and highly regarded courtroom lawyer (in popular culture, he has been assigned the role of the lawyer one picks to argue against the devil for the return of one's soul). He was born in 1788 in New Hampshire and grew up on a farm in the Merrimack Valley. An exceedingly poor farmhand, his lack of both size and strength left him suited for intellectual labor, rather than physical work.<sup>1</sup> He would eventually attend Dartmouth and be admitted to the bar in 1805, after learning law in Boston.<sup>2</sup> By 1812, Webster had also established himself as a great orator and rhetorician, notably delivering a speech that year to the Federalist-friendly Washington Benevolent Society and contributing to the Rockingham Memorial (a written rebuke to the declaration of war in 1812), speaking out in both about the immediate dangers and long-term detriments of conflict with Britain.

These remarks served as a springboard for a political career which spanned the rest of Webster's life and included stops as U.S. Representative for New Hampshire and Massachusetts, Senator to the latter, and two different tenures as U.S. Secretary of State, under William Henry Harrison and Millard Fillmore. Particularly in regard to the argument being made here, and when viewed in the greater context of Webster's whole career, the Benevolent Society speech and Rockingham Memorial contributions demonstrate his ability to posture himself in accordance with whatever was most beneficial: when necessary, he could present himself as a nationalist, fighting to promote the spread of the United States' principles throughout the world; alternately, he could present himself as a transatlantic-minded man whose sights were set only on making sure the U.S. had amicable relations with Great Britain in particular. Occasionally, Webster would come off as disingenuous in these stances, an unintended result of his shrewd political flexibility. Ultimately, though, this ability to move from one perspective to the other, and to sometimes hold multiple perspectives at once, allowed him not only to support American expansion and global integration but also to ensure (or at least work to ensure) that the United States exerted some control over the areas into which it was integrating itself.

In a sense, and as I will argue, Daniel Webster was constructing a foreign policy strategy of controlled liberalism to advance U.S. interests, with liberalism in this essay defined in the classical sense of promoting rule of law, individual liberties, and, most importantly, laissez-faire economics. For Webster, this strategy revolved specifically around building friendly relationships based on shared identity, with the larger goals of using these relationships to gain Americans access to foreign markets and, in some cases, to promote American influence abroad in a way that revealed the nation's early imperialist ambitions. This foreign policy tactic of finding states—and occasionally supporting the creation of states—similar to the U.S. was not limited to Webster's early-nineteenth-century plan but also became a goal of the American imperial age as a whole, Wilsonian foreign policies, American efforts to stop the spread of communism during the Cold War, and even the state-building project started by President George W. Bush after the toppling of Saddam Hussein.

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Webster's War of 1812 writings reflect the extent to which commonality was central to his particular notion of controlled (or controlling) liberalism. In order to open one nation up to another, he reasoned, some sort of identity must be shared, almost as collateral on a loan. The more that was shared, the



better the chances an alliance would hold, an outcome that had important, cascading consequences for American interest. Namely, a strong alliance could mean increased trade between the states involved, opening up the possibility of ever-closer, more nuanced, and more profitable relations (for Webster, the richer the market, the more desirable the alliance). History has often proven Webster's general thinking correct. Throughout the Cold War, for example, capitalist or communist ideology was used as collateral for the loans of empire building, much as shared language, religion, and economic and political identity were used as the collateral for Webster.

In terms of how this question of collateral and commonality relates specifically to Webster's thinking about the War of 1812, the North American extension of the Napoleonic Wars, we might begin by noting that the British and American identities were only a generation removed from being intertwined, and Britain, not unlike the young United States, was a largely Protestant and a rapidly expanding liberal empire; France, on the other hand, was a largely Catholic, conservative European power, led by a military dictator. Add to all of these similarities and differences the lucrative size of the British Empire, and they, rather than France, looked the better and more natural ally to Webster. However, from the Jefferson administration until the outbreak of war in 1812 under the Madison administration, a multitude of complications vexed both Anglo-American and Franco-American relations, especially Jefferson's failed Embargo Act of 1807, which banned trade with both Britain and France while they engaged in war but resulted only in hurting American commerce.

Later, contingent deals such as the Non-Intercourse Act and Macon's Bill No. 2 attempted to make reopening trade with Great Britain or France dependent on their respect for American sovereignty, though neither the British nor the French rushed to pay this price. With the United States having proven itself too weak to dictate the terms of its foreign affairs, reopening trade would thus hinge on choosing between the Napoleonic Wars' belligerent sides...<sup>3</sup>

<sup>1</sup>Rakestraw, Donald, A. Daniel Webster Defender of Peace. Lanham, Maryland, U.S.A.: Rowman & Littlefield, 2018.

<sup>2</sup>Ibid

<sup>3</sup>Ibid



SUMMER 2019





KINDER INSTITUTE  
on CONSTITUTIONAL DEMOCRACY



NEWSLETTER | SUMMER 2019

# The COLUMNS



We've mentioned in the past that bidding farewell to faculty and graduate students embarking on new adventures has become something of a tradition in the spring newsletter. The summer newsletter farewell section, however, is a new one—equally exciting for those to whom we're bidding farewell, but no less sorrowful for us. Continuing a strong run of our postdocs getting wonderful jobs, both **Luke Perez** and **John Suval** got news in May of offers that have since led them elsewhere. Fresh off reviving the "Age of Jackson" history seminar for MU undergrads during the Spring 2019 semester, John headed to Knoxville in August to assume the position of Assistant Research Professor to serve as Assistant Editor for *The Papers of Andrew Jackson* project, which is housed at University

*Continued on page 94*



For the most part, all talks in Jesse 410 are created equal, but Thursday, May 9th's proved an exception to this rule. In what was easily the highlight of the spring semester, **Prof. Carli Conklin** previewed her recently published book, *The Pursuit of Happiness in the Founding Era: An Intellectual History*, to a capacity (and then some) audience of colleagues, current and former students, and friends from the community.

What made this event different from the rest was, of course, the speaker herself and the opportunity to celebrate her. As the post-lecture video testimonials made abundantly clear, Dr. Conklin has served as the backbone of the Kinder Institute since we opened our doors in 2014. A tireless advocate for students, a mentor in the truest sense of the word, and a dynamo in the classroom, she has ensured not only that our undergrads have a home on the fourth floor of Jesse Hall but also that it's a home which challenges and inspires them to realize their scholarly potential.

As was fully on display on the 9th, Dr. Conklin's ability to foster this environment of intellectual energy and adventurousness stems from the joy she takes in her own scholarship. But don't take it on our word(s): the recap of her talk that follows does justice to neither the scholarship nor the joy Dr. Conklin brings to and derives from it, so head to [upress.missouri.edu](http://upress.missouri.edu) to get a copy of her book, out since March 2019 as part of our *Studies in Constitutional Democracy* monograph series with MU Press.

*Continued on page 88*



PUBLIC TALKS

Exploring the Pursuit of Happiness

MU Associate Professor of Law and Constitutional Democracy  
Carli N. Conklin

It does stand out a little, doesn't it? If "life" and "liberty" seem cut from a cloth philosophically tailored for a declaration of independence, "happiness," to borrow a phrase from Prof. Carli Conklin's introduction to her May 9 talk, sits somewhat *glitteringly* on its own. In fact, theorists and citizens alike have long puzzled over Jefferson's reason for including "the pursuit of happiness" among the *Declaration's* three named unalienable rights, often arriving at one of two conclusions: that he was cribbing Locke's right to property or that the phrase was purely decorative—a "glittering generality." But as Prof. Conklin lays out in her recent book, such conclusions merely skim the term's surface, failing to un-earth the distinct meaning that 'happiness' had for 18th-century legal and political thinkers.



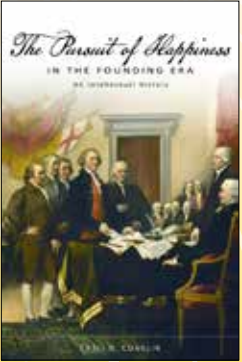
That 'happiness' was spared the editorial guillotine as the *Declaration* went through round after round of revision affirms *that* the document's authors attached significant meaning to it. Discovering what that meaning was, however, is somewhat more complicated and requires tracing the term back into the multiple intellectual traditions that, according to John Adams, the Continental Congress "hackneyed" during the *Declaration* drafting process, namely—the English common law, Newtonian science, Christianity, and the history and philosophy of classical antiquity (as for the high crime of "hackneying," Jefferson, coming to his own defense, claimed that his job as author was decidedly not to invent new ideas).


While these traditions utilize different language in articulating it, the line of agreement that runs through them begins with their mutual identification of a first mover. From here, Prof. Conklin showed in her talk, a step-by-step sequence of conclusions can deliver us—as it delivered the *Declaration's* authors—to happiness as something that is true rather than fleeting, substantial rather than ornamental. Specifically: that the world was created leads us to the conclusion that it is governed by discoverable first principles; the discovery of these principles—whether via reason or observation—enables us to live in harmony with them; to experience harmony is to experience order, to experience order is to experience well-being, and to experience well-being is to experience happiness.


For Blackstone—the figure perhaps most central to Prof. Conklin's new book—these conclusions are sewn together in an ethical relationship in which practicing eternal justice and experiencing happiness are the reflexive byproducts of adherence to the first principles of creation (i.e., to the foundation of natural law). For the *Declaration's* authors and the nation's early leaders, this translated into a causal link between living virtuously and living happily, though as Prof. Conklin noted in wrapping up her talk, virtue came by many different names for this generation, ranging from Jefferson's binaries—"prudence not folly," "justice not deceit," "fortitude not fear"; to Adams' punctuality and benevolence (among others); to the thirteen virtues on Franklin's daily checklist, which included silence, order, frugality, justice, and humility, the last of which the "First American" defined as "imitat[ing] Jesus and Socrates."

# The PURSUIT of HAPPINESS

*In the Founding Era*





**CARLI N. CONKLIN**  
KINDER INSTITUTE AND MU LAW ASSOCIATE PROFESSOR  
MAY 9 3:30 P.M. JESSE 410  
DEMOCRACY.MISSOURI.EDU  
 Kinder Institute on Constitutional Democracy  
University of Missouri






CONFERENCES

2019 Missouri Summer Teachers Academy

Our goal for the Missouri Summer Teachers Academy has always been to see it grow to the size of the conference table in our seminar room. Mission accomplished. Not only did we have a capacity crowd of 15 social studies teachers plus one future social studies teacher, MU Secondary Ed major and 2019-20 Society of Fellows member **Ryan Giesing**, around the table. We also had faculty, incoming Residential College students, and friends of the Kinder Institute fill up the cheap seats in Jesse 410, delightfully adding another layer of voices to an already rich discussion.

As always, we weren’t able to make it out for everything, but in addition to a full schedule, included in the following pages are a few recaps of the June 12-13 lunch talks and seminar sessions that we did manage to pop in for.



2019 MISSOURI SUMMER TEACHERS ACADEMY

# REVOLUTIONS

June 11-13, 2019 • Columbia, MO

**DESCRIPTION**

Back for its fourth year, the Missouri Summer Teachers Academy (MSTA) will take place **June 11-13, 2019**, in Columbia. Co-sponsored by the Missouri Humanities Council and the Kinder Institute on Constitutional Democracy, the MSTA brings high school social studies teachers from across the state to the Mizzou campus for three days of thematically-organized seminars led by MU faculty in History, Political Science, Law, and Education, as well as by other scholars from around the region. This year’s seminars and discussions will tackle the theme of “Revolutions.”

