

James McClellan

Defending the High Ground: The Legacy of M. E. Bradford

The late M. E. Bradford of Texas left an indelible mark on the face of American letters. Assessing the range and depth of his varied contributions to an understanding of our history and culture is a demanding task for any scholar or chronicler of our times—perhaps an impossible one. At the University of Dallas, where he was professor of English for nearly thirty years, he taught in the literature and politics program established by the renowned political scientist Willmoore Kendall. It was Kendall, in fact, who discovered Bradford and recruited him. Although Bradford received his graduate education in English and American literature at Vanderbilt, under the tutelage of the Agrarian poet and essayist Donald Davidson, he was equally at home in philosophy, religion, classical studies, politics, and history. American political rhetoric, the literature of the South, and the origins of American political thought were the special subjects of Professor Bradford's research. Like Russell Kirk, Mel Bradford seemed to have read everything worth reading. Toward the end of his life, in his quest for a knowledge of our origins, he was drawn ineluctably to the minds of the Framers, acquiring a solid grasp of American constitutional law and history through a study of the founding documents and the lives of the men who participated in the formation and ratifica-

tion of our Constitution. At the time of his death, he was absorbed (with this writer) in the preparation of a new, seven-volume edition of Jonathan Elliot's *Debates in the Several State Conventions on the Adoption of the Federal Constitution*, pouring much of his final energy into a study of the ratification debates. Yet simultaneously, he was in the midst of a major biography of Donald Davidson at the time of his death on the operating table of a hospital in Midland, Texas.

A prolific writer and man of indefatigable energy, Mel Bradford published more than 200 articles and reviews during his lifetime and was the author of or major contributor to more than 20 books on history, literature, political thought, and constitutional law and theory. His last book, and in some ways one of his most important, was *Original Intentions: On the Making and Ratification of the United States Constitution*, published posthumously by the University of Georgia Press (1993). Among his earlier works are: *A Better Guide Than Reason: Studies in the American Revolution* (1979); *Generations of the Faithful Heart: On the Literature of the South* (1983); *Remembering Who We Are: Observations of a*

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Southern Conservative (1985); *A Worthy Company: The Dramatic Story of the Men Who Founded Our Country* (1988)¹; *The Reactionary Imperative: Essays Literary and Political* (1990); and *Against the Barbarians and Other Reflections on Familiar Themes* (1992).

There is another side to Mel Bradford, for he was a man of the South who took an active part in the cultural life of his community. Professor M. E. Bradford, the gentleman scholar and man of letters, was also Commander M. E. Bradford, S.C.V., C.S.A., Historian-in-Chief of the Sons of Confederate Veterans, recipient of their distinguished Confederate Legion of Merit, and former Commander of Major K. M. Van Zandt Camp #1351 in Fort Worth. Descended from Confederate veterans, Mel Bradford was unabashedly boastful of his Southern ancestors; but this is not to slight his pride in serving the United States honorably, first as Lt. J.G., U.S.N., 1956-1959, and then as a young instructor at the U.S. Naval Academy in Annapolis, Maryland, early in his career.

Mel also dabbled in politics, although he never sought high office and much preferred behind-the-scenes supporting roles. A Southern Democrat by birth and breeding, and a Dixiecrat by disposition, Bradford campaigned for Governor George Wallace in 1968, and later, when the conservative wing of the Democratic party began to disintegrate, worked on behalf of conservative Republicans in Texas, for Ronald Reagan, and most recently for Patrick Buchanan. In 1982, Bradford suddenly became a public figure when nominated to the Chairmanship of the National Endowment for the Humanities. Sponsored in the Senate by his friend and admirer the late John East of North Carolina, Bradford enjoyed the support of more than thirty additional Senators before his nomination was scuttled in the proverbial "midnight hour" in favor of

then-Democrat William Bennett. Bennett supporters placed strategic stories in the national media suggesting that Bradford was unsuitable for the post because he had published essays critical of Abraham Lincoln. They were successful in defeating him. In the long run, the political assassination of M. E. Bradford may well have been a blessing in disguise—a pyrrhic victory for his tormentors; for the period between 1983-1993 proved to be the most productive of his career, highlighted by an outpouring of important books and essays that would not have been possible had he been tied down with administrative chores and distracted by political affairs in the great Federal City.

