

Editor's Note

When we think of the American Revolution, we likely first envision the colonists' military struggles against superior British forces. Secondarily, we might reflect on the diplomatic front: securing foreign allies and their assistance, and gaining recognition of American independence. In those efforts, John Jay's diplomatic contributions are well known, both during the Revolution and in the first years of independence. Yet, as *The Selected Papers of John Jay* project notes, he is usually depicted as "a man in the background." Historians rely on the project's six completed volumes to broaden our knowledge of Jay and his career. Presenters at the John Jay project's recent virtual conference on January 22–23, 2021, acknowledged the collection's value for their work on such topics as Jay's diplomacy, activism for ratification of the Constitution, antislavery and abolition activities, religious leadership, family life, and judicial career. In his presentation, **Benjamin Lyons** provided insights into the reasons for Jay's diplomatic successes, including his mastery of the protocols and practices of Revolutionary War-era international diplomacy, embodied in the "Law of Nations."

Lyons explores that same ground in our first article, asking why President George Washington selected Jay to be the first chief justice of the United States. Washington was very sober about that selection, writing that the judiciary was "the chief-Pillar upon which our national Government must rest." Lyons's answer is that Jay was eminently qualified because of his knowledge of and skill at law. As Lyons documents and explains, Jay's deft use of the Law of Nations in his foreign assignments was an important qualification. His study serves, essentially, as an incisive analysis of Jay's diplomacy—a succinct and clear look at Jay's personality, training, skills, and diplomatic choices. Jay served as the U.S. minister to Spain (1779–1782), co-negotiator of the Treaty of Paris (1782–1783), and secretary for foreign affairs (1784–1789). That balance of skills greatly benefitted the new nation and allowed Jay to succeed in ways that diplomats John Adams and Benjamin Franklin could not. As Lyons explains, skill at international law was a major asset for judicial responsibility at that time, as the Constitution gave the Supreme Court original jurisdiction in such matters as treaties, cases affecting "Ambassadors, other public Ministers and Consuls," cases of admiralty and maritime jurisdiction, and controversies between states and foreign nations. In making the case for Jay's qualifications based on his skills at law, Lyons provides a revealing account of the difficulties and intricacies of America's negotiations with established European

ministers, walking us through exchanges over the American goals of international recognition of independence, U.S. navigation rights in the lower Mississippi River, and peace treaty negotiations. Those accounts of Jay's improvisation, diplomatic dexterity, emphasis on natural rights, and calculated risks enhance our knowledge of the founding of our nation and yield a complex view of Jay as a critical founder.

We are proud to include the SHFG's annual Roger R. Trask Lecture. The lecture always reveals how federal agencies use history to govern more efficiently and effectively, and improve public knowledge of American history. In his 2020 Trask Lecture, **Bill Williams** traces his work as chief of the Center for Cryptologic History to improve the program's service to leadership at the National Security Agency. He was inspired by historian Sherman Kent's contention that an agency's history program must, above all, provide program leadership with historical context, knowledge, and insights for "the improvement of today's and tomorrow's operations." But Williams went further, aiming to "advance an understanding of cryptologic history for the United States Intelligence Community, the Department of Defense, other government agencies, academia, and the general public." He promoted a workplace "culture of history"—an appreciation for the value and importance of intelligence work and the historian's role in promoting that knowledge. He used staff rides (excursions to historic sites) to highlight the historical role of intelligence and leadership's choices at key historical moments. Outreach efforts through the Cryptology Museum and publications rounded out the new efforts. Williams's account guides us through the formation of a unique historical program—one designed to serve a largely secretive mission yet enlighten the public.

Jonathan Chilcote adds to our knowledge of federal involvement in public health care during the 1918 Spanish influenza epidemic. Nearly 675,000 Americans died during the pandemic, as state and local boards of health were overwhelmed by the speed and extent of the outbreak. Congress quickly expanded the Public Health Service (PHS) and charged it with providing financial and medical assistance, supplies, and guidance to the states. The PHS worked alongside the American Red Cross to distribute supplies and allocate medical professionals where needed. Select Early National-era health programs and Progressive-era laws improving food safety and working conditions set precedents for federal intervention in health issues, and the perceived success of the PHS led Congress to continue the agency's supervisory role after World War I, even while other wartime emergency agencies were terminated. But, in the 1920s the PHS could not successfully manage

its new duties to protect the health of returning veterans. Additionally, in the 1930s its research functions were transferred to the National Institutes of Health. Yet, both government and the public had emerged from that postwar period with a new understanding of the need for a federal “role in the oversight and financing of public health efforts.” Just as the federal government had mobilized industry and the economy during World War I, we now see that it did so in the protection of public health, as well. Contemporaries debated the proper extent of federal leadership during national crises, but the indispensable management of the PHS during the pandemic undoubtedly advanced public acceptance of wider federal supervision in matters of public health.

Kevin Yuill urges a reappraisal of the intentions behind and the effects of the 1924 National Origins Act. The enormously influential act redefined U.S. immigration priorities on the basis of race and remained law until the mid-1960s. Yuill’s study ably contextualizes the 1924 act in the wake of rapidly changing national and international developments, particularly as concerns over the importation of Bolshevik ideas (the Red Scare) gave way to concerns for the protection of “whiteness” and fears of Asian immigration. His in-depth account stresses the pivotal legislative role of Senator David Reed and other liberals in passage of the act, as opposed to the traditional focus on the restrictionist Albert Johnson. Reed’s emphasis on preserving the whiteness of American society—emphasizing the equality of western and northern with eastern and southern Europeans—and his acceptance of the exclusion of Asians, effectively helped set race as “the most important foundation of American citizenship.” Yuill deftly explains the ambiguous but pivotal role of liberals, as both political parties struggled to define Americanness in an era of rapidly rising nationalism across the globe.

