

FALL 2022

The COLUMNS

DISPATCHES FROM THE 4TH FLOOR



Recent Kinder graduate Paul Odu speaking at the November gift announcement

“Kinder has shown me just how much possibility is out there, but also how many problems need to be solved with respect to political fracture, with respect to economic uncertainty, with respect to a lack of social cohesion across the United States.” This stark truth—illuminated by Mizzou senior **Paul Odu**—underscores just how monumental a day Tuesday, November 1, 2022, was for the Kinder Institute.

Speaking to a standing room-only audience in the Jesse Hall rotunda, MU Provost **Latha Ramchand**, MU Chancellor and UM System President **Mun Choi**, KICD Director **Jay Sexton**, Odu, and Kinder Foundation Chairman **Rich Kinder** all emphasized the degree to which, around the globe, constitutional democracy is on the ropes. The point, however, was not to cast a pall but rather to double-down on a commitment to promote civic education that was first stoked in 2014. Thanks, yet again, to the generosity of **Rich and Nancy Kinder** and the Kinder Foundation of Houston, Texas, we’ll be able to continue to grow our slate of programs which, each in their own way, push back against the divisive forces in today’s world by arming the next generation of leaders with a nuanced understanding of the ideas, events, and institutions that define a healthy political society. The Kinder Foundation’s most recent gift of \$25 million, which was announced on November 1, will allow us, among other things, to expand our faculty ranks; build out our longstanding collaboration with the MU Honors College; and add a second, 20-student cohort to our summer program in D.C.

Which is all to say that it’s time for us to get back to work. Stay tuned.

In a million years, we never anticipated writing this story, but Joe Montana became a Chief, Lindsey Buckingham and Stevie Nicks went their own ways, and after nine years as founding Director of the Kinder Institute, Justin Dyer has stepped down to head the Civitas Institute, a new center...

— SEE STORY ON PAGE 3



New Kinder Director Jay Sexton and former Director Justin Dyer

JUSTIN DYER’S DEPARTURE

NEW KINDER HIRES

D.C. SCHOLARS RECAP

COLLOQUIUM SUMMARIES



Kinder Institute on
Constitutional Democracy
University of Missouri

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FACULTY & GRADUATE STUDENTS

A FAREWELL TO JUSTIN DYER (CONT'D)

...at the University of Texas at Austin devoted to the study of the foundational principles of a free and enduring society. The move brings Justin and his family back to his grad school stomping grounds, and while he'll leave unfillable shoes, we couldn't be happier for him.

While we could compose a whole newsletter of accolades for Justin, a pair of Kinder Institute alumni in the Missouri State Legislature, **Bishop Davidson** and **Travis Fitzwater**, went and outdid us before we could put pen to paper, passing a House Resolution in Justin's honor on Friday, May 13, in Jefferson City. In fairness, their words likely trump whatever we would have come up with, so it's a fitting farewell to quote from their congratulations:

"Whereas, the members of the Missouri House of Representatives proudly pause to recognize Justin Dyer, who has distinguished himself as an academic, teacher, intellectual, athlete, mentor, friend, father, and husband; and...

Whereas, Professor Dyer is the author or editor of several books and has also published many articles and review essays in leading scholarly journals and has taught and impacted countless pupils who hold him in the highest regard for his academic competency, intellectual curiosity, and irreproachable character; and...

Whereas, providing lasting mentorship and exemplifying friendship, Justin Dyer embodies loyalty, humility, good humor, and phileo love toward his fellow man and is counted by many as both esteemed mentor and good friend; and...

Now, therefore, be it resolved that we, the members of the Missouri House of Representatives, One Hundred First General Assembly, join in extending our most hearty congratulations to Justin Dyer at this proud moment of well-deserved distinction; and...

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Justin Dyer."

His departure—along with that of **Allison Smythe**, for so many years the artistic and organizational backbone of the Kinder Institute who followed Justin to UTA—meant some office shuffling in Jesse Hall. **Jay Sexton** shifted over to the Director's suite, and **Carli Conklin** moved in next door as the Institute's new Associate Director. And while he's staying in his office-slash-library, **Jeff Pasley** will be working under the new title of Kinder Institute Chair of Early American History.

And as we've seen time and again, faculty going means faculty coming in, so see p.5 for news about new scholars who will be joining us in AY 2023-24.



Former Kinder Director Justin Dyer with former Kinder student Bishop Davidson (MO state rep.; left) and current student Travis Fitzwater (MO. state senator; right)

NEW LEADERSHIP



JAY SEXTON, DIRECTOR

Jay Sexton is the Kinder Institute Director and a Professor of History and Constitutional Democracy. Sexton started in Oxford as a grad student Marshall Scholar and worked his way up to being Director of the Rothermere American Institute and, upon his departure, being elected to the honorary title of Distinguished Fellow. Sexton specializes in the political and economic history of the nineteenth century. His research situates the United States in its international context, particularly as it related to the dominant global structure of the era, the British Empire. He is the author of *Debtor Diplomacy: Finance and American Foreign Relations in the Civil War Era, 1837-1873* (Oxford, 2005; 2nd ed. 2014) and *The Monroe Doctrine: Empire and Nation in Nineteenth-Century America* (Hill and Wang, 2011). He also has published two major collaborative projects: *The Global Lincoln* (co-edited with Richard Carwardine, Oxford, 2011) and *Empire's Twin: U.S. Anti-Imperialism from the Founding to the Age of Terrorism* (co-edited with Ian Tyrrell, Cornell, 2015). His newest book, *A Nation Forged by Crisis: A New American History*, was published in October 2018 from Basic Books.

Currently, Sexton is at work on a book that explores how steam infrastructure conditioned the connections and relations between the United States and the wider world in the second half of the nineteenth century. He also is co-editing the second volume of Cambridge University Press' Cambridge History of America and the World with Prof. Kristin Hoganson of University of Illinois, and the two are additionally working on a collaborative project on "transimperialism"—the crossings and intersections between empires in the nineteenth century.



CARLI N. CONKLIN,

Associate Professor of Law and Kinder Institute Associate Professor of Constitutional Democracy Carli N. Conklin is the Kinder Institute Associate Director. Conklin's research interests are in early American legal and intellectual history. She received her J.D./M.A. through the University of Virginia's Dual Degree program in American Legal History, where her Master's thesis on state court treatment of arbitration in early America was awarded the School of Law's Madeleine and John Traynor Prize for Outstanding Written Work. After several years of teaching at the undergraduate level, Conklin returned to UVA for her Ph.D. in History, focusing her research on the historical meaning of the pursuit of happiness in the Declaration of Independence. Conklin's work has been published by the peer-reviewed *American Journal of Legal History* (2006), The Ohio State University School of Law's *Journal on Dispute Resolution* (2013), the University of Missouri School of Law's *Journal of Dispute Resolution* (2016), and *Washington University Jurisprudence Review* (2015). Her recent book on the topic, *The Pursuit of Happiness in the Founding Era: An Intellectual History* (2019), was published through the Kinder Institute's Studies in Constitutional Democracy monograph series with the University of Missouri Press and was the recipient of a 2019 Outstanding Academic Title award from Choice, a division of the Association of College and Research Libraries.

NEW FACULTY HIRES

We were lucky enough to add two elite historians to our faculty ranks during the Fall 2022 semester. **Billy Coleman**, the Grover Cleveland of postdocs, having served non-consecutive terms in that position over the course of the last half decade, became our first joint hire with the MU Honors College and will be tasked

among other things, with breaking ground on the new social science sequence mentioned in the cover story. In addition, **Marcus Nevius** will head from the East Coast to the Midwest to take on the role of Associate Professor, jointly appointed at the Kinder Institute and in the MU Department of History. Bios for Profs. Coleman and Nevius are below, and there are more coming in the next edition of *The Columns*. When this went to press, we were in the final stages of completing a fall search for a new Assistant Professor of Constitutional Democracy and Political Science, and we hope to find Billy's Poli Sci counterpart—also to be jointly appointed with the Honors College—during the spring.



