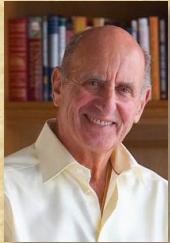




FALL 2013

MESSAGE FROM THE CHAIRMAN



Saving the "Whole" Dream

By Jack Miller

This year, we celebrated the 50th anniversary of Martin Luther King Jr.'s "I have a dream" speech. It is a dream rooted in one of our "self evident" Founding Principles, that "...all men are created equal."

And my dream is that the words of the rest of that sentence in our Declaration of Independence, "...that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness" also will be forever enshrined as the basic principles on which our country is founded...the right to their individual life, their individual liberty and their individual pursuit of happiness.

And that is what the Jack Miller Center is all about, making both Martin Luther King Jr.'s dream and the rest of our Founders' dream be a reality for all Americans.

On campuses all across the country today, students are studying John Locke, Montesquieu, the Old Testament, the Federalist and Anti-Federalist Papers, the Constitution, the Declaration of Independence and all the sources our founders read and those they wrote. They are learning about and discussing the basic principles on

Continued on page 8

The DECLARATION

"An investment in knowledge pays the best interest." Benjamin Franklin

Volume 4

JMC Helps Campuses Nationwide Celebrate Constitution Day

3rd Annual Constitution Day Initiative funds programs at 35 colleges and universities.

From Boston to Boise and beyond, 35 campuses received Jack Miller Center (JMC) support this year to conduct a Constitution Day program, part of JMC's 3rd annual nationwide Constitution Day Initiative (CDI).

Launched with a lead gift by the Andrea Waitt Carlton Family Foundation (see p. 6), the CDI helps schools fulfill the federal mandate that any higher education institution receiving federal funds hold an educational program each year on Constitution Day, September 17 – the day on which the Constitution was signed in Philadelphia in 1787.

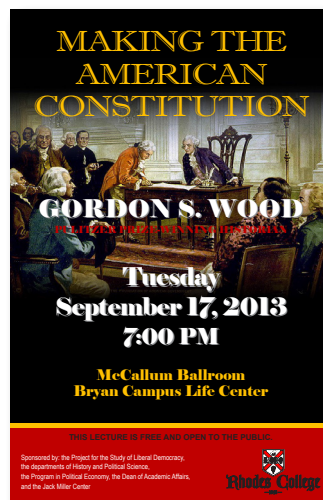
"The CDI is an important part of our mission to advance teaching in America's Founding Principles and history," said Mike Ratliff,

JMC president. "The CDI events are open to an institution's entire student body and provide an opportunity for all students to think about our Constitution in ways they might not have before considered."

Additionally, essays regarding Constitution Day were written by JMC fellows and submitted to regional newspapers. Ten essays were published, along with CDI coverage in more than 30 media outlets (see page 8).

While campuses are generally aware of the federal mandate, many often lack

resources to mount successful events. JMC's Constitution Day Initiative helps campuses fulfill the federal charge, awarding up to \$2,000 per campus through a competitive application process. As a result, thousands of students across the country had the opportunity to examine critical and timely constitutional questions.



More than 400 students attended this Rhodes College CDI event.

Continued on page 9



PRESIDENT'S MESSAGE



Mike Ratliff

"The story of our partners is the story of JMC. Hearing them share how JMC has helped them inspires our efforts."

TANGIBLE IMPACT: First Hand Accounts Reflect the Fruits of Our Work

The past few months have been busy at JMC! In the following pages, you'll read about our third annual Constitution Day Initiative, 16th Miller Summer Institute, first annual Senior Fellows Summer Institute, and more.

But as we all know, activity doesn't equal productivity. And what we're truly excited about is the tangible impact JMC is having on individual professors and students on campuses across the country. We've focused this edition of the JMC newsletter on exploring that individual impact. You'll find out what senior JMC scholars are saying about the first Senior Fellows Summer Institute (p.7), hear directly from two new Miller fellows about their experience at the summer institute (p.4-5), and discover what motivates and inspires one of JMC's valued donor partners (p.6).

Indeed, a lot has been happening, and we are looking forward with expectation to more good things ahead.

Yale University Joins JMC-John Templeton Foundation National Project

Yale University recently became the sixth and final institution to join a three-year national project spearheaded by JMC and funded through a \$2.8 million grant JMC received from the John Templeton Foundation.

The project, entitled "Creativity, Innovation and Free Institutions: Science, Law and Enterprise in the Making of the American Commercial Republic," will explore the relationship among political institutions, scientific and technological advancement, new understandings of property and the moral and intellectual significance of all these for innovation and wealth creation.

Yale joins in this exciting undertaking with five previously named institutions: University of California at Los Angeles, Illinois Institute of Technology, Massachusetts Institute of Technology, Northwestern University and University of Wisconsin-Madison.



**Creativity
Innovation and
Free Institutions**

*Science, Law and Enterprise
in the Making of the American Commercial Republic*

 **WISCONSIN**
UNIVERSITY OF WISCONSIN-MADISON

 **NORTHWESTERN**
UNIVERSITY

 **Massachusetts
Institute of
Technology**

 **Yale**

 **ILLINOIS INSTITUTE
OF TECHNOLOGY**





Scholars Gather for 16th Miller Summer Institute



Impassioned discourse and enthusiastic pursuit of understanding characterized the 16th Miller Summer Institute, which took place July 9-19 at the University of Virginia in Charlottesville.

Twenty young scholars representing the best in the fields of American history and political theory traveled from campuses across the country and embarked on a rigorous ten-day journey marked by presentations and panel discussions by leading scholars, in-depth dialogue centered on shared readings, and professional development workshops on topics including research and publishing.