Christopher Holmes explores an instance of bureaucratic “wrangling” for office space in Washington, DC, during World War II. While this episode seems routine, Holmes writes that it “illustrates some ingrained characteristics of bureaucracies and insights into presidential management.” President Franklin Roosevelt sought appropriate space for the American and British Combined Chiefs of Staff—senior officers from both nations—from 1942 to 1946. Few buildings near the White House and the War Department’s Munitions Building offered spacious, impressive, and secure office and meeting facilities. Agencies declined to offer long-term space: the Army did not volunteer, and the Federal Reserve Board drafted a memorandum stating that by law the president could not take over its building, but that the nearby Public Health Service (PHS) Building would be ideal. Dr. Parran

of the PHS privately argued that his office needed to remain in the District, close to his wartime counterparts in the Army and Navy buildings. However, Roosevelt chose the PHS building. The story of that 1942 search and decision provides a window into bureaucratic, self-protective maneuverings of agency leaders limited by their hesitancy to cross a president not tolerant of objections. This tale and its novel perspective are well worth studying.

Ian J. Drake provides an insightful study of the efforts to ameliorate the products liability insurance crisis of the late 1970s and early 1980s, and consequently a clear look at federalism in action. How could states and the federal government help control skyrocketing insurance costs that resulted from “the expanded liability of the 1960s”? Importantly, Drake situates the congressional debate over the Risk Retention Act of 1981 within contemporary discussions over deregulation in the Carter and Reagan eras. The 1981 act embodied a narrow approach, avoiding a federal takeover of insurance and tort matters under its power to regulate interstate commerce. Instead, the law removed critical state barriers to the formation and operation of self-funded insurance groups across state lines to offer competitive insurance, all without new federal expenditures, oversight, or bureaucracy. The states “retained a great deal of regulatory and taxing authority,” including “regulating the licensing, chartering, capital requirements of risk retention groups formed under the law, or requiring actuarial opinions regarding the adequacy of compliance with state regulations” or oversight. Through Drake’s careful account of that specific legislative debate over shared federal-state authorities we gain insights into the complexity of modern administration and governance, and the practical essence of federalism embodied in the Constitution. We see that federalism is at once a constitutionally mandated and necessarily negotiated political process.

Alan Jaroslovsky provides a concise and convincing reevaluation of the Presidential Clemency Board (PCB) established by President Gerald Ford in September 1974—the first such body since President Harry Truman’s Amnesty Board of 1946–47. It was unpopular from the start, and could not achieve its stated goal of healing the nation in the post-Vietnam War era, the author argues, because of bitter opposition from both the right and the left, who saw clemency as a violation of their core principles. Through a balanced focus on the operations of the PCB during its single year, with discussion of its internal divisions, procedures, biases, evolution, and adaptations, the author is able to assess the success of the board based on its work and its achievements. Consequently, he is able to offer

an important insight: while the board did not serve the thousands of fugitive draft evaders as it had anticipated, it was able to offer pardons after alternative service to over 11,000 underprivileged, “largely apolitical military deserters.” These were men “not motivated by politics or questions of morality,” but who deserted because of difficult familial circumstances, such as marital problems or impoverishment of their families. These cases “constituted over 80 percent of the 21,500 applications to the PCB.” PCB leadership and staff could draw satisfaction that these pardoned men could now receive the benefits afforded to other veterans. Jaroslovsky’s narrative is ultimately an instructive case study of the complexity and imperfection of bureaucratic work, which must inevitably strive for just results amid strict deadlines, political pressures and criticism, and even presidential indifference.

Chandra Manning discusses some key themes from her book *Troubled Refuge* in our interview. Her work is a poignant and dramatic story of self-liberation during the Civil War when slaves escaped to refugee camps that were under the protection of Union forces. Between 400,000 and 500,000 African Americans spent some time in such camps. The book works on two levels. First, for freedpeople, life in the “contraband camps” involved survival and deprivation in harsh conditions and the “uncertainty and contingency of war.” In the western theater, the army frequently closed camp and marched, ending opportunities for stability. Freedpeople dug ditches, built fortifications, drove teams, did laundry, and maintained railroad lines, but in that “liminal” state, amid the upheaval of war, they were not yet citizens. Secondly, Manning’s work highlights the constitutional significance of that mass escape to freedom. As Union officers refused to return escaped slaves, the federal government effectively replaced its legal and constitutional role as protector of slavery with a new, revolutionary commitment to safeguard liberty for African Americans. The Civil War, at the outset, now clearly became a crusade to end slavery. But Manning stresses that “emancipation and citizenship were not at all the same thing,” and that the struggle for citizenship would have to come later. We thank Dr. Manning for a revealing discussion of that early state of emancipation.

I thank our senior assistant editor of 10 years **Judson MacLaury** for his careful reading of all texts. We also welcome **Reid Arno** and **Christina S. Thomas** as assistant editors. Their studies in U.S. history will provide valuable training as they contribute to our process. We also thank our anonymous reviewers for their reading of and comments on these texts.

Thank you for your interest in *Federal History*, and we hope that you will support the work of the Society for History in the Federal Government (www.shfg.org) with a membership, if you have not already done so.

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