**THEME**



As the above image suggests, time will certainly be spent at this year’s Teachers Academy considering the origins and events of the American Revolution. But this will hardly be the lone revolution, or lone form of revolution, that will be explored. Attention will be paid, for example, to some of the other political revolutions—in Haiti or France—that occurred during the eighteenth century. Other seminars might focus on revolutionary inventions, ideas, or pedagogies, or to the very concept of ‘revolution’ itself.

**HOW TO APPLY**

To apply, teachers need only send an email to Kinder Institute Communications Associate and MSTA organizer Thomas Kane, [KaneTC@missouri.edu](mailto:KaneTC@missouri.edu), with the following information: the name of the school at which you teach, grade levels and courses taught; and a brief statement about why you’re interested in attending this year’s Missouri Summer Teachers Academy. Applications will officially open on **February 20, 2019**, and we will accept applications until all seats at the Academy, space at which is limited, are filled. Teachers will be notified of their application status no later than **April 15, 2019**.

**LOGISTICS**

Thanks to a generous grant from the Missouri Humanities Council, teachers’ participation is fully subsidized, with the MHC providing: housing for the duration of the conference at the Tiger Hotel; breakfast, lunch, and dinner each day; materials; and a small stipend to offset travel costs and other incidentals.



“Revolutions”  
Day 1—June 12, 2019

9:00-10:15am: “The *Declaration of Independence*: An Interdisciplinary Exploration,” Kinder Institute and MU Law Associate Professor **Carli N. Conklin**

10:30-11:45am: ““The Minds and Hearts of the People’: The Ideas of the American Revolution,” William Woods University Assistant Professor of History **Craig Bruce Smith**

12:00-1:00pm (Lunch Talk): ““For a while we felt rich and then we didn’t’: Trends in the History of Politics & Society since Watergate,” Kinder Institute Graduate Fellow **Henry Tonks**

In discussing critics’ logic behind delineating 1974-2001 as a distinct period in political history, recently minted MU History M.A. Henry Tonks noted that the reasoning behind the left-hand side of the date range is fairly straightforward. Watergate was a dramatic event that didn’t produce but rather crystallized or encapsulated trends in American politics and political culture that had been festering throughout the 1960s: a crisis of purpose, for example, and widespread social and partisan fracture. (And when it comes to things like this, he added, it doesn’t hurt that it made for a good story.)

As for what historians find coherent about the 27 years following, Henry offered two themes for the period, as well as two keys for more thoroughly understanding it. Whether you put the front end of the timeline at 1968, 1974, or 1980, he explained, a pair of related phenomena stand out as era-characteristic: the end of post-war liberal consensus (in so far as there actually was consensus) and the rise of the conservative movement. In slightly more concrete terms, acceptance of the New Deal expansionist state was giving way to rhetoric about bloated government; Democrats’ control over the Senate and House was reaching an end; and tax cuts were becoming a GOP rallying cry. In other words, the era of FDR was waning, and the era of Reagan was waxing.

Henry went on to show how understanding the period also requires acknowledging the drastic economic transformation that was happening during the time. These were decades marked by globalization, deindustrialization, financialization, and the rise of neoliberal theory and policy that was not only directly economic in nature—promoting targeted deregulation, supranational corporations, and public-private sector partnerships—but that also introduced new ideas and ambitions regarding such related issues as environmental protection, high technology, and socioeconomic equality. And of course, it would be impossible to define this period without considering the significance of the Cold War and its conclusion. On one hand, the Cold War’s post-Vietnam continuation underpinned



bipartisan foreign policy, fueled the growth of the military industrial complex—and, with it, the American economy—and suffused American cultural identity. Its end, however, not only created a new, unipolar world where the U.S. had hegemon status but also left the United States where it was post-Watergate, with a declining sense of purpose and a spiking sense of polarization.

1:15-2:30pm: “The Haitian Revolution,” MU Associate Professor of History **Robert Smale**

2:45-4:00pm: “The French Revolution in Atlantic Context,” University of Central Missouri Associate Professor of History **Micah Alpaugh**

Pushing against the far-too-frequently peddled, nation-centric accounts of late-18th and early-19th-century revolutions, UCM’s Micah Alpaugh showed how the historical narratives of these revolutions, France’s especially, become far richer—not to mention far more accurate—when we give them international context by taking into consideration the communication between social movements that was occurring all across the Atlantic basin.

For instance, France’s network of radical Jacobin Clubs, which formed during 1789-1790, freely admitted that they drew inspiration—in terms of idea, organization, and even name—from British club life, in general, and in particular from the London Revolution Society, which voiced support for their cause in a 1789 address to the French National Assembly. Over the course of the next half decade, the goals of the Jacobins would evolve, and as this happened, the Clubs splintered into various factions. In 1791, after the flight to Varennes, the Feuillants, who supported a mixed constitutional monarchy, split off from Brissot and the more radical Jacobins, who

believed that establishing laws which respected the equality and liberty of every European required toppling old regimes by force. The movement would split again in 1793, this time into the moderate Girondins—who Prof. Alpaugh described, in modern terms, as “free-trade liberals”—and Robespierre’s “centralizing, proto-socialist” Jacobins who, through “terror and virtue,” pursued universal suffrage, public education, economic equality, common participation in government, and perhaps the truest (in the Greek sense of the word) form of democracy of any revolutionary group of the time.

The previous paragraph is, by all fault of the recapper, just a woefully abbreviated version of the detailed history that the session laid out. But the question remains of how this history, even if clipped, fits into the broader theme of Atlantic networks. For one, Prof. Alpaugh explained, Jacobins’ ideas about re-constituting society from the bottom up, abolition, and colonial reform were adapted by freemen of color in Ste. Domingue, who not only pushed for such changes in Haiti but also came to Paris to lobby the French government for them under Jacobin designation. In addition, the previously cited vector of influence between Great Britain and France reversed course in the early 1790s, as groups such as the London Corresponding Society and United Irishmen shaped radical agendas around Jacobin-fueled goals like universal suffrage and wholesale parliamentary reform. And finally, Edmond Genet, Jacobin ambassador to the U.S., can claim some responsibility for inspiring the formation of the new republic’s Democratic-Republican Societies which, against Washington’s warnings, were embraced by Jefferson & Co. and represented an embryonic vision of the United States’ first party system. One might argue, though, that Genet’s contribution to American political society was actually the repayment of a long overdue debt of influence. Why? As Prof. Alpaugh noted



Day 2—June 13, 2019

9:00-10:15am: “Rebellion v. Revolution,” MU Political Science Professor and Kinder Institute Director **Justin Dyer**

10:30-11:45am: “The Lost Tradition of Economic Equality,” Truman State University Professor of History **Daniel Mandell**

12:00-1:00pm (Lunch Talk): “Teaching Slave Narratives: First Person and Power,” Battle High School African-American Literature Teacher **Molly Pozel** and Incoming MU Freshman **Kiessence Bassett**

1:15-2:30pm: “Revolution Rock,” MU Professor of English **Sam Cohen**

In perhaps the first ever mathematical equation hand-crafted by an English professor, MU’s Sam Cohen began his talk on “Revolution Rock” with a pair of deltas: change in form leads to change in perception. And though it’s not always—or even often—the case, he added that this change in how we see things has the potential to lead to a subsequent change in power structures. The genre in the talk’s title is testament at least to the first link in this causal chain. A formal hybrid of gospel, country, and R&B that emerged into a world where the teenager was becoming a social phenomenon and free time was king, rock immediately—and not always for the better—changed a generation of listeners’ and critics’ views on everything from authority, to race, to authenticity, to sex and sexuality.

The primary subject of his talk, The Clash, might be framed as a change within a change within this change. They were, to be sure, part of a punk rock revolution which responded to the orchestral excesses of prog rock and the folk-hippie political ethos with faster, rawer music that produced attitudes more oppositional and more suspicious of the mainstream than early rock ‘n’ roll ever had. But while The Clash might have embraced this formal paradigm shift, Prof. Cohen showed how they likewise pushed beyond and against it and, in doing so, added greater depth and nuance to the political conversations that were orbiting the punk rock world. Even their more formally traditional (in a punk sense) songs demonstrate this. Born out of Joe Strummer and Paul Simonon’s experience at the 1976 Notting Hill Carnival riots, “White Riot” brought issues of race, socioeconomic inequality, and the need for resistance to the fore in a way and with a pointedness that their peers’ music simply didn’t. In one of their many formal innovations, the band also used hybridization—reggae and punk in “Police & Thieves” or bossa nova and punk in “Washington Bullets”—not only to internationalize music but also, and more importantly, to draw the attention of an often local-facing punk scene to issues of global inequity as well as political superpowers’ role in creating

and exacerbating them. This spirit of innovation would reach its peak in later songs like “Sean Flynn,” where experimenting with form to the point of its nearly breaking down entirely advanced powerful messages about post-Vietnam War socioeconomic strife and the figures in society—GIs, immigrants, women—who were forgotten or dismissed by those in power.

The story of Camden Joy, an NYC-based author, critic, and guerilla/citizen artist, is a similar one. His handmade posters—self-distributed around New York, often during music festivals—raised the most fundamental of formal questions: Were they art or not? Were they criticism or not? Were they either? Were they both? And this was largely the point. Parodically blurring the lines between art and mass media allowed him to oppose the institutions of modern consumerism that had commodified rock by turning their own visual language and corporate vernacular back against them. Did this culture jamming have an effect on those corporate cabals which Joy termed the “advertocracy”? Probably not. But this change in the voice and medium of rock criticism certainly gave later readers and listeners a new lens through which to view the past.

2:45-4:00pm: “Thirteen Ways of Looking at a Contemporary Russian Poet,” MU Associate Professor of Russian Studies **Martha Kelly**

A huge thanks to the following 15 teachers, many of whom were spending their fourth year with us, for taking time out of their summer schedules to learn about revolutions for a couple days (\* indicates return attendee): **Erich Gerding** (New Franklin), **Tim Hebron\*** (Willard), **Riley Keltner\*** and **Chris Saxton** (Ladue); **Lynette Williams\*** (Odessa), **Michael Ruch\*** (Ste. Genevieve), **Andy Hanch\*** (Center), **Jacob Sartorius\*** (Hamilton), **Ben Creech\*** (Montgomery Co.), **Sara Watson** (Paris), **Denise Crider** (Calvary), **Lauren Jackson** and **Michael Johnson\*** (Ashland), **Sheila Benham** (Osage), **Chris Fischer** (Columbia Public Schools)

And of course none of this would be possible without the generous support of our friends at the Missouri Humanities Council, a pair of whom—Executive Director **Steve Belko** and Development Associate **Claire Bruntrager**—made it out from St. Louis for Day One of the Academy.



at the beginning of his talk, the Sons of Liberty were in fact the first interconnected, trans-regional protest movement in the era of 18th-century revolutions and, along with the colonies’ Committees of Correspondence, came to serve as a model for the Irish Volunteers and the first wave of British parliamentary reformers who, bringing things full circle, came to serve as models for the Jacobins.

