

April 2022

Conspiracies and American Democracy: What's Old? What's New? And What's Dangerous?

James Morone

Follow this and additional works at: <https://ir.stthomas.edu/ustjlpp>



Part of the [Civil Law Commons](#), [Constitutional Law Commons](#), [Election Law Commons](#), [First Amendment Commons](#), [Health Law and Policy Commons](#), [International Law Commons](#), [Law and Philosophy Commons](#), [Law and Politics Commons](#), [Law and Psychology Commons](#), [Law and Society Commons](#), [Other Law Commons](#), and the [Public Law and Legal Theory Commons](#)

Recommended Citation

James Morone, *Conspiracies and American Democracy: What's Old? What's New? And What's Dangerous?*, 15 U. ST. THOMAS J.L. & PUB. POL'Y 412 (2022).
Available at: <https://ir.stthomas.edu/ustjlpp/vol15/iss2/20>

This Article is brought to you for free and open access by UST Research Online and the University of St. Thomas Journal of Law and Public Policy. For more information, please contact the Editor-in-Chief at jlpp@stthomas.edu.

CONSPIRACIES AND AMERICAN DEMOCRACY: WHAT'S OLD? WHAT'S NEW? AND WHAT'S DANGEROUS?

JAMES A. MORONE

We live surrounded by conspiracies.¹ President Donald Trump sprang into the White House claiming—against all evidence—that President Obama was not born in the United States; he left insisting—again, without evidence—that shadowy agents (Venezuelans? Voting machine magnates? Democrats?) had stolen the 2020 election. Most Republicans rallied around the falsehoods—56% repeated the birther claim after Obama's eight years in office and 52% believe the 2020 election was stolen.² The list of conspiracies and alternate realities go on and on: Hillary Clinton and her cronies were running a child pornography ring in the basement of Comet Ping Pong Pizza in Washington DC;³ Covid-19 was a deep state hoax; a dusty UN report on sustainability is a blueprint for world domination.⁴ The crackpot rumors add up to something perilous: Believers toss aside republican norms and fair election procedures in the quest to defeat *them*—the dangerous others. Today, American democracy itself may be cracking under the pressure of all the wild conspiracies.

This paper asks what precisely is new about this generation of conspiracies. After all, the voting process itself has always been shaky,

¹ RUSSELL MUIRHEAD & NANCY ROSENBLUM, *A LOT OF PEOPLE ARE SAYING: THE NEW CONSPIRACISM AND THE ASSAULT ON DEMOCRACY* (2019).

² Kayleigh Rogers, *The Birther Myth Stuck Around for Years. The Election Fraud Might Too*, FIVETHIRTYEIGHT (Nov. 23, 2020), <https://fivethirtyeight.com/features/the-birther-myth-stuck-around-for-years-the-election-fraud-myth-might-too/>.

³ Amanda Robb, *Anatomy of a Fake News Scandal: Inside the Web of Conspiracy Theorists, Russian Operatives, Trump Campaigners, and Twitter Bots Who Manufactured the "News" that Hilary Clinton Ran a Pizza Restaurant Child-sex Ring*, ROLLING STONE (Nov. 16, 2017), <https://www.rollingstone.com/feature/anatomy-of-a-fake-news-scandal-125877>.

⁴ Greg Harmon, *Agenda 21: A Conspiracy Theory Puts Sustainability in the Crosshairs*, GUARDIAN (June 24, 2015), <https://www.theguardian.com/sustainable-business/2015/jun/24/agenda-21-conspiracy-theory-sustainability>.

especially around the race and gender lines. In fact, republican norms have been under assault right back to the first contested election.⁵

Moreover, Americans have been fretting over conspiracies since early colonial days. After all, New England was racked by witch trials even before the eruption in Salem village in 1691. And going even further back, colonial writing featured captivity narratives in which white women were stolen and dragged off into the wilderness by native Americans. In some sixty cases, the captives refused to be “redeemed”—preferring life with the natives. European settlers offered a simple diagnosis: Only a monstrous conspiracy could explain this kind of declension from Christian civilization to a pagan life among the savages.⁶

Early American conspiracies, like those surrounding witches and Indian captives, established four common themes that remain familiar to the present day. First, our innocents are imperiled. Vulnerable women and children face terrible danger. Second, a malevolent other poses the threat. The battle is on: A virtuous, vulnerable *us* struggles to defeat the malevolent *them*. Third, the result adds up to nothing less than a threat to the good land and its people. We live in a beleaguered Eden, we are under assault, we struggle against a terrible evil. In the heat of battle, conspiracies flourish, prejudice rises, and nativism flourishes. Fourth, the inevitable political response: Bias, intimidation, discrimination, and violence. The good people suspend their normal rules and procedures. What makes a witch hunt is not the witches (or the communists or the child molesters). Rather, it is the hunters’ willingness to toss aside the normal rules of justice. Ironically, it is the “good people’s” response that poses the deepest danger to republican norms.⁷

Today’s conspiracies reflect the past patterns. They are rooted in the same themes all revolving around an innocent *us* imperiled by a dangerous *them*. And, once again, the real danger to democratic norms lies in the call to change normal election rules in an effort to stave off the putative *them* gathered in the untrustworthy cities.

⁵ JAMES A. MORONE, *REPUBLIC OF WRATH: HOW AMERICAN POLITICS TURNED TRIBAL FROM GEORGE WASHINGTON TO DONALD TRUMP* (2020) [hereinafter MORONE, *REPUBLIC OF WRATH*]. ALEXANDER KEYSSAR, *THE RIGHT TO VOTE: THE CONTESTED HISTORY OF DEMOCRACY IN THE UNITED STATES* (2000).

⁶ JAMES A. MORONE, *HELLFIRE NATION: THE POLITICS OF SIN IN AMERICAN HISTORY* 74–77, 82–99 (2003) [HEREINAFTER MORONE, *HELLFIRE NATION*].

⁷ MORONE, *HELLFIRE NATION*, *supra* note 6, at 55–99.