The highlighted theme of this year's institute was "Liberty and Enterprise: The American Founding and the Birth of the Modern Commercial Republic," and participants examined this theme in light of the philosophic foundations and core principles of the American Founding.

Summer institute faculty included historian and Pulitzer Prize-winning author Gordon Wood (Brown University), who spoke on "Liberty and the Birth of American Finance," Peter Onuf, Thomas Jefferson Memorial Foundation Professor Emeritus (University of Virginia), who examined "Commerce and Character, America and the World" and leading American legal historian Stephen Presser (Northwestern University School of Law), who addressed "Our Current Constitutional Crisis: the Evolution of a Legal History Casebook."

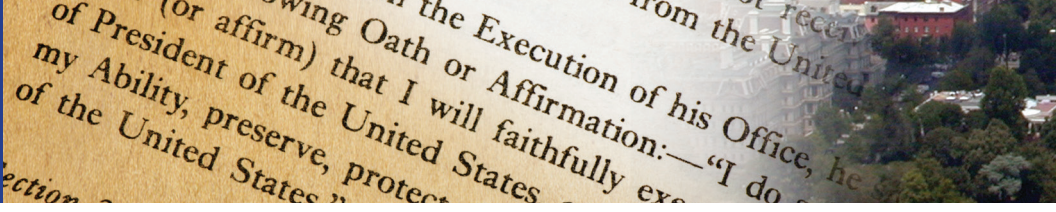
Feedback from participating scholars was overwhelmingly positive, as reflected in perspectives shared with JMC by two attendees (see pages 4-5).

A core program of JMC, summer institutes serve as the entry point for young scholars into the Miller community of professors, which now numbers more than 630 professors on more than 190 college and university campuses across the country.



From left: Summer institute participants Daniel Burns and Kimberley Burns, University of Dallas; and Nicholas Starr, University of Virginia.

These professors are the primary engine for expanding student access to courses in America's Founding Principles and history, and through investing in these young scholars, JMC is investing in America's future.



Young Scholars Share Views, Experiences



By Yoav Fromer

Having had a few weeks to process what I learned at the Jack Miller Center Summer Institute, I would like to offer a brief retrospective on what the unique experience meant to me. I will focus here on three salient attributes that, to me at least, seem to have been the program's most memorable and impressive. The first is the logistics; the second is the pluralism of thought among the participants; and the third is a shared commitment to certain core American values. Together, each of these elements reinforced each other in a symbiotic manner that engendered a truly remarkable intellectual, pedagogical, and social experience.

The life of contemplation – as Aristotle had observed – demands certain liberation, even temporary, from the quotidian demands for subsistence. And although often overlooked, the meticulously planned and flawlessly executed logistics of the JMC immensely contributed to the productivity of the contemplation,

debate and scholarship for which we had gathered in the first place.... Such logistical support is significant not only because it directly facilitates the clear-mindedness so imperative for contemplation and dialogue, but maybe more importantly, for the rare form of appreciation that it symbolizes; by funding such endeavors JMC has recognized that the life of ideas remains a legitimate, even noble, goal that is also worthy of financial investment.

Much has been said about the pluralism of ideas furnished by the wide diversity of participants that attended the program. This is not a paltry factor and since it was pivotal for the overall success of the institute it does deserve some

If there was one common denominator that united all the participants despite their considerably diverse set of geographic circumstances, disciplinary backgrounds and political persuasions, it seemed to revolve around the Socratic dictum that “an unexamined life is not worth living.” What made this pervasive philosophical dedication however so remarkable was that it was dedicated to the examination of a particular set of principles that were quintessentially also American. Even in the most heated disagreements among the participants what seemed to unite us all was a shared acknowledgement of, and respect for, the intrinsic value of American Political Thought. Although the founding prin-

“...JMC has recognized that the life of ideas remains a legitimate, even noble, goal that is also worthy of financial investment.”

further elaboration. Too many graduate departments have become one big exercise in group-think that, somewhat naturally, reproduces the same old ideas and methodologies rather than exploring innovative new ones. The daily discussions ... proved themselves to be a rich fountain of counterintuitive, diverging, and highly original ideas from which anyone and everyone could – and did – learn something new. One example would be the wide array of perspectives that emerged towards the relationship between commerce and liberty. Rather than produce a monolithic view of endorsement or condemnation, a variety of more nuanced, qualified and complex arguments developed through mutual deliberation.

principles remain ambiguous, contested, and certainly problematic, there was a common understanding among all participants that the American political tradition has much to teach us and is therefore still a fecund source of political and philosophical instruction.

ABOUT YOAV FROMER

BA, Columbia University (Magna Cum Laude); Ph.D. candidate, New School for Social Research (Politics); currently a visiting fellow at Tel Aviv University teaching American Politics.



and High Praise for JMC Summer Institute



By Ariel Helfer

My experience at the 2013 Jack Miller Center Summer Institute was overwhelmingly positive, and prompted in me the desire to contribute some of my own time and energy to helping JMC in future years. For now, I submit only this brief note describing two of the things that I think are indispensable to the success of the Summer Institute.

The first is the diversity of disciplines in which the scholars (both participants and speakers) are trained. The opportunity to learn in depth and over an extended period about how the same sets of fundamental and far-reaching questions are approached and answered by political scientists, historians, philosophers, and economists is rare and valuable. It is this diversity of ideas and understandings that make for lively and fruitful discussions; scholars already spend much of their time debating points narrowly related to their particular disciplines and areas of

expertise with colleagues versed in the same literature and trained in the same methodologies.

