

Editor's Note

Welcome to our Spring 2024 issue. I am pleased to present this collection of articles and features that challenge and advance our understanding of federal history.

Our first three articles explore different aspects of the history of the U.S. Consular Service, an essential government division that dates from the earliest years of the new nation and has begun receiving increased attention in recent years. The articles discuss the new nation's struggle to accept the "reciprocity" of consular relations as an entry into the international community; the structure and duties of the consular service in the decades before the Civil War; and the political role of consuls in the service of larger U.S. foreign policies and strategies. Together, these studies provide an excellent introduction and foundation for further investigation.

Simeon A. Simeonov traces the prolonged negotiations for consular relations with France in the 10 years prior to the Constitutional Convention of 1788. The French pressed the new U.S. government for a convention to establish rules for consular relations that would govern not only consuls' essential commercial duties and powers but their responsibilities to protect fellow citizens and sailors. American legislators, as well as Secretary of Foreign Affairs John Jay, hesitated to engage in international agreements in that postcolonial context, and were especially apprehensive of "wide-ranging French proposals of consular jurisdiction." Jay's eventual assent marked an understanding of the essentiality of a reciprocal agreement for national sovereignty and effective participation in the Atlantic commercial community. It also marked the necessity of accepting some compromise with the revolutionary ideals of freedom—"to cede a portion of their newfound sovereignty in the form of discretionary consular authority." In this sense, the Franco-American Consular Convention of 1788 can be seen as a critical moment in defining U.S. sovereignty.

Lawrence A. Peskin examines the bureaucratic and administrative structure of the U.S. Consular Service and the general duties and working conditions of U.S. consuls in the decades before the Civil War. He estimates that 200–300 individuals, including about 70 consuls, worked in the service worldwide by 1800, making it perhaps the largest government division. Peskin uses consuls' communications

from numerous countries to humanize them and sketch a picture of their difficult assignments and financial challenges. We learn of their pleas for reforms and struggles with local governments, ship captains, quarantines, and pirates. Peskin's survey reveals the government's general neglect of consular posts over that period, based on a "philosophy of limited, facilitative management" that promoted capitalists and commerce. It was with the post-Civil War expansion of trade and heightened designs on empire, he finds, that "government would view this administrative weakness as a serious liability and seek to rectify it" with a "more active and regulated service."

Chris Rasmussen's case study of the U.S. consul to Guam in 1854–1856 sets the consul's efforts within a wider context of early 19th-century U.S. visions of expansion and imperialism. Consul Samuel Masters was "largely free of oversight" and did not receive secret orders, only an "occasional mild prodding from State—to contest Spanish authority." His fervor as an annexationist and his tense relations with the Spanish governor, coupled with the Franklin Pierce administration's efforts to protect U.S. sailors' rights in Guam and to annex Cuba, reveal the record of a more active consul, similar to those in several Spanish American republics. Rasmussen's broad political perspective adds to our knowledge of the early dynamics of Manifest Destiny across the Pacific as "an enthusiastic, if perhaps ramshackle, approach to territorial acquisition." It also highlights the flexibility of the consul's role, one that could be adaptive, often semi-ambassadorial, and instrumental in broader international policies.

We're proud to publish this year's Roger R. Trask Lecture by **William P. Barry**, NASA chief historian from 2010 to 2020. Bill Barry provides valuable insights into one of SHFG's core, original missions: promoting methods to establish and successfully administer a federal history program. Of course, each program is unique, with different mandates, resources, and audiences—especially considering NASA's exceptional popularity. But, his account of the NASA history program's evolution offers vital lessons for all, especially the need to be resourceful and adaptive in an era of budget reduction and downsizing. Barry urges the use of volunteers, partnerships, technology, and the Internet to preserve data and make information more widely available. Above all, he stresses, despite the transformational impact of the digital revolution, we must remember the core value of archives and libraries in our work—their essentiality for preserving the facts and documentary materials for understanding the past.

Lauren F. Turek explores the increasing use of moral language in congressional debates on legislation for national defense through the 1950s, specifically during the annual renewal of the Mutual Security Program. Moral language and values became “key rhetorical battlegrounds in these debates” as the United States assumed a prominent post–World War II leadership role to protect and reinforce “global democratic capitalism.” Policy making now had to comport more closely with the nation’s founding principles. Internationalists and isolationists used moral arguments in different ways to protect freedom at home and abroad, encourage self-reliance in a post-colonial world, and fight the spread of communism. Turek finds that the new moral sensibilities helped shape a turning point in U.S. policy making and helped “secure a durable and comprehensive foreign aid regime for the nation.” While moral arguments were not always “determinative,” they did guide decisions on security and aid programs. This investigation helps us better understand the foundations for the human rights discussions and priorities of the 1970s and beyond.