The sections that follow explore the legacies of past conspiracy—and the overreaction that threatened American republican norms. First, I examine two long-standing cultural conditions that make the United States especially vulnerable to conspiratorial thinking. Second, I look at two of the great, historical conspiracies: The Great Irish Catholic Peril (in antebellum America) and the White Slave scare (from the 1910s). Beneath the details, I suggest, lie important continuities that always turn on the great American antinomy, us versus them. Third, I compare past conspiratorial thinking to the craziness today. And, finally, some hopes and fears for the future.

I. WHY CONSPIRACY? TWO DYNAMITE TWISTS TO AMERICAN HISTORY

The American propensity for conspiracy rests, in part, on two features of American cultural history—the city on a hill and the nation of immigrants.

Even before the Puritan settlers landed, in 1630, Governor John Winthrop delivered one of the most famous sermons in American history. “We shall be as a city on a hill,” declared Winthrop (quoting Jesus’ sermon on the mount), “the eyes of all people are upon us.”⁸ The settlers set themselves to a soaring mission: They would create a biblical commonwealth so exemplary that it would serve as a model for all people (or at least all of England). And the stakes were enormous. “If the Lord shall be pleased . . . He shall make us a praise and a glory.”⁹

Some historians have questioned whether Winthrop really intended anything so grandiloquent.¹⁰ But the strange idea—that the members of a tiny settlement on the very edge of the Western world were on a mission from God with the eyes of all people fixed on them—stuck and grew. The American mission evolved from creating a biblical commonwealth to spreading political liberty to championing democracy to spreading free economic markets. The eyes of all people, in the American imagination, remain fixed on this city with its special task of saving the world.

The theme runs through the first Federalist paper: “It seems to have been reserved to the people of this country, by their conduct and example, to

⁸ *Matthew* 5:14.

⁹ JOHN WINTHROP, 3 A MODELL OF CHRISTIAN CHARITY, IN WINTHROP PAPERS, 294–95 (Massachusetts Historical Society, 1931).

¹⁰ RODGERS, DANIEL, AS A CITY ON A HILL: THE STORY OF AMERICA’S MOST FAMOUS LAY SERMON (2018). For commentary, see James A Morone, 100 *Journal of Religion* No. 3, at 417–19 (2020).

decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice . . .”¹¹ It leaps into George Washington’s first inaugural: “Every step, by which the . . . people of the United States have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency.”¹² And his farewell address: May “the happiness of the people of these States, under the auspices of liberty, . . . acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.”¹³ And on it runs down through John F. Kennedy’s inaugural address in 1961: “Let us go forth and lead the land we love . . . knowing that here on earth God’s work must truly be our own.”¹⁴ President Ronald Reagan’s Farewell Address gave it the full Hollywood treatment: “I’ve spoken of the shining city all my political life . . . in my mind it was a tall, proud city built on rocks stronger than oceans, wind-swept, God-blessed, and teeming with people of all kinds living in harmony and peace.”¹⁵ More recently, the famous trope has turned into a partisan cudgel. “There is a determined group of radicals,” wrote Newt Gingrich with Barack Obama very much in mind, “who outright oppose American Exceptionalism [and are] convinced America is a brutal, racist, malevolent country.”¹⁶ Gingrich took a long American tradition and deployed it both to sanitize the birther claim and to project it on all liberals; regardless of where they were born, explained Gingrich, they don’t understand America.

The idea of an exceptional nation, blessed by God, and instructing the world, puts pressure on America and Americans. It sanctions meddling with fellow citizens—evaluating individuals and groups for their fitness as true Americans. Posing as an exemplar for the world means constantly

¹¹ THE FEDERALIST NO. 1 (Alexander Hamilton).

¹² George Washington, Inaugural Address, (Apr. 30, 1789), https://www.archives.gov/exhibits/american_originals/inaugtxt.html.

¹³ George Washington, Farewell Address (Sept. 19, 1796), <https://www.ourdocuments.gov/doc.php?flash=false&doc=15&page=transcript>.

¹⁴ John F. Kennedy, Inaugural Address (Jan. 20, 1961), <https://www.ourdocuments.gov/doc.php?flash=false&doc=91&page=transcript>

¹⁵ Ronald Reagan, Farewell Address to the Nation (Jan. 11, 1989), <https://www.reaganlibrary.gov/archives/speech/farewell-address-nation>

¹⁶ NEWT GINGRICH, A NATION LIKE NO OTHER: WHY AMERICAN EXCEPTIONALISM MATTERS 7 (2011).

measuring and judging one another. It raises the stakes on debates over American culture, it makes American politics prone to culture wars.¹⁷

The pressures on a would-be exceptional nation are exacerbated by a second feature of American cultural history: The United States has always been a nation of immigrants. Each generation of newcomers face the same biased question: Do they have the right moral stuff to be (or become) real Americans?

In the 1830s, for example, Irish Catholic immigrants heard that their faith precluded them from becoming true Americans. At the time, many Americans insisted that United States and Protestantism had both been born in rebellion against arbitrary authority. Protestant faith and republican practice reinforced one another. Then along came the Catholics; to the fearful nativists, these new people were bound to a foreign pope, bossed by a medieval clergy, and blind to the bible. How could they possibly become republican citizens? Religious differences, as we shall see in the next section, melted into moral panics. Pornographic rumors about catholic priests inspired tracts, sermons, mobs, violence, and limits to democracy.¹⁸

If the Catholics posed a menace what about the Chinese? “Cruel, cunning and savage,” wrote the erstwhile social reformer, Jacob Riis, who warned that the Chinese posed “a constant and terrible menace to society.”¹⁹ Likewise, added another well-known sociologist in 1906, Jews were “moral cripples with dwarfed souls” and Italians “gross little aliens who lack the power to take rational care of themselves.”²⁰

The worst backlash, of course, was always aimed at Black America. African Americans arrived on the terrible slave ships, stripped of their families, their heritage, and their very identities. Together the American slaves and the generations that followed them, redefined themselves. Through religion, close communities, personal narratives, and enduring struggle for freedom, this community too would rise and redefine the country. And, more than any other group, they too would face resistance.

Every generation brings new Americans bidding for a seat at the American table: Immigrants from Ireland and Germany in the 1840s; Freed

¹⁷ This theme is developed in MORONE, *HELLFIRE NATION*, *supra* note 6. See also, JAMES A. MORONE, *THE DEVILS WE KNOW: US AND THEM IN AMERICA'S RAUCOUS CULTURE* 15–30 (2014) [hereinafter MORONE, *THE DEVIL WE KNOW*].