The freshness of viewpoints fostered and sharpened accordingly in disparate disciplines is deeply appreciated, both because it makes for an exchange of a great wealth of knowledge between scholars, and also because it teaches a certain humility with respect to one's own approach to one's study. It is profoundly helpful to be made aware of how differently and with what sophistication and

young professors and graduate students who are rightly the focus of the Summer Institute. I have been surprised and tremendously impressed by the level of discourse in the seminars and discussions over the past two weeks. To interact with people who are not merely trained in a discipline and method of study, but who are bright, passionate, and serious scholars, eager to learn and to share their own knowledge, is what has made this conference a truly exceptional and richly worthwhile experience. I cannot know what methods are used to select among

“To interact with people who are not merely trained in a discipline and method of study, but who are bright, passionate, and serious scholars, eager to learn and to share their own knowledge, is what has made this conference a truly exceptional and richly worthwhile experience.”

success a question can be addressed by means other than those to which one is accustomed. I see no reason why the Jack Miller Center might not experiment with bringing in scholars from even more fields than it already does: philosophy, religion, classics, anthropology, sociology, psychology – who knows, depending on the theme of the conference, even biology, physics, mathematics, business, finance... education in liberal arts ought to be even more wide-ranging than it already is.

The second, without which the first would be meaningless, is the thoughtfulness, expertise, and overall quality of the scholars that the Jack Miller Center brings together. This includes the invited speakers, of course, but especially the

the potential candidates you consider, but I hope, by my praise of and gratitude for their results, to encourage the Jack Miller Center to maintain its high standards and to hold the quality of its participants as among the absolutely necessary conditions for the continued success of its Summer Institutes.

I extend my sincere thanks to everyone who organized this conference and otherwise made possible its admirable success.

ABOUT ARIEL HELFER

BA, Political Science & Physics, 2008, Kenyon College; currently a Ph.D. student at the University of Texas at Austin in the Dept. of Government.



Andrea Waite Carlton

Philanthropy from the Heart: What Inspires One JMC Donor Partner

The Jack Miller Center recently spoke with Andrea Waite Carlton, founder of the Andrea Waite Carlton Family Foundation and JMC donor partner.

JMC: What motivates your philanthropy?

AWC: I've always had the desire to give. When I was a little girl, I would send my allowance to the World Wildlife Fund. I always wanted to right a wrong or help something that needs help. I guess you could call me a truth seeker.

Since we've been blessed with success in our life, this brought that desire to a higher giving level, enabling me to grow and determine where I want to give so the money is best used. And if you grow and listen and read, you learn much about your beliefs and values.

JMC: You provided the lead gift for the Jack Miller Center's Constitution Day Initiative. What drew you to JMC and, specifically, to this program?

AWC: I love what the JMC is doing. When I met with JMC, it spoke to me on all levels that this was something we wanted to support. It's about bringing back the teaching of the history of our country, and your focus on the college level makes me very happy. I've always taken my children to Washington, DC and Williamsburg, VA to learn our history. When you see people who don't know our history or who don't find it important – and you see history being taken out of schools – that's really upsetting. It was kind of a “no-brainer” to support the Jack Miller Center.

JMC: Why is it important to become more knowledgeable about the Constitution?

AWC: Well, look around. You watch the news and you see how our Constitution is being trampled on every day and not embraced. It's so disturbing that we have the best ‘law of the land’ I think, ever formed – it's not perfect, but it's close. And to have people not pay attention to our Constitution and to try to take it away is upsetting. I wish that every school had a course on the Constitution.

JMC: How does it feel knowing that you've had a major role in making the JMC Constitution Day Initiative happen?

AWC: Well that just warms my heart because there's so much out there going in the wrong direction. The fact that JMC is making a difference – and that we can do our part in helping fund that – that just makes me smile.

JMC: Why do you think it's important for young people to have a good understanding of our nation's Founding Principles and history?

AWC: There's so much of which to be proud. Young people are exposed to such a distorted vision of our history so often in so many schools – if they get any history at all. If they really knew it, they would understand the values that the Founders put in place are just awesome. Our Founders put so much thought into it and devoted their lives to it. I don't know why anyone would want to throw this away. To be able to know the truth – it's worth knowing.

“I love what the JMC is doing. When I met with JMC, it spoke to me on all levels that this was something we wanted to support.”



Investing in Faculty: JMC Hosts First Annual Senior Fellows Summer Institute

A small meeting room in downtown Philadelphia transformed into a hub of vibrant conversation with the first annual JMC Senior Fellows Summer Institute – “A Symposium on the Future of American Political Thought” – held August 8-10.

Designed to invest further in the top 20 percent of the Miller community of professors, the institute offered mid-career professors, who have been members of the JMC community for as long as nearly 10 years, an opportunity to share and critique their most recent scholarly projects with their peers and senior scholars.

University, said there is a “maturing of thinking that is enlivening and inspiring. Generally, that has been my experience with all Jack Miller [Center] conversations. They inspire me to think more deeply, do more research and broaden my perspective.”

Collaboration has already become reality for Associate Professor Jeremy Bailey (SI '09, '11) of The Honors College at the University of Houston. Bailey collaborated with fellow Miller summer institute alumni J. David Alvis (Wofford College) and Frank Flagg Taylor IV (Skidmore College) on the book, *The Contested*

Removal Power: 1789-2010, published September 2013 by the University Press of Kansas. (See page 9).

Justin Dyer, Assistant Professor in the Department of Political Science at the University of Missouri and 2012 summer institute (SI) participant, noted events such as this have “been a huge boost to my career.” Dyer added, “Only a few people in the country are doing this kind of work.... Every time I come to JMC events, I get to interact with people interested in the same ideas.”