7:00-8:30pm (Keynote Dinner Lecture): “The Steam Revolution: Transpacific Edition,” MU History Professor and Kinder Institute Chair **Jay Sexton**





Continued from page 87

## FACULTY & GRADUATE STUDENTS

of Tennessee. Luke picked up and lit out west around the same time to join former KICD Postdoc **Aaron Kushner** and former KICD Professor **Adam Seagrave** at Arizona State University, where he'll serve as Assistant Professor in the School of Economic Thought and Leadership.

The “sweet” to this parting’s “sorrow,” though, is that it gives us occasion to introduce some of the new faces who’ll be occupying desks on the fourth floor, in this case our 2019-20 Graduate Fellows. Some of them, as you’ll see from the bios, are coming from afar. Others will just be adding a desk to the ones they already have in Read Hall or the Professional Building, and one—**Jordan Pellerito**—won’t be moving desks at all, having already been a Jesse Hall resident for the past two years.

One other note on the Graduate Fellow front. After a successful July defense of his dissertation, *Reluctant Emancipator: James Sidney Rollins and the Politics of Slavery and Freedom in the Border South, 1838-1882*, former grad fellow **Zach Dowdle** re-located from Jesse 401 to Jesse 411, where he’ll set up shop during his one-year term as a Postdoctoral Teaching Fellow in the Kinder Institute’s new Residential College.



### New Graduate Fellow Bios

**Aric Dale Gooch** earned his B.S. in Social Science Education and Political Science from Southwest Baptist University in Bolivar, Missouri, and he is currently a Ph.D. student in Political Science at MU. His research is focused on the early American republic, specifically political party development, elections, and institutions, and his dissertation explores the development of nomination procedures of the Federalists and Democratic-Republicans as constituency focused and organized party structures in the first party era. In his free time, he likes to play board games, go hiking, and watch *Parks and Rec*. Aric joins the Kinder Institute as a 2019-2020 Graduate Teaching Assistant.

**Zachary Lang** received his B.A. in Government from St. Lawrence University in Canton, NY. His senior work at St. Lawrence focused on The Boxer Rebellion, and he was the recipient of a college-wide grant to conduct research with Associate Professor and IR scholar Ronnie Olesker, through which they produced a co-authored paper, “Culture Matters: The International Relations of Game of Thrones,” which is currently under review with the *British Journal of Politics and International Relations* and which Zach presented at the November 2018 Northeast Political Science Association conference in Montreal. He has also published work on recent tariff legislation, in *Foundation for Economic Education*, and on rent control, in the *Washington Examiner*, and he joins the Kinder Institute as a 2019-2020 Ph.D. Fellow in American Politics.

**Jordan Pellerito** holds B.A.s in History and Political Science and an M.A. in History from the University of Missouri. Her Master’s thesis explored how African and Native Americans received the Marquis de Lafayette as a symbol of the American Revolution during his 1824-1825 tour, and how this contributes to Era of Good Feelings discourse. As an undergraduate, she was a member of the Kinder Institute’s Society of Fellows and for the past three years has served as the Teaching Assistant-in-Residence for the Kinder Scholars D.C. Summer Program’s “Beltway History & Politics” course. Jordan is now a Ph.D. student in the MU History Department, where she will focus on public and antebellum history, and she will serve during AY 2019-2020 as the Kinder Institute’s inaugural Collegiate Fellow, coordinating academic and extracurricular programming for the new Residential College.

**Mackenzie Tor** received her B.A. in History & Italian from Providence College and is currently completing her M.A. in History with Dr. Jeff Pasley. Her research interests include early American social and cultural history, and her thesis will examine segregation in the antebellum temperance movement. When not hard at work, Mackenzie enjoys reading, practicing yoga, and cheering on her favorite Boston sports teams. She joins the Kinder Institute as a Fall 2019 M.A. Fellow in History.

**Sawyer Young** received his B.A. in 2018 from Westminster College in his hometown of Fulton, MO, and is currently an M.A. candidate in History at MU, working under Jeff Pasley. His work focuses on the history of American Indian social movements, citizenship, and civil rights, and he has a particular scholarly interest in the intersection of native cultural, political, and artistic expressions in the late-nineteenth and twentieth centuries. He will join the Kinder Institute as a Spring 2020 M.A. Fellow in History.





# UNDERGRADUATES

## 2019-20 Society of Fellows

Summer dispatches, as the following pages indicate, come from far and wide, but amidst all of the “from where and whom” variety, there is always one constant summer news item. Since day one, minute one of Kinder Institute programming, a group of undergraduates have reliably gathered in the weeks before fall classes officially start to inaugurate a new year of our Society of Fellows.

We typically release these students’ names in the spring newsletter, but the summer actually makes more sense, since that’s when their journey begins. This time around, the 23 students named below, making up the sixth class of our Society of Fellows, descended on the Tiger Hotel in downtown Columbia on August 6 for our annual Fellows seminar, an intellectually raucous three days of lectures, discussions, and dinners with MU faculty that set the tone for the year to come.

A recap of the seminar will follow in fall, but for now, we’re just thrilled to be able to introduce the 2019-2020 Fellows, some of whom have been with us for a while now—whether as FIG participants, Kinder Scholars, or Oxford travelers—and some of whom are brand new to the Kinder Institute.

**Karlee Adler** (Junior, History)

**William Bloss** (Senior, History & Political Science)

**Lane Burdette** (Senior, Psychology & International Studies)

**Bryce Cole** (Sophomore, Philosophy & Political Science)

**Maxx Cook** (Senior, Economics & East Asian Studies)

**Ashley Dorf** (Junior, Strategic Communication)

**David Garcia** (Sophomore, History)

**Ryan Giesing** (Junior, Secondary Education-Social Studies)

**Alex Hackworth** (Senior, Biology & Psychology)

**Catherine Hutinett** (Junior, History & Anthropology)

**William Kemp** (Senior, Political Science)

**Cassandra Marks** (Sophomore, Political Science & Economics)

**Mateo Mateo-Mateo** (Junior, Accountancy)

**Jennifer Marx** (Junior, Biology/Pre-Med)

**Sijan McGinnis** (Senior, Political Science)

**Evan Moylan** (Junior, Political Science & Economics)

**Kathryn Reich** (Junior, Journalism & Political Science)

**Kaitlyn Sawyer** (Senior, Political Science & Economics)

**Rachel Slings** (Junior, Secondary Education-Language Arts)

**Austin Stafford** (Sophomore, History)

**Mathew Swan** (Senior, Philosophy, Classics & Political Science)

**Catherine Wilkins** (Senior, Political Science)

**Erica Winston** (Senior, History)







### *Notes from the Capital*

Every year, we send 20 undergrads out to D.C. as part of our Kinder Scholars Summer Program, which provides selected students the opportunity to spend up to 10 weeks interning, studying, and exploring in the capital. Likewise, every year these students are gracious enough to take time out of their busy schedules to report back from the frontlines on everything from how work is going, to highlights from the co-taught “Beltway History & Politics” seminar that all Kinder Scholars take, to the culinary delights of the city. What follows is the first installment of our annual “Notes from the Capital” update series. We sent this one to students at around the two-week mark, with a second (up on the KICD website) coming at around five weeks.

Thanks to **Aaron Carter** (Political Science & Journalism), **Christian Cmehil-Warn** (Economics & Statistics), **Karlee Adler** (History), **Sidney Steele** (Convergence Journalism & Political Science), and **Madeline Clarke** (History, Geography, & Political Science) for responding to our first call for news and for letting us all live vicariously through their reporting. (Note that answers have been edited slightly for length.)

**KICD:** At this point, you’ve only had a couple weeks of class, but has there been an idea or subject that’s come up so far that you’ve been especially interested in and that you hope to revisit?

**Aaron Carter:** The most interesting subject we’ve covered so far has been the philosophy of war and the different applications of it throughout our nation’s history, especially during the Obama administration. Obama put a lot of emphasis on the philosophies of just war theory, specifically Augustine’s and a few others’. The article [Dr. Luke Perez] assigned us, David Lubin’s “What Would Augustine Do,” brought up the CIA’s questionable counting method for civilian casualties, which would seem to invalidate any moral philosophical argument that the military methods were “just.” Does just war theory

yield leaders who take unconstitutional, illegal, or unwarranted actions? Would reliance on these philosophies contribute to more wars overall? These are just some of the questions I hope to answer in the next few weeks.

**Karlee Adler:** Something we’ve talked about in a couple classes is the idea that how we interpret history is more a reflection of us than of the period we’re studying. Even the questions we ask are influenced by the current culture in which we live. I love thinking about this idea as I walk through museum exhibits. Why this exhibit and why now? What does this exhibit present as important? I’ve always been fascinated by why we ask the questions we ask, and D.C. is a great place to explore this.

**Madeline Clarke:** I was particularly interested by the topic of the impact of the actions of foreign countries on the American Civil War, brought up in the seminar led by Dr. Sexton. I hope such ideas come up again in later classes, as I think that foreign impact on American history as a whole is often overlooked.

**KICD:** Similar “I know it hasn’t been long” caveat, but give us an internship update.

**AC:** I’m doing a dual internship this summer surrounding non-profit work on Middle East affairs and the relations between the U.S. and the region. The overarching organization I’m working for is called the National Council on U.S.-Arab Relations (NCUSAR), and through them I attend two weekly seminars, for which I’m assigned readings and essays, and go on various site visits around the city. My second internship, which I found via the NCUSAR, is at the *Washington Report on Middle East Affairs*, where I’ve had the pleasure of attending various think tank events and discussions about the region that have highlighted specific issues I’ve subsequently become interested in. For example, I know now that I hope to specialize in Israel-Palestine relations, as well as in the political environment in Iraq.

**KA:** It’s been really interesting to learn about the internal function of the Smithsonian and how a museum runs from behind the scenes. I recently attended a meeting put on by the Smithsonian Women’s Committee (SWC) for the various Smithsonian museums, and we went over how museums could submit grant proposals to the SWC and what types of proposals typically receive funds. I also attended a meeting about the fall Craft2Wear show and got to see how the event is organized.

**Christian Cmehil-Warn:** With the White House Transition Project, I’ve been helping Dr. Martha Kumar, the director of the project, organize, analyze, and visualize two sets of her data: one about modern administrations’ (Reagan to Trump) relationships with the press and another about assistants to the presidents in those administrations. In both cases, she has the best records that exist, so it has been a pleasure working on them.

For my first few days in May, I had the privilege of working with her in the White House press area. She gave me a little tour, and I was able to meet several of the correspondents you see on TV and watch them in action. While this administration has all but killed the daily press briefing, I did catch the reporters questioning Kellyanne Conway. I’ll work there again when Dr. Kumar gets back in July, and I’m incredibly excited to witness more of the government-press interaction right where it happens. (For June, Dr. Kumar got me desk space in the White House Historical Association that I’ve been using, and I’ve also worked at various libraries, courtyards, and restaurants.)

**Sidney Steele:** I’ve been interning at *Street Sense Media*, a newspaper about homelessness that also provides services to the homeless population in D.C. My expectations never could have prepared me for the experiences I’ve had so far. It’s been very eye-opening to have conversations with the homeless population of D.C., and as a video storytelling intern, I’ve been able to develop my multimedia skills while doing work that serves a vulnerable population.