In our interview, **Amanda C. Demmer** discusses her book *After Saigon’s Fall* on the post-1975 path to normalization of relations between the United States and the Socialist Republic of Vietnam (SRV). She finds that the war’s “protracted ending,” culminating with normalization of relations in the mid-1990s, has been little studied. Her narrative shows that American policy toward the SRV evolved amid three realities: the activism of nongovernmental groups (Vietnamese activists and refugee groups); the reassertion of Congress in foreign policy, “changing domestic and international refugee norms”; and “the intertwining of humanitarian and human rights.” Negotiations continued through a complex series of “contingencies and contradictions” and centered mainly on discussions of the emigration of vulnerable Vietnamese left behind and the “accounting for POW/MIA.” The book documents an important story revealing the complexity of policy making in our modern republic that included the successful pressure of nongovernmental groups and public opinion. I thank Dr. Demmer for her generous answers that elaborate on that history.

Michael Franczak’s book *Global Inequality and American Foreign Policy in the 1970s* (2022) is the focus of our roundtable on foreign affairs. The book examines the U.S. response through the 1970s to the demands of the New International Economic Order (NIEO). Nations of the “Global South,” many of them post-colonial nations, formed the NIEO after the oil price–hikes of the early 1970s seeking a “restructuring of the global economy, founded on the transfer of

resources and political authority from the North to the South.” The reviewers applaud Franczak’s in-depth economic analysis but suggest several areas for discussion that would yield a fuller understanding of that pivotal era, such as international conventions on law, especially on mineral extractions and the law of the sea; the roles of the USSR and the UN; and more extensive review of the Reagan administration’s policies and the rise of neoconservatism and neoliberalism. Ultimately, this history is about how the United States and Europe acted to preserve the hegemony of the industrialized nations—how, per one reviewer, “powerful Americans relearned the methods and language of world dominion after decolonization.” I thank Michael Franczak and the reviewers for this very insightful and rewarding discussion. I know our readers will profit from it.

For our Law & Constitution section, I’m gratified that we could commission and host an excellent roundtable on **Gerald Leonard** and **Saul Cornell**’s volume *The Partisan Republic* (2019). The panel discussion serves the core purpose of our legal history section: to promote understanding of the historical development of our constitutional and legal traditions and practices. The authors go beyond a top-down analysis of Supreme Court decisions to examine the effects of other histories such as “the origins of judicial review, party formation, the plight of constitutional outsiders[,] . . . flight from slavery by Black Americans, the practice of White Americans’ settling illegally on Indian lands,” and more. Constitutional history is here understood as a full societal process that includes “histories of politics, governance, society, and culture.” This story is largely viewed through the struggles between the preference for centralized power of the Federalists and the Marshall Court on one side and advocates of states’ rights on the other. It is also about “the tension between republican elitism and democratic will.”¹ The Jacksonian Democrats’ defiant states’ rights positions weakened the Court’s authority with “a rejection of judicial supremacy” until the Dred Scott decision (1857). The reviewers raise important questions, such as the meaning of populist uprisings, the exclusionary nature of the Jacksonians’ white democracy, and the effective reach of federal power, among others. The discussion leaves us with important, open questions but with an appreciation of the production of constitutional meaning as a fluid and complex societal process.

¹ See our recent roundtable on *Monitoring American Federalism: The History of State Legislative Resistance* by Christian G. Fritz for a revealing history on how the states protested federal decisions, policies, and constitutional powers through their protection of states’ rights and their resistance in the early Republic. H-FedHist Roundtable of Fritz, *Monitoring American Federalism*, September 21, 2023, <https://networks.h-net.org/group/5299/search?search=Fritz>.

I thank **David E. Wilkins** for his review of Maggie Blackhawk's article, "Legislative Constitutionalism and Federal Indian Law," and **Lisa K. Parshall** for her review of Gerald S. Dickinson's article on changing applications of the Fourth Amendment.

As always, my gratitude to Senior Assistant Editor Judson MacLaury for his careful review of all texts, to Assistant Editor Lisa Parshall for her editorial review and assistance on all aspects of our Law & Constitution feature, and to our anonymous reviewers for their invaluable comments.

We hope that you enjoy this issue and support SHFG in its efforts to advance historical work in government programs.

Benjamin Guterman
Editor