

Remarks delivered by Marcus Nevius upon award of the SHEAR Best Book Prize to Alison L. LaCroix at the 2025 SHEAR annual meeting

Good evening. I am Marcus Nevius, chair of the James C. Bradford Biography Prize and SHEAR Best Book Prize committee. The recipient of the SHEAR Best Book Prize is Alison L. LaCroix's *The Interbellum Constitution: Union, Commerce, and Slavery in the Age of Federalisms*, published by Yale University Press.

The Interbellum Constitution offers a richly argued case, based upon five premises, that the legal and political debates which define the Marshall (1801–1834) and Taney (1834–1861) courts' jurisprudence must be understood in new light that transforms scholarly understanding of the antebellum era (c.1830–1860). In this work of legal and intellectual history, LaCroix draws upon the extant records of court decisions and deliberations; the notes recorded by court clerks who attended and prepared for the record observations of attorney arguments before the bench; and a deep array of newspaper editorials, political tracts, and protest petitions. (14–15)

Two claims constitute LaCroix's core argument that from 1815, issues of commerce, migration, and slavery generated the core puzzle about the concurrent powers of local, state, and federal jurisdictions in the early United States. This was not a question of simple binary federalism. Rather, the quandary concerned the "practice of federalism," by which William Wirt, the United States attorney general from 1817 to 1829, sorted the "many directions of federal power" that defined the U.S. as a "'national government' comprising a confederacy of states," each state a "'separate sovereignty.'" (5)

Three claims investigate the varied meanings of the "'union'" in the interbellum era. (14) Thus Charleston, South Carolina, and Georgia provide a bit of a foil in LaCroix's study. Rather than reiterate only the traditional states' rights history of South Carolina and Georgia as the champions of nullification and Native American removal in the late 1820s and 1830s, LaCroix juxtaposes the stories of two South Carolinians—William Johnson, Jr. and Maria Henrietta Pinckney—whose contributions to constitutional thought warrant notice. Known as the U.S. Supreme Court's "first dissenter," jurist William Johnson, Jr. (1804–1834) "endorsed a broad federal commerce power" in opposition to South Carolina's nullification doctrine. (164–165) Using the few surviving documents penned by Maria Henrietta Pinckney, on the other hand, LaCroix examines Pinckney's vociferous defense of states' rights which "helped to shape what became the nullificationist platform." (206–207)

One final claim makes apparent the utility of rethinking the "traditional" periodization of the antebellum era. LaCroix examines the history of Cherokee dispossession as an issue of "tripartite federalism." As land speculators targeted Cherokee lands and property in the northern territory of Georgia, Cherokee leaders including John Ross entered diplomatic negotiations with Congress; and drafted, debated, and ratified a sovereign constitution. Others, such as Elias Boudinot, edited the pages of the *Cherokee Phoenix* to shape Cherokee and U.S. public opinion in support of Cherokee nationhood.

The prospect of U.S. federal exclusivity over commerce shaped debates over Black peoples' migration between states, interregional importation of enslaved people, taxation of foreign

goods, and jurisdiction over Native lands and people. (337) By 1837, increased formalization of state lines compelled advocates and jurists in Massachusetts, New Hampshire, New York, and Rhode Island to debate the salience of internal police powers. And, in Wisconsin between 1854 and 1861, the foiled rendition of freedom seeker Joshua Glover sparked the “Glover Rescue/Booth War,” a significant yet not-widely-cited local and state challenge to the Federal Fugitive Slave law of 1850.

Recent concerted actions at the federal, state, and local levels, make all too important the imperative of disseminating balanced and accurate knowledge of the past. *The Interbellum Constitution* accomplishes this imperative. LaCroix’s study makes a compelling case against reading the history of the early American republic’s jurisprudence forward into the Civil War, for treating the period between it and the Revolution as a time of Constitutional significance on its own merits.

The committee is delighted to award the SHEAR Best Book Prize to Alison L. LaCroix for *The Interbellum Constitution*. Congratulations, Professor LaCroix!