¹⁸ MORONE, *HELLFIRE NATION*, *supra* note 6, at 55–99.

¹⁹ JACOB RIIS, *HOW THE OTHER HALF LIVES* 97, 102 (1890); E. A. ROSS, *THE OLD WORLD IN THE NEW* 101, 113 (1913).

²⁰ ROSS, *supra* note 19, at 154.

men and women after the Civil War. Immigrants from Poland, Italy, and China in the late 19th century; people from Mexico, India, Korea, and many other nations today. Each generation of newcomers brings new values, religions, cultures, and ideas. Each offers a different answer to the all-American question: who are we? And each faces nativism, backlash, and bias.²¹

A nation of immigrants keeps the culture wars on high boil. Each generation of new commers face the same charges that Newt Gingrich flung at Obama and the liberals. They do not have the right values. They do not understand America. They do not appreciate what made us great. Irish Catholics, Germans, former slaves, Chinese workers, Jews, Italians, Latinas, Muslims all hear the same cry: How can *they* possibly become *us*? The great diversity helps turn American politics and culture into battles between *us* and *them*. The fear of diversity --of the unfamiliar—makes fertile ground for conspiracies and misinformation, racism and nativism, stereotypes and lies.

How, exactly, does the politics of us versus them turn into conspiracies, lies, and political repression? Of course, the dynamic varies from group to group and era to era. But as we will see, the continuities are striking. The next sections examine two cases, eighty years apart. They illustrate just how nativist fears turn into conspiracies and then into long-lasting political changes. And they illustrate the themes that run across American conspiracies and culture wars.

II. BIGOTRY AND THE IRISH CATHOLICS (1830-1855)

In 1836, a nun named Maria Monk published a sensational best-seller that revealed the shocking truth about Catholic priests and nuns. *Awful Disclosures of the Hotel Dieu Nunnery* explained how pious virgins forswore marriage and entered convents where, to the author's horror, they were thrown into criminal intercourse with the priests.²² Every confessor had a concubine—some kept in barred cells with secret tunnels for the priest's convenience. The children from these illicit unions were baptized, strangled, and thrown into lime pits dug into basement. The nuns who balked were

²¹ MORONE, *THE DEVILS WE KNOW*, *supra* note 17, at 15–30.

²² MARIA MONK, *AWFUL DISCLOSURES OF THE HOTEL DIEU NUNNERY OF MONTREAL* (1836) 82, 101–05, 153–57 (Anthem Press, 2016).

bound, placed under a mattress, and stomped to death by savage sisters—under the direction of the bishop.²³

The book was nonsense, of course. It may have been ghost written. But it became a best seller and inspired a host of other books exposing the “vast Sodoms” of the Catholic convents. In fact, *Awful Disclosures* became the best-selling book in American history until *Uncle Tom's Cabin* appeared in 1852. To take just one measure of the book's fame, it appears in James Joyce's *Ulysses*; Mr. Bloom, looking for a bit of pornography in a bookstore, idly pages through Maria Monk's book—though he opts, instead, for *Sweets of Sin*.²⁴

The image—immoral savages (sexually) menace our innocents—stretched back to the captivity narratives of Christian women and forward to the internet fueled tales of captive children in Comet Ping-Pong Pizza. In every case, the rancor did not end with wild imaginings.

Back in the 1830s, the wild rumors about Irish Catholic convents inspired violent riots across urban America. The largest took place in Charleston, outside Boston, and it reflected exactly the crazy conspiracies that Maria Monk cashed in on. Rumors, spread by the Boston newspapers, imagined that a young music teacher, Elizabeth Harrison, had tried to escape from the Ursuline convent school for girls from wealthy families. The school occupied a prominent place on the Boston skyline and in the world of anti-Catholic conspiracies it stood for the usual horrors: captive innocents, flagellated and abused by the notorious priests. Rumors flew around Boston. Harrison had been lured back to the convent; she was captive in of the secret basement dungeons; her father was frantic. A large mob gathered in front of the convent. After they were briefly stymied by a formidable nun, they broke into the convent. The crowd ran through the building and, though they found neither captives nor dungeons, looted the convent and burned it to the ground. The patriots capped their triumph by marching around town, brandishing weapons, roaring deprecations at the papists, and burning the occasional Irish house. No one was ever punished for the riot.²⁵

What explains the wild conspiracy? Social changes introduced by the first great wave of immigrants. Irish—and Catholic—immigrants began to

²³ *Id.* Other books in the same spirit include RICHARD DELISSER, POPE OR PRESIDENT? STARTLING DISCLOSURES OF ROMANISM AS REVEALED BY ITS OWN WRITERS (1859) and WILLIAM HOGAN, POPY: AS IT WAS AND AS IT IS (1845).

²⁴ JAMES JOYCE, ULYSSES 255–56 (1961).

²⁵ The classic description is in GUSTAVE MEYERS, HISTORY OF BIGOTRY IN THE UNITED STATES 100–09 (1943); PAUL GILJE, RIOTING IN AMERICA 64–69 (1996).

arrive in large numbers: 538,000 in the 1830s (a 400% increase from the previous decade) and almost 5 million by the late 1850s. The newcomers began to change the face of American cities. The reaction illustrates an important cultural pattern, past and present: The newcomers face nativist conspiracies. They are said to be malevolent; they threaten our virtuous daughters and children; they endanger the good country itself.²⁶

Notice the emphasis on sexuality. Societies struggling to impose apartheid—to keep us separated from them—always construct tight controls on gender and sexuality. Conspiracy theories emphasizing lustful others are an important way to construct a taboo, a way to proscribe social mixing. The pattern is most familiar along the race-line, but it rises up with every effort to fend off a group of strangers. After all, if our daughters sleep with their sons—they will melt right into us.

The anti-Catholic spasms mixed the historical specifics with the general pattern. Catholics, after all, were explicit about seeking conversions—and that was precisely what the Protestants feared: Their daughters would slip away and join the foreigners, the dangerous *other*. But the details flowed into a more universal pattern we might call the Eve Narrative: The tempter triumphs through the weak link, the woman, and in the process manages to destroy our Eden.