**MC:** I have been interning at the *Eleanor Roosevelt Papers*, and it has been a fantastic experience. I am part of a group of seven interns, and so far, we have gone on a trip with our coordinator once a week. These trips have been to the Library of Congress to get researcher cards and to learn to use the resources there; to the National Portrait Gallery for a private tour of the suffrage exhibit by the curator (who is also curator of the *America’s Presidents* exhibit); and a tour of Greenbelt, MD, a New Deal-era community. When in the office, I have worked on independent research and learned to proofread documents for the next volume of the *Papers*. The best part about proofreading is getting to read

Eleanor Roosevelt’s letters and connect her to President Harry Truman, who I will be writing my undergraduate thesis on next year. I look forward to soon starting a project with the director of the *Papers*, which will allow me to utilize skills I have learned as a geography student in a historical context, combining two of my majors.

**KICD:** Columbia to District of Columbia is, to state the obvious, a huge change in culture. What’s been the best thing about being in the big city so far? Have you had a chance to do any exploring? Have you found your D.C. spot yet?

**CCW:** While I’ve definitely been exploring D.C. and have seen a lot of interesting stuff, I’ve really loved sampling the wide array of fast-casual Mediterranean restaurants. This might seem rather absurd, given the abundance of grandiose experiences in D.C., but places like Cava and Roti are perfectly filling and make me feel like I’m eating well and healthy (regardless of how true that actually is).

**KA:** The best thing about living in a big city is that there’s so much to explore. Even better, in D.C., there are so many museums to explore *for free*, and I’m trying to visit as many as possible. Because I work on the Mall, I often stop in a museum for a while after work, and I’ve already been to several, including the Portrait Gallery and African American History and Culture (twice).

**MC:** The best thing about being in D.C. is how close you are to everything: events, food, museums, and markers of our nation’s history. It is so easy to hop on the Metro and go anywhere you want or to just walk a few blocks and find neat restaurants, bookstores, etc. My favorite spot in D.C. so far is the National Mall, because I am forever wowed by the views of the Capitol and the Washington Monument. The other great thing about the Mall, of course, is the access to Smithsonian museums. What more could a history major ask for than museum after museum all next to each other and free to enter?

**SS:** My favorite thing about being in D.C. so far has been the simple change in my way of life in the city, in comparison to Columbia. How I shop for food and get to work in the morning are completely unlike what I’m used to, in a way I quite enjoy. I love being able to walk everywhere and take in my surroundings, and I’ve had the goal of not going anywhere more than once when I could try something different, which has allowed me to try new food and learn new things.



## Study Abroad

While most of the campus slows to a crawl once classes get out in May, our undergrads decidedly do not. This year, in addition to the students we sent out to D.C. in June, we had one rising senior, **Mary Grace Newman**, hop across the Atlantic to Prague after the semester ended to take part in Prof. **Marvin Overby's** Summer 2019 “Developing and Dynamics of Democracy” study abroad course. A former Kinder Scholar, a member of the 2018-19 Society of Fellows, and a contributor to both the *Journal on Constitutional Democracy* and *The Columns* (see the previous section of this report for her recap of Prof. Allen Hertzke’s talk on religious liberty), Mary Grace was gracious enough to share some of the weekly emails she sent to family and friends back home describing her time abroad in (and around) the Czech Republic. What follows are excerpts from these updates.

“*Democracy Takes Time*” with Mary Grace Newman

### Prague Week 1

Dobry den (Hello)!

One week ago today, I arrived in Prague, a city known for Baroque and Gothic architecture, the Charles Bridge, its Astronomical Clock, beer consumption, and historic neighborhoods...

Just since last Monday, I have moved into a beautiful apartment with Mizzou students; taken tours of Prague’s Old Town, Little Quarter, and New Town, as well as the Prague Castle (the largest castle in the world); walked up and enjoyed the view of the Petrin Tower; discussed the philosophies of Plato, Aristotle, Hobbes, and Locke; and eaten and drank on a low budget. The setting of the Czech Republic is incredible for my class, because it’s a relatively young democracy (since the Velvet Revolution in 1989). With the current political climate in the U.S., the disarray of the E.U. due to Brexit, and my passion for understanding institutions of power and how they influence people’s daily lives, learning about democracy in the Czech Republic was an opportunity I wanted to seize.

### Prague Week 2

Dobry den family and friends,

My second week living in “the City of a Hundred Spires” is coming to a close. As I begin writing you this recap, I am gazing out my apartment window at the second ugliest structure in the world, according to several travel websites: the Zizkov Television Tower. The TV tower appears to be an outlier amidst the carefully preserved buildings that survived the bombing campaigns of World War II. At first glance today, Prague is a beautiful city. The number of people looking for the most “Instagram-able” shot alone indicates how Prague mesmerizes with its cityscape.

When I look at the TV tower, though, it reminds me of the horrific, disturbing, and imperfect history that this city, the Czech Republic, and this entire region of Europe has endured. Prague is easy to enjoy in many ways, but the context of its existence comes from contested authority, violence, and betrayal. I am lucky to have the time here to understand this history more deeply through experiences in my program and my own self-directed adventures...

On Friday, our class went to Terezín. I am having trouble thinking of ways to consolidate in a few short sentences the effect and history of Terezín. It was a concentration camp. It was a Jewish Ghetto. It is where thousands of Jews and political prisoners were killed because of malnutrition and lack of oxygen. Thousands of children were sent to Terezín. We visited a museum where you could see the children’s artwork from when they were at Terezín, and on some of the descriptions of the artwork, it listed the date the child was killed. Terezín feels abandoned today. It is the town the Red Cross came to visit during WW II to check on the living conditions of Jewish people under Nazi Germany (the Red Cross did not visit any other concentration camps at that time). Because the Red Cross gave the Nazi Party months of advance notice that it would pay a visit, they took steps to make Terezín look like it was a nice place to live. The archival footage from that visit shows Jewish people smiling and playing games. This propaganda hid the monstrous reality Jews faced in Terezín and across Europe.

### Prague Week 3

Dobry vecer (good evening),

I took a walk tonight across the Legions Bridge to enjoy the cool river air and iconic views of Prague. I will miss having a long bridge, park, and bakery a few steps outside my home when I return to Missouri...

On Tuesday, June 4, I met with Sarah, one of my Mizzou friends, who is living in Prague through a university program in the College of Business...After we finished eating dinner, we stopped by the protest against the Czech Republic’s prime minister, Andrej Babis. [See [Expats.cz](https://expats.cz) and *New York Times* coverage if you are interested in learning more about why this protest and many others have occurred recently.] I think witnessing the people of the Czech Republic come together will be one of my most lasting memories from this experience. It was a peaceful protest, seeking for governmental corruption to stop. Knowing that the Czech Republic’s current democracy has only existed for 30 years made this protest more meaningful to me, as I listened to the crowd cheer.

On Wednesday, June 5, Dr. Lenka Vystrcilova gave a guest lecture on the Velvet Revolution and Velvet Divorce. When I explained my study abroad program to family and friends before



leaving, people would sometimes refer to the Czech Republic as Czechoslovakia. However, the breakup of Czechoslovakia is in the recent memory of many Czech and Slovak people; the official separation of the two nations, the Velvet Divorce, occurred in 1993. In class, we discussed the significance of the term “Velvet” with respect to these seismic moments of political transformation. Velvet in this context means soft and mostly non-violent. Learning about this more recent change in the political structure of central Europe allowed for our class to then understand and compare the Czech Republic to the democratic approaches of other countries.



### Prague Week 4

Dobry den,

On Tuesday, June 11, our class visited the Petschek Palace. When I first heard about our class tour, I imagined we would see a building with a regal history and design. Once we entered the museum, I realized that the name of the structure was only a facade hiding the agonizing stories it contained. The Petschek Palace was used as the German Nazi Secret State Police’s headquarters for the Protectorate of Bohemia and Moravia from 1939 through the end of WW II. In the basement of the building, which now acts as a memorial and museum, we learned about the people who awaited trial and were horrifically tortured. The museum only offered tours in Czech, so we had a translator to communicate with us. Although we did not understand the exact words of our guide, we recognized his passion for educating the public about Czech history...

I made it back home safely on Friday. Although I already miss the public transportation, history, occasional goulash, and class discussions in Prague, I was ready to travel back to Missouri and plan my next adventure. Before I left Prague, though, I asked Marvin what profession provides the most opportunity for international travel. His answer was teaching. I will be keeping this answer in the back of my mind.



## Alumni Update

Back for the second time—and hopefully now on a semi-regular quarterly schedule—we bring you our “past, present, and future” alumni round-up, featuring news on KICD-affiliated undergraduates who have been out of school for a (little) while, who just graduated, or who have a walk across the stage at the Hearn Center in their near future.

“Sorry for the delayed response, I got summoned to complete a data set”

*A Day in the Life of a Ph.D. Student, with Abigail Kielty*

A Class of 2018 MU History and Poli Sci major, and a member of the 2017-18 Society of Fellows, **Abigail Kielty** is, if we’re not mistaken, the first non-law-doctorate-seeking alum of one of our undergraduate programs, edging out MU History Ph.D. student **Jordan Pellerito** (any corrections to our organizational memory can be sent to KaneTC@missouri.edu). Now pursuing a Ph.D. in Political Science in Columbus, OH, this is what Abby’s been up to these days, starting with this piece’s title.

“In May, I wrapped up my first full year of graduate school at The Ohio State University, where I’m a Ph.D. student in the Department of Political Science, focusing on American Politics and Political Methodology. Over the course of one year, I participated in seminars ranging from the political economy of income inequality to quantitative political analysis, though, in staying true to my Kinder Institute roots and my undergrad double major, I also took a course on the historiography of the modern U.S. in the History Department. I always have a difficult time explaining to friends and family what grad school is *actually* like, but I have settled on saying that it’s like a job where you sometimes (okay, usually) work long hours, but where your time is spent reading, writing, and learning about your favorite topics.

In addition to my coursework, I’m a fellow at the Institute for Democratic Engagement and Accountability here at OSU. During my tenure thus far as a fellow, I’ve coauthored a paper in which we analyzed the debates leading up to the races for the Ohio governorship and the Ohio U.S. Senate seat and called for a reconceptualization of what civility is and how it is defined, and I’ve also participated in collaborative research and worked on a project called *Connecting to Congress*.

*Connecting to Congress* is an initiative undertaken by a consortium of faculty at OSU and beyond that seeks to connect constituents and their lawmakers via deliberative events, with each actor getting to participate in dialogue with the other. In its seeking to overcome the mounting barriers to meaningful communication, this project allows me to wed my academic interests to my personal commitment to trying to make politics “work better.” As the research is focused on investigating which deliberative tools can prove most valuable in bridging the gap between citizens and their lawmakers, I spent time in Washington, D.C., this summer recruiting more Congressional offices to participate in the current round of research. Academic pursuits aside, I think my crowning achievement was successfully navigating the Metro with a dead phone battery one evening.

Though the scope of my academic interests grows by the day and the exact plans for my dissertation are ever-changing, my principal research area is the U.S. Congress



and, more specifically, what distinguishes members of Congress and their offices from one another, whether that be individual experiences, the flow of information within and between offices, or a number of other characteristics. As the autumn semester of year two approaches, I look forward to continuing down the path of doing research that is both intellectually stimulating and that seeks to solve a problem—a path that was fostered and solidified during my time at Kinder.”