BILLY COLEMAN

Billy Coleman completed his Ph.D. in History at University College London, and he is the author of *Harnessing Harmony: Music, Power, and Politics in the United States, 1788-1865* (University of North Carolina Press, 2020). His research has appeared in *Journal of Southern History* and the *Journal of the Early Republic*, and he served for the past half decade as the North American-based Book Reviews Editor for the peer-reviewed journal, *American Nineteenth Century History*. In addition to two stints as a Postdoctoral Fellow in U.S. Political History at the Kinder Institute, he has held posts as a Postdoctoral Research and Teaching Fellow at University of British Columbia in Vancouver and as a doctoral exchange student at Yale University, as well as instructorships at Queen Mary University of London and University of Portsmouth.

His current book project, *Making Music National in a Settler State*, explores the transnational origins of national music in the United States, Canada, New Zealand, and Australia, where Billy was raised and did his undergraduate education, earning a B.A. with

honors and the University Medal from University of New South Wales.

In his new position, housed in the Department of History, Billy will serve as an Assistant Teaching Professor at the Honors College and the Kinder Institute, directing the Kinder Institute Democracy Lab for first-year students and coordinating the new “Revolutions and Constitutions” social science course sequence in the Honors College.



MARCUS NEVIUS

A scholar whose research and teaching interests cover the histories of African Americans, slave resistance, slavery-based economies, and abolition during the Age of Revolutions (1775-1848), **Marcus Nevius** earned his B.A. and M.A. in History from North Carolina Central University and his Ph.D. from The Ohio State University. Before joining the Mizzou faculty, he was an Associate Professor of History at University of Rhode Island, with a joint appointment in the Africana Studies program. His first book, *City of Refuge: Slavery and Petit Marronage in the Great Dismal Swamp, 1763-1856*, was published in 2020 as part of the University of Georgia Press' *Race in the Atlantic World* series. His article on “New Histories of Marronage in the Anglo-Atlantic World and Early America” was published in *History Compass*, and his book reviews have appeared in *William & Mary Quarterly*, *Journal of African American History*, *Journal of Southern History*, and *H-Net Civil War*. Marcus' research has been supported by numerous organizations, including the William L. Clements Library at University of Michigan, the Fred W. Smith National Library for the Study of George Washington at Mount Vernon, the Virginia Historical Society, and the Special Collections Research Center of the Earl Gregg Swem Library at the College of William & Mary. He joins the Kinder Institute and MU History Department as an Associate Professor of History and Constitutional Democracy.

UNDERGRADUATE

The news from AY 2021-22 graduates about what they're doing post-Mizzou continued to pour in throughout the summer, so to update what we shared in the Spring 2022 newsletter: 2021 Kinder Scholar **Emily Lower** is heading to Boston to serve as America Votes' National Data Coordinator; 2021-22 Fellow **Becca Newton** will be designing newspapers in Madison, WI, for Lee Enterprises; and continuing what's becoming a trend of KICD alum studying overseas, **Claire Wilkins** (2020-21 Fellow, 2021-22 Residential College PLA) will be crossing the Atlantic to pursue an MSt in English Literature at Cambridge.

And right before the semester ended, 2021 Kinder Scholar **Venkatesh Satheeskumar** stopped by the fourth floor of Jesse to let us know not only that he'd accepted a spot in Washington University's MPH program (with a focus in health policy) but also that his time in D.C. with the Scholars helped point him in that direction. We couldn't *not* find out more about this, and he was gracious enough to spend a little time explaining how and why the summer in D.C. was such an impactful experience.

ALUMNI TESTIMONIAL

"HOW I FIGURED OUT WHAT WAS NEXT" VENKATESH SATHEESKUMAR

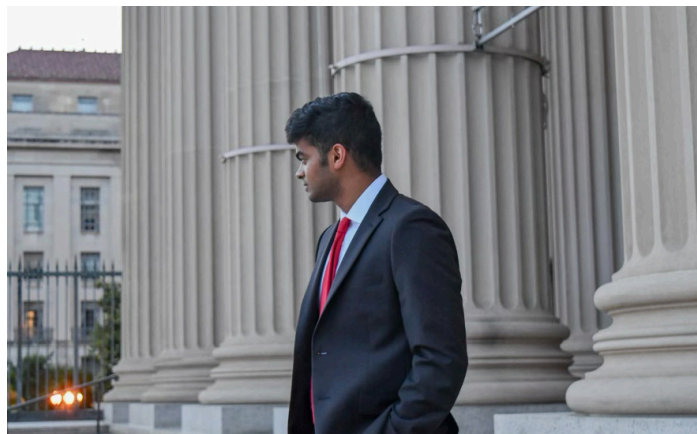
Coming to college, I decided I would pursue becoming a physician. For a long while, I focused a lot on being the perfect pre-medical student, going through the same motions every one of my peers did (e.g., volunteering, shadowing, clinical experience). I adhered to a pre-determined path and never considered my own interests within the healthcare field.

I had taken a few electives regarding the healthcare system in the United States, along with the general public health concepts course, and thought these topics riveting. I wondered why studying healthcare systems and cultivating health policy understanding weren't part of a required pre-med curriculum. I found myself wanting more.

An older student [*Ed. Note: Thanks, Jane Kielhofner!*] had previously mentioned the Kinder Institute and the D.C. Summer Program to me, so I ended up applying and receiving a spot. Even though this wasn't a part of the mold I tried so hard to fit, I was excited. I went to D.C. in the summer of 2021 and interned at one of the most revered organizations in the field of health policy, the Kaiser Family Foundation.

This internship opportunity, paired with a variety of guest speakers throughout the summer, sparked a new interest in me. I found myself gaining more and more understanding of the complexities of our healthcare system and what drove disparities in life expectancy or mortality rates. I had spent so much time thinking about the individual level of patient care, but never stopped to think about how understanding the role of legislation and policy in the field could assist my delivery of healthcare as a provider.

I am still confident in my decision to pursue clinical medicine. However, I decided after the Kinder Scholars Program concluded that I would pursue a Master's in Public Health first. Without D.C., I wouldn't have strayed from the set path I had followed for so long.



*Venkatesh Satheeskumar,
2021 Kinder D.C. Scholar*

KINDER SCHOLARS D.C. SUMMER PROGRAM WRAP-UP

A recurring fall feature for *The Columns*—and always one of the most fun to put together—our students who spent June and July in D.C. as part of the Kinder Scholars Program were yet again kind enough to take some time out of their final days in the nation's capital to reflect on the summer. A delightful array of answers follows, so read on for more on favorite readings, enduring memories, and future plans!

Kinder Institute: Most impactful reading (for class or not for class) you did this summer and why?

Jack Kunkel: The readings preceding Jordan's lecture on the history of public spaces unexpectedly struck a chord with me. I read them following our feminist history tour and after the Supreme Court's decision in *Dobbs*, which left my friends and I filled with complicated emotions. The readings were a surprising way to process them, but they helped me put my relationship with our monuments and government in perspective at a moment when I was especially at odds with what they represented.

Maddie Reiser: The reading for Professor Bennett's lecture was the most impactful to me. The first reason is because I plan on going to law school, so working through Supreme Court opinions was really interesting. More than that, though, was that it was the reading that stumped me the most. When considering institutional integrity and trust, I would get through a part of the reading and think my mind was made up, only to continue on and have my thoughts thrown into disarray once again. While they can be frustrating, I love readings and discussions like this because they force you to constantly think about and update your opinions.

Leah Glasser: Sally Rooney's *Conversations with Friends*, which I read faster than any book I've ever read, jumps out. Most people really despise Frances, the main character. I frequently found similarities between myself and Frances while reading, but I also hated Frances. I realized that the way she acted was very similar to how I acted in previous eras of my life. It was interesting to read a book with a main character who reflected me in a bit more personal way than



2022 Kinder D.C. Scholars cohort

other characters. I think it helped me acknowledge my growth and also embrace my flaws.

Jackson Bailey: The most impactful reading I did this summer was the preface of *Monument Wars* by Kirk Savage. This reading confronted the complexity of public history and physical spaces. In the future, I will continue to ponder how institutions should promote a public history that acknowledges the United States' shortcomings while also creating a unifying narrative.