Left: George Thomas, Claremont McKenna College; right: Lara Brown, The George Washington University.



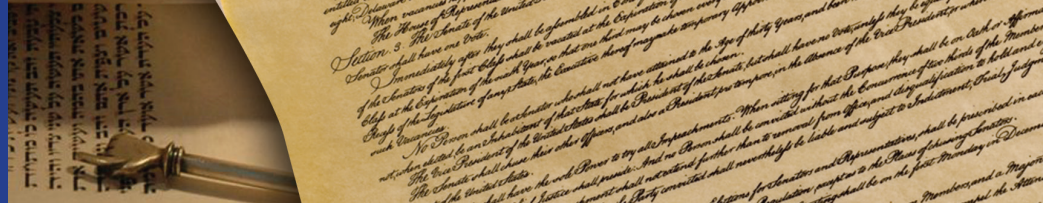
“I’ve been at a number of JMC events, and collaboration has happened explicitly because of it,” Bailey noted. He added that the institute is “a chance to have conversations with people who are focused on the same area.”

“What I find really interesting,” said Lara Brown (SI '11) “is that the conversations are deeper and more intimate. This is partly because of the smaller session and also because we each have grown as scholars in the interim.”

Brown, who recently began a new job as Associate Professor and Program Director of the Political Management Program at the Graduate School of Political Management at the George Washington

Lake Forest College Uihlein Assistant Professor of American Politics Evan Oxman (SI '10, '12) called the institute “helpful in strengthening relationships and also fostering new ones” and added that such events offer the potential for fostering joint scholarship among participants. “I always really enjoy myself, both professionally and personally, at JMC events,” Oxman noted.

“At JMC, we are always thinking of new programs tailored to the specific needs of the JMC community of scholars,” said Michael Andrews, JMC Executive Officer and Vice President. “Many of the participants in our early summer institutes are now tenured, and we wanted to design a program to help them continue their impressive ascent up the academic ladder.”



SPREADING THE WORD

JMC Constitution Day Media Coverage Supports Programs

Miami Herald

Posted on Mon, Sep. 16, 2013

Knowing our Constitution over the Kardashians

BY KEVIN WAGNER



Everyone knows the important holidays at the end of the year. Labor Day celebrates the labor movement, kicks off the school year and for the fall shopping season. Veterans Day right celebrates the courage of our fellow citizens who have served in the military. No one misses Halloween, or if you do, a young or sometimes older child will remind you with a knock at the door. But there is another holiday that I bet you don't know about.

Thanks to the late Sen. Robert Byrd of West Virginia, who always carried a copy of the Constitution, Congress in 2004 mandated that all educational institutions receiving federal funds hold an educational program celebrating the signing of the States Constitution. As a result, each Sept. 17 commemorates the signing of one of the most remarkable political documents ever written.

Unfortunately, there is little done, even at many educational institutions, to observe the anniversary of the signing of the Constitution. Retailers do not even use it to sell merchandise. There are no Constitution Day sales. Few people get the day off. There are no parades with floats featuring James Madison or Alexander Hamilton. No one gets commemorative candy.

Ten media outlets including the *Miami Herald*, *Arizona Republic*, *Richmond Times* and *Memphis Commercial Appeal* published essays written by Miller fellows as part of JMC's outreach plan for the Constitution Day Initiative.

"To support our fellows and their CDI programs, we worked with regional publications in selected media markets where partner programs are located to secure placement," said Mike Deshaies, vice president of donor programs. "We are pleased with the outcome of this strategic effort, which garnered editorial coverage in nearly one in three markets where JMC-supported CDI programs occurred."

In addition to essays, the JMC effort resulted in CDI program publicity in at least 30 other media outlets, including the Huffington Post, Real Clear Politics and television and radio online news sites.

For texts of essays and event video coverage, go to www.jackmiller-center.org.

Saving the Whole Dream

Continued from page 1

which our nation is founded and on which our freedom depends.

A republic without these underlying principles that protect the rights of the individual will soon turn into a tyranny of the majority, somewhat akin to three wolves and a sheep voting on what they should have for dinner. If we don't understand these principles and their importance, we can't protect them. And if we don't protect them vigorously, we will lose them. Throughout history, we have seen the terrible consequences when the people of a nation fail to protect individual freedoms; Nazi Germany, for example. It is critical that as citizens, we protect and defend the freedoms and rights we have, thanks to our Constitution.

We are working hard to make sure

that we don't lose these freedoms. We have partnered with a community of professors in political science and history – over 600 (and counting) on more than 190 campuses across the country who are leading this learning and these discussions. The Jack Miller Center, working in partnership with faculty, administrators and donors, is leading the effort to reinvigorate on college campuses the study of our Founding Principles and the history of our march toward achieving them all. Tens of thousands of students are learning about these critical principles.

One day soon, these students will be the voters, the representatives, the senators, the judges and, yes, even the presidents who will lead and shape this country our founders created so many years ago. It

is important, critical, that they know the everlastingly true, fundamental, foundational principles on which our country was founded.

It is great that we celebrate Dr. King's dream, but it is also critical that we do whatever we can to make the "whole" dream a reality. And that is what the Miller Center is dedicated to helping make happen. We are proud of what we have achieved so far, and we want to thank all of those who, through their generous donations, have helped and are helping make it happen. We are looking to the future with even greater expectations.