“From Law School Softball Teams to Orthopedic Hospitals”  
*Post-Mizzou Paths, with Jane Kielhofner and Claire Reiling*

After they returned home from the Kinder Scholars D.C. Program with them in August 2017, **Jane Kielhofner** (pictured here in Kinder Institute graduation regalia) and **Claire Reiling** were fixtures at all things Kinder Institute. Since they’re moving on (or soon to move on) to new adventures, we thought we’d check back in with them one last time to see what the future holds and what from the Kinder Institute they’ll bring with them.

**KICD:** What’s your most lasting memory (or, perhaps, what are your most lasting memories) from your time in D.C.?

**Jane & Claire:** The trip to Annapolis rings in fairly high. Claire accidentally yelled, “There’s Marco Rubio!” across the Naval Academy Chapel (which he definitely heard), and we got to see the amazing history of the oldest state capitol building led by two tour guides dressed in full period garb. We also were stuck in the middle of the Potomac River during what can only be defined as a hurricane after Ray Rhatigan had given us boat tickets for a day trip to Alexandria, Virginia. Instead of taking shelter from the pouring rain and pounding winds, Allie Pecorin, Katie Graves, Claire, and I decided to embrace the storm and just dance at the front of the boat. We were able to reenact a combination scene of the *Notebook* and *Titanic* while simultaneously scaring everyone inside the boat’s covered deck.

**KICD:** We all know that one of you (Claire) will be heading to UVA Law in the fall and the other one of you (Jane) will be going to med school the year after next, but I’m curious about what led you to these next chapters and what you’re most excited about focusing on once these chapters start?

**CR:** During my time at Mizzou, I realized that my passion for learning about humanity in all its variations could be turned into activism via a career in law. It was through spending a summer in Washington, D.C., learning about our country’s foundations and its political processes, that I knew I wanted to one day influence policy, no matter how. Then, it was after my summer studying abroad in Bosnia and Herzegovina, where I met with survivors of genocide and learned about the reconciliation process thereafter, that I knew I wanted to promote justice for victims and prevent future atrocities through legal action. I’m excited about many aspects of my new life in Charlottesville, but I’m especially looking forward to learning about the legal process and gaining insights into my passion for human and civil rights. (If you ask my parents, though, they’ll probably mention that I can’t wait for UVA Law’s softball season to start.)





**JK:** During my summer as a Kinder Scholar interning on the Hill, I realized how much I enjoyed the physician-led healthcare briefings I went to and hearing about patients’ experiences at them. It reminded me of time I had spent shadowing doctors in a clinic in my hometown, and after I came back to Columbia, I decided to switch my academic focus from Public Health Policy to Pre-Med. I have to take a gap year as I apply to schools, and it will be nice to have this time before life gets busy, but over the next year [in Columbia] I’m really excited to continue doing research on Sudden Infant Death Syndrome and scribing at Missouri Orthopedic Hospital!

*Lightning Round*

**KICD:** Favorite class at Mizzou and a sentence on why?

**CR:** I really enjoyed my class on Human Nature (General Honors 3241) because it dove deeply into topics I had never covered before and altered how I view the world.

**JK:** Organic Chemistry was one of my favorites because showing someone exactly how compounds react is like learning a completely different language—and it made ingredient lists much more understandable.

**KICD:** Summer reading list: What’s on it?

**CR:** *A Gentleman in Moscow* by Amor Towels, *In a Dark, Dark Wood* by Ruth Ware, and *Lorca!*

**JK:** *Bad Advice* by Dr. Paul Offit, *The Hot Zone* by Richard Preston, *Angels and Demons* by Dan Brown

**KICD:** Finally, one for our incoming Kinder Institute Residential College students—a place on campus (or in the city) to hide and get work done.

**CR:** The stacks at Ellis Library (if you need to crack down), or Lakota!

**JK:** Lakota (for the coffee), and J Otto Lottes Med Library if you need somewhere quiet to focus (it’s not just for Health Science students!).

“In the Heart of the City (Again)”  
*D.C. Take Two with Bryce Fuemmeler*

I guess the city humidity just suits some people more than others. After spending summer 2018 in D.C. as part of the Kinder Scholars program, current senior **Bryce Fuemmeler** didn’t even let 12 months pass before heading back for another run at the capital. In July, he was kind enough to report back not only on what he was up to this summer but also on how it relates to his time as a Kinder Scholar, his academic interests at Mizzou, and his future plans, so sally forth for more on that...

“By day, I’m working on the Financial Services team at American Action Forum, a think tank that focuses on free market policies. In addition, I’m a Leadership Scholar for the Fund for American Studies (TFAS) at George Washington University. Both are pretty good gigs. At work, I’m doing some analysis on the Federal Reserve, the importance of Freddie Mac and Fannie Mae, and the role of Facebook’s cryptocurrency, especially as it relates to the foundational role of money in society; and I’m about to start up on a project that takes a historic look at household debt and its relation to U.S. recessions. For the academic component, I’m taking two Economics courses, both with a public policy bent, one which deals with domestic issues and the other, with international affairs.

And this summer absolutely relates to last summer! As a TFAS scholar, I’m living two blocks away from the White House, taking classes, and attending lectures and seminars around the city—this in addition to my regular internship, so it’s a lot like the Kinder Scholars program. In fact, four other Scholars are in D.C. this summer as well (**Mateo Mateo-Mateo**, **Regina Anderson**, **Faramola Shonekan**, and **Madison Plaster**), and we’ve kept close. In just two weeks, Mateo, Regina, and I will be seeing *Aladdin* at the Kennedy Center. Unbelievably excited for that.

As for relating to my undergrad coursework and my future plans, both of my core interest areas at Mizzou, Economics and History—and especially my interest in the Depression—are represented in my academic work and what I’m doing at my internship. This might be why the summer hasn’t necessarily cleared up post-grad plans. If anything, it has broken open my options. A year ago, law school was number one on the agenda. Now, I’m not so sure. The think tank world is (mostly) clear of politicking, which I enjoy, and I’ve also been really surprised by the independence the think tank awards its staff to pursue issues important to them. On the flip side, this summer has also begun to nudge me toward the world of academia, and specifically toward Economic History. Longer-term research projects like the one I’m starting on are rewarding, not to mention so, so enlightening. And on top of that, I do think my work will ultimately teach my intended audience—which, combined with in-depth research, is what academia is all about!

So you could say I have no clue what’s next. And that’s scary. But exciting, too.”





# APPENDICES



## POSTDOCTORAL, VISITING, AND GRADUATE FELLOWS

### Postdoc and Visiting Fellows



**Lawrence Goldman** was born in London and graduated in History from the University of Cambridge (Jesus College). He studied American History at Yale as a Harkness Fellow and returned to Britain to do his doctoral work at Cambridge's Trinity College, focusing on the history of social science in the

Victorian period. He spent 29 years as a university lecturer at the University of Oxford where he was Fellow and Tutor in History at St. Peter's College, teaching modern British and American History. He was then Director of the Institute of Historical Research at the University of London. From 2004-2014 he was Editor of the *Oxford Dictionary of National Biography*, a compendium of the most significant figures throughout British history and the longest work in the history of the English language, and he has authored books on Victorian social science, the history of workers' education in Britain, and the life of political thinker and historian R.H. Tawney, among other topics. He is a Senior Research Fellow of St. Peter's College and joined the Kinder Institute as a Fall 2018 Distinguished Research Fellow.



**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 joined the Kinder Institute in 2018-2019 as a Postdoctoral Fellow in Political Thought & Constitutionalism, a position he will continue to hold in 2019-2020.



**Daniel Mandell** has been Professor of History at Truman State University in Missouri since 1999, with a History Ph.D. from the University of Virginia (1992) and an M.A. in Urban and Environmental Policy from Tufts University (1989). He recently completed a manuscript, tentatively titled

*The Lost Tradition of Economic Equality in America, 1600-1880*, to be published by Johns Hopkins University Press, and as a 2018-19 Distinguished Research Fellow at the Kinder Institute, he embarked on a new project examining how the evolution of American Indian policies has reflected a constitutional conundrum between individual and collective rights. Mandell has written six books and many articles on Native Americans in New England, 1600-1900; one book, *Tribe, Race, History: Native Americans in Southern New England, 1780-1880* (2008) received the Lawrence Levine Award for the best book on American cultural history from the Organization of American Historians. In 2016, he received the Distinguished Literary Achievement award from the Missouri Humanities Council, and he has received various research fellowships, including major grants from the National Endowment for the Humanities and the American Antiquarian Society; he is an elected member of that organization, the Massachusetts Historical Society, and the Colonial Society of Massachusetts.



**Luke Perez** joined the Kinder Institute as a Postdoctoral Fellow in Political Thought and Constitutionalism for the 2018-2019 academic year. His scholarly research examines religion, political theory, and American national security. He is currently writing a book

manuscript on religious freedom and grand strategy during the Cold War. Dr. Perez completed his Ph.D. at the University of Texas at Austin, where he was a graduate fellow of the Clements Center for National Security and the Center for Politics and Governance. Additionally, he has received fellowships and awards from the Latino Caucus of the American Political Science Association, the Claremont Institute, the Philip Merrill Center on Strategic Studies, and the Notre Dame International Security Center. Prior to Texas, Dr. Perez worked at the Jack Miller Center, and he is a 12-year veteran of the Air National Guard, where he served as an avionics maintainer. He earned his B.A. at The Ohio State University and M.A. at Villanova University, and beginning in Fall 2019, he will serve as an Assistant Professor in Arizona State University's School of Civic and Economic Thought and Leadership.



**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, and 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 joined the Kinder Institute as a 2018-19 Postdoctoral Fellow in Political History before taking a position as Assistant Editor for *The Papers of Andrew Jackson*, an NEH funded project housed at the University of Tennessee in Knoxville.

### 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 joined 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 how term limits influence state legislatures by examining components of legislative institutionalization and professionalization. She joined the Kinder Institute as a Spring 2019 Dissertation Fellow in American Politics.



**Ed Green** completed his B.A. in History and Politics at the University of Oxford and was a 2017-2019 M.A. Fellow in Political 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 development of the American state. He also maintains an interest in political theory, particularly in the duties and obligations produced by acts of historic injustice. Ed began his Ph.D. in History at Pennsylvania State University in Fall 2019.



**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, the intersection of religion and politics, and Cherokee ancestral and political thought, which was a focus of his dissertation at MU. He was at the Kinder Institute from 2017-2019 as a Graduate Fellow in Political Thought and Constitutionalism and an Editorial Assistant at *Starting Points*, and he completed his Ph.D. in Political Science at MU in Summer 2019. In Fall 2019, Aaron started a Postdoctoral Fellowship at Arizona State University’s School of Civic and Economic Thought and Leadership.



**Joseph Ross** completed his B.A. in History at The Ohio State University and his M.A. in History at Ohio University, and he joined the Kinder Institute in Fall 2018 as the inaugural 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.



**Henry Tonks** completed his B.A. (Hons) in History at Corpus Christi College, at the University of Oxford, and was an M.A. Fellow in Political History at the Kinder Institute from 2017-2019. He began a Ph.D. in History at Boston University in Fall 2019. Henry’s primary interests are in American national party politics, policymaking, and political culture in the twentieth century, and his current research focuses on political and ideological change within the Democratic Party since the mid-1970s. Henry is interested in how this recent history has shaped contemporary American political life, especially in regard to issues such as the rise of professional-class liberalism, partisan polarization, and the relationship between civil society and neoliberal political culture. After completing his undergraduate studies, 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. While Henry was raised in Birmingham, UK, he has family roots, through his mother, in Gentry County, MO, and Granite City, IL.