There is a distinction, a very important distinction, wrote Bradford in *Remembering Who We Are*, "between a conservative who is also a Southerner and a Southern Conservative."² Although M. E. Bradford represented the best of the American conservative tradition, he was, most emphatically, a *Southern* conservative to the bone—and an "impenitent"³ one at that. At various times, he identified himself as "a traditionalist conservative," as an "Old Whig" and as "almost a Tory in [his] view of the proper operations of society at the local level."⁴ Forrest McDonald has correctly described Bradford as "a conservative . . . in the Burkean sense of the term, and [as] a southern agrarian, in the Vanderbilt sense of the term . . ."⁵

His mentors from the old republic were Patrick Henry, James Monroe, John Taylor of Caroline, John Randolph of Roanoke, "the other *tertium quid* Old Republicans of our first two decades of national existence," and "the better side of Jefferson."⁶ Like John Taylor, he did not cotton much to James Madison, the on-again-off-again nationalist—"Of all the original generation of American statesman . . . the most difficult to explain . . . because he spoke with so many

voices"; and surprisingly, Bradford rarely cited John C. Calhoun as authority, although he admired him greatly. In the biographical sketches he prepared of the Framers for his new edition of Jonathan Elliot's *Debates*, it is evident that George Washington, George Mason, and John Dickinson were also especially close to his heart.

Among our English forebears, he preferred Sir Robert Filmer to John Locke—



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and the Irishman Edmund Burke, of course, to all others. His favorite modern political theorists were probably Michael Oakeshott and Richard Weaver, both of whom he cited regularly; but he also was much influenced by Willmoore Kendall and Eric Voegelin. It would be impossible to pinpoint all of the currently active scholars who, at the time of his death, were influenced by him, but certainly Russell Kirk, Forrest McDonald, Frederick Wilhelmsen, Thomas Landess, Samuel Francis, Jeffrey Hart, Thomas Fleming, Clyde Wilson, and this writer were part of Bradford's inner circle and collaborated with him.

To understand the germinal sources of Bradford's thinking and the essence of his intellectual constitution, we must ultimately turn to the Nashville Agrarians. At Vanderbilt University, he studied at the feet of Donald Davidson, becoming a disciple of the twelve men who wrote the famous Agrarian manifesto, *I'll Take My Stand*, in 1930. Davidson, as Robert Frost once remarked, was firmly in the tradition of insubordination; and so too was his pupil, Mel Bradford. Both, though in separate ways, lived a life of confrontation, fighting common foes.

The twelve essays in *I'll Take My Stand*, along with the "Statement of Principles" preceding them; its sequel, *Who Owns America?* (1936); various essays in the old *American Review* and Southern quarterlies; Davidson's essays in his *Attack on Leviathan* (1938) and *Still Rebels, Still Yankees* (1957); the writings of Allen Tate, Andrew Nelson Lytle, Frank Owsley, and John Donald Wade: these are the principal Agrarian documents that influenced Bradford's thinking. Bradford was close to many of the Agrarians, but probably closest to Davidson and Andrew Lytle. Parenthetically, it should be noted that Bradford was also a leading authority on Southern novelists, particularly William Faulkner. He had a special fondness for Faulkner, Caroline Gordon, and Flannery O'Connor, for they reflected Agrarian attitudes.

The Agrarians were general humanists, and many of them were associated with Vanderbilt University. They stopped short of secession and political independence in their defense of Southern traditions, but insisted the time had come for the South to go no further in surrendering "its moral, social, and economic autonomy to the victorious principle of Union."⁸ They spoke out against industrialism, for "religion can hardly expect to flourish in an industrial society," and they were against the blasphem-

my of our age. They were also hostile to modern political doctrines and ideologies, favoring family, community, and a wide distribution of property, and the preservation of rural America. Politically, they were inclined to be conservative Democrats, hostile to social Darwinism and the old Northern doctrines of Union and Empire.