KICD: Most rousing class discussion and why?

JK: Professor Bennett's lecture dived deep into the fascinating complexities of constitutional law and the Supreme Court. I felt that his teaching led us to ask interesting questions and develop our own beliefs more thoroughly.

LG: I personally loved Jordan Pellerito's class. She had a beautiful way of questioning us that got us all talking. Her seminar was accessible and it was a bit meta (what is the meaning of meaning), a characteristic of discussions that I adore!

JB: The most rousing class discussion took place during our visit to Monticello. Following a rich physical experience touring the site, all Scholars engaged in a conversation centered around the complexity of Jefferson's world. The combination of both physical and intellectual discovery offered a productive environment for dialogue.

KICD: When, during the field trips, did history and place collide most fruitfully for you?

JK: It has to be the Tour of Her Own and its intersection with the *Dobbs* decision. Learning about the feminist movement and odyssey to secure bodily autonomy collided with the world in ways much too real.

LG: During the women's history field trip with Dr. Rymph, we were at the FDR Memorial, about to round the corner to see Eleanor, when we heard the news of the *Dobbs* decision. I will never forget the significance of that day.

MR: I would say Gettysburg or Harper's Ferry were times when history and place intersected the most for me. There was just something about walking through the sites and seeing the buildings so similarly to how the people of the Civil War-era would've seen them. You are quite literally surrounded by history on all sides.



2022 Kinder D.C. Scholars cohort at Harper's Ferry

KICD: Favorite Jordan Pellerito memory?

JK: I really enjoyed Jordan's lecture. She did a great job of bringing in a refreshing teaching style that was different from the professors' and guest lecturers' we had otherwise.

MR: We were standing knee-deep in the Shenandoah River and Jordan said that she could feel John Brown in the air. It was just so unexpected and funny, I loved it.

LG: I was dabbling in becoming vegan this summer. That meant that at times Jordan and I would share dishes when we went to restaurants. At Han Palace, a new dim sum place that opened up in the neighborhood, we split this crispy tofu. It was so incredible, and I was just grateful to have had someone to share the flavor experience with!

KICD: A time when you felt most like a resident of D.C. and *not* like a student just spending a summer there?

JK: The protest at the Supreme Court, for sure. Also, whenever I remembered not to block the walkers on the Metro escalators.

MR: I often felt this way when I was doing super mundane things—walking home with groceries, sitting on the mall reading, or sitting in my living room watching movies with my roommates. It was the quiet moments when I had nothing else to do and was just existing that I felt most like a D.C. resident.

LG: I had the opportunity to go to NYC twice this summer to visit some friends from my hometown. Coming back into the city, getting off the bus with my headphones in, and heading right to the Metro station made it seem like I was home, returning to my everyday life after vacation.

JB: A time when I felt most like a resident of D.C. was when I reconnected with friendships from my time previously working on the Hill. Returning to friendly faces and further developing those bonds made me feel as though I was a member of the community.

KICD: #1 highlight from your internship?

JK (National Academy of Public Administration): I was able to attend a panel discussion with the team I was working with that included a bunch of bureaucracy employees in the Department of Justice. It was really eye-opening getting to see how they communicate, both formally and informally, from an internal perspective.

MR (International Bar Association): My #1 internship experience was when I had lunch with two people who served on the international tribunals for Rwanda and the Former Yugoslavia. One served as a judge and the other as chief prosecutor. My favorite part of the lunch was how normal our conversations were. These were two incredibly accomplished individuals, yet we talked about our favorite Netflix shows and they recommended some good movies to me and the other interns. It was a really strange experience, but definitely one of my favorites of the summer.

LG (Prison Journalism Project): This internship has been so incredibly interesting. Some days it is physically hard because of the trauma I am reading about. Other days feel monotonous, similar to other jobs I've had in the past. The best part of the experience has been feeling like my input is really wanted and valued. Since I am working for a relatively new nonprofit, they treat the interns like they would full-time staffers in terms of including us in meetings and looping us in on challenges and issues that need answers. I love that I have been able to critique some things I've seen and have those critiques be welcomed.

JB (Senator Roy Blunt/Senate Budget Committee): My number one internship accomplishment was making excellent connections. While most of the connections were made by coincidence, I learned that being in the right place at the right time opens doors to your future.

KICD: Did the internship experience confirm—or maybe even wonderfully discombobulate—what you envision doing after college?

JK: It has done nothing but open doors for me. There are a million paths to take, almost invisible until you step onto them, and my internship experience has revealed many, many more.

LG: Yes, I think...? Being around all of these people who are super excited for an intensely corporate lifestyle has made me realize a couple of things. First, it's wonderful that they are fulfilled by this. Secondly, this is not where I desire to be or the life I hope to live. I love New York and think I would spend a couple years of my life there. But after that, I'm small-town bound. I like how the days pass in the country. The green fields that go on for miles dance in my dreams...I used to want to be in a big city, but the pandemic changed me. It made me want to live slower. It made me want to be creative...Realizing this made the summer a truly amazing experience. I am so glad I've learned what I have about myself and the space I see myself taking up in the world.

JB: My internship undoubtedly confirmed what I envision doing after graduation. While I was reaffirmed about my future goals, I came to the valuable realization that my journey to those goals will be unpredictable in ways.

While planning is warranted, it is always important to live in the present, day by day. Life is too short to do otherwise.

KICD: When you shut your eyes after you get back to Columbia, you'd be sitting/standing/walking where in D.C.?

JK: On a bench in Rock Creek Park, watching the light of the sun slowly fade into night sky.

LG: Walking down 18th Street in Adams-Morgan during sunset. It's full of people, my age and a little older. They all look cool with their hip clothes and tattoos—figuring out where to go next. This street makes me feel alive.

JB: When I shut my eyes after returning to Missouri, I will find myself sitting on a bench in front of the United States Capitol. When gazing upon that beautiful dome, I would reflect upon my time in the nation's capital. While controversy and complexity are in no short supply in our history, my respect and admiration for our nation's institutions allow me to remain hopeful that the United States will not default on its promissory note to life, liberty, and the pursuit of happiness.



*2022 Kinder D.C. Scholars cohort at
Thomas Jefferson's Monticello*

9TH ANNUAL SOCIETY OF FELLOWS CONFERENCE

The unofficial kickoff to the Kinder Institute's academic year, our annual Society of Fellows Summer Conference, took place August 8-11 at the familiar stomping grounds of the Tiger Hotel. It's always an intellectually rollicking couple days and there are always new wrinkles here and there—most notable this time around was a deeply competitive game of constitutional democracy trivia hosted over Shakespeare's dinner by the good people at the Missouri Debate Union—so for anyone keeping track at home, here are the sessions that this year's Fellows attended (sans recaps, sadly, now that our regular reporter also coordinates the conference).

Session 1: "These Principles: Science, Theology, and 'the rights of human nature' in Early America," with Kinder Institute Associate Director **Carli Conklin**

Session 2: "Federalists vs. Anti-Federalists," with MU Professor of Political Science **Jay Dow**

Session 3: "The Purpose of Place," with MU History Ph.D. Candidate and Kinder Institute Program and Multimedia Marketing Coordinator **Jordan Pellerito**

Session 4: "The Monroe Doctrine at 200," with Kinder Institute Director **Jay Sexton**

Session 5: "Benjamin Franklin and the Origins of American Music," with Kinder Institute Postdoctoral Fellow in Political History **Billy Coleman**

Session 6: "A Latin American Marxism: José Carlos Mariátegui and Peru," with MU Associate Professor of History **Robert Smale**

Session 7: "Persecution and the Art of Writing," with Political Science Director of Undergraduate Studies and Kinder Institute Teaching Professor **Rudy Hernandez**

Session 8: "Democracy from other Views," with **Virgil Hayes** (MU Ph.D. Candidate, Communication), **Angela Catalano** (MU Ph.D. Candidate, CAFNR/Water Conservation), and **Faramola Shonekan** (True/False Director of Education and Community Outreach)



2022-2023 Fellows in session



2022-2023 Society of Fellows Cohort



2022-2023 Fellows in session with Kinder Associate Director Conklin

KINDER UNDERGRADS OUT AND ABOUT

When we sing the praises of our undergrads, it's often for campus awards won, or grad school acceptances accepted, or post-college jobs taken. All worthy of praise, to be sure, but we've been remiss in the past to not spotlight some of the week-to-week activities that our students are thriving in, which is what we want to do here.