Constitution Day Program Highlights

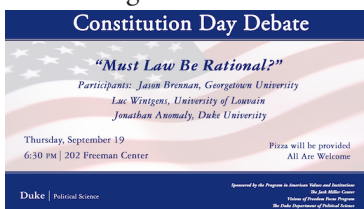
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Topics included “Slavery at the Constitutional Convention” (Duke University), “National Security and the Constitution” (Lake Forest College), “The Constitutional and/or Statutory Limits of Presidential Power: Drones, Syria and the NSA” (Michigan State University), “The Making of the Constitution” (Rhodes College), “Equality as the Foundation of Liberty: Taking the Declaration and Constitution Together” (Yale University), “Theodore Roosevelt and the Progressive Challenge to the Constitution” (University of Texas at Austin), and “Affirmative Action and College Admission” (Brown University).

Notable speakers included Pulitzer Prize-winning author Gordon Wood, Ohio Supreme Court

Justice Judith French, South Carolina Supreme Court Justice Costa Pleicones, Pulitzer Prize-winning author Eric Foner, national journalist Stuart Taylor, and prominent legal scholar Randall Kennedy.

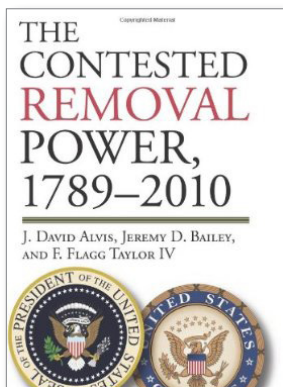
Additionally, this year’s CDI featured a capstone event in Chicago, co-hosted by Northwestern University and the Illinois Institute of Technology and headlining Lawrence Lessig, director of the Edmond J. Safra Center for Ethics at Harvard University. Professor Lessig addressed the topic, “On What the Framers Would Mean by Corruption,” and his presentation is posted at www.jackmillercenter.org.



BOOK REVIEW

The Contested Removal Power, 1789-2010

By J. DAVID ALVIS, JEREMY D. BAILEY, AND F. FLAGG TAYLOR IV
UNIVERSITY PRESS OF KANSAS



The U.S. Constitution is clear on the appointment of executive officials: the president nominates, the Senate approves. But on the question of removing those officials, the Constitution is silent—although that silence has not discouraged strenuous efforts to challenge, censure, and even impeach presidents from Andrew Jackson to Bill Clinton. As J. David Alvis, Jeremy D. Bailey,

and Flagg Taylor show, the removal power has always been and continues to be a thorny issue, especially as presidential power has expanded dramatically during the past century.

Linking this provocative issue to American political and constitutional development, the authors recount removal power debate from the Founding to the present day. Understanding the historical context of outbreaks in the debate, they contend, is essential to sorting out the theoretical claims from partisan maneuvering and sectional interests, enabling readers to better understand the actual constitutional questions involved.

After a detailed review of the Decision of 1789, the book examines the initial assertions of executive power theory, particularly by Thomas Jefferson and Andrew Jackson, then the rise of the argument for congressional delegation, beginning with the Whigs and ending with the impeachment of Andrew Johnson. The authors chronicle the return of executive power theory in the efforts of Presidents Grant, Hayes, Garfield, and Cleveland, who all battled with Congress over removals, then describe the emergence of new institutional arrangements with the creation of independent regulatory commissions. They conclude by tracking the rise of the unitarians and the challenges that this school has posed to the modern administrative state.

Although many scholars consider the matter to have been settled in 1789, the authors argue that a Supreme Court case as recent as 2010—*Free Enterprise Fund v. Public Company Accounting Oversight Board*—shows the extent to which questions surrounding removal power remain unresolved and demand more attention. Their work offers a more nuanced and balanced account of the debate, teasing out the logic of the different institutional perspectives on this important constitutional question as no previous book has.

Editor's Note: Authors Alvis, Bailey and Taylor are JMC fellows. Description from book cover.



Scott Yenor

“Thus has Supreme Court jurisprudence on race given us the idea that the Constitution allows different things at different times — perhaps.”

Does the U.S. Need a Color-blind Constitution?

BY PROFESSOR SCOTT YENOR

America’s original sin was establishing a liberal democracy without abolishing chattel slavery. Penance for that original sin continues today.

Even the election of America’s first African-American president seems to coincide with a deterioration of race relations, in some sense.

Under what circumstances can America ever exit the purgatory of race? Closely connected to this question are pressing constitutional and policy questions. Does the U.S. Constitution require a “color-blind” Constitution? Would wise public policy be “color-blind,” even if color-blindness were not mandated by the Constitution?

