

“Live with TAE

This quirky Southerner is one of America's most distinguished and original historians. Here he discusses states' rights versus national government, the Founding Fathers, the Supreme Court, political parties, and our greatest Presidents.

Forrest McDonald

Forrest McDonald was a boy from “the swamps of Texas” who went to the University of Texas to play baseball (“great fielder, no hit”) and fell into the study of history when he started reading accounts in the New York Times of every major-league baseball game played between 1901 and 1943.

As a historian, McDonald has staked out the pre-Abner Doubleday republic, writing now-classic books on the economic and intellectual origins of the Constitution, the development of the Presidency, and the White House years of Washington and Jefferson. He is also the foremost explicator of the mind of Alexander Hamilton.

McDonald is independent, idiosyncratic, and refreshingly irreverent. His landmark E Pluribus Unum: The Formation of the American Republic is filled with memorable lines—like his description of South Carolina's Pierce Butler as “an Irish-born nobleman who traced his ancestry all the way back to somebody-or-other but who, stripped of his genealogy, would scarcely have been noticed by his next door neighbor.”

McDonald's latest book, States' Rights and the Union, is another pathbreaker: the first general survey on this issue central to the makeup of the American republic.

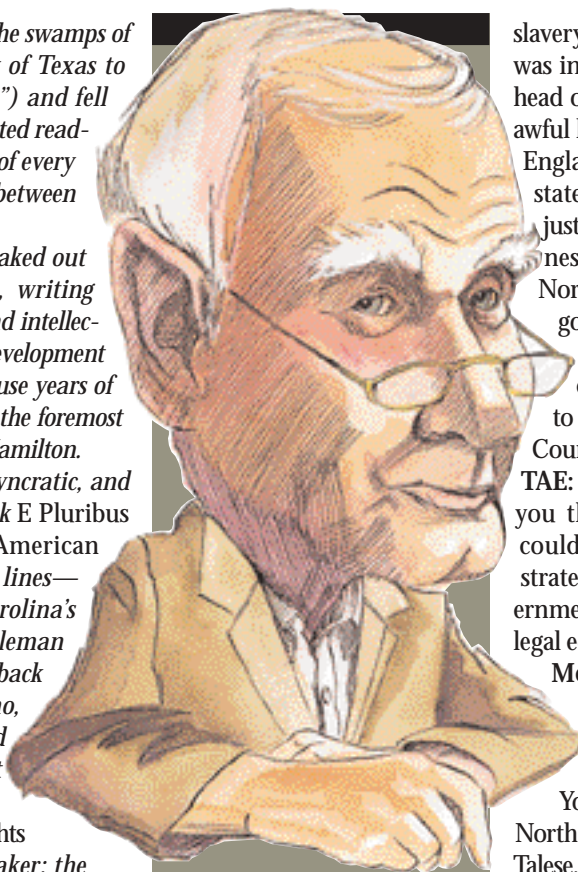
TAE associate editor Bill Kauffman spoke with Forrest McDonald and his wife, historian Ellen Shapiro McDonald, in McDonald's office at the University of Alabama.

TAE: The term “states' rights” has acquired the odor of racism over the years. How much of this is deserved and how much is a smear job by advocates of centralized power?

McDONALD: That's a loaded question.

TAE: Many of these are.

McDONALD: States' rights took on the odor of racism because Southerners invoked it on two very unfortunate occasions. One was to justify the coming of the Civil War and in defense of



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slavery, which was not defensible, and the other was in the 1950s, when Southerners raised it to head off integration. But it's been invoked by an awful lot of other people for sound reasons. New Englanders in the War of 1812 took a staunch states' rights position, which was thoroughly justified. It was a stupid war: We had no business fighting Great Britain at that time. The Northerners, in the 1850s, figured the federal government was totally under the control of the Southerners, and they'd never gain control of it, and they invoked states' rights to resist actions of Congress and the Supreme Court. So it could be used either way.

TAE: In pursuing equal rights under the law, do you think that blacks in the 1950s and '60s could have designed an effective states' rights strategy, or was action by a strong central government the only way they could have achieved legal equality?

McDONALD: The South was making progress, but I don't think it likely that they would ever have obtained total legal equality without a push from the outside.