The Model UN team, one of many flourishing programs under the umbrella of Poli Sci Prof. **Bill Horner's** Office of Participatory Democracy, headed to a national tournament in Chicago the weekend before Thanksgiving and emerged the most decorated team there. Among those taking home honors were **Trey Trapani** (Kinder Institute Residential College, BA) and **Luke Pittman** (Society of Fellows, BA) who made up half of the tournament's top delegation.



*Mizzou Model U.N. team
(courtesy of Dr. Bill Horner)*

Pittman, **Aravind Kalathil** (Fellows), and **Paul Odu** (Fellows, Kinder Scholars D.C. Summer Program, Oxford Fellow, BA) organized a packed semester for the Missouri Debate Union, hosting a lecture on anti-trust law with MU Law Prof. **Thom Lambert**, an interview and open Q&A with former Columbia Mayor **Brian Treece**, and, of course, their biannual forum debate on the resolution "This House Believes the U.S. Should Commit to Taiwanese Independence from China."

The Mock Trial Team, which is full of KICD undergrads, has been as successful as they've been busy this semester. The Varsity Squad/Gold Team, which includes **Emily Reed** (Residential College, BA), ranked at three tournaments in the fall:

at University of Minnesota, University of Iowa, and Illinois State University, where the Freshman Squad/White Team also ranked, thanks to the efforts of **Autumn Slingerland** (Residential College, BA), **Ryan Brazzle** (Residential College), **Elise Milburn** (Residential College Alum, Fellows, BA), and **Isaac Yontz** (Residential College Alum, Fellows, BA), who also took home Outstanding Attorney Awards at Illinois State and Minnesota.

And while this isn't at all a complete list of other notable fall happenings, **Quinn Sheppard** (Residential College Alum, Fellows, BA) has been doing wonderful work as an intern with the State Historical Society of Missouri's Oral History project; **Bailey Martin** (Residential College Alum, Fellows, Kinder Scholars, BA) led the charge for flex attendance on Election Day as ASUM's Legislative Director; **Addie Von Drehle** (Kinder Scholars, BA) aced her first term at Corpus Christi College as this year's Oxford Fellow; and **Cole Bower** (Residential College Alum, Fellows, BA) led a successful campaign for soon-to-be State Representative Doug Mann (MO-50).



*Mizzou Mock Trial Team
(courtesy of their Instagram)*

FRIDAY COLLOQUIUM SERIES

After back-to-back semesters of regular programming *and* pandemic-related make-up dates, the pace of talks returned to something slightly below “breakneck” in Fall 2022. In addition to the following colloquia, we hosted our annual Constitution Day Lecture (see pp. 21-23) on September 15, and on November 14, we headed down I-70 to the World War I Museum (without our intrepid recapper, unfortunately) where Oxford Professor **Martin Conway** delivered our inaugural Kansas City Alumni Lecture on “Europe’s New Postwar Era: After the War in Ukraine.”



Martin Conway delivering the Kansas City Alumni Lecture on ‘Europe’s new postwar era’

And as always, we hosted our standard home-and-away pairing of MRSEAH meetings, with participants gathering in Columbia on September 30 to discuss American University Professor **Sarah Snyder’s** paper, “The Significance of American Expatriates, Identity, and Overseas Institutions on U.S. Foreign Relations,” and on November 18 in St. Louis to workshop “Reinventing the West: The State of Franklin, Secessionism, and the New Constitution,” the first chapter from longtime friend of the Kinder Institute, MRSEAH co-convenor, and University of Illinois-Springfield Associate Professor **Ken Owen’s** current book project on the extensive history of non-Confederate secession movements in the United States.

One final note before we get to the recaps: If anything that follows catches your fancy, by all means visit the Kinder Institute YouTube page where recordings of all colloquia are housed.



BIRTH CONTROL LAW AND REFORM IN THE AGE BEFORE ROE

Kennesaw State University Assistant Professor of
History **Lauren MacIvor Thompson**

If the leak of the *Dobbs* decision was a surprise, the ruling was anything but. As Kennesaw State’s **Lauren MacIvor Thompson** noted in introducing her September 2 talk at the Kinder Institute, the rolling back of *Roe* was entirely consistent with how the story of women in the United States has long been one of incomplete gains and the revocation of pre-existing rights. Especially for scholars of reproductive and contraceptive history like herself, *Dobbs* only raised questions of what comes next.

If we go back to the nation’s beginning, however, we see that questioning the morality and legality of birth control and abortion was in no way foreordained. Throughout early American history, women—often de facto family physicians—managed their bodies with no interference from the state. Surgical abortions gained popularity in the 1820s, with Madame Restell openly advertising her clinics in newspapers. Similarly, contraceptive methods were widely advertised in mail order catalogs—even if in coded form, at times—late into the 19th century. Even the nation’s first law governing abortion, passed by Connecticut in 1821, was done so out of concern for dangerous medications that had found their way to the public.

This would begin to change in the mid-19th century, when Horatio Sorer launched his “physicians’ campaign,” petitioning the governors of every state to criminalize abortion through rhetoric focused on a eugenicist appeal to racial fears; the belief that fetal life began at conception; and a moralistic framing of abortion as violating the ethics of marriage and Sorer’s quest would gain momentum in the 1870s, when the

Comstock Act opened abortion and birth control up to federal regulation as forms of obscenity, but as Prof. Thompson showed, the real story resides between the lines. Specifically, though every state had criminalized abortion in some form or fashion by the turn of the century, the laws in place almost always contained exceptions for physicians—overwhelmingly white and male—to continue the practice whenever they saw fit. We see, in this, how physicians’ need to consolidate their professional authority in a medical sphere where they competed openly with midwives and homeopaths was the most pronounced force driving state statutes outlawing abortion. In fact, women sought abortions at roughly consistent rates before and after these statutes, and scientific advancement would lead to women turning to trained physicians for abortions in increasing numbers in the 1930s.

By then, physicians themselves had begun chafing at the harsh anti-abortion laws, despite the fact that previous generations of doctors had shepherded their passage. As they saw it, any measure of legal scrutiny obstructed them from practicing as they wanted. It was during the first decades of the 20th century that the history of contraception began to entwine itself with the history of abortion, and two figures with markedly different arguments came to the fore. Originally animated by socialist ideals regarding women’s sexual freedom, Margaret Sanger, a trained nurse, opened the Brownsville Clinic in 1916 on the dual grounds that, without birth control, working class women would never be free and that access to birth control would solve the moral problem of abortion. She was twice arrested under the Comstock Act, eventually fleeing to Europe to escape the law’s ire, and when she returned in 1921, her radicalism had noticeably faded. As founder of the newly formed American Birth Control League, and editor of the ABCL-published *Birth Control Review*, Sanger wooed physicians and eugenicists alike with her “Doctor’s Only Bill,” which wouldn’t have repealed Comstock-related birth control regulations outright but would have instead ceded all authority over birth control to doctors.

Two things become apparent here, Prof. Thompson argued. First, that we should cease to view Sanger as an activist and should instead historically frame her as part of the medical establishment at the root of the

deeply problematic 20th-century history of women and minority health. Second, that when interpreted as such, we can far better understand her debate with her birth control reform contemporary, Mary Dennett. After three dangerous pregnancies and persistent subjection to chauvinism—at home, at the doctor’s office, and, following her very public divorce, in the press—Dennett threw herself into activism: as literature coordinator for NAWSA, as a member of the Greenwich Village-based Heterodoxy collective, and as founder of the National Birth Control League. For Dennett and the NBCL, the birth control question was one of civil liberties and free speech. Doctors had a responsibility to provide information about contraception but only parents, *not* the law, could decide whether or not to use it. Materializing this philosophy would require a wholesale repeal of the Comstock Act’s birth control clause, which Dennett realized would only be possible with physicians’ stamp of approval. In what represented, for Prof. Thompson, the first of three touchstone moments in the early-20th-century history of birth control reform activism, Dennett worked tirelessly throughout 1920 to garner support for her Comstock amendment from the New York Academy of Medicine to no success, a stark reiteration of the degree to which medical power and professionalization had a stranglehold on birth control politics in the United States.