Of course, like every nativist conspiracy, time revealed the anti-Irish hysteria as fatuous—nothing more than a tribal fear of change. Even so, it had an enduring political legacy: Efforts to fight Irish influence helped permanently alter the American way of voting. Conservatives in the Whig Party charged that foreigners (mainly Irish) were voting promiscuously and, in the late 1830s, hit upon a way to restrict the ballot. They created registries of eligible voters and barred anyone who was not on the list from voting. An extra hurdle to the ballot box, they reasoned, would limit the flow of Irish votes. The new rules applied only to places with large foreign populations. Pennsylvania introduced registration in 1836—but only in Philadelphia. New York did the same for New York City. The American election two step rigamarole—register one day, vote months later—was a political maneuver inspired by the Irish menace.²⁷ The larger political pattern remains: The fear

²⁶ Computed from UNITED STATES BUREAU OF THE CENSUS, *THE STATISTICAL HISTORY OF THE UNITED STATES, FROM COLONIAL TIMES TO THE PRESENT = HISTORICAL STATISTICS OF THE UNITED STATES, COLONIAL TIMES TO 1970*, 106 (1976); the pattern is described in MORONE, *HELLFIRE NATION*, *supra* note 6.

²⁷ MORONE, *REPUBLIC OF WRATH*, *supra* note 5, at 83–85.

of others—articulated as protecting the republic from the dangerous *them*—leads to fiddling with the election rules to suppress the unreliable voters.²⁸

Conspiracy images eventually triggered a powerful nativist political movement. The idea sprang from a New York fraternity, formed in 1850, to resist Catholicism and restore Anglo-Saxon culture. Initiates learned secret handshakes, furtive passwords and what to tell nose-y outsiders—“I know Nothing.” Within four years, the “Know Nothings” had taken their nativist message and swept the 1854 midterm elections. The rising party won eight governors, swept to victory from Massachusetts (376 out of 378 state legislators) to California (every statewide office), and elected the speaker of the US House of Representatives. The Know Nothing program was focused squarely on the foreign menace. They would forbid foreigners from holding office, tighten election procedures, deport foreign paupers, slow (or end) naturalization, protect the American school from Catholic incursions, and legislate temperance to control the heavy drinking immigrants.²⁹

The Know Nothings flashed into power in 1854 and then foundered on the slavery issue. The Know Nothings and their nativist ideas flowed into the Republican party where they helped elect Abraham Lincoln.³⁰ It is always tempting to dismiss the Know Nothings as a brief bigoted spasm in an immigrant nation. But rather than a momentary flash, the antebellum nativists were part of a deep current running through the American story. Each iteration seems unique. Each generation of nativists insists that the newcomers they despise are different—a far greater threat to the nation than those who came before (now assimilated and perfectly respectable). In every generation, American nativists turn important policy questions—how many immigrants should the United States admit? Who should be favored and why?—into feverish even apocalyptic battles about national identity, about the destruction of American innocents, about looming national ruin, about *us* versus *them*.

²⁸ MORONE, REPUBLIC OF WRATH. *supra* note 5.

²⁹ On the Know Nothing program, see the speech by Senator William Seward in John C. Rives, *33d Congress, 1st Session*, CONGRESSIONAL GLOBE 1708 (July 12, 1854); for an overview of the movement, see TYLER ABINDER, NATIVISM AND SLAVERY: THE NORTHERN KNOW-NOTHINGS AND THE POLITICS OF THE 1850S (1992); for commentary, see MORONE, REPUBLIC OF WRATH, *supra* note 5, at 105–10.

³⁰ On Lincoln and the Know-Nothings, see Letter from Abraham Lincoln to Owen Lovejoy (Aug. 11, 1855), in 2 THE COLLECTED WORKS OF ABRAHAM LINCOLN 316 (Roy Basler ed., 1953). For comment, DAVID POTTER, THE IMPENDING CRISIS: AMERICA BEFORE THE CIVIL WAR: 1848–1861, 145–76 (1976).

Note the general arc and the role conspiracies play with it. Large changes sweep the nation (in this case, millions of immigrants, a different religion, the rise of cities). Some citizens express their fear in bigotry rooted in conspiracy—often with a sexualized text. The conspiracists sweep into politics where they challenge electoral rules, put restrictive policies in play, and introduce other institutional changes that live on, long after this round of conspiracies (and bigotry) have faded.

III. WHITE SLAVES AND THE 20TH CENTURY WITCH HUNT

Consider another conspiracy that broke eighty years after the Irish hysteria.³¹ McClure's Magazine broke the fantastic story in 1909: "Out of the racial slum of Europe [Russia, Austria, Hungary] has come for unnumbered years the Jewish *kaftan*, leading the miserable Jewish girl to her doom."³² The story pictured sophisticated foreign men fanning through the rural districts of New England and Pennsylvania. They boarded in the best hotels. Their smooth manners and ready cash lured the naïve country girls. Changing social mores exacerbated the danger. Only yesterday, young men courted at her parent's house; they sat in the front parlor and ate dinner with the family. Now, warned the exposes, unmarried couples ran off alone—to the "ice cream parlor," the "public dance," the "German skating rink," "the moving picture arcades," and "fruit stands run by foreigners."³³ Any young man could glide into a community and "meet the very best class of girls."³⁴

The remorseless young men lured their prey to the monstrous cities where they led the naïve girls to "ladies' boarding houses" with some fanciful story about preparing the family mansion for their brides. Suddenly, the girls found themselves behind the locked doors and barred windows of a brothel. There was no point calling for help—the police and the city governments were all in on the corrupt business. Preachers walking through depraved urban districts reported hearing midnight shrieks, "My God, if only I could

³¹ This section drawn from MORONE, *HELLFIRE NATION*, *supra* note 6, at ch. 9.

³² George Kibbe Turner, *The Daughters of the Poor: A Plain Story of the Development of New York City as a Leading Center of the White Slave Trade under Tammany Hall*, *McCLURE'S MAG.*, Nov. 1909, at 45.