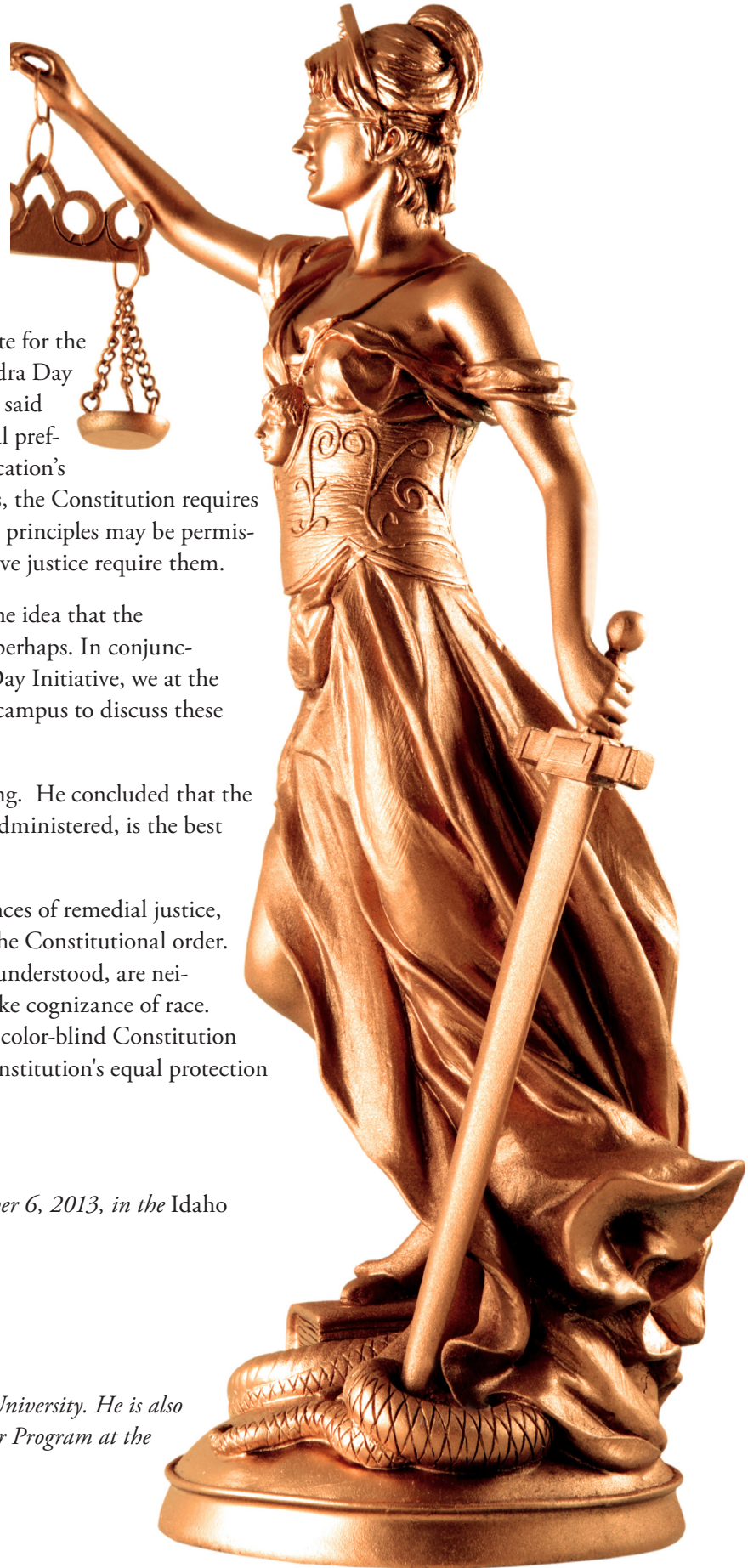
The words “color-blind Constitution” enter the American lexicon via Justice John Marshall Harlan’s famous dissent in *Plessy v. Ferguson* (1896). *Plessy*’s majority allowed “separate but equal” Jim Crow laws to stand. Jim Crow laws had not been color-blind. They were remnants of slavery and the racial subordination freedmen suffered through in post-Reconstruction America. African-Americans were consigned separate train cars, public restrooms, sections of restaurants and so on.

At the very least, Harlan’s vision would find Jim Crow laws in violation of the Constitution. It is not clear, however, what his color-blind Constitution would demand. Would it accommodate corrective measures for racial injustices or for African-American self-protection?

Imagine a law requiring that certain jurisdictions must have at least 25 percent African-American jurors. In 1870 South Carolina, for instance, such a law might be essential to making sure that freedmen would not be railroaded. Jury selection processes could be rigged. Local judges might share the community’s commitment to racial subordination. Prosecutors might seek easy targets. Corrective measures that take race into account might be essential to protect freedmen in such cases.

How to distinguish legitimate “corrective measures” from those reflecting racial subordination? Harlan’s principle seems to rule out corrective or protective measures.

Brown v. Board of Education (1953), the famed desegregation case in which the Supreme Court held that “separate was inherently unequal,” does not seem to require a color-blind Constitution. Nor have the civil rights laws passed in the wake of *Brown* consistently applied the color-blind principle. Nor have the Supreme Court’s confusing affirmative action cases and voting rights cases required the color-blind principles.



There have been feints in the direction of an expiration date for the non-color-blind Constitution. Most famously, Justice Sandra Day O'Connor allowed affirmative action plans to survive, but said that she expected "that 25 years from now, the use of racial preferences will no longer be necessary" to further higher education's interest in promoting diversity. This suggests that, perhaps, the Constitution requires color-blind principles, but that an exception to color-blind principles may be permissible under circumstances where self-protection or corrective justice require them.

Thus has Supreme Court jurisprudence on race given us the idea that the Constitution allows different things at different times — perhaps. In conjunction with the Jack Miller Center's national Constitution Day Initiative, we at the American Founding Initiative brought Peter C. Myers to campus to discuss these difficult issues.

Myers's conclusions were interesting and thought provoking. He concluded that the color-blind Constitution, prudently and undogmatically administered, is the best way to interpret the race implications of the Constitution.

By prudently administered, Myers means that some instances of remedial justice, narrowly tailored to that result, must be admitted under the Constitutional order. Contemporary attempts to promote "diversity," variously understood, are neither coherent nor legitimate ways whereby the state can take cognizance of race. Supreme Court trends toward the recognition of a mostly color-blind Constitution are in keeping with this prudent administration of the Constitution's equal protection aspiration.

Editor's Note: A version of this article was published September 6, 2013, in the Idaho Statesman.

Scott Yenor is a Professor of Political Science at Boise State University. He is also Director of the American Founding Initiative, JMC's Partner Program at the university.



JMC Welcomes New Team Members

As demand for our programs continues to grow, JMC has welcomed new team members to better serve our nationwide faculty community, partner programs and donor partners.



