October 10, 2019

Legal History Workshop: Daniel LaChance, Emory University

Time: 12:00pm - 1:20pm
Location: Faculty Lounge

Professor Daniel LaChance of Emory University will present on “Mrs. Miller’s Constitution: Civil Liberties and the Radical Right in Cold War America”

Abstract: In the early years of the Cold War, grassroots activists on the far-right end of the political spectrum became convinced that government bureaucracies were quietly ushering in an age of despotism. They grew especially alarmed at the growing power the government was giving to psychiatrists to oversee the psychological wellbeing of Americans. Using the state’s police powers, they feared, liberals would soon declare anti-communists and other conservatives mentally ill and banish them to mental institutions. Two events in the 1950s brought these anxieties to a fever pitch: the involuntary confinement of Vermont anti-communist activist Lucille Miller to a federal psychiatric hospital and federal legislation to fund the construction of a mental hospital in the Alaska territory. In their campaigns to free Miller and stop the construction of what they believed would be an Alaskan gulag, these activists turned to the law. They argued that the Constitution safeguarded a vision of liberty as the absence of unwanted government intrusions into an individual’s life. While these ultraconservative activists were dismissed...
as crackpots, many of their critics also felt a sense of diminished autonomy in the postwar world. In subsequent decades, they too would grow wary of government paternalism and embrace, for various reasons, a more libertarian understanding of rights. This idea of rights would eclipse an alternative vision of them as a tool for pursuing collective, egalitarian ends. To our growing body of explanations about how communitarian possibilities for civil rights and civil liberties were “lost” or “tamed” in the middle of the twentieth century, we might add anxieties about the fragility of the individual mind, which the cultural life of the Cold War drove to unprecedented levels.