³³ EARNEST E. BELL ET AL., *FIGHTING THE TRAFFIC IN YOUNG GIRLS, OR, WAR ON THE WHITE SLAVE TRADE: A COMPLETE AND DETAILED ACCOUNT OF THE SHAMELESS TRAFFIC IN YOUNG GIRLS* 130–31, 171 (1910).

³⁴ *Id.* See CLIFFORD GRIFFITH ROE & B. S. STEADWELL, *THE GREAT WAR ON WHITE SLAVERY, OR, FIGHTING FOR THE PROTECTION OF OUR GIRLS: TRUTHFUL AND CHASTE ACCOUNT OF THE HIDEOUS TRADE OF BUYING AND SELLING YOUNG GIRLS FOR IMMORAL PURPOSES*. (1911).

get out of here!”³⁵ The innocent women did not last long in their wretched captivity—sixty thousand white slaves perished every year.³⁶ Here, the exposés insisted, was nothing less than “the greatest crime in the world’s history.”³⁷

On the face of it, the wild rumors were silly. When reformers eventually burst into the red-light districts, they never found the innocent country girls—the prostitutes simply laughed at them. Like the nuns locked up in (Irish) basement dungeons in the 1830s or the girls tormented by witches in the 1690s or the Christian women captured by native Americans through the colonial period, these were social panics pressed into a recurring American conspiratorial narrative. But if the white slave panic looks silly on the surface, it too reflected very real social changes.

At least three changes were rattling American society at the turn of the twentieth century. Young women may not have been stolen, but they really were fleeing the country for the rapidly growing cities. Back when the nation had been founded, just 3% of the population had lived in cities; by 1890 it was 39%; now, in the 1910s, a majority of the population lived in cities—the United States had become an urban nation.³⁸

The growth of the cities reflected another social change: the largest immigration in American history, as percentage of the population, arrived between 1900 and 1910—8.8 million people (in a country that numbered 84 million in 1905).³⁹ The newcomers were arriving from new places—especially, southern Europe and Eastern Europe. Once again, they were literally transforming the face of the nation. And, once again, the immigrants met bigotry, conspiracy, and panic—with a strong sexual theme. Depraved men, concluded a Congressional Committee in 1911, bring “the vilest practices ... here from continental Europe.” The worst of the problem, agreed the experts, lay in “oriental brothel slavery,” “Parisian white slavery,” and “Jew traders.”⁴⁰

Technology exacerbated the population change. For example, in 1900, there were 8,000 automobiles in the United States; by 1915, there were 2.5 million. To social conservatives, a nation of automobiles sounded like social chaos. “One of the cornerstones of American morality had been the

³⁵ BELL, *supra* note 33, at 450.

³⁶ *Id.*

³⁷ BELL, *supra* note 33, at cover.

³⁸ U.S. BUREAU OF THE CENSUS, *supra* note 26, at 11.

³⁹ *Id.* at 10, 105.

⁴⁰ MORONE, HELLFIRE NATION, *supra* note 6, at 265.

difficulty of finding a suitable locale for misconduct,” quipped journalist Frederick Lewis Allen. “Now this cornerstone was crumbling.”⁴¹ Once again, social disruption fostered wild conspiracies and the short-lived panic had long-lived political consequences.

At the height of the white slave scare, the national government leapt in. President William Howard Taft included a section on the white slave trade in his first annual message to Congress, calling for legislation against the “evil.”⁴² Congressman James Mann of Illinois sponsored legislation forbidding “any person” to “transport . . . any woman or girl for the purpose of prostitution or debauchery or for any other immoral purpose.”⁴³ Some representatives warned that the proposal was deploying the interstate commerce clause as the opening wedge of federal police power—usurping what had always been a responsibility of the state and local governments. The objection did not get much traction. Federalism seemed less important than saving innocent women from debauched white slavers. Congress passed the Mann Act (in 1910) and turned enforcement to the fledgling Bureau of Investigation—a small agency with 23 agents. The agency grew, opened field offices, and eventually changed its name to the Federal Bureau of Investigation. Today’s FBI got its big organizational break thanks to the phantasm of stolen farm girls.⁴⁴

At first, federal officials pursued the Mann Act’s original purpose: prosecuting men who seduced or forced women into prostitution. But the entire scare quickly proved chimerical. Enforcers scraped together just 75 convictions in 4 years. One team of reformers, working alongside law enforcement, interviewed 1,106 prostitutes in New York and could not find a single one who had been tricked into the trade. Another team burst into some 2,500 brothels with the same non-results: no slaves, no bars, no screams in the night. They found plenty of women who were escaping dysfunctional families, none who had been treacherously ripped away from their loved ones.⁴⁵

⁴¹ FREDERICK LEWIS ALLEN, *THE BIG CHANGE: AMERICA TRANSFORMS ITSELF* 109 (Bantam Books, 1961) (1952).

⁴² WILLIAM HOWARD TAFT, *FIRST ANNUAL MESSAGE (Dec. 7, 1909)*, reprinted in 16 *A COMPILATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS* 7438 (Bureau of Nat’l Literature, 1911).

⁴³ MORONE, *HELLFIRE NATION*, *supra* note 6, at 265.

⁴⁴ *Id.* at 265–66.

⁴⁵ Data from DAVID LANGUM, *CROSSING OVER THE LINE: LEGISLATING MORALITY AND THE MANN ACT* 179–86 (1994).

Eventually, church groups began to press for a broader interpretation of the law. Never mind the white slaves, argued the 1913 Baptist Convention, any immoral libertine should be prosecuted. The Supreme Court took up the controversy in *Caminetti v United States*. Young Drew Caminetti --whose extramarital affair made headlines because his father was the immigration commissioner in the Woodrow Wilson Administration—had gone from California to Nevada with his mistress. There was no question of coercion or prostitution. Ironically, the young couple fled to Reno to escape the media storm over their affair. But there was no doubt that the defendant had crossed state lines with an immoral purpose. The Supreme Court faced a clear choice between the well documented intent of the Mann Act (stop forced prostitution) and a plain reading of the text (“immoral purposes”). A 5-3 majority chose the latter and vastly expanded the scope of the law. Young Caminetti himself got eighteen months in prison.⁴⁶

The Federal Bureau vastly increased its enforcement. Even so, the Mann Act licensed arbitrary enforcement. Public officials found the act a convenient way to lock up black men who dared to date white women. Notorious cases involved the first African American boxing champion, Jack Johnson and, later, rock and roll star Chuck Berry. More recently, Congressman Matt Gaetz (R-FL) is reported to be under investigation for crossing state lines with immoral purposes.⁴⁷

The White Slave scare reflected many of the fears that marked the antebellum panic over Irish Catholics. Once again, social changes disrupted traditional society during a large immigration; unease filtered into conspiracy; and the hysteria led to political action with enduring institutional consequences.