The South, for Bradford and for the Agrarians, was a patriarchal society, with its own cultural values, held captive within a malevolent and intolerant empire dominated by the Northeast. Bradford no doubt spoke for all of the Agrarians when he described the Union he feared and distrusted as "a Union which is no communion because of its hostility to more than one identity, because of its confusion of *pluribus* and *unum*; a union compelled from without, not grown from within . . ."

In their cultural crusade, the Nashville Agrarians saw fit to salute and recommend the old agrarian order as an example to their generation, through poetry, fiction, essays, and biographies. Continuing and strengthening a tradition begun after the War of the Rebellion, they often told the tale of the South through Civil War biographies—Robert Penn Warren on John Brown, John Donald Wade on Longstreet, Allen Tate on Stonewall Jackson and Jefferson Davis, Andrew Lytle on Bedford Forrest—men who symbolized the virtues and the greatness of the South.

The impact of the Agrarians upon Bradford's thinking is perhaps best revealed in his address at Dartmouth College, where, with characteristic boldness, he came one afternoon in 1974 "under the shadow of Daniel Webster to speak against the Union."¹⁰ The Nashville Agrarians, he reminded his listeners, were Southern intellectuals, loyal not only to the "Republic of Letters" but to "the more fundamental identities of family, place, and history." Their manifesto, and the essays on Southern cul-

ture accompanying it, he explained, was a definitive restatement of the traditional Southern position.

Like his mentors, but with greater appreciation, Bradford contended that the victorious radicalism of the North—originating in millennial doctrines hatched by Massachusetts fanatics—constituted a break with the past, a derailment of our inherited values. The Nashville Agrarians, he contended, were "thus unique in being native American heirs of a fundamental inheritance we share from the dominant stream of Western history . . . [T]hese Southerners knew themselves as part of a continuity, as holding in trust a deposition older than 1776, with roots in republican Rome and in the England of the great common lawyers."¹¹ The democratic republic founded on American shores, said Bradford, sprang not from divine revelation or philosophical abstraction, but "from an appeal to English political theory."¹²

The War Between the States, wrote Donald Davidson, "was as revolutionary in character as the English Puritan Revolution and the French Revolution. It was, indeed, the 'Second American Revolution' . . . And the real revolutionists were not the seceding Southerners, but the Unionists of North and West who were in tune with 'the flowing substance of things limned by statistical reports on finance, commerce, capital, industry, railways, and agriculture.'"¹³ As a result of the war and the destruction of the system of limited government established in 1787, "we live now," noted Bradford, "in almost total contradiction of the political precedent of our Revolution."¹⁴

The surrender of General Lee's forces at Appomattox and the capture of President Davis in flight from Richmond signaled the end of the American Republic and the triumph of Federalist ideology. For M. E. Bradford and the Nashville Agrarians, the

War was thus the turning point in American history, the seed-time of the dreaded empire that John Taylor, John Randolph, and other old republicans had warned against from the beginning. It was the lust for empire that undid the Romans and would destroy the achievements of the American Founders. Appalled by the enormity and far-reaching consequences of the Southern defeat, Agrarians such as the eminent historian Frank Owsley, whose masterful essay on "The Irrepressible Conflict" is essential reading for an understanding of the real causes of the Southern Rebellion, called the War Between the States "the most destructive and deadly war since the legendary wars of ancient times."¹⁵