Dr. Thompson engages with Dr. Gienapp

The second touchstone came with 1936’s *U.S. v. One Package of Japanese Pessaries*, which may have rejected the constitutionality of the Comstock Act’s ban on the sale and shipment of contraceptive devices but, yet again, had nothing to do with morality, and even less to do with civil liberties. Rather, in an appellate opinion penned by Augustus Hand, the court ruled that the Comstock Act could not be deployed to compromise the work of competent, conscientious physicians, thus

legally codifying their authority over contraceptive health. A year later, the AMA endorsed birth control, which brought on the third touchstone, Clarence Gamble's North Carolina experiment, which distributed and tested *faulty* foam powder contraception in poor Black communities and, in doing so, laid bare how laws that governed birth control by empowering physicians could so easily give way to racial discrimination and misogynistic paternalism.

The mere existence of Gamble's program, Prof. Thompson noted in closing, illustrates how much changed in the time between Mary Dennett battling white physicians and white physicians wresting away control of the movement. Subsequent, quite famous legal interventions only reaffirmed this. In *Griswold*, courts were swayed by arguments regarding doctor expertise, not the civil liberties of married couples, and *Roe* contained no feminist element at all but instead seemed intent only on growing the power of doctors by championing their constitutional rights as professionals.



THE HISTORIAN'S CASE AGAINST THE INDEPENDENT STATE LEGISLATURE THEORY

George Mason University Professor of History
Rosemarie Zagarri

The U.S. Supreme Court will soon decide *Moore v. Harper*, a case which will rule on whether the North Carolina Supreme Court was within its constitutional right to overturn the state legislature's most recent redistricting of congressional maps. This much is clear: Per Article I, Section 4 of the U.S. Constitution, state legislatures are empowered to establish the time, manner, and place for holding elections for representatives. What *Moore* will determine, then—

a question to which proponents of the Independent State Legislature Theory (ISLT) would resoundingly respond 'yes'—is whether state legislatures are entitled to wield this power unchecked.

In her September 9 presentation at the Kinder Institute, George Mason Prof. **Rosemarie Zagarri** turned to the early U.S. to make the historian's case for why pro-ISLT arguments miss the mark. The idea of legislative independence, Prof. Zagarri showed, most certainly has revolutionary-era roots. By 1774, individual colonies had become so disaffected with the official channels of imperial government that they began convening extralegal assemblies that were authorized entirely by the people to act as sovereign legislatures, with the power to raise taxes and arms, muster troops and supplies, and generally ready the colonies for conflict. This trend would continue after revolution had sprung. Still wary of—and by all means reacting to—the abuses of the crown and its royal governors, framers of the first wave of state constitutions stripped governors of many of their typical powers (e.g., veto, appointment) and transferred them to legislatures that were, in their eyes, the governing bodies most attuned, responsive, and accountable to the needs of the polity.

Two caveats: First, even at their most emboldened, state legislatures at no point had authority to govern alone but were at all times subordinate to the constitutions that constituted them. Additionally, by the 1780s, and as early as 1777, many Americans were having buyers' remorse over fostering too much democracy, and they responded with innovations that curbed legislative supremacy. Pennsylvania and New York created proto-systems of judicial review, for example. A second wave of state constitutions came soon after the first, some of which were written by bodies purposefully separate from the legislature, some of which were ratified by the people, and nearly all of which aspired to increase the differentiation between statutory and fundamental law and decrease the power of legislatures in the process. A third wave would make clear beyond the shadow of a doubt that leaders and citizens alike recognized the need for more institutional checks on legislatures.

This "vicious vortex" of legislative supremacy-qua-democratic despotism was likewise felt at the national level, where governing the union under the Articles of Confederation was proving increasingly difficult while



Dr. Zagarri

state legislatures ran amok. As Prof. Zagarri noted in beginning to circle back to today's ISLT debates, the need to create a central government that could rein the states in without eliminating their power entirely very much animated the 1787 Constitutional Convention (what led to the Convention, mused John Francis Mercer, was the "corruption and mutability" of the legislatures of the states). Far more important, especially as we evaluate pro-ISLT positions, is the fact that the Constitution addresses this need. You have the Republican Guarantee Clause in Article IV, Section 4, which doesn't simply safeguard against domestic insurrection but also promises a republican form of government by guaranteeing to each state its own constitution which the legislature in no way, shape, or form can supersede. You have the aforementioned Time, Manner, Place (TMP) Clause, which grants regulatory power over elections to the state legislatures but also endows Congress with the power to "at any time by Law make or alter such Regulations." Even if we pretend that this congressional oversight doesn't exist, ISLT supporters would still face a textualist conundrum of sorts. They defend legislative supremacy over regulating elections on the grounds that the language of the TMP Clause specifically vests this power "in each State by the Legislature thereof." The problem with this interpretation, however, is that the more you read literature from the founding era, the more you come to find that "state legislature" was deployed repeatedly as a synonym for state governments in their totality, a fact that would restore to state courts a seat at this particular table. And this is exactly how things played out in the early republic. Legislators forged election laws in accordance with the constitutional protocols in place in each individual state and with the foreknowledge that they would be subject to the oversight of all other branches of state government.

Over time, there have been two instances in which the primacy of state legislatures over election laws was

asserted: once during the Civil War and once in the 1870s, and neither of these even remotely approached the level of precedent. Instead, the norm has unfailingly been the one that North Carolina jurists adhered to when weighing in on, and overriding, the legislature's new map. Why is this even a point of contention, then? The door was cracked to revisit election regulations in *Bush v. Gore* (2000), and opened further following the election of 2020.



University of East Anglia Associate Professor of American History Kaeten Mistry

Question, à la the BBC's political satire, *Have I Got News for You*: Who is the "odd one out"—Donald Trump, Reality Winner, the *New York Times*, David Petraeus? Answer at the end.

That some state secrets must exist—think nuclear codes—more or less goes without saying. Still, there can likewise be no question that the very nature of state secrecy challenges core democratic principles regarding freedom of speech, free society, and open and transparent government. As East Anglia University historian **Kaeten Mistry** explored in his October 14 talk at the Kinder Institute, justly and reasonably threading the needle between liberty and security in a democracy is both an eternal balancing act and something that, throughout the long 20th century, the U.S. has progressively let fall more and more by the wayside. This raises a host of questions. Where did today's all-consuming system of state secrecy come from? How did a nation that long prided itself on openness morph into a behemoth organized secrecy regime, with billions of classified documents, hodgepodge rules, and a lavishly funded national security infrastructure?

first place? Determining how we got into this peculiar situation, Prof. Mistry showed, requires returning to origins and working forward from there.

The story begins in the late 19th century. As the U.S. was beginning to establish new spaces of imperial control (e.g., the Philippines), officials realized both a need to more assertively secure the government information held in these outposts and a lack of constitutional guidance for doing so. The Defense Secrets Act of 1911—much of the language of which was re-purposed in the 1917 Espionage Act—marked the first legislative attempt to square this circle. The Act criminalized the disclosure of government secrets (though not their publication in the press), but in the process, it left a crucial issue wholly unresolved: what are we talking about when we talk about state secrets?