This time, the wild conspiratorial claims—Jews seducing innocent farm girls, captive women crying for help in the urban night—led both the Taft Administration and Congress to barrel right past objections and establish a new federal crime. The FBI used the new legal regime to grow. And the Supreme Court approved a vast expansion in the purpose of the act. The result was a new mechanism of social control often used to reinforce racial apartheid. Once again, a political lens reveals the key question about every panic and conspiracy: Does it inject permanent institutional changes into our

⁴⁶ *Caminetti v. US* is well described in LANGUM, *supra* note 40, at 97–138.

⁴⁷ Aayush Sharma, *What is the Mann Act? How Matt Gaetz Could Face Charges Under Human Trafficking Laws Amid FBI Teen Sex Case*, MEAWW (Mar. 30, 2021), <https://meaww.com/mann-act-how-matt-gaetz-could-face-charges-under-human-trafficking-laws-amid-teen-sex-case>.

political system? That was the enduring legacy of the bigoted panics against immigrants in both the antebellum period and the turn of the twentieth century.

IV. CONSPIRACY TODAY: WHAT'S FAMILIAR? WHAT'S NEW?

Today, the United States is awash in conspiracies, each more outlandish than the next. Glen Beck, a voluble Fox News personality, took a dusty United Nation's report on sustainability and spun it into a dark plan to impose "centralized control over all human life on the planet."⁴⁸ Future president Donald Trump peddled the calumny that President Barack Obama was not an American—despite all the evidence to the contrary. Somehow, the lie rang true to people who felt Barack Hussein Obama—they put a heavy emphasis on his middle name—did not reflect the land they grew up in.⁴⁹ Republican areas resist Covid vaccinations as conservative media disparage scientist and spin wild tales about the dangers of vaccination.⁵⁰ False, loudly repeated claims insist that fraudulent votes (in the big cities, of course) stole the 2020 election from President Donald Trump (who "won by a lot").⁵¹ Most bizarrely, the QAnon conspiracy circulates stories about pedophile Democrats holding children captive, possibly in the basement of a popular Washington DC pizza restaurant. One armed QAnon believer entered shooting (to save the children); others won election to Congress; President Trump retweeted QAnon rumors; and the conspiracy inspired a new slogan for the Texas Republican Party ("We are the Storm").⁵²

In some ways, contemporary conspiracies such as these are simply the latest versions of the same old panics. In other ways, however, they are

⁴⁸ For details see MORONE, *REPUBLIC OF WRATH*, *supra* note 5, at 325 quoted in *Glen Beck Show*, at 3:10 (Fox News television broadcast June 23, 2011), https://www.youtube.com/watch?v=esJY2SK_4tE.

⁴⁹ See the analysis in MORONE, *REPUBLIC OF WRATH*, *supra* note 5, at 337.

⁵⁰ David Leonhardt, *Red America's Covid Problem*, N.Y. TIMES (June 28, 2021), <https://www.nytimes.com/2021/06/28/briefing/covid-cases-rising-red-america.html>.

⁵¹ MICHAEL C. BENDER, *FRANKLY, WE DID WIN THIS ELECTION: THE INSIDE STORY OF HOW TRUMP LOST* (2021); CAROL LEONNIG & PHILIP RUCKER, *I ALONE CAN FIX IT: DONALD TRUMP'S CATASTROPHIC FINAL YEAR* (2021).

⁵² Matthew Rosenberg & Maggie Haberman, *The Republican Embrace of QAnon Goes Far Beyond Trump*, N.Y. TIMES (Aug. 22, 2020), <https://www.nytimes.com/2020/08/20/us/politics/qanon-trump-republicans.html>; Matthew Haag & Maya Salam, *Gunman in 'Pizzagate' Shooting is Sentenced to Four Years in Prison*, N.Y. TIMES (June 22, 2017), <https://www.nytimes.com/2017/06/22/us/pizzagate-attack-sentence.html>.

unprecedented. Consider first the familiar, then the troubling difference about conspiracy today.

First, the idea of captive innocents (often in cellar dungeons) is a familiar theme. We've seen outlandish examples span American history—the uproar over Comet Ping Pong Pizza sounds almost eerily like the nonsense that spread about Catholic convents or the big-city brothels. Like the periods that inspired those wild rumors, we live amidst a great era of immigration—the second largest in American history—featuring, once again, newcomers from different nations who change the ethnic make-up of the population.

Second, there is much commentary about the media today. Fox News and CNN present entirely different versions of the news. The fractured reality is exacerbated by social media algorithms that pull users further and further down narrow, self-reinforcing, often fact-free information tunnels. But media bias is also an old American story. For example, Republican and Democratic newspapers spun very different versions of the Lincoln Douglas debates in 1858.⁵³ More dramatically, the Democratic newspapers engaged in a terrible and systematic denial as violence against African Americans spread across the south after the Civil War. In just one year, Louisiana saw 834 former slaves murdered. The Democratic newspapers charged that the bloodshed was exaggerated or manufactured for political gain, or—still more maliciously—that the black victims deserved their fate for being thieves, or murderers, or rapists. Nothing online today is as shameless as the newspaper stories that turned America's greatest terrorist campaign into a partisan difference between Republicans (who supported civil rights) and Democrats (who supported white supremacy).⁵⁴ From the newspapers at the start of the republic right through to the mid-twentieth century, politics profoundly shaped the news coverage. Social media today offers the latest variation on a very old theme.