## GRANTS AWARDED & RECEIVED

The Kinder Institute awarded grants to the following MU faculty and graduate students during the 2018-19 academic year.

### *Research & Travel Grants (Faculty)*

Political Science Professor **Jay Dow** received a grant of \$2,424 to conduct research at the Library of Congress, Wyoming Historical and Geological Society (Wilkes-Barre, PA), and the Buckalew Collections at Bloomsburg University related to his project on the relationship between Reconstruction politics and electoral reform.

**Heather Ba** (Political Science) received a grant of \$1,750 to travel to the Dwight Eisenhower and Lyndon B. Johnson Presidential Libraries to gather minutes and memoranda from National Security Council meetings conducted with the President during U.S. foreign policy crises.

**Ryan Famuliner** and **Kristofor Husted**, of MU’s School of Journalism and KBIA (mid-Missouri’s NPR affiliate), received an award of \$1,000 to help offset post-production costs for their 2019 podcast, “Show Me the State,” which celebrates Missouri’s bicentennial through examining forgotten moments in the state’s political and cultural history.

### *Course Development Awards (Faculty)*

Faculty members received awards to develop and/or teach the following three-credit hour courses or one-credit hour tutorials during 2018-19.

**R. Wilson Freyermuth** (Law)—GN HON 2010: How the Law Defines and Recognizes Property Rights

**Rudy Hernandez** (KICD)—BL\_STU 2425: Race & the American Story

**Lee Manion** (English)—ENGL 8220: Resistance, Rebellion, and Revolution in Pre-Modern Britain

**Rigel Oliveri** (Law)—GN HON 2010: Housing Segregation

**Jay Sexton** (KICD/History)—GN HON 2010: The Cold War

### *Research & Travel Grants (Graduate Students)*

**Jordan Butcher** (Political Science/KICD) received an award of \$2,000 to travel to Jefferson City, Lincoln, NE, and Oklahoma City, to conduct research for her doctoral dissertation on the influence of terms limits on state legislatures.

**Elizabeth Dorssom** (Political Science) received a \$250 travel award to conduct surveys in Jefferson City regarding how much legislators know about specific policy proposals.

**Cody Drolc** (Political Science) received an \$1,100 award to travel to D.C. for research related to his dissertation project on the role bureaucrats and oversight offices play in identifying policy implementation problems.

**Ed Green** (History/KICD) received a \$1,500 travel grant to conduct research at the National Archives in D.C. on The Treaty of Rabbit Creek and Choctaw Removal, 1830-1850.

**Aaron Kushner** (Political Science/KICD) received an \$1,100 travel grant to conduct research on Cherokee ancestral political thought at Oklahoma State University and the Oklahoma Historical Society, and to present his paper, “Written in Blood: Tribal Citizenship and the Cherokee Freedmen,” at the January 2019 Southern Political Science Association conference in Austin, TX.

**Myunghee Lee** (Political Science) received a \$1,000 grant to offset costs of conducting research in South Korea related to her dissertation project on the role of civil society in shaping a strong and effective democracy.

**Rachel Owen** (School of Natural Resources) received a \$500 conference travel grant to attend the Association for the Advancement of Science annual meeting in Washington, D.C.

**Joe Ross** (History/KICD) received a \$2,500 travel award to conduct research at the Missouri Historical Society in St. Louis and the National Archives and Library of Congress in D.C. on the changes and continuities of imperial land policies and expansion into the North American interior during the period 1763-1820.

In addition, the Kinder Institute received and/or administered the following grants during the 2018-19 academic year.

A \$25,000 grant from the Missouri Humanities Council to hold the fifth annual Missouri Summer Teachers Academy, a program which provides high school social studies educators a content-focused professional development opportunity via two days of thematically focused lectures and discussions with MU faculty.

\$8,000 from the Mellon Foundation to continue programming for the nationwide “Democracy & the Informed Citizen” grant initiative.

A \$5,000 grant from the Institute for Humane Studies to conduct a November 3 undergraduate colloquium on Religious Liberty in America.



AMERICAN CONSTITUTIONAL DEMOCRACY MINOR/  
CERTIFICATE CLASSES

A total of 941 students enrolled in the 29 three-credit hour courses associated with our Minor and Certificate in American Constitutional Democracy that were taught during the 2018-19 academic year. An additional 62 students took one of 7 one-credit hour Honors College tutorials or topics classes associated with the ACD curriculum. See below for all courses and tutorials offered during AY 2018-19. (\* indicates a course that was taught for the first time as part of the ACD Minor/Certificate)

Fall 2018

- ECON 4320: History of Economic Thought
- HIST 1540: England Before the Glorious Revolution
- HIST 2100H: Revolutionary Transformation of Early America
- HIST 2440: History of Missouri
- HIST 3220: U.S. Women’s Political History, 1880-Present\*
- 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 4200: The American Constitution
- POL SC 4780: Dictatorship & Democracy\*
- GN HON 2010: Give Me Liberty or Give Me Arbitration
- GN HON 2010: The Cold War\*
- GN HON 2010: Housing Segregation\*
- GN HON 2010: Nuclear Weapons, Wartime Drafts, and Cyber Warfare\*

Spring 2019

- AMS 3100: The Age of Pericles
- ECON 4367: Law & Economics
- HIST 2004: British Empire, 1560-1858\*
- HIST 2120H: The Young Republic
- HIST 2150: The American Civil War, a Global History
- HIST 4004: Global History at Oxford
- HIST 4010: Age of Jackson\*
- HIST 4060: Period of the American Revolution, 1760-1789
- HIST 4620: Modern England\*
- HIST 4650: The French Revolution & Empire, 1789-1815\*
- PHIL 4610: Philosophy of Law
- POL SC 2250: Missouri Politics\*

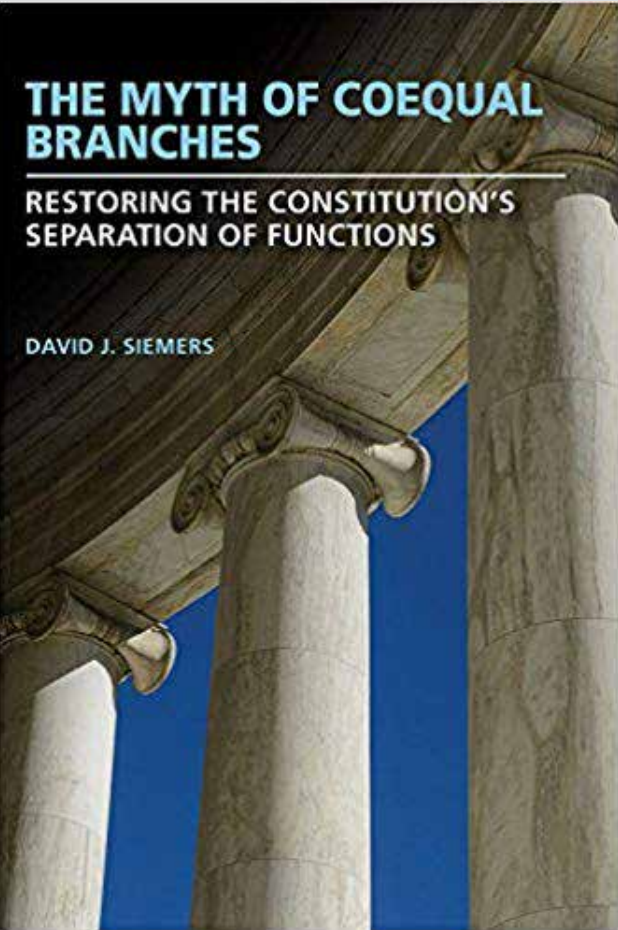
- POL SC 4140: Congress & Legislative Policy
- POL SC 4150: The American Presidency
- POL SC 4190: Elections & Democracy in the United States\*
- POL SC 4390: U.S. Health Care Politics & Policy\*
- POL SC 4540: American Foreign Policies\*
- POL SC 4800: Classical Political Theory
- PUB AF 4001: Ethics & Leadership\*
- BL STU 2425: Race & the American Story
- GN HON 2010: How the Law Recognizes & Defines Property Rights\*
- GN HON 2010: The Presidency & Ethics\*

STUDIES IN CONSTITUTIONAL DEMOCRACY TITLES

The following three titles were published during AY 2018-19 as part of the Kinder Institute’s *Studies in Constitutional Democracy* monograph series with University of Missouri Press. Forthcoming in Fall 2019 are Carl H. Esbeck and Jonathan Den Hartog’s (eds) *Disestablishment and Religious Dissent: Church-State Relations in the New American States, 1776-1833* and Kristopher Maulden’s *The Federalist Frontier: Settler Politics in the Old Northwest, 1783-1840*.

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

David J. 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, Princeton University, author of *Constitutional Construction*

“The functional notion of the separation of powers has never been developed fully and clearly in one book. The fact that Siemers mixes this with an outstanding assessment of the contemporary consequences of our misguided notions of the separation of powers makes this book even more exciting.”  
—Benjamin Kleinerman, Michigan State University, author of *The Discretionary President*

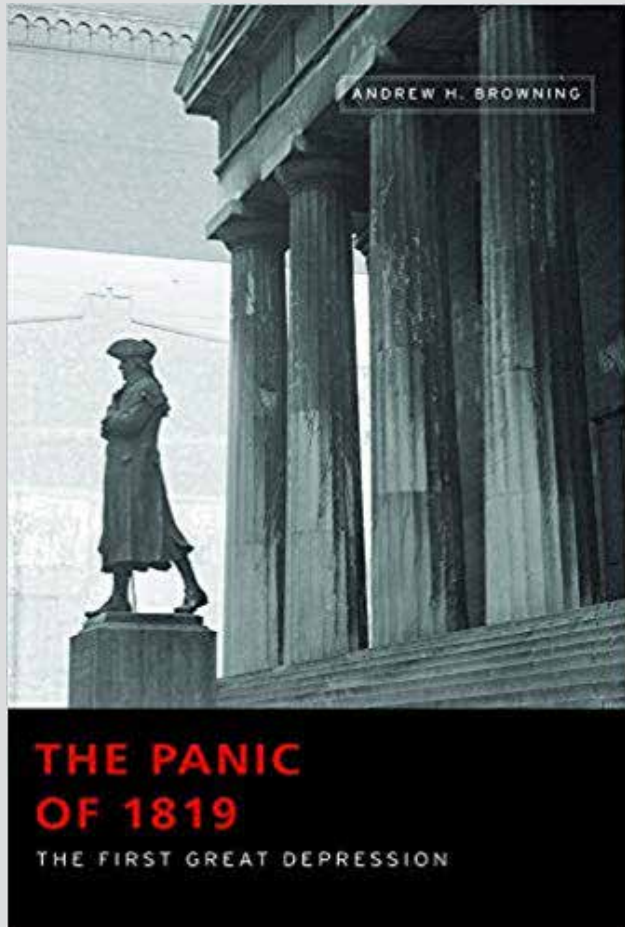
The Panic of 1819: The First Great Depression (February 2019)

Andrew H. Browning

*The Panic of 1819* tells the story of the first nationwide economic collapse to strike the United States. Much more than a banking crisis or real estate bubble, the Panic was the culmination of an economic wave that rolled through the United States, forming before the War of 1812, cresting with the land and cotton boom of 1818, and crashing just as the nation confronted the crisis over slavery in Missouri.