You have to remember, though, that the North was just as segregated as the South was. Gay Talese, a fine reporter and novelist, grew up in New Jersey and by a flukish accident was an undergraduate at the University of Alabama in the early '50s. There was nothing shocking to him about the way people lived in Alabama, because it was exactly that way in Ocean City, New Jersey, in Manhattan, in Harlem, and so on.

But I guess my answer is that it could not have come about except for a series of decisions by the Supreme Court, violent resistance by Southerners, and the play upon all this by the Northern press—which was greatly exaggerated, by the way. The press forced Northern politicians, most of whom would rather just have let the thing alone, into a corner.

The confrontation between [Governor] Ross Barnett and the Kennedys at Ole Miss in Oxford, Mississippi was wonderful: It was all prearranged.

Bobby Kennedy talked with Ross Barnett, and they agreed that the confrontation would take place on such and such a date, there would be x federal marshals there, and the government would back down. So here is just opportunism and statecraft, which is characteristic of the Kennedys. Though I must say that Bobby was a great deal more human than Jack. He really did have the wits to sympathize with Martin Luther King when he first went to Birmingham jail. It would never have occurred to Jack. Jack had never seen black people. He could only measure in terms of political calculations. Jack has the image of an idealist and Bobby is the cutthroat, but Bobby had genuine feelings, and Jack was simply above it.

TAE: Since the '60s, has states' rights lost some of its odium?

McDONALD: It has. The most interesting sign of a revival of states' rights is the decisions of the United States Supreme Court over the last five years. The particular issues may not be important, but they've been reading the 11th Amendment, which exempts states from suits by a citizen of another state or foreigners in the federal courts, as applying also to citizens of the same state, so that a citizen of Alabama cannot sue the state of Alabama in a federal court. Boy, that has strong states' rights implications.

TAE: Republicans talk about the 10th Amendment and devolution, but they also want the federal government to nullify statewide votes to legalize medical marijuana, and they impose a national drunk-driving standard on the states. Is states' rights more often a strategy than a hard-and-fast principle?

McDONALD: The creation of "federal crimes" is politically popular, or at least the people in Congress think it is, but these people are totally without Constitutional scruples. I doubt if many of them ever read the Constitution. I mean that absolutely seriously.

TAE: What role do mobility and rootlessness play in undermining support for states' rights?

MRS. McDONALD: I think it's the reverse. People who are mobile and rootless *want* states' rights—so they can get out of one state and go somewhere different. It's the principle of being able to escape.

McDONALD: Back in my younger days, I had a heavy foot. I never drove under 80 miles an hour. I had an awful lot of outstanding speeding tickets. I'd get one in the state of Missouri...

MRS. McDONALD: And we'd just never go back to Missouri.

McDONALD: It's a great thing about the United States: The law varies from state to state, and if you don't like it in Illinois, you can go to

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Wisconsin...heaven forbid.

TAE: Wars, including the Cold War, also threw the federal-state relationship out of whack, didn't they?

McDONALD: The government has got to grow like crazy during a war. There's no way around that. But, historically, it would always go back and be more or less the way it was before. Then a flukish thing happened: The New Deal came along and started building up government, then World War II, and then they couldn't retrench in 1946 because of the Cold War, and it just never went back. So the mammoth growth of the federal government was partly a function of the New Deal, largely a function of World War II, and very much a function of the Cold War.

Today, in the absence of the likelihood of a real war, other things shape whether people favor federal or state governance. And I think a dangerous imbalance is developing. The genius of the American party system has always been that each party has a very broad tent, so that the Republican Party could, in the '60s, handle everyone from Jake Javits on the left to Barry Goldwater on the right. The Democrats could handle ultra-states'-rights Southerners and Hubert Humphrey. Occasionally, political scientists have said, "Why don't we have parties that really stand for something instead of these big blobs?" The genius of the system is that in working that way it prevents extremism.

But take [Senator] Jeffords. He can't live with the conservatives in his party. The Republican Party is getting more conservative and the Democratic Party is getting more liberal, including all these people who are at the federal teat, which means a lot of corporations as well as poor people.

The balance of the system is going to be disturbed if that polarization continues. All the states' rightsers would be in one party and all the nationalizers in the other, and we just might zigzag on a very hectic course.

At the time of the Revolution and shortly thereafter, Pennsylvania was the first state to develop a working two-party system. The two parties were polar opposites, truly ideological parties. One gang would gain control of the legislature and repeal everything that the other gang had done, and the next year they would reverse it. There was no stability.