Tom Kelly



Gina Diorio



Joseph Gattermeyer

Former program officer Tom Kelly returned in April to become our new Academic Initiatives Associate. Tom is responsible for assisting in the administration of JMC's academic initiatives. Tom previously worked for JMC but left in 2008 to attend law school at the University of Notre Dame. He earned his JD in 2011 and worked in Chicago as a commercial litigator before rejoining JMC. A native of Chicago, Tom earned his A.B. in International Relations from the University of Chicago.

Gina Diorio joined the JMC team in February as Manager of Donor Programs. She manages planning and production of JMC's donor and communications products, including newsletters, the Annual Report and specialty publications. Prior to joining JMC, Gina served as District Director for Congressman Scott Garrett (NJ05) and also spent several years as a full-time freelance writer. A New Jersey native, Gina holds a B.A. in History from Eastern University (St. Davids, PA) and an M.A. in Public Policy from Regent University (Virginia Beach, VA).

More recently, in June we welcomed Joseph Gattermeyer to the JMC as a summer intern. Joseph hails from Cincinnati, Ohio and recently graduated from Ohio University with a double major in History and Spanish. We are pleased to announce that Joseph has accepted a full-time position with JMC and will succeed Sam Bellows as Program Officer.

Hail and Farewell

On a bittersweet note, we also said farewell to two JMC team members who left us to pursue individual academic and career goals.

This fall, Dr. Rafael Major, Director of Faculty Development and Online Education, began his new role as professor in the Political Science Department at the University of North Texas in Denton. Rafe joined us in 2008 from Michigan State University and has been central to the success of our faculty development initiatives, particularly our summer institutes. Many of our Miller Fellows will keep fond memories of Rafe's

leadership and contributions at our summer institutes and beyond. We're pleased Rafe will be continuing with JMC as a senior fellow.

We also said farewell to Sam Bellows, Program Officer, who began his Ph.D. studies in political theory at the University of Texas at Austin. Sam joined us as a recent college graduate in 2011 and quickly became a key part of our team, assisting in the planning and execution of all JMC programs. We wish Sam success in all of his future endeavors.

McClay Accepts Position at Oklahoma University

Congratulations to JMC Board Member and Academic Council Vice-Chairman Wilfred McClay, who is the new G.T. and Libby Blankenship Chair in the History of Liberty at the University of Oklahoma. In this role, McClay will teach students “about the evolution of the concept of liberty in Western civilization” and will also serve as director of OU’s Center for the History of Liberty.

McClay previously served as the SunTrust Bank Chair of Excellence in Humanities and Professor



Bill McClay

of History at the University of Tennessee at Chattanooga, where he also co-directed the Center for Reflective Citizenship.

In addition to his current work at OU, he is a Senior Scholar at the Woodrow Wilson International Center for Scholars, Senior Fellow at the Ethics and Public Policy Center, and Senior Fellow at the Trinity Forum. Earlier this year, he completed an eleven-year term of service on the board of the National Endowment for the Humanities.

JMC Thanks Faculty Partners



As small-dollar donations are important to JMC’s ability to demonstrate a wide support base, this past spring we sent our first donation request letter to our faculty partners.

The response exceeded our expectations. For this, we want to extend a heartfelt

and public THANK YOU! We sincerely appreciate your support and this vote of confidence from you.

At JMC, we count it a true privilege to work with each and every faculty member and to support your efforts to advance the essential education in America’s Founding Principles and history. We are proud to partner with you in this effort.



JMC in New Location

In July, JMC moved into our new and expanded headquarters in Bala Cynwyd, PA, just outside of Philadelphia. Our expanded home provides additional space for staff and a larger conference room to accommodate meetings with visiting professors, donors and representatives of other organizations that share our desire to reinvigorate education in our nation’s constitutional tradition.

Our new address is:

JACK MILLER CENTER
THREE BALA PLAZA WEST, SUITE 401
BALA CYNWYD, PA 19004

Our telephone numbers remain the same.

APSA Involvement Grows for JMC

JMC was pleased to facilitate five related group panels at this year’s American Political Science Association (APSA) annual meeting, held in Chicago August 29-September 1.

Since JMC first helped to establish a related group at APSA in 2010, in partnership with Professors Steve Katuz and Ben Kleinerman of Michigan State University and dedicated to scholarship on “American Political Thought,” interest has grown, and high attendance led APSA to allocate five panels to this group this year.

Panel topics included Political Thought and American Political Development: A Neglected Relationship, Political Theory and the Civil War, Lincoln and the Political Thought of the Civil War, James Madison and the Constitutional Convention, and Strategy and Ambition in The Federalist and the Convention Debates.

We are delighted to see this growth, as well as the growing prominence of scholarship on the American political tradition within the premier professional association for political scientists.



PARTNER PROGRAM PROFILE



WISCONSIN
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AMERICAN DEMOCRACY FORUM GOALS:

- Increase opportunities for undergraduates to study the founding principles and ongoing practice of American democracy
- Provide opportunities for junior high and high school teachers to access the latest research on the principles and practice of American democracy
- Support graduate students and early career scholars whose work focuses on the principles and practice of American democracy
- Build a conversation about the principles and practice of American democracy among leading scholars from a variety of disciplines at the University of Wisconsin-Madison and beyond

University of Wisconsin-Madison: The American Democracy Forum

Dedicated to the Principles and Practice of American Democracy

Launched in fall 2010, the *American Democracy Forum* (ADF) at the University of Wisconsin-Madison promotes the study of the principles of the American founding and their continued place in the practice of democracy in the United States.

Under the direction of Professor John Zumbrennen, ADF offers a variety of courses and programs for undergraduate students, undergraduate and postdoctoral fellowships, conferences and workshops, and more.