The Panic introduced Americans to the new phenomenon of boom and bust, changed the country’s attitudes towards wealth and poverty, spurred the political movement that became Jacksonian Democracy, and helped create the sectional divide that would lead to the Civil War. Although it stands as one of the turning points of American history, few Americans today have heard of the Panic of 1819, with the result that we continue to ignore its lessons—and repeat its mistakes.





### The Pursuit of Happiness in the Founding Era: An Intellectual History (May 2019)

Carli N. Conklin

Scholars have long debated the meaning of the pursuit of happiness, yet have tended to define it narrowly, focusing on a single intellectual tradition, and on the use of the term within a single text, the Declaration of Independence. In this insightful volume, Carli Conklin considers the pursuit of happiness across a variety of intellectual traditions, and explores its usage in two key legal texts of the Founding Era, the Declaration and William Blackstone’s *Commentaries on the Laws of England*.

For Blackstone, the pursuit of happiness was a science of jurisprudence, by which his students could know, and then rightly apply, the first principles of the Common Law. For the founders, the pursuit of happiness was the individual right to pursue a life lived in harmony with the law of nature and a public duty to govern in accordance with that law. Both applications suggest we consider anew how the phrase, and its underlying legal philosophies, were understood in the founding era. With this work, Conklin makes important contributions to the fields of early American intellectual and legal history.

“Professor Conklin is one of those exceedingly rare and invaluable scholars who unites in a single analysis of the founders’ thought the four traditions that most influenced them—the classical heritage, Christianity, the English legal tradition, and the Scottish Enlightenment—rather than advocate for the primacy of a single heritage. She presents a cogent argument that the glue that held these diverse influences together was their shared conception of ‘the pursuit of happiness.’”

—Carl Richard, University of Louisiana at Lafayette, author of *The Battle for the American Mind: A Brief History of a Nation’s Thought*

“The title of Mr. Browning’s fine and formidable history only hints at its scope. ‘The Panic of 1819’ is, in fact, a political, social, and financial history of the U.S., before, during and after America’s first great depression.”

—*Wall Street Journal*

“A serious work on a vital topic.”

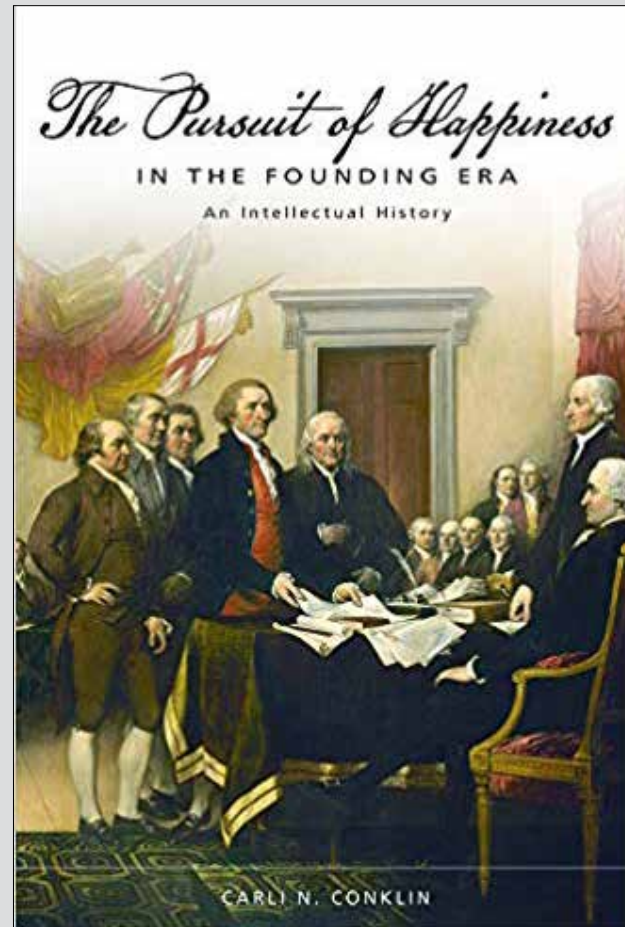
—Daniel S. Dupre, University of North Carolina at Charlotte, author of *Alabama’s Frontiers and the Rise of the Old South*

“Andrew Browning has written a lively and thoroughly-researched account of economic conditions in the decades surrounding the Panic of 1819. As the first comprehensive, book-length consideration of the panic in over fifty years, it is rich and absolutely first rate.”

—William J. Hausman, College of William & Mary, author of *Global Electrification: Multinational Enterprise and International Finance in the History of Light and Power, 1878-2007*

“This is an excellent book on a neglected episode of American economic and financial history—the Panic of 1819—and also on American political and social history in general during, roughly, the first three decades of the nineteenth century.”

—Richard Sylla, New York University, author of *The American Capital Market, 1846–1914: A Study of the Effects of Public Policy on Economic Management*



substituted ‘pursuit of happiness’ for Locke’s ‘property’ in its listing of natural rights.”

—Garrett Sheldon, University of Virginia’s College at Wise, author of *The Political Philosophy of James Madison* and *The Political Philosophy of Thomas Jefferson*

“Few phrases resonate more deeply in US history than ‘the pursuit of happiness.’ When Thomas Jefferson included those words in the Declaration of Independence, in his litany of cherished birthrights, he launched a still-unresolved debate over the precise meaning of the phrase. With this insightful study, Conklin assumes a prominent role in [and] makes an important contribution to an evolving cross-disciplinary conversation. It deserves a broad audience.”

—M.R. Scherer, University of Nebraska-Omaha, author of *Rights in the Balance: Free Press, Fair Trial & Nebraska Press Association v. Stuart*

“Carli Conklin’s study is an original, significant, and well-documented contextualization of ‘the pursuit of happiness’ in the main currents of eighteenth-century British and American legal and political thought, philosophy, and religious thought. It is an important contribution to eighteenth-century intellectual history.”

—Alan Charles Kors, University of Pennsylvania, author of *Naturalism and Unbelief in France, 1650-1729* and *Epicureans and Atheists in France, 1650-1729*

“This is the first full-scale effort to understand the founding-era meaning of the phrase ‘pursuit of happiness’ in the Declaration of Independence. Through a careful analysis of contemporary sources, Carli Conklin demonstrates that the phrase was not simply a placeholder for a right of property, or a rhetorical device without clear substantive content. Instead it was an encapsulation of the view that ‘happiness’ for humans came from a combination of an appreciation of the natural world and a recognition of the place of human agency within it.”

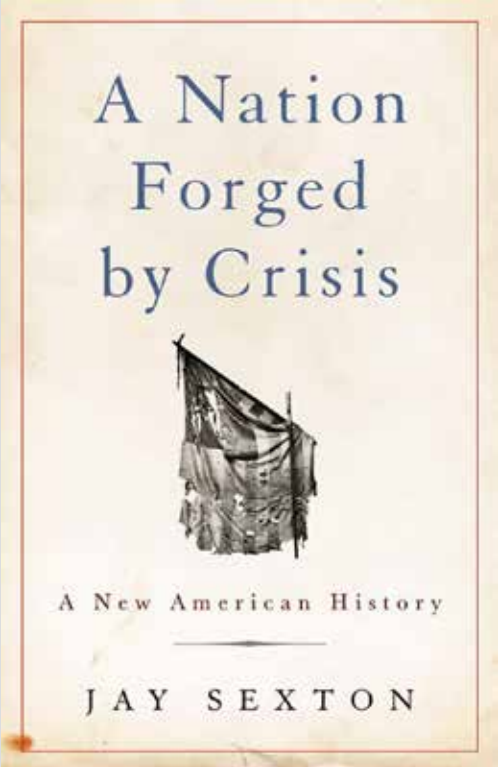
—G. Edward White, David and Mary Harrison Distinguished Professor of Law, University of Virginia, author of *Law in American History, Volume 1: From the Colonial Years Through the Civil War*

“Addresses a perennial question in the scholarly literature as to why Jefferson, in the Declaration of Independence,



FACULTY PUBLICATIONS

Faculty Books



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

\*\*\*Awarded 2018 History Book of the Year by *The World*\*\*\*

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.

“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, University of Illinois, 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 possibilities 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, University of Oxford (Corpus Christi College), author of *Lincoln: A Life of Purpose and Power*

“*A Nation Forged by Crisis* is a superb history of America-in-the-world. Building on the best new work on the crises that have shaped the unpredictable course of American history, Jay Sexton’s provocative synthesis offers fresh perspectives on our own troubled times.”

—Peter Onuf, University of Virginia, coauthor, with Annette Gordon-Reed, of *Most Blessed of the Patriarchs*

“Only a scholar of Jay Sexton’s caliber could write a book that ranges so widely, offers so many keen insights, and is such a pleasure to read—even as it is a sober warning that Americans must remember our connections to the world outside our borders if we wish to navigate the crises that we confront.”

—Eric Rauchway, UC-Davis, author of *The Money Makers*



*Sourcebook of United States Executive Agencies, Second Edition* (Administrative Conference of the United States, December 2018)

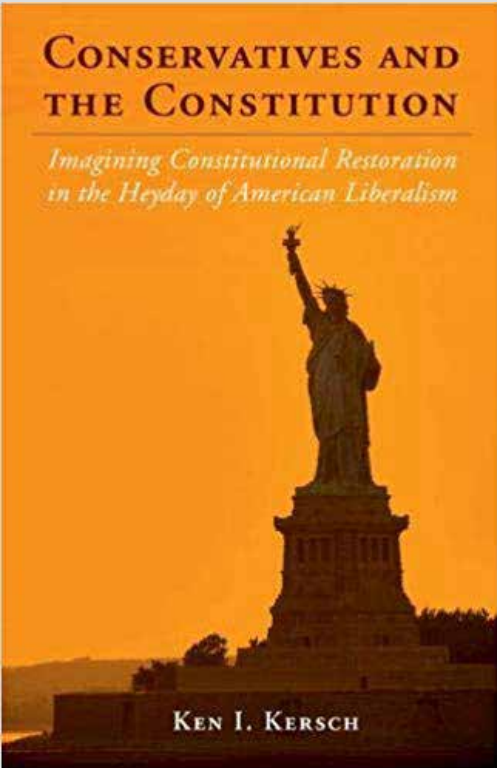
**Jennifer N. Selin and David E. Lewis** (Vanderbilt University)

In December 2018, the Administrative Conference published a second edition of the *Sourcebook of United States Executive Agencies*. The Administrative Conference previously undertook a project to examine the agencies and other organizational entities of the federal executive establishment, including independent agencies, and published the first edition of the *Sourcebook* in December 2012. The *Sourcebook* examines the diverse characteristics of the departments, agencies, and other organizational entities that comprise the federal executive establishment and catalogues a comprehensive set of characteristics for each entity, including structure (e.g., commission or single-head agency, internal organization), personnel (e.g., number and types of appointed positions, limitations on removal), decision-making processes and requirements, political oversight, and sources of funding. The second edition revises and supplements the first edition and accounts for developments since its initial publication by, among other things, expanding the coverage of the *Sourcebook* by identifying bureaus within agencies, accounting for ongoing constitutional debates about agency structure, and addressing the renewed importance of “government-wide legal mandates” in the administrative state.