TAE: Did you enjoy the post-election show in Florida, where you had Gore Democrats speaking of the sanctity of states' rights and Bush Republicans urging strong action by the national government?

McDONALD: I thought it was hilarious, that this Supreme Court, which has been so states' rights,

comes in and just knocks the Florida Supreme Court down with—pow!—the back of their hand.

The Supreme Court's most important political sense is to protect themselves. But if they're feeling self-confident, they don't need to worry about that. The Supreme Court buried itself in the 1850s by the *Dred Scott* decision. It just undermined their credibility and it was not until well after the Civil War that they began to gain respect again.

On the opposite hand, in the 1950s the Supreme Court won for itself a huge amount of moral capital by the *Brown* decision and subsequent decisions in the same direction. The explosion of judicial activism in the next two decades came because everybody thought, wow, the Supreme Court justices are the only people in this country who are for justice.

TAE: You've written that George Washington "looked like a leader." How important are looks to a successful Presidency?

McDONALD: Tremendously. The Presidency is two jobs. One is running the executive branch, and the other is to act as surrogate king. It's just programmed into our very bones to want a king. Now there's a wide range of leadership styles that we've found acceptable, but a President who doesn't look and act what we think of as "Presidential" can't cut it. Washington was 6'2 1/2" tall, broad-shouldered, slim-hipped, in a nation of short, fat people. Man, he looked like a leader. On horseback he was magnificent.

In 1783, the army was encamped at Newburgh, New York. The officers, who had been years without pay, were in a rebellious mood, and from the tent of Horatio Gates, the spurious hero of the Battle of Saratoga, one of his aides de camp circulated letters calling for a meeting of the officers with the suggestion that we'll not disband the army until we obtain justice. That's like a challenge to a duel. Washington was not invited to the meeting, but he learned of it, and to the surprise of the assembled officers he came in. He had a little piece of paper with him. He reached into his vest pocket and pulled out a pair of spectacles, and said, "You will forgive me, gentlemen, but I've not only grown gray in the service of my country but almost blind."

Wow! Nobody knew he wore glasses: He was vain about that. He proceeded to give them a speech which was taken straight out of a play by Joseph Addison called *Cato*. All the officers had seen it, because he had staged it for them. But he had them in tears. He turned and went out, and that broke up the mutiny. He did that kind of thing all his life.

In the eighteenth century, people in public life played roles. You wore an idealized mask. You picked a character and tried to play it, and to the extent you played it successfully, it grew on you.

TAE: He was very conscious of being the "Father of His Country," wasn't he? Did that make him stilted and artificial?

McDONALD: Not really. In the eighteenth century, people in public life played roles. You wore a mask. You picked a character and tried to play it, and to the extent you played it successfully, it grew on you. The phrase "second nature" comes from this practice.

Washington played a succession of characters, each a little nobler, a little more exalted, a little finer than the last one, until he was being called "the Father of His Country."

TAE: How much does it matter that George W. Bush comes across in his public appearances as intellectually limited?

McDONALD: It's not going to hurt him a bit. I don't think people are comfortable with people who come across as too damn bright. That was part of Nixon's problem.

Bush has learned quickly how to make jokes about it. He belittles the whole thing; he does some of those foot-in-mouth things quite on purpose, and that endears him to people.

TAE: Have there been stupid men who were successful Presidents?

McDONALD: The early ones were very intelligent, up through John Quincy Adams. Andrew Jackson wasn't very bright, and he certainly wasn't well educated. Jackson said any man who can only spell a word one way has got to have something wrong with him. He was shrewd, and I think his Presidency was a catastrophe, but in his own terms, he was very successful. He set out to destroy the Bank of the United States, and he did so. He set out to undermine the John Marshall Supreme Court, and he did so. He set out to get the federal government out of internal improvements, and he did so.

MRS. McDONALD: It's easier to think of bright men who failed. Herbert Hoover was an outstanding intellect. James Garfield could write Latin with one hand and Greek with the other.

TAE: Almost a decade ago you wrote, "President Nixon's stock has risen sharply in the past few years. It is my personal belief that someday he will be reckoned one of the great or near-great Presidents." Is Nixon's stock still rising?