This issue of what a state secret actually is somehow became clearer *and* murkier in an historical turn that Prof. Mistry referred to as “The House that Harry and Ike Built.” As the dawn of the Cold War brought widespread paranoia regarding Soviet espionage, Truman and Eisenhower each utilized executive order, as opposed to legislation, to fashion a tiered classification system—confidential, secret, top secret—that would give definition both to what qualifies as a state secret (anything so classified) and who deems information secret-worthy (presidents and the executive agencies under their purview). Three responses followed almost immediately in the wake: lament surrounding where we draw the line in terms of what is and isn’t classified or classifiable; a related trend, still ongoing, of intense over-classification; and perhaps most importantly, the public exposure of classified information from within the national security state. If the more contemporary history of state secrecy effectively emerges out of these acts of exposure, Daniel Ellsberg’s disclosure of the Pentagon Papers, their subsequent publication, and ultimately, the dismissal of all charges brought against him under the Espionage Act marks the most important moment on this timeline. For one, the media won a massive victory via the failed prosecution of Ellsberg, with courts determining that the Espionage Act couldn’t be deployed to impinge on press freedom. Additionally, the unprecedented insight into the innerworkings of the national security state generated by Ellsberg’s revelations had a two-pronged impact. It spurred calls

for greater transparency that resulted in Sunshine Laws and the Freedom of Information Act (among other levers of accountability). At the same time, though, the exemption of national security information from these new regulations led to greater executive authority and prerogative, new rules and stiffer penalties for whistleblowers, and, with this, the outlines of the proactive vs. reactive national security regime that we see today.

Take the example of CIA special assistant-turned-novelist Victor Marchetti, whose representation of a fictional national security agency in *The Rope-Dancer* landed him under Nixon-ordered surveillance. News of Marchetti’s nonfiction work-in-progress on his experience in government broke the camel’s back, with the CIA demanding that he submit drafts of his memoir to the agency before publication and the courts supporting the agency’s power to censor. Marchetti’s plight was indicative of a larger “innovation” that was in the offing: one requiring all CIA officials—and eventually anyone within the Executive Branch who came into contact with classified information—to sign NDA-style contracts tied to the Espionage Act that used bureaucratic bobbing and weaving, along with the looming threat of jail sentences, to quash any impulse to hold the government accountable on any matter, big or small. One would think, as former Senator Patrick Moynihan did, that the end of the Cold War presented an opportunity to usher in a new age of transparency and an end to overregulation of information. Yet his proposal for even moderate changes to the state-sanctioned relationship between security and secrecy—he lobbied for life cycles for state secrets, for example, and new statutes that would marginally raise the bar on what can be classified—went more or less unheeded within the Beltway. Outside the Beltway, however, is a different story. The lack of movement to curb a secrecy regime increasingly defined by ad hoc improvisation and a curious definition of what constitutes public interest spawned a new generation of journalists, activists, and whistleblowers, including Edward Snowden and the answer to today’s trivia question: Reality Winner, the only member of the foursome that began the talk who was sentenced for the mishandling of classified information.



FREEDOM IN BLACK AND WHITE: THE POLITICS OF SLAVERY AND BLACK EXPATRIATION IN 19TH-CENTURY AMERICA

Kinder Institute Postdoctoral Fellow in U.S. Political History Andy Hammann

At first glance, the title of Kinder Institute Postdoc **Andy Hammann's** October 21 talk seems equal parts troubling and incredible. A title for a talk that shouldn't exist. It's hard to believe that an expatriation movement so thoroughly wrong, absurd, and impractical ever came to be. It's hard to believe that this movement existed in the political mainstream versus on the margins, and it's hard to believe that it drew the support of some of the most significant figures of the era. And yet starting with Jefferson's *Notes on the State of Virginia*, variations on the belief that ending slavery would require a federal system of Black expatriation permeated the national consciousness. Jefferson's *Notes*, Prof. Hammann explained, were something of a preface to the establishment of the American Colonization Society (ACS), founded by Henry Clay with help from John Marshall, John Randolph, Bushrod Washington, and Francis Scott Key, among other notable members. Regardless of any rhetorical posturing regarding emancipation, the ACS' goal of expatriating Black Americans, both free and enslaved, to Liberia was motivated by two racialized premises: the idea that Black freedom was a problem in American society, at least in part based on the Jeffersonian grounds that the practice of enslavement had created a prejudice so ineradicable that it rendered Blacks an "unassimilable caste"; and that exclusion, whether via expatriation to Africa or the legal denial of rights within the U.S., was thus a national imperative and, as far as expatriation went, an imperative worthy of federal funding. Woven into these premises, Prof. Hammann added in decoding ACS rhetoric, was the notion that expatriation would ultimately strengthen the institution of slavery by

removing a population of freedpeople who were perceived as threatening its [slavery's] foundations via the fomentation of uprisings.

Enslavers in the Lower South, who saw federal support for expatriation as anathema both to states' rights and slavery's permanent existence, would end up derailing the efforts of the ACS, which was primarily the project of the Upper South slaveholding elite (Jackson, for example, pocket vetoed the Clay Land Bill, which sought federal funding for colonization and internal improvements). That said, the legacy of the ACS far outlasted the peak of its historical prominence as well as the presence of slavery in the United States. We can, Prof. Hammann showed, observe this longevity from two drastically different vantage points. Though they *functionally* (more on this in a moment) abandoned any interest in securing federal funds for expatriation, Southern Democrats persistently invoked the ideology of the ACS post-1863 as a way to challenge Black voting rights. Authored by former Confederate generals who were surging back to power in the wake of Reconstruction's collapse, the 1890 Butler Bill, for example, may have purported to seek a \$5 million appropriation to support voluntary Black expatriation, but its actual goal was simply to invent a platform for giving hours of speeches in Congress that cited the likes of Lincoln, Webster, and Jefferson to pre-emptively drum up opposition to the Lodge Bill, which sought stricter enforcement of the 15th Amendment.

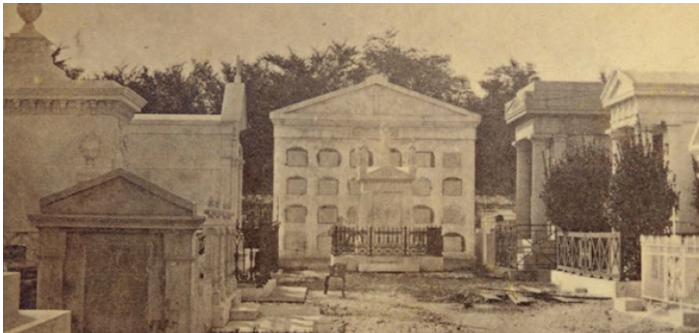


Director Sexton introducing Dr. Hammann

So, while it may have technically failed to achieve its goal, the corrosive spirit animating the ACS' push for Black expatriation was nonetheless instrumental to a subsequent movement to exclude Black citizens that very much succeeded in the Lower South. Mississippi revised its constitution to deny Black men the franchise in 1890, followed by South Carolina (1895), Louisiana (1898), and Alabama (1901).

This weaponization of the rhetoric of colonization for alternative, insidious ends was precisely what Black activists of the period feared. Not only did leading voices including Samuel Cornish, Frederick Douglass, Benjamin Tanner, and Anna Julia Cooper publicly decry the ACS' stated objective. Collectively—and quite presciently—they also feared the ways in which the vision of colonization might be elaborated on and re-appropriated to buttress slavery and compromise Black civic equality.

They realized all too well, that is, that the success or failure of any legislation regarding expatriation had little to no bearing on how the movement would shape national discourse, ideologies, and behaviors.



NECROPOLIS: DISEASE, POWER, AND CAPITALISM IN THE COTTON KINGDOM

Stanford University Assistant Professor of History
Kathryn Olivarius

New Orleans was, by a decent margin, antebellum America's deadliest city, the nation's 'necropolis' as Stanford historian **Kathryn Olivarius** dubbed it in the title of her 2022 Harvard University Press monograph. Every three years, 8% of the city's residents died, a vastly—and excessively so—disproportionate number of them because of yellow fever. Average life expectancy was 20 years less in New Orleans than elsewhere in the United States. Why was yellow fever such a problem there? And since it was such a problem, why did people still flock to the city in droves—and stay there—despite the abundant risk of doing so? As Prof. Olivarius unpacked in her October 28 talk at the Kinder Institute, attending to the intersecting histories of immunology, capitalism, slavery, and ecology might help us answer these questions.