*Conservatives and the Constitution: Imagining Constitutional Restoration in the Heyday of American Liberalism* (Cambridge University Press, March 2019)

**Ken I. Kersch** (Boston College, completed while a Distinguished Fellow at the Kinder Institute)

Since the 1980s, a ritualized opposition in legal thought between a conservative ‘originalism’ and a liberal ‘living constitutionalism’ has obscured the aggressively contested tradition committed to, and mobilization of arguments for, constitutional restoration and redemption within the broader postwar American conservative movement. *Conservatives and the Constitution* is the first history of the political and intellectual trajectory of this foundational tradition and mobilization. By looking at the deep stories told either by identity groups or about what conservatives took to be flashpoint topics in the postwar period, Ken I. Kersch seeks to capture the developmental and integrative nature of postwar constitutional conservatism, challenging conservatives and liberals alike to more clearly see and understand both themselves and their presumed political and constitutional opposition. *Conservatives and the Constitution* makes a unique contribution to our understanding of modern American conservatism, and to the constitutional thought that has, in critical ways, informed and defined it.



“In this important book, Ken I. Kersch argues that conservative constitutional thought emerged from multiple streams that competed before conservatives gained political power in the 1980s and coalesced around originalism. Kersch offers a fascinating story of conservatives of all stripes arguing about how to rescue the Constitution from the scourge of liberalism and restore the country to its past greatness.”

—Jack M. Balkin, Yale University

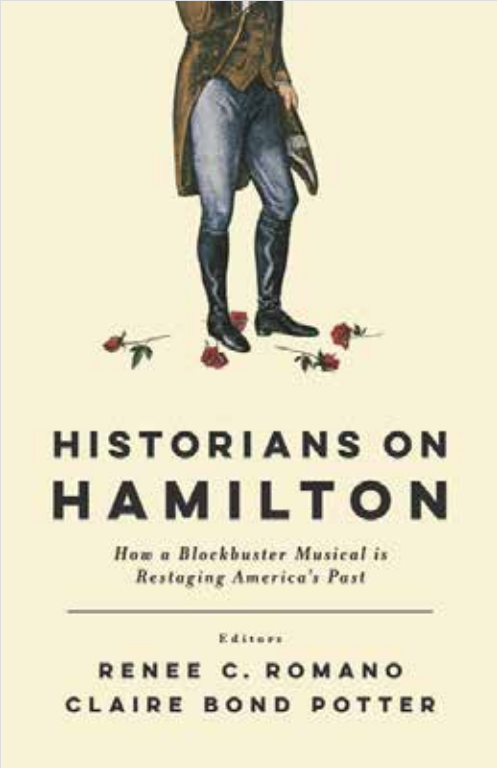


“Engagingly told, richly documented, *Conservatives and the Constitution* argues convincingly that the modern constitutional conservative movement was built over decades via multiple reinforcing stories of how America has declined, because it has abandoned the commitments to transcendental, indeed divine justice on which conservatives say it was founded. Liberals and progressives should take note if they wish to persuade at least some of those who doubt them that justice, as well as history, are on their side.”  
—Rogers M. Smith, University of Pennsylvania

“In the age of Trump, it’s nearly impossible to remember the visceral thrill that conservative ideas gave those of us who first encountered them in the 1980s. Ken I. Kersch skillfully reconstructs the deep sources of these ideas, how different forms of conservatism cross-pollinated each other, and how they all were shaped by the modern activist state they deplored. America needs a thoughtful conservatism again, and there’s no better place to start in reconstructing it than with Kersch’s magnificent work.”  
—Steven Teles, The Johns Hopkins University

*The Pursuit of Happiness in the Founding Era: An Intellectual History* (University of Missouri Press, April 2019)  
**Carli N. Conklin**  
See 2018-19 *Studies in Constitutional Democracy* Titles for a description of and praise for Prof. Conklin’s recent book.

*Book Chapters*



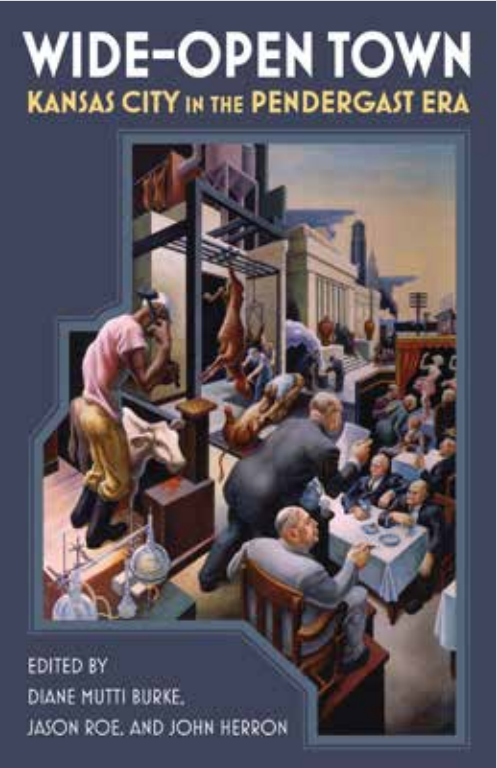
“‘Hamilton’ as Founders Chic: A Neo-Federalist, Antislavery, Usable Past?” in *Historians on Hamilton: How a Blockbuster Musical is Restaging America’s Past*, eds. Renee C. Romano and Claire Bond Potter (Rutgers University Press, May 2018)  
**Jeff Pasley** (with **David Waldstreicher**)

America has gone *Hamilton* crazy. Lin-Manuel Miranda’s Tony-winning musical has spawned sold-out performances, a triple platinum cast album, and a score so catchy that it is being used to teach U.S. history in classrooms across the country. But just how historically accurate is *Hamilton*? And how is the show itself making history?

*Historians on Hamilton* brings together a collection of top scholars to explain the *Hamilton* phenomenon and explore what it might mean for our understanding of America’s history. The contributors examine what the musical got right, what it got wrong, and why it matters. Does *Hamilton*’s hip-hop take on the Founding Fathers misrepresent our nation’s past, or does it offer a bold positive vision for our nation’s history? Can a musical so unabashedly contemporary and deliberately anachronistic still communicate historical truths about American culture and politics? And is *Hamilton* as revolutionary as its creators and many commentators claim?

“*Historians on Hamilton* is an erudite and accessible scholarly consideration of the Broadway phenomenon that created an Alexander Hamilton palatable for our times. An indispensable work for all interested in the founding and contemporary racial politics”  
—Annette Gordon-Reed, Harvard University, author of *The Hemingses of Monticello*

“Think of this as a how-to manual for scholars to use the brilliance of *Hamilton* to teach about the incredibly complex power dynamics of early America.”  
—Gautham Rao, American University, author of *National Duties*



“Big Deal in Little Tammany: Kansas City, the Pendergast Machine, and the Liberal Transformation of the Democratic Party,” in *Wide-Open Town: Kansas City in the Pendergast Era*, eds. Diane Mutti-Burke, Jason Roe, and John Herron (University Press of Kansas, November 2018)  
**Jeff Pasley**

Kansas City is often seen as a mild-mannered metropolis in the heart of flyover country. But a closer look tells a different story, one with roots in the city’s complicated and colorful past. The decades between World Wars I and II were a time of intense political, social, and economic change—for Kansas City, as for the nation as a whole. In exploring this city at the literal and cultural crossroads of America, *Wide-Open Town* maps the myriad ways in which Kansas City reflected and helped shape the narrative of a nation undergoing epochal transformation.

During the interwar period, political boss Tom Pendergast reigned, and Kansas City was said to be “wide open.” Prohibition was rarely enforced, the mob was ascendant, and urban vice was rampant. But in a community divided by the hard lines of race and class, this “openness” also allowed many of the city’s residents to challenge conventional social boundaries—and it is this intersection and disruption of cultural norms that interests the authors of *Wide-Open Town*. Writing from a variety of viewpoints, the contributors take up topics ranging from the 1928 Republican National Convention to

organizing the garment industry, from the stockyards to health care, drag shows, Thomas Hart Benton, and, of course, jazz. Their essays bring to light the diverse histories of the city—among, for instance, Mexican immigrants, African Americans, the working class, and the LGBT community before the advent of “LGBT.”

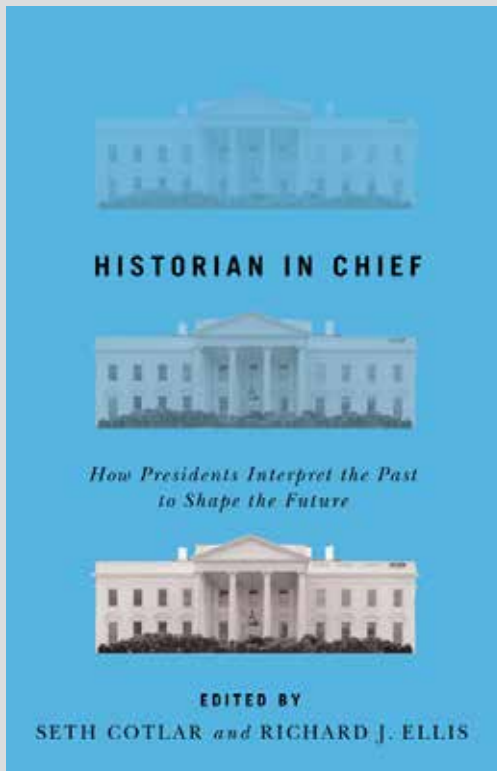
“From the North End to the Country Club District, from the West Bottoms to the downtown skyscrapers—*Wide-Open Town*’s contributors and editors prowl the corners of one of the nation’s most vital cities during that long interwar moment when Kansas City’s politics and culture fused to form a unique mix of idealism, conflict, and possibility. The story that emerges from their essays is essential not just for those who know and love this city but for anyone seeking freshy insight into the roots of late-twentieth century metropolitan America.”  
—Eric T. Sandweiss, Indiana University, author of *The Day in Its Color: Charles Cushman’s Photographic Journey through a Vanishing America*

“Profiles in Triangulation: John F. Kennedy’s Neoliberal History of American Politics,” in *Historian in Chief: How Presidents Interpret the Past and Shape the Future*, eds. Seth Cotlar and Richard J. Ellis (University of Virginia Press, April 2019)  
**Jeff Pasley**

Presidents shape not only the course of history but also how Americans remember and retell that history. From the Oval Office they instruct us what to respect and what to reject in our past. They regale us with stories about who we are as a people, and tell us whom in the pantheon of greats we should revere and whom we should revile. The president of the United States, in short, is not just the nation’s chief legislator, the head of a political party, or the commander in chief of the armed forces, but also, crucially, the nation’s historian in chief.

In this engaging and insightful volume, Seth Cotlar and Richard Ellis bring together top historians and political scientists to explore how eleven American presidents deployed their power to shape the nation’s collective memory and its political future. Contending that the nation’s historians in chief should be evaluated not only on the basis of how effective they are in persuading others, *Historian in Chief* argues that they should also be judged on the veracity of the history they tell.





“A wonderful and timely book. In a superb opening essay, Cotlar and Ellis argue that presidents act as historians: they shape the collective memory of the American past. The contributors explore something genuinely important: how presidents, from George Washington to Barack Obama, drew on the past to shape the present. Presidents regularly reread American history to guide their administrations and persuade Americans about the path forward. A great read for scholars interested in the past and citizens concerned about the future.”

—James A. Monroe, Brown University, author of *The Devils We Know: Us and Them in America's Raucous Political Culture*