Bradford understood this. Like his Agrarian tutors, especially Owsley, Bradford also understood that "Lincolniana"—Yankee idolization of Abraham Lincoln—so blurred the Southern Cause, the nature and consequences of the war, and ultimately the real history of the nation as to render Lincoln impervious to serious criticism. Criticism of Lincoln was, of course, one of the main planks of the Agrarian platform. As Owsley complained in 1946, there was afoot in this land, "what seems to me a Lincoln cult bordering on pagan deification which is taking place in the popular mind of the North; and this has been unconsciously inspired by serious scholars, who have allowed their emotions and bias to overemphasize certain elements and minimize others."¹⁶

In his essay "A Southerner's View of Abraham Lincoln," Owsley's principal complaint was not that Lincoln lacked moral scruples, but that he frequently exercised poor judgment—as seen, for example, in his refusal to accept the Crittenden Compromise and in his naive belief that the people of the South would never support their leaders in a war of secession. Lincoln, argued Owsley, never fully grasped the depth

of Southern patriotism nor the magnitude of the war, until it was too late to compromise. By denying the South the right to self-government, Lincoln also subverted the democratic principles of the document he often cited as authority for his constitutional views—the Declaration of Independence.

Donald Davidson also questioned Lincoln's political acumen without attacking his character, asserting that the Emancipator foolishly made war on his own ideas and objectives, ruining both the South and the North while creating an America he did not want. But Davidson did not overtly doubt Lincoln's integrity and usually gave him the benefit of the doubt. Robert Penn Warren was equally generous; and most of the other Agrarians did not even write on Lincoln.

In a series of essays on Lincoln's career, focusing frequently on his public addresses and rhetorical style, Bradford, however, assailed the Lincoln myth root and branch. Taken together, these essays constitute the most powerful indictment of Abraham Lincoln—the man, his ideas, and his actions—in American letters.

Lincoln, Bradford persuasively demonstrated, was more than simply wrongheaded; he was a "dishonest" and "duplicitous" "pseudo-Puritan," a disingenuous "opportunist" guilty of "calculated posturing," "historical distortions," and "high crimes"; he was indeed "the American Caesar of his age."¹⁷ "It is at our peril," cautioned Bradford, "that we continue to reverence his name."¹⁸

Bradford's compelling case against "Father Abraham" includes the usual litany of charges—*viz.*, that Lincoln mismanaged the commercial and business life of the North and set the stage for the Gilded Age; that as the savior of the Constitution he became the enemy of the Constitution and was guilty of "high crimes" in prosecuting the war; and that Lincoln, though not a warmonger, "hoped for an insurrection of some sort"¹⁹

and through his actions precipitated the War Between the States. These charges are not particularly novel and in varying degrees have been generally conceded by most historians. More serious from the standpoint of Lincoln's ethical posture are Bradford's other charges. They concern not so much Lincoln's behavior as his rhetoric.

It was Edmund Wilson who first observed that many of Lincoln's speeches were curiously "full of appeals to the Deity" and speculated that Lincoln "came to see the conflict in a light more and more religious, in more and more Scriptural terms."²⁰ Not so easily convinced of Lincoln's piety, Bradford condemned his practice of wrapping up his policies in the idiom of Holy Scripture. This was Lincoln's worst crime, he insisted—"not the patricide of his re-founding," not his transformation of the national government into a Leviathan, but "what he has done to the language of American political discourse."²¹

Illustrative of Lincoln's rhetorical legerdemain was his "dishonesty and obfuscation with respect to the nation's future obligations to the Negro, slave and free."²² The major political weakness of the "higher law" opponents of slavery was that they were compelled to disavow the supremacy of the Constitution, while the Abolitionists were obliged to attack it as a "covenant with death" because it seemed to sanction slavery.