A brief crash course in Deep Southern history, with a medical and global twist, can set the stage for working through these inquiries. Almost immediately after France ceded control of Louisiana to the United States in 1803, the population of New Orleans doubled, and the city became the young nation's most important strategic site (and second most popular immigrant destination), as the cotton and sugar bounty grown in New Orleans and around the region filled the market gap left by the Haitian Revolution. With equal immediacy, people realized how inhospitable the waterlogged city was. As cotton boomed and the rich got richer, New Orleans got filthier with each passing day. Streets and sewers were synonymous; garbage piles emitted visible green steam; bodies floated out of cemeteries. And the city was notorious—even before people realized they were yellow fever carriers—for its voracious mosquitoes. In other words, New Orleans, with its hot, humid climate and constantly growing population of non-immune people from around the world, became a petri dish. If you contracted yellow fever there in the 19th century, survival was essentially a coinflip.

All that said, this focus on ecology and epidemiology in some ways belies the real, or at least the whole, story. As Prof. Olivarius explained, New Orleans could have very easily taken the disease-mitigating steps that other cities did—creating sewer infrastructure, for example, or implementing quarantines—but business elites and government officials, designations that would grow more and more indistinguishable and co-dependent throughout the antebellum era, opted instead to exploit the chaos of repeated epidemics to consolidate power. In the process, an immuno-capitalist regime was forged in which disease and immunity were baked into the city's class structure and an acclimation-vulnerability binary co-mingled with and buttressed New Orleans' intractable racial hierarchy.

As a biological reality without physical signifiers, proving immunity became a performative, socially-stratified form of capital in New Orleans. Vulnerability was assumed of poor, immigrant residents of the city, but for many young white men, medically establishing (or in some cases successfully feigning) acclimation was a form of economic rebirth, opening the door to new jobs in wholesaling, counting houses, and cotton warehouses; more rapid promotion; previously

inaccessible lines of credit and insurance; and the possibility of marrying into elite circles. In fact, the value of immunity was so pronounced that it led men toward the disease. They would roll around in the bed sheets of yellow fever victims or chase them through the streets for exposure because the boon of acclimation was worth the risk of death. A narrative would emerge out of this phenomenon. Survival came to be indicative of patriotic character, an act of will that revealed a strong, godly, masculine constitution. Within this fabricated immuno-capitalist morality play, death was thus deserved, evidence of cowardice, drunkenness, effeminacy, or sexual deviance.



Dr. Olivarius

The reverberations of the immuno-capitalist regime extended into all facets of economic, political, and social life in New Orleans. The huge numbers of Irishmen who died during the construction of the New Basin Canal, for example, were written off as fungible budget line items (to say nothing of the fact that high death rates conveniently quashed labor organization). Within the domestic sphere, acclimation signaled an ability to fulfill gendered responsibilities and thus reinforced patriarchal superstructures. And, as alluded to previously, the government allowed itself to be molded to fit immuno-capitalist designs. With labor in abundant supply even after epidemics took their toll, massive death mattered little to profit margins, meaning that politicians and elite planters and businessmen—who would often truant away from the city together during peak yellow fever season—could benefit handsomely from ignoring public health (New Orleans spent four cents per person per annum on public health to Boston's 69 cents).

Moreover, purposefully severe property and naturalization restrictions on voting, along with

gerrymandering and other apparatuses, effectively negated the prospect of government accountability and ensured that acclimation as a “baptism of citizenship” would remain the status quo.

Returning to the intersection of slavery and immunity—of King Cotton and Yellow Jack—Prof. Olivarius closed by noting how manipulating the politics of acclimation created an even more violently inverted capitalistic relationship between enslaver and enslaved. On one side, the economic opportunities immuno-capitalism afforded certain citizens transformed them into slave owners and traders. Conversely, the myth of Blackness as signaling a “perfect non-conductor of yellow fever” reduced suffering of myriad forms into a quantifiably marketable asset. Enslaved people presumed or proven to be acclimated sold at a 25-50% premium and were often conscripted to epidemiologically fraught spaces, protecting white enslavers by being coerced into assuming risk.

That New Orleans could have—should have—responded to epidemics otherwise was born out in the wake of the Civil War, when actual attention to public health shifted the architecture of society. But the antebellum story remains unchanged. Immuno-capitalism destroyed economic competition, monetized health, and mobilized disease risk, all as a transaction cost of doing business that yielded wealth for the few and misery for the many.



REFLECTIONS ON A GLOBAL HISTORY OF THE AMERICAN CIVIL WAR

Kinder Institute Distinguished Visiting Research Fellow Jörg Nagler

In 1789, on the eve of the French Revolution, Friedrich Schiller penned “What Is and to What End Do We Study Universal History?” A child of the enlightenment, Schiller wrote about history progressing toward higher moral ground and the

improvement of mankind, and away from a Eurocentric vision of time. History, Prof. Jörg Nagler noted in opening his December 2 Distinguished Visiting Research Fellow Lecture, did not progress toward higher moral ground during the 19th and 20th centuries. It did, however, tend toward greater universalization, as the transatlantic, dialectical movement of people and ideas changed the nature both of the new homes these people were experiencing and the homes from which they came. Above all others, war was the most important change agent for society during this era, hence Prof. Nagler's riff on Schiller, the namesake of his home university in Germany: "What Is and to What End Do We Study the Global History of the American Civil War?"

We might, Prof. Nagler proposed, think about this question economically. The emancipation of four million enslaved persons in the United States sent globalizing shockwaves through the cotton empire, particularly in those processing centers in the U.K., France, Germany, Russia, and the U.S. where wealth was concentrated. On one hand, the search for a new means of production strengthened imperialistic control in cotton producing regions like India and Egypt, re-configuring, without at all resolving, the relationship between free and unfree labor and the racial hierarchies that defined antebellum U.S. history. On the other hand, as he prophesied in a letter to Lincoln congratulating the president on his reelection, Marx truly believed that the war against slavery would inaugurate a new epoch of power for the working class.

So, too, might we think about this question politically, Prof. Nagler continued. We could, for example, zoom in and consider how the Civil War shook the institution of slavery in Cuba, where "Onward, Lincoln, Onward" rang out in enslaved communities that would see the institution perish within two decades of the war's end in the U.S. Or we could zoom out and consider how intently the world watched the United States during its years of violent fracture, in hopes of gleaning some portent for how a war fought in an age of rapid industrialization, and sustained by volunteer armies, might serve as a referendum for democratic societies' capability to survive conflict. The American Civil War can, in this latter context, thus be read as a broadband

warning sign delivered to non-democratic nation-states the world 'round; that constitutionalism survived intact forged a bond between nationalism and liberalism at a time when they very easily might have parted ways.

That said, of all the transnational lenses through which to view the Civil War, Prof. Nagler argued that patterns of migration not only might be the most influential but also might provide the best access to the kind of multi-perspective historiographical methodology that is necessary for responsibly thinking about the conflict in global terms. Specifically, the mass migration of Europeans to the United States in the 1850s was central to the emergence of the Republican Party, the westward expansion of the nation, and, in this, secession and the very outbreak of war. Of course, it might also be worth noting that emigres—Irishmen, Italians, Germans, and more—made up almost a quarter (approx. 560,000 soldiers) of the Union side. The correspondence of these troops from the frontlines to the home front—and, once home, from metropolises to peripheries as a result of advances in steam and print technology—make up our richest archival matter when it comes to crafting a transnational history of the era not from above but from below. The letters of Joseph Weydemeyer, a Lt. Colonel in Missouri, were essential, for example, to Marx's remaining so informed about the war. Robert Browning and John Stuart Mill interpreted the war based on similar correspondences, and European politicians could mediate information about the Civil War to the public—with particular, self-interested intentions, naturally—only because of these networks of exchange.