Third, the contemporary effort to rewrite the election rules—driven by phantom cheating in the cities—also runs all the way back to the first contested presidential election (in 1800, when seven out of sixteen states fiddled with the rules for choosing presidential electors). Every generation saw efforts to suppress liminal groups—African Americans, immigrants, women—from voting. The Constitution leaves most voting rules (“time,

⁵³ THE LINCOLN DOUGLAS DEBATES: THE FIRST COMPLETE UNEXPURGATED TEXT (Harold Holzer ed., Fordham Univ. Press 2004) (1993).

⁵⁴ MORONE, REPUBLIC OF WRATH, *supra* note 5, at 162–64.

place, and manner”) to the states and majorities have exploited that authority ever since.⁵⁵

Crackpot conspiracies, imperiled innocents locked behind bars, media bias and electoral cheating: each has a long American history. But, yes, there is something new under the political sun. The political parties have never mobilized the culture wars quite like they do today. That’s because, for the first time, the parties themselves align along the great tribal fault lines. The parties themselves mobilize the us-versus-them divide in a way they have never done before.⁵⁶

In the past, the political parties muffled the most intense tribal divisions—those surrounding race and immigration. That’s because each party defended—and, in turn, disdained—a different group on the margin of power. The Democrats ardently defended slavery and, after the Civil War, white supremacy; at the same time, they generally supported immigrants. Across the party divide, the Republicans (and their predecessors, the Whigs and the Federalists) were far more progressive on race (and gender) but they were also the party of nativists, attacking the Irish or Sicilians or Jewish immigrants. To be sure, the battles over race and immigration were often ferocious—after all, slavery wrecked both parties and led directly to the Civil War. Still, the parties split the most explosive tribal contests by generally picking different sides in the contests over race and immigration.⁵⁷

Then, an unprecedented new alignment slowly developed. African Americans left the Republican Party and boldly challenged white supremacists for control of the Democratic Party. Over thirty years (1932–1964) the African American vote became 90% Democratic. A second seismic shift came from immigration. In 1965, Congress removed immigration restrictions that had been imposed in the 1920s, and, over the next fifty years, more than sixty million people arrived in the United States. The number of Americans born abroad leapt from one in twenty (in 1970) to one in seven today. Over time, roughly two out of three naturalized immigrants came to identify with the Democrats.⁵⁸

⁵⁵ ALLEN J. LICHTMAN, *THE EMBATTLED VOTE IN AMERICA: FROM THE FOUNDING TO THE PRESENT* (2018); MICHAEL WALDMAN, *THE FIGHT TO VOTE* (2016); EDWARD J. FOLEY, *BALLOT BATTLES: THE HISTORY OF DISPUTED ELECTIONS IN THE UNITED STATES* (2016).

⁵⁶ This argument is developed in MORONE, *REPUBLIC OF WRATH*, *supra* note 5.

⁵⁷ This is the main theme in MORONE, *REPUBLIC OF WRATH*, *supra* note 5.

⁵⁸ MORONE, *REPUBLIC OF WRATH*, *supra* note 5, at 2, 3.

An unprecedented coalition began to emerge. Democrats assembled African Americans, immigrants, and their liberal supporters. The modern Republican Party gathered people who considered themselves white and native. The most passionate differences ringing through American history are now organized directly into party politics. For the first time, all the so-called minorities are one side.⁵⁹

The politics grew more treacherous when the US Census Bureau crunched the 2000 census results and made a controversial prediction: the United States would become majority minority within a generation. White people (who are not Hispanic) would make up 46% of the population by 2050 and only 36% by 2060. No democracy has ever seen a comparable change in the dominant ethnic and racial groups. In the past, the parties might have diffused the political impact—each would have championed one part of the rising majority. But thanks to the new party alignment, “majority-minority” sounds like “majority-Democratic.”⁶⁰

Today’s party divisions threaten to turn every difference into a clash of tribes. Policy questions—what to do about health care or taxes or global warming—become caught up in the battles over *us* versus *them*. Donald Trump’s shrewd calculation was that white voters (who make up more than 81% of the Republican Party) could be mobilized around the great fear of a nation slipping out of their grasp.⁶¹ Like the Democratic Party before him, he mobilized whiteness for political gain.

Perhaps the contemporary party divide is exacerbated by growing levels of inequality. In fifty years, the United States has gone from a relatively egalitarian society, ranking between France and Japan on the traditional equality metric (known as the Gini Index) to a distinctly

⁵⁹ *Id.*

⁶⁰ The Census Bureau prediction is controversial, and many demographers criticize it for taking a simplistic view of who counts as minority. See Richard Alba, *The Likely Persistence of a White Minority: How the Census Bureau Statistics have Mislead Thinking About the American Future*, AM. PROSPECT (Winter 2016), available at <https://prospect.org/civil-rights/likely-persistence-white-majority/>.

⁶¹ John Gramlich, *What the 2020 Electorate Looks Like by Party, Race and Ethnicity*, PEW RSCH. CTR. (Oct. 26, 2020), <https://www.pewresearch.org/fact-tank/2020/10/26/what-the-2020-electorate-looks-like-by-party-race-and-ethnicity-age-education-and-religion>.

inegalitarian nation closer to Mexico or Brazil than to the advanced European democracies.⁶²

Conspiracies historically have always flourished around strangers: people who seem different cause unease which fosters both bigotry and crackpot rumors. The tendency is particularly strong around the greatest cultural differences—immigration and race. The social changes of the past half century have intensified the familiar national reflex to imagine conspiracies: the bid for racial equality (culminating, symbolically, in a black president); the second greatest immigration in American history; the prediction of a looming majority-minority nation; perhaps all exacerbated by a surge in inequality. Today, for the first time, the political parties are organized to place the fear of others—and the conspiracies they foster—at the center of political life. Indeed, conspiracies now galvanize the minority party, the Republicans, who hang on to power at all costs as if the nation they know and love depends on their desperate, rearguard, defense.

V. WHAT NEXT? THREE SCENARIOS

Conspiracies have always flourished during uncertain times but today seems like the golden age of false stories. In part that is because of the ways the political parties align: one party has gathered all the so called “minorities,” the other speaks, in large measure to white and native voters. Politicians have an unprecedented incentive to speak to tribal issues; and tribal issues have always been fertile ground for conspiracy. What does the future hold? Consider three possibilities.