John Zumbrennen

For example, undergraduates can enroll in courses examining themes such as the principles and history of American political thought and the ethics of civic engagement. Each year, the ADF invites a select group of students to participate in its Undergraduate Fellows program, which includes a small seminar on key ideas like freedom, equality and representation. Fellows are also eligible for summer fellowships that support independent research and/or thesis projects.

Additionally, ADF invests in teachers and scholars through academic conferences and workshops for scholars. The American Democracy Educators' Forum offers high school teachers the opportunity to engage with key texts from the history of American political thought and to engage in related curriculum development activities.

Furthermore, this fall ADF launched its newest initiative, the Benjamin Franklin Initiative, with generous support from the John Templeton Foundation. This initiative will explore links between law, science, and politics in the Atlantic Enlightenment generally and the American Founding specifically. The Benjamin Franklin Initiative includes a series of lectures and workshops as well as a new post-doctoral fellowship focused on research, publishing, and teaching courses examining the connections between scientific and technological innovation, politics, and law.

For more information on the *American Democracy Forum*, visit www.adf.wisc.edu.



JMC Postdoctoral Fellow’s Road to Tenure Track Position

David Levy, a Miller Postdoctoral Fellow at Emory University (2011-2012), shares his thoughts on his current work and his fellowship experience.



ST JOHN’S
College

ANNAPOLIS • SANTA FE

JMC: What has happened in your career since your postdoctoral fellowship?

DL: Since my fellowship, I have received a position at St. John’s College, Santa Fe, as a visiting professor, which became a tenure-track position last spring. At St. John’s, all professors are expected to be able to teach all classes, so I teach a variety of courses related to the history of math, science, philosophy, and literature; put another way, my position at St. John’s allows me to teach and study the greatest and most influential works in Western thought. Otherwise, my book, *Eros and Socratic Political Philosophy*, was published this summer, and I have continued my research on ancient philosophy. I have also written an introduction to Xenophon’s *Hiero*, which is to be published in a collection of translations of and introductions to Xenophon’s minor works, and I am beginning work on what I hope will be a book on the unity of Plato’s *Phaedrus*.

JMC: How did the fellowship impact your career?

DL: The fellowship was crucial, most obviously, for providing me the opportunity to finish my book. In addition, it allowed me to spend a year teaching at Emory, where I met many fine students; I also had great colleagues there, who were helpful with everything from designing course syllabi to leading study groups on ancient philosophy and providing feedback on my research. Furthermore, my association with the Jack Miller Center has put me in contact with numerous scholars whose thoughtful conversation has been invaluable to me.

JMC: What will you be teaching this upcoming year at St. John’s?

DL: This year, I’ll be teaching Freshman Math, Freshman Language, and Sophomore Seminar, which are all year-long courses. Freshman Math takes up ancient Greek mathematics

and astronomy, which provides a crucial background for understanding and assessing the revolution in thought that occurred with modern natural science. The Freshman Language course aims to teach students ancient Greek, but in this class we also do close readings of texts from Greek philosophy and literature. Sophomore Seminar focuses on the great works of Western thought, from the Bible and Roman authors (Greek authors are the focus of Freshman Seminar) to Medieval literature and theology, and concludes with the beginnings of modern thought in Machiavelli, Shakespeare, Bacon, and Descartes.

JMC: Why do you believe it is important for students to study the principles of our nation’s Founding?

DL: The study of the American Founding is essential for many reasons. Most obviously, understanding what kind of government the Founders aimed to create and why they wanted to create it allows us to assess the changes American politics has undergone, which is necessary for anyone who is going to be an informed citizen in America. Furthermore, although American politics has changed significantly since the Founders wrote, their principles continue to resonate with Americans, profoundly shaping our beliefs, and the Founders’ writings provide an unsurpassed articulation of these principles. Thus, by studying the Founding, we can better understand what Americans still believe today.

Finally, studying the Founders’ debates gives students excellent practice in thinking critically about fundamental political questions; even when students disagree with the outcomes of those debates, they tend to grasp that they were informed by profound understanding, and what’s more, that rational arguments can and need to be made about crucial political questions—that is, that such questions ought not to be decided by mere “opinions” or “values.”



JACK MILLER CENTER

For Teaching America's Founding Principles and History

THREE BALA PLAZA WEST, SUITE 401
BALA CYNWYD, PA 19004

*Please remember JMC in
your year-end giving plans.
If you have questions about
JMC's programs, please
contact Mike Deshaies, vice
president of donor programs,
at mdeshaies@gojmc.org or
484.436.2067.*

UPCOMING EVENTS

NOVEMBER 1: **Harvard University** Friday Lunch Series, Jean Yarbrough on her new book *Theodore Roosevelt and the American Political Tradition*

NOVEMBER 6: **American University**, Janus Forum Debate, Charles Murray (AEI) v. Timothy Noah (MSNBC) on "Income Inequality: Causes and Consequences"

NOVEMBER 14-16: **Ohio University** Conference, "Equality and Public Policy"

NOVEMBER 15: **Harvard University** Friday Lunch Series, Wilfred McClay on "The Strange Persistence of Guilt in a Post-Religious Age"

NOVEMBER 22: **American University**, Lecture by Johnathan O'Neill (Georgia Southern University) on "The South and American Constitutionalism after the Civil War"

DECEMBER 4: **American University**, Lecture by Daniel Dreisbach on "The Sacred Sounds of Lincoln's Gettysburg Address"

MISSION AND PURPOSE

The Jack Miller Center partners with professors, administrators and donors who share its belief that educating students in America's history and the great principles that animate our institutions and shape our citizens is a cause worthy of our best efforts.