All of this was heresy, an impiety toward the Founding Fathers that alienated the electorate. Lincoln's strategy, suggested Bradford, was to play up to the voters by being anti-slavery and anti-Southern without at the same time appearing to be significantly impious about the origin of the republic (which was neither anti-Southern nor anti-slavery). This he skillfully accomplished by going around the Constitution and invoking the Declaration of Independence as authority, or more precisely the provision proclaiming equality "as the fa-

ther of all moral principle among us." Lincoln's insistence "that the Negro be included in the Declaration of Independence, and that the Declaration bound his countrymen to fulfill a pledge hidden in that document, seemed to point toward a radical transformation of society."²³ Yet Lincoln repeatedly qualified his regard for the universality of human rights, his most important reservation being that the doctrine of equality need not apply significantly to northern blacks. As a legislator, for example, the Great Emancipator never opposed the Black Codes of Illinois and, in fact, helped to enact them. The delayed and limited application of the Emancipation Proclamation, exempting the border slave states that were still in the Union, is yet another example of Lincoln's "duplicity." To this Bradford would later add this thought: those who claim that the equality clause in the Declaration of Independence is the central text in American politics overlook the fact "that in 1776 the states had authorized only a declaration of independence and not precisely the language of the Declaration they got. They were by vote committed only to that part of the Declaration that said they were free."²⁴

We would seriously misjudge Professor Bradford, however, if we thought for a moment that the purpose of his historical exercises was simply to discredit the integrity or moral character of Abraham Lincoln. He had bigger fish to fry. At its most fundamental level—and open debate on Lincoln has been politically incorrect for more than a century now—the apotheosis of Abraham Lincoln, argued Bradford, has distorted and obscured the basic principles and origin of the American Founding. The mindless worship of Lincoln, he realized, tended to legitimize Lincoln's "peculiar gloss" upon the Declaration of Independence, to impede serious inquiry into the true nature and origin of the republic, and to encourage the misapprehension of the

Framers and, indeed, the American political tradition. With Willmoore Kendall, Bradford understood that the political and legal determinant of our system of government and laws is, first and foremost, our Constitution, not the Declaration of Independence—and particularly not the Declaration excogitated by Lincoln.

In his recent book, *Lincoln at Gettysburg: The Words That Remade America*, Garry Wills celebrates Lincoln's "revolutionary" invention of a new political tradition based on the Declaration of Independence and Lincoln's "clever assault" on the Constitution, excoriating both Willmoore Kendall and Mel Bradford as "suicidally frank"²⁵ in their criticism of Lincoln and Lincoln's creative manipulation of the Declaration. If one's goal is public acceptance, peddling books for the mass market, a professorship at a prestigious university, or spoon-feeding the leftist intelligentsia that governs our affairs, it probably is self-destructive to utter an unkind word against the Lincoln myth. But the pursuit of truth, not popular acclaim, is the goal of the scholar. The fact that we may now see more clearly through the haze of distortion that surrounds Lincoln and the Declaration of Independence is one of the solid accomplishments of M. E. Bradford.

That the armies of Lee and Jackson were the real defenders of the Constitution and the principles of liberty, self-determination, and republicanism embodied in the Declaration of Independence is a familiar theme in Southern literature and historiography, dating back to Alexander H. Stephen's *A Constitutional View of the War Between the States* (1868) and Jefferson Davis' *Rise and Fall of the Confederate Government* (1881). The Nashville Agrarians shared this view of the past, but they stopped short of exploring the political and legal theory of the founding documents and the ideas of the found-

ing generation. Mostly men of letters, they were not political theorists or constitutional scholars, although they knew these subjects well enough; but they were more intent upon explicating and defending the "Southern virtues" and values of the old agrarian order than in establishing the legitimacy of secession or exposing the heresies of Lincoln. It was enough to "cultivate the arts of memory" and sanctify the political and military careers of the South's Confederate heroes.