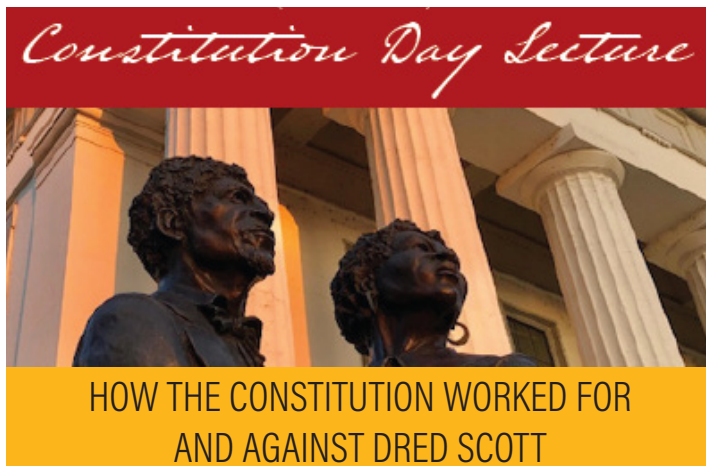


Professor Nagler

Prof. Nagler emphasized, though, that the record is nowhere near complete and that we need far more primary evidence if we are to fully flesh out the history in question. For example, more extensive source material would reveal how not only cotton, but also barley and rice, are essential to understanding the evolution of global markets in the Civil War era and after. The list goes on. More sources would allow us to better conceptualize the changing living conditions of textile mill workers in Prussia, Russia, England, and Scotland and the rise of unionization in these areas; to better parse the gendered impacts of a transnational war; to explore why the French intervened in Mexico under the purview of America and liberal republicanism; to study the death knell of slavery in Brazil and the presence of ex-Confederates in South America; to fully grasp the relationship between emancipation in the U.S. and suffrage in Great Britain; and much, much more.

The second half of the 19th century was an era in which the United States shaped the world while simultaneously being shaped by it, Prof. Nagler concluded, and this fact alone is answer enough to the question of why and to what end we should study a global history of the American Civil War.

JAMES E. FLEMING & LINDA C. MCCLAIN
CONSTITUTION DAY LECTURE



Dred Scott Heritage Foundation Founder and President
Lynne M. Jackson

We thought moving our annual James E. Fleming & Linda C. McClain Constitution Day Lecture from Jesse 410 to the State Historical Society of Missouri would accommodate the masses, but tripling the size of the venue wasn't enough, as every seat was filled and the

crowd spilled into the lobby for Lynne M. Jackson's September 15 talk, "How the Constitution Worked for and against Dred Scott."

That the path that led Dred Scott *to* the legal system wound as much as his path *through* the courts fits with the infamy of his times. Born in 1799 in bondage to the Blow family in Southampton, Virginia—just down the road from Nat Turner—Scott was taken to Alabama by the Blows in 1818 and then to St. Louis in 1830. As Lynne M. Jackson, President and Founder of the Dred Scott Heritage Foundation and the great-great granddaughter of Harriet and Dred Scott, would go on to show, it's in St. Louis that the story of *Dred Scott v. John Sandford* really began and ultimately ended.

Elizabeth and Peter Blow died in 1831 and 1832—though Jackson emphasized that the Blow family would remain central to the story of the Scotts' freedom petitions—after which Dred Scott was sold to Dr. John Emerson, an army surgeon who brought him to free soil: first, to Ft. Armstrong in Illinois, and then to Ft. Snelling in the Wisconsin Territories, where Dred Scott met and married Harriet in a public ceremony presided over by Major Lawrence Taliaferro, Harriet's enslaver who was also a justice of the peace.

In her introduction to the talk, Jackson noted how combing through the family archives has led to countless new discoveries about the life of Dred and Harriet Scott, one of which rose to the surface when re-examining these years away from St. Louis.

Specifically, a DAR plaque outside a house owned by Dr. Emerson in Iowa led to the realization not only that he and Dred Scott had lived there but also that Emerson had built Dred Scott a shack beside his own home and positioned him as a claim holder, signaling that, in all likelihood, Emerson intended to liberate Dred Scott and employ him as a freedman to care for his property there.

Of course, this alternate narrative never came to be. Emerson returned with the Scotts to St. Louis, where he died in 1843, leaving Dred and Harriet to his young wife, Irene Emerson. The daughter of leading St. Louis pro-slavery advocate John Sandford, she had no intention of following through on the presumed promise to free the Scotts and, in fact, rejected Dred Scott's offer to purchase his freedom for \$300.

That said, it was at this moment that another—albeit circuitous—path to freedom revealed itself. With the help of Reverend John Anderson and the testimony of Elizabeth and Peter Blow’s children, Dred and Harriet filed separate freedom petitions in St. Louis, citing an 1824 Missouri law (derived from an 1807 territorial statute) which held that enslaved persons who lived in servitude in free territory were themselves free even upon their return to a slave state. Their initial petitions, filed on April 6, 1846, were dismissed as a result of a mistrial, but the Scotts’ second attempt gained them their freedom.

But only momentarily. Irene Emerson appealed the decision to the Missouri Supreme Court which, in 1852, overturned the lower court’s ruling, declaring that: “Times are not now as they once were...Missouri is willing to accept the consequences of having slavery within her limits.”

From here, an array of forces collided to work both for and against Dred Scott. On one hand, St. Louis attorney Roswell Field determined that, under the diversity clause regulating interstate lawsuits, Dred Scott had a right to have his case relitigated in federal court.

Once there, however, Chief Justice Roger Taney, in what is regarded as one of the (if not *the*) single worst decisions in U.S. Supreme Court history, confirmed the Missouri Supreme Court’s opinion and ruled against Scott in *Scott v. Sandford*, citing, among other things: that neither people of African descent nor their descendants would ever be citizens and thus had no right to trial; that Sandford’s ownership of Scott was protected under the 5th Amendment’s safeguards for property (Irene Emerson had transferred ownership of the Scotts to her father); and that Congress was outside of its constitutional bounds when it passed the 1821 Missouri Compromise and the 1787 Northwest Ordinance, both of which limited the extension of slavery. All of this despite the fact that many free born and freed Blacks were flourishing, *as citizens*, in Northern states.

All hope wasn’t lost. Lurking behind the scenes was Calvin Chaffee, congressman, staunch abolitionist, and the second husband of Irene Emerson, who had

no clue of her relationship with the Scotts when he married her and was beside himself when he found out about it. After Taney’s decision, he teamed with Taylor Blow and Montgomery Blair to hatch a plan: a quick claim deed transferring ownership of the Scotts to Blow was drafted, after which Blow could legally free the Scotts because he resided in the same state as them. This is precisely what would happen on May 26, 1857. Dred Scott lived only 17 months as a free man, dying on September 17, 1858, but his and Harriet’s legacy still reverberates in so many ways: in the Reconstruction Amendments, in the Missouri Legislature’s renunciation of the 1852 state supreme court decision, and in the reconciliation efforts undertaken by Jackson and so many others.



Kinder student Tommy Jackson asks speaker Lynne Jackson a question



2022 Constitution Day speaker Lynne Jackson speaks with Kinder students



A packed house at the State Historical Society of Missouri for the Constitution Day lecture



Kinder Institute Director Jay Sexton moderates questions with Jackson

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NEWS IN BRIEF

The bylines keep coming for Kinder Professor of British History **Robert S. G. Fletcher**, who saw his co-edited volume, *Connected Empires, Connected Worlds: Essays in Honour of John Darwin*, published by Routledge in June 2022...A tad bit late because of the new biannual newsletter schedule, but Constitutional Democracy majors made up 20% of recipients of Mizzou’s 2021-22 Undergraduate Award for Academic Distinction, with **Bailey Martin**, **Lillian Williams**, and **Addie Von Drehle** all taking home that honor...Congratulations are due to December 2022 grad **Paul Odu**, who was a finalist this past fellowships cycle for the prestigious Rhodes Scholarship...Not one, but two Kinder alum—**Peyton Rosencrants** and **Maria Ceriotti**—were published in recent issues of the *Missouri Law Review*...While their cameos are too numerous to recount here, faculty members were omnipresent on the radio and podcast airwaves this fall, and we imagine more of the same next semester, so follow us on Instagram, @mudemocracy, to keep up with those kinds of media appearances.

