

St. Louis Matters! Walter Johnson Revisits the 27th City

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Walter Johnson, [The Broken Heart of America: St. Louis and the Violent History of the United States](#) (2020).

Finally! After being relegated to the lower tiers of American cities, St. Louis emerges as the nexus of the American experience. This is the startling argument advanced by Walter Johnson in his new book *The Broken Heart of America: St. Louis and the Violent History of the United States*. Known for his work on slavery, Johnson broadens his gaze to include westward expansion, industrialization, de-industrialization, and even the present moment. St. Louis emerges at the fore mainly due to its location, a gateway to the West that was also a shipping point to the South, a “northern” state where slavery was allowed and where the Union Army launched its Indian campaigns. This latter fact is central, for it is the confluence of imperialism and racial subordination that fascinates Johnson, leading him to conclude that racism—whether embodied in the genocide of native peoples or the exploitation of black labor—lies at the heart of American history.

Legal historians will be interested in two facets of Johnson’s book. First, by moving the geographic focus from the East Coast to the Midwest, Johnson reduces the significance of Boston, New York, and Washington DC to American history. In so doing, of course, he also reduces the importance of the Supreme Court. Only two 19th Century opinions interest him, the Court’s ruling in [Johnson v. McIntosh](#) that delegitimized Indian sovereignty claims and [Dred Scott v. Sandford](#), that delegitimized black citizenship. Both rulings fit into Johnson’s larger analytic frame, which reads the history of capitalism through the lens of race, and specifically Cedric Robinson’s “racial capitalism,” which holds that racism is inextricable from free enterprise, and that without racial subordination capitalism would cease to exist.

For legal historians, this is mainly important because it de-centers the commercial jurisprudence of the Marshall Court during the antebellum period, substituting in its place the legal institution of slavery. Gone, for example, are the canonical cases of early American capitalism like [Gibbons v. Ogden](#), [Dartmouth College](#), and [Charles River Bridge](#). Substituted in their place is [Dred Scott](#), of course, along with stories of racial violence, like the 1836 lynching of Francis McIntosh, which for Johnson remains a “landmark” in America’s larger campaign of forging a “white man’s country” by “linking together the imperial practices of Indian removal and war to the jurisprudential annihilation of the 1857 [Dred Scott](#) decision.” (P. 74.)

“Jurisprudential annihilation” is the second reason legal historians should read Johnson’s book. It presents a very narrow view of the law as an instrument of racial domination, nothing more. Gone is the nuanced story of how law facilitated commerce by removing trade barriers. Gone is the story of how law encouraged competition by granting and then suspending monopoly rights in the interest of the common good, and gone is the evolution of the legal conception of the corporate form.

Instead, we get the story of plunder. Law, to the extent it is involved in this story, simply legitimizes the exploitation, genocide and theft that makes plunder work. St. Louis, ironically, helps Johnson make this case. Because it endorsed bondage, St. Louis allows Johnson to link his earlier work on slavery as capitalism to a new, more expansive national narrative. Specifically, St. Louis emerges a site where the racial capitalism of slavery bleeds uncomfortably into the industrial capitalism of the Northeast. A study of Boston would not have yielded such a connection, nor would New York or DC, but St. Louis does, and—as if to sharpen his point for a general audience—Johnson places little emphasis on the complex story of freedom suits that Kelly Kennington captures in her book *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America*.

Instead of legal history, we get violence.

St. Louis helps Johnson link the violence of slavery to another form of violence central to the American experience, the treatment of Native Americans. Specifically, St. Louis became the single most important outpost of the Union Army during the settlement of the West. It is from St. Louis, Johnson explains, that the Union Army launched its most violent incursions against Indians, an ironic counterpoint to the city's longstanding reputation as a "gateway" to the West. This gateway, now commemorated with a gleaming arch, is not a monument worth revering so much as a tombstone worth lamenting. And Johnson tells this aspect of his story well, weaving together anecdotes of violence that make for powerful reading, even as they occlude the complicated legal history of Federal/Indian relations that Stuart Banner captures in *How The Indians Lost Their Land: Law and Power on the Frontier*.

The end result is rather stark. "The imperium of St. Louis (and thus of the United States)," writes Johnson, "is centrally framed by the history of genocide, removal, and expropriation and control of land—all justified in the name of white supremacy." (P. 6.) And white supremacy does not end in the 20th Century, even though it is dismantled by courts. Johnson dismisses this history, along with the received canon of civil rights cases beginning with [Buchanan v. Warley](#) and moving on to [Ex rel. Gaines v. Canada](#), [Shelley v. Kraemer](#), and [Brown v. Board of Education](#), all inconsequential in the larger story of race and violence that characterize the "violent history of the United States." For example, [Gaines](#) and [Brown](#) are only alluded to in passing, eclipsed by the story of a riot at an integrated pool in St. Louis that unleashed a "psychic disgust externalized into the collective fury of race hatred," further confirming Johnson's point that "racism and capitalism" are, in the end, "inextricable." (P. 263.)

While legal historians may balk at Johnson's dismissive attitude towards law and legal reform, Johnson is actually quite serious, and *Broken Heart of America* may be a portent of something much larger, a move away from the idea that law is a transformative part of the American experience and toward a more doctrinaire Marxist position that law is regressive and reactionary. This coincides with an uncomfortable truth, namely that the civil rights litigation of the 20th Century failed, in the end, to achieve racial equality. It dismantled *de jure* segregation, to be sure, but it did little to address the black poverty rate (which remains twice that of whites), the black incarceration rate (which remains six times that of whites), and the racial wealth gap (which translates into the average white family possessing ten times the wealth of the average black family).

Of course, one obvious solution to this dilemma is social democracy, and specifically an expanded welfare state funded by higher taxes. Ironically, however, social democracies in Europe and Canada have all come to conclude that capitalism plays a vital role in the construction of such a system. Without it, there simply would not be enough wealth to tax in order to fund an expansive safety net, something that most social democracies have achieved. Dealing with those questions, however, would require a different book. The virtue (and vice) of Johnson's account is that it provides us with a startling new take on American history, achieved by a bold re-positioning of the narrative center. That St. Louis might actually be more important than Boston, New York, or DC is worth contemplating. Perhaps our traditional coastal focus has led us to Whiggish conclusions about our past that do not hold up when we venture into the broken heartland of America.

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