Bradford changed all of that. In order to apprehend the essential meaning of our history and being, and the South's place in the order of things, he looked beyond Appomattox to Independence Hall. He was thus the first of the Nashville school to make a serious study of the founding documents and the men who participated in the framing and adoption of the Federal Constitution. He began with a pioneering, monumental undertaking: a series of biographical sketches that included all fifty-five delegates to the Philadelphia Convention of 1787 (collected in *A Worthy Company*). At the time of his death, he was working diligently to complete another round of essays on state political leaders who participated in the ratification debates. A self-taught constitutional historian, who had a better grasp of his subject than most of those who teach it, Bradford came to know more about the Framers—their background, ideas, and careers—than anyone in the land. His encyclopedic knowledge of the Framers gave Bradford a unique advantage over other constitutional scholars. We get a small taste of the delicious fruits of his diligent research on the architects of our Constitution in his *Benchmark* essay, "Religion and the Framers: The Biographical Evidence." Confronting the putative notion, cultivated over the years by the secular ideologues in our midst, that most of the Framers were atheists, Deists, or sceptics (and, *ergo*, intended an ab-

solute wall of separation between church and state), Bradford amply demonstrated that nearly all of the Framers were, in fact, practicing or self-professed Christians. "[W]e may reason from the overwhelming biographical evidence," he concluded, and "from what we know of the Framers (and of the three generations of Americans who followed after them), [that] it is a farfetched conjecture to say that . . . they set out to secularize America."²⁶

Turning, finally, from his Plutarchian essays on the lives of the Founding Fathers to the proceedings surrounding the creation of the American Constitution, Bradford spent his final days combing through the debates in the Philadelphia and State ratifying conventions—a rewarding exercise, we might add, that few law school professors teaching constitutional law have ever attempted, but one that is essential to a fully developed understanding of the Constitution's meaning and purpose. Bradford's *Original Intentions: On the Making and Ratification of the United States Constitution*, a "salute [to] the Constitution as it was when first drafted and ratified by the people of the States,"²⁷ was the result of these labors.

Representing Bradford's most mature reflections on what the Constitution was designed to accomplish, the book consists of eight separate essays, drawn largely from public addresses that he delivered between 1987-1990 to law students as part of the bicentennial celebration of the Constitution. It also includes a perceptive foreword by Forrest McDonald. Despite its disparate origins, the book is unified around two themes: first, that the Framers intended to establish a political system with limited *ends*, and in pursuance of this objective conferred extremely limited constitutional *powers* upon the government. As Bradford's analyses of the proceedings point out, the limited means and objectives sought by the Framers are often more sharply delineated and

readily observed in the debates, where the delegates regularly revealed their true sentiments candidly and often emphatically, than in the instrument itself, which speaks mostly of grants of power and leaves much to inference when it comes to that which has been withheld, denied, or restricted.

The unremitting flow of States' Rights attitudes and concerns conspicuously permeating the debates underscores the need to follow Bradford's example: in order to see the forest through the trees, we need to look at the Constitution in the light of the debates. Thus can we appreciate Bradford's astute selection of a title for this book—*Original Intentions*—in the plural, emphasizing the point, as McDonald puts it, that although "all of the States ratified the same Constitution, each read it and understood it in its own way."²⁸

The more we look at the debates, the more sceptical we become of Federalist claims of victory as represented, for example, in the title assigned to James Madison as the "Father of the Constitution." Anyone who thinks it was Madison's guiding hand that shaped the Constitution will be at a loss to defend that view after reading this book. In a truly brilliant essay, "The Great Convention as Comic Action," Bradford notes how the States' Rightists gutted Madison's nationalistic Virginia Plan and ultimately prevailed in establishing a regime that left a significant role for the States. "It is in reference to his design for concentrating power in the hands of a general government," observes Bradford,

that James Madison can be described as a classically comic figure and his experience in making and ratifying the Constitution a comic action. For what Madison almost caused was the breakup or dissolution of the Convention that he had, in large part, brought into being. He was the occasion of a division among the Framers only one stage removed from adjournment.²⁹

Madison voted on the losing side in more than half of the recorded divisions. In the end, the Convention turned to "wiser men" to repair the damage Madison had done; and "in fully completing the comic pattern" Madison eventually appeared in Richmond at the Virginia ratifying convention "defending the Constitution he had attempted to prevent"—defending it, in fact, "as a minimal instrument" on the ground that its powers were "those which will be exercised mostly in time of war," that such powers relate by and large to "external objects," and constitute no significant departure from the Articles of Confederation.³⁰