McDONALD: Yeah. He understood international relations better than any man in the federal government since Alexander Hamilton. He took the steps that made it possible to win the Cold War, which is to say he realized that the Soviet Union and China were not the same thing. International communism was not a monolith, so what we had to do was divorce the two communist powers and

build power blocs like in the nineteenth century, so that the United States could threaten to come in on this side or that side.

TAE: As far back as the '70s, you credited the Fawn Brodie claim, since amplified by others, that Thomas Jefferson probably fathered a child or children by Sally Hemings. Do you still believe that?

McDONALD: No! I had always assumed that the charges were true because a fellow named Winthrop Jordan, who was a graduate student at Brown when I first went there, published a very good book which mentioned, in passing, that every time Jefferson was away for some time and then came back to Monticello, nine months later, Sally Hemings had a baby.

So I thought, "Well, he did it." Then the DNA evidence came out. In the first place, the guy who was the best candidate for being a Jefferson kid has been proved by the DNA not to be a Jefferson.

Second, the only one that they have pinned down with the DNA was conceived when Jefferson was 65 and subject to fierce migraine headaches.

Third, there were 15 or 20 Jefferson men on the premises at the time who could have been the father.

MRS. McDONALD: Once Jefferson left the Presidency and came home permanently, Hemings never had another child.

TAE: Did the fact that you're a Hamilton man in the great Hamilton-Jefferson divide make you more likely to believe this story?

McDONALD: It predisposed me, yeah, but that's one reason why the chairman of the Jefferson-Hemings Scholars' Commission wanted me on: Because I'm clearly identified as being in the Hamilton camp.

TAE: You've written that "Madison was and is perhaps the most difficult of all the Founding Fathers to understand." Here we are in the 250th anniversary of his birth, and no one cares. Why?

McDONALD: A number of reasons. He was not consistent over his career. The Madison of 1788 writes the *Federalist* essays, and the Madison of 1798 writes the anti-nationalist Virginia resolutions. You can't get there from here.

Another reason is that he was *not* the father of the Constitution. He was the father of the Bill of Rights. My wife once made a study of all the strong positions he took in the Constitutional Convention, and on less than half of them was he in the majority. He wanted the Congress to review all state legislation, not on constitutionality but on principle. You can imagine what Congress would be like today—even worse than it is.

One thing he had going for him was he lived so damn long. He was a hypochondriac: dying every

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day of his life. But he lived until 1836, by far the last of the Framers to be alive, plus he kept a journal and was able to decide what went into that.

MRS. McDONALD: He had no pizzazz. He was scrawny. All this whining, ill health, and complaints: What a kvetch! His mind was too subtle.

McDONALD: Political scientists love him; he gives 'em good stuff to chew on.

TAE: I think of Alabama as a state with intense local patriotism: Bear Bryant and "Sweet Home Alabama"—though Bryant was from Arkansas, and Lynyrd Skynyrd from Florida. Is Alabama still Alabama, or has homogenization wiped it out?

McDONALD: In terms of accent, the kids in class sound like the kids at Brown. Local patriotism turns on football. But Southerners are still different people. By and large, they're lazier than Northerners, though air conditioning has changed that. They're still less materialistic, very religious, prone to violence, and have good manners. These last two go together: Old-time Southerners were apt to kill each other at the drop of a hat, so you were very careful not to offend anybody. The one departure from good manners is that they all wear caps indoors, and you can't get 'em not to. But that's a recent affectation.

MRS. McDONALD: You would never find in Ohio the generosity and the kindness that you find here. It's very sweet.

TAE: Do you really write your books in the nude?

McDONALD: Yeah. Brian Lamb [of C-SPAN] asked, "If I watched you write, what would I see?"

I started to giggle. I said you'd see me naked. We live out in the country; for years they didn't even read the electric meter, because they couldn't find it. Total isolation, and it gets very hot.

MRS. McDONALD: We don't have air conditioning.

TAE: On principle?

MRS. McDONALD: Yes.

TAE: Eugene Genovese wrote of you in the *Atlantic*, "That he has not received the honors he has earned illustrates the extent to which the profession wallows in neo-McCarthyism, systematically ignoring conservative historians when it does not slander them." Do you feel beleaguered or slandered?

McDONALD: I've never felt that. I've had some hard knocks. Early in my career, I was subjected to tremendous pressure by the liberal establishment. But I've had an awfully good life in the game, and as I wrote Gene, I am with Cato and Washington and Hamilton: I do not care for the plaudits of the multitude. I want the esteem of the wise and the just.