First, the Democratic majority grows and prevails. One unusual feature about the last two decades is that there has been no stable political majority. The unprecedented political churn—twelve changes in party control of House, Senate, or Presidency in the last twenty years—adds to the intense party competition. Politics traditionally grows calmer with a stable majority; the majority sets the tone, and the minority goes along out of self-preservation. Today, it is not hard to imagine a Democratic breakthrough into a stable national majority. The party enjoys an enormous advantage among young voters.⁶³ The white vote, which has tilted Republican for fifty years,

⁶² James Morone & Elizabeth Fauquert, *Medicare in American Political History: The Rise and Fall of Social Insurance in MEDICARE AT 50: AMERICA'S ENTITLEMENT PROGRAMS IN THE AGE OF AFFORDABLE CARE* (Alan B. Cohen et al. eds., 2015).

⁶³ HARVARD YOUTH POLL, HARV. KENNEDY SCH. (41st ed. 2021), <https://iop.harvard.edu/youth-poll/spring-2021-harvard-youth-poll>.

declines an average of two percent between each presidential election.⁶⁴ A stable Democratic Party majority, based in part on black and ethnic votes, is likely to calm the cultural us-versus-them division. That, in turn, would likely diminish the conspiracies swirling through American politics.

Alternatively, peace might come from the Republican Party. The GOP was long the party of civil rights. The party offered Asian Americans a home as late as 1996 (when Asians lined up for Republican Bob Dole running against Bill Clinton).⁶⁵ Beginning in 1964, however, it became a party pitched to white voters. A long legacy of winks and dog whistles to white supremacy evolved, under President Donald Trump, into full-throated invective against Mexicans, Asians, Muslims, and people of color.

Of course, many Republican Party members have their gaze fixed on honorable matters: less government, lower taxes, fewer regulations, religion, patriotism, and the philosophy of leaving people alone. But there is no denying the coalition. Honorable conservative politics have, in the past half century, gotten much of their political juice from a persistent strain of white anxiety.⁶⁶

The job facing contemporary Republicans is to cull conservatism from white hostility and nativist fears. How? By taking the Republican message directly to people of color. It means winning back Asians, Hispanics, and African Americans. There are plenty of connections between the conservative message and each of these groups—African American and Latino populations, for example, are far more church-ed than are white.⁶⁷

Young conservatives may be especially eager to start the operation for it will rescue the GOP from the grandparents and connect it to the young. What's more, as Republicans forge the links with African Americans, Latino's and Asians, tribal differences are likely to ebb. The 2020 election results suggested the first stirrings of just such a move. The Latino vote, in

⁶⁴ Ruth Igielnick & Abby Budiman, *The Changing Racial and Ethnic Composition of the US Electorate*, PEW RSCH. CTR. (Sept. 23, 2020), <https://www.pewresearch.org/2020/09/23/the-changing-racial-and-ethnic-composition-of-the-u-s-electorate/>.

⁶⁵ John A. Tures, *Asian American Preferences Have Flipped from Red to Blue*, CONVERSATION (Sept 14, 2020), <https://theconversation.com/Asian-americans-political-preferences-have-flipped-from-red-to-blue-145577>.

⁶⁶ MORONE, REPUBLIC OF WRATH, *supra* note 5, at pt. IV.

⁶⁷ RELIGIOUS LANDSCAPE STUDY, PEW RSCH. CTR. (2019), <https://www.pewforum.org/religious-landscape-study/racial-and-ethnic-composition/>.

particular, saved Republicans in many places, including Texas and Florida.⁶⁸ Was the change a one election blip? Or the start of a significant trend? The answer lies, in part with the party itself. A vibrant democratic future lies in the balance.

Finally, the United States could lose its democracy altogether. The rickety eighteenth century electoral federalism held in 2020. But, inspired by conspiracies about stolen election (and driven by white anxiety), Republicans might simply change certification procedures and, in the process, move the final choice out of popular hands. As the Supreme Court put it after the disputed 2000 Gore versus Bush election, “[t]he individual citizen has no constitutional right to vote for electors of the president of the United States.”⁶⁹ An outcome that would have seemed outlandish a decade ago, now—amidst lies and conspiracies—appears to be moving forward in multiple swing states.

Which is the most likely prospect? Most people in the business of teaching young people are likely to be optimistic. Scan any study of Millennial and Gen Z generations and the same attributes pop up: diverse, tolerant, better educated, environmentally concerned, and communally oriented.⁷⁰ Here is a generation, left and right, who may help staunch the flow of conspiracy-driven politics.

Whatever the future, Benjamin Franklin’s famous wisdom is, suddenly, more relevant than it has been in over a century. Shortly after the Constitutional Convention, the story goes, an acquaintance asked Franklin what kind of government they had given the country. “A republic,” responded the wise old Franklin, “if you can keep it.” “And why not keep it?” retorted his friend, Elizabeth Willing Powell. “Because the people, on tasting the dish, are always disposed to eat more of it than does them good.”⁷¹

⁶⁸ Reid Wilson, *Trump Gains with Latino Voters Driven by Rural Support*, HILL (Nov. 8, 2020), <https://thehill.com/homenews/campaign/524855-trump-gains-with-latino-voters-driven-by-rural-support>.

⁶⁹ *Bush v. Gore*, 531 U.S. 98 (2000). See LICHTMAN, *supra* note 50. For the classic account, see KEYSSAR, *supra* note 10.

⁷⁰ See, e.g., Kim Parker & Ruth Igielnick, *On the Cusp of Adulthood and Facing an Uncertain Future: What We Know About Gen Z So Far*, PEW RSCH. CTR. (Mar. 14, 2020), <https://www.pewresearch.org/social-trends/2020/05/14/on-the-cusp-of-adulthood-and-facing-an-uncertain-future-what-we-know-about-gen-z-so-far-2/>.

⁷¹ Gillian Brockell, “A Republic if You Can Keep It”: Did Ben Franklin Really Say Impeachment Day’s Favorite Quote?, WASH. POST (Dec. 18, 2019), <https://www.washingtonpost.com/history/2019/12/18/republic-if-you-can-keep-it-did-ben-franklin-really-say-impeachment-days-favorite-quote/>.

Our dish today is full of social tensions, conspiracies, and lies. Keeping the republic will require getting all that under control.