"We are a federation of states; but we are a nation of sections. The unwritten constitution of that nation is a sectional constitution as apparent in folkways and political predilections as it is *not* apparent in the written document."³¹ So wrote Donald Davidson in defense of diversity in his little classic, *The Attack on Leviathan: Regionalism and Nationalism in the United States* (1938). This is the nature of the Union from the Agrarian perspective and this too is Bradford's perspective, but with considerably more background support than Davidson cared to provide. It is also the perspective, Bradford has persuasively argued, of the founding generation, or the collective intent of the Framers, if Madison and most of the others who participated in the event are to be taken at their word.

The Agrarians, like the Anti-Federalists, were "small republic" men, and through the writings of M. E. Bradford these two protest movements—one cultural, the other political—are for the first time linked together. "Though in most respects I am identified as a traditionalist conservative," declared Bradford in his political credo, "I break away from some doctrines gathered under that rubric even more swiftly than I would avoid a libertarian label. For . . . my political roots are among the Antifederalists, mild

Federalists, and early Southern Democrats."³²

The second theme running through Bradford's *Original Intentions* holds that the Constitution created by the Framers was, to borrow Michael Oakeshott's formulations, essentially nomocratic rather than teleocratic—meaning, in other words, that it "is primarily a structural and procedural document, specifying who is to exercise what power and how."³³ It was designed more to control those who govern than those who are governed, to govern the government, not the people. Ignoring the rich diversity and dissimilarities among the different societies that form our political union, the teleocratic view regards the Constitution as not merely a set of rules for the political process, but also as the repository of certain principles and policies for implementation by the national government. In other words, the teleocratic view holds that the document was designed to achieve more than a republican form of government, more than a democracy; it was intended also to create a certain kind of democracy, a liberal democracy to be precise, one that would enforce and protect inchoate "natural rights" and the doctrine of equality proclaimed in the Declaration of Independence.

This constitutional theory was first proclaimed by the Abolitionists, who contended that the Constitution was the embodiment of the Declaration of Independence. They argued that the egalitarian principles contained in the 1776 document (drafted by Thomas Jefferson, a slave owner) were incorporated into the Constitution by the Founding Fathers and were superior to the Constitution because they were part of the "higher law." By this mode of reasoning, slavery was declared "unconstitutional." Lincoln perpetuated the myth that the second paragraph of the Declaration of Independence was shorthand for the Constitution. Such a view is also espoused today by

members of the school of Leo Strauss, the so-called "Straussians," particularly Professor Harry Jaffa, who argue that the Constitution is essentially an extension of John Locke's *Second Treatise* and was designed to safeguard the natural rights of man.

But the aim of the Founders, as Bradford's analyses of the founding documents richly demonstrate, was limited government, not the creation of a vehicle for the execution of natural rights. Inspired by the slogan of "Liberty, Equality, and Fraternity" that brought anarchy and dictatorship to France, the abolitionist concept of the Constitution had little or no basis in the Anglo-American experience.

The Framers, notes Sir William Holdsworth, "were not believers in equalitarian theories."³⁴ What inspired them, says Bradford, was not Locke or the French *philosophes* but Bracton, Fortescue, Hale, Coke, Blackstone, and "the gentlemen who preserved the Magna Carta, framed the Petition of Right . . . the tradition of the mixed regime, the balanced constitution in which *Lex is Rex*."³⁵ Bradford, then, agrees with Forrest McDonald: "Whatever their political philosophies, most (though by no means all) of the delegates sought to pattern the United States Constitution, as closely as circumstances would permit, after the English Constitution."³⁶ "If there is one constant in the political discourse of eighteenth-century Americans," concludes Bradford, "it is a generous and undeviating admiration for the British Constitution as they knew it." It is no accident that as much as three-fourths of the American Constitution, including the Bill of Rights, "makes no sense apart from an intimate familiarity with British legal history."³⁷

At bottom, *Original Intentions* is an Agrarian tract which shows that the Framers were extremely reluctant to impose a higher order of natural rights ideology upon their local and vastly differing interests. They

sought to preserve distinctions, not eradicate them. The fact that they limited the application of the Bill of Rights to the Federal government and left the whole matter of defining and enforcing rights in disputes between the individual and his state or community to the State governments, is convincing evidence that the Founding Fathers rejected nationalist uniformity inherent in "Rights of Man" doctrines and the Declaration of Independence. Having made certain that the Bill of Rights was a States' Rights document, honoring State diversity and sectional interests, it seems incongruous that the Framers believed they had already achieved the opposite result by incorporating natural rights doctrines and the Declaration of Independence into the Constitution for nationwide application. Not one Framers ever suggested such a thing, and Bradford is entirely correct in asserting that Lincolnian excrescences upon the fundamental law are part of a continuation of the essentially "lawless" tradition of abolitionist historiography that extends down to the present. Certainly Lincoln and his disciples cannot have it both ways, insisting that the Constitution affirmed the egalitarian provisions of the Declaration of Independence but denied the principles of self-determination contained in that document, or put more directly, that it sanctioned the "natural right" of equality but prohibited the "natural right" of revolution, secession, and self-government.

Was Jefferson Davis a traitor? Stephens, Bledsoe, and many other defeated Confederates argued persuasively after the war that he was not. Bradford's writings considerably strengthen Davis' case. He is thus the first of the Nashville school to join the issue; and it seems that until the emergence of Bradford, who took the debate back to the Founding, the cultural critique of the Nashville Agrarians was incomplete. With Bradford, then,

I'll Take My Stand comes into full flower, and the Anti-Federalist tradition acquires a new meaning and significance.

With Davis, Bradford believed that the Southern cause was the American cause, in defense of the Constitution. With Caroline Gordon, he believed that the defeat of the South was a calamity not only for the American people, but for the whole world. *I'll Take My Stand*, we are reminded by William Havard, "was not simply a defense of local culture but an affirmation of universal values in relation to a political, social, and cultural struggle in which the survival of the religious, aesthetic, and moral foundations of the old European Civilization were at stake."²⁸ In taking his stand, M. E. Bradford articulated and defended traditional values that are not uniquely "Southern." Limited constitutional government, local self-government, political and cultural diversity, protection of the rural environment and way of life, the encouragement of religion and promotion of family and community institutions: these are American values, values, to be sure, that are disappearing not just in the South, but in the United States at large. Can the decline of the American republic be reversed? Bradford did not speculate. He did believe, however, that the social and intellectual forces which have brought us to this juncture must be resisted to the end, and that the South may offer the best hope for a renaissance of Western civilization's cardinal virtues.

This consideration of Mel Bradford's legacy has barely touched upon the enduring significance of his scholarly achievements, and there is more to relate than can possibly be recorded within the limits of these pages. As important as his teachings are, however, we should not lose sight of his personal attributes. He was a man of great courage and integrity, with unflinching loyalties. He was also a kind and gentle man, much beloved by family, friends, colleagues, and

students. Tom Landess spoke for this writer and, indeed, for all of Mel Bradford's friends when he remarked at the funeral of this great and good man that he would gladly "give up all the books and articles that Mel wrote just to have him back."

Notes

1. Revised and superseded in James McClellan and M. E. Bradford, *Jonathan Elliot's Debates in the Several State Conventions on the Adoption of the Constitution* (Richmond: James River Press, 1991), II, 5-263; see also M. E. Bradford, *Founding Fathers: Brief Lives of the Framers of the United States Constitution* (Lawrence: University Press of Kansas, 1994).
2. M. E. Bradford, *Remembering Who We Are: Observations of a Southern Conservative* (Athens: University of Georgia Press, 1985), xiv.
3. *Ibid.*, 47.
4. *Ibid.*, 14.
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