

A War of Ideas: Examining the Right's Intellectual Infrastructure The Lewis F. Powell Model

“It is time for American business -- which has demonstrated the greatest capacity in all history to produce and to influence consumer decisions -- to apply their great talents vigorously to the preservation of the system itself.”¹ (Lewis F. Powell – 1971).

The Powell Manifesto

In 1971, two months before being appointed Supreme Court Justice by Richard Nixon, Lewis F. Powell wrote a memo to his friend and then director of the U.S. Chamber of Commerce Eugene Sydnor Jr. entitled *Confidential Memorandum: Attack of American Free Enterprise System*. This memo articulated a perceived ideological threat that was jeopardizing the survival of the free enterprise system as “we” know it. According to Powell, this challenge was not only coming from “Communists, New Leftists, and other revolutionaries . . . [but] from perfectly respectable elements of society: from the college campus, the pulpit, the media, the intellectual and literary journals, the arts and sciences, and from politicians.” After explaining the crisis and identifying its sources, Powell outlined a counterattack: the careful, long-range planning and implementation of a war of ideas – to roll back potential threats to capitalism and to switch the American public’s consciousness rightwards. In order to accomplish this mission, he identified certain power apparatuses whose control are essential; namely various *intellectual foundations* (i.e. think tanks), *the media*, *the courts* and *educational institutions*. Powell concluded by calling on corporate owners and like-minded wealthy elites to join fiscal forces, providing “far more generous” sums of venture capital in order to fight and win this ideological battle.

Validity of the Threat

It is difficult for one to conclude that the American free enterprise system was truly under attack in 1971. However, one can reasonably speculate that the general consciousness of the American public was more progressive than it is today. In fact from 1932 to 1994 Democrats never lost control of the House of Representatives for more than one election before regaining it, and this loss occurred only twice². Democrats have now failed to gain control of the House in five straight elections. In addition, the 2000 election was the first since 1929 in which the Republican Party gained control of all three branches of government. In the 2004 election, this control was further extended and solidified. The question is: what happened over the last 30 years? How does America find itself controlled by warmongering neoconservatives, with an ever

¹ Powell, Lewis (1971), *Confidential Memorandum: Attack of American Free Enterprise System*: accessible online at, http://reclaimdemocracy.org/corporate_accountability/powell_memo_lewis.html

² Bai, Matt, *Wiring the Vast Left Wing Conspiracy*, in: New York Times Magazine, July 24th 2004.

increasing and demanding Right? Current discussions of privatizing Social Security, Medicare, and even public schools would have been ridiculous 30 years ago, but now they constitute part of the main stream political discourse. Over the last three decades America has witnessed deep reductions in its support for vulnerable members of society, a continued decrease in the influence of labor unions, larger military and prison budgets, tax breaks for corporations and the wealthiest 1% of individuals, as well as continued privatization and deregulation. Once again, I pose the question: what happened?

The Answer

Due to the limitless range of potential responses³, previous answers have often been too vast and vague to effectively contextualize this “quiet encroachment”. It is for this reason that we turn to Lewis Powell’s manifesto, not as a naive attempt to determine the actual direct effect this memo has had on political discourse; rather, for the purposes of this inquiry, to adopt it as a pragmatic tool.

Although Powell’s memo was addressed to the US Chamber of Commerce, it’s contents summoned conservative philanthropists to sponsor the construction of a vast intellectual infrastructure. This infrastructure would influence, control, and create institutional power apparatuses such as *think tanks*, *media outlets*, *courts*, and *universities*. Within these networks new ideas would be developed and then disseminated through marketing techniques to the American people in order to alter public political discourse. Did philanthropists heed Powell’s call?⁴ Were they prepared to fight this ideological battle and support the construction of this intellectual infrastructure? Fast forward thirty years, a few billion dollars, and one must overwhelmingly conclude . . . yes they did, and yes they were. Today, there exists a sophisticated and interconnected labyrinth which is increasingly able to determine what gets on and what stays off the public policy agenda. Exactly how much has been invested in constructing this intellectual infrastructure is indeterminable, however the various philanthropic foundations under the control of only six families⁵ possess assets estimated in 2001 at 1.7 billion⁶.

³ Potential responses include: the growing influence and power of religious institutions within the political arena, 911 and the subsequent use of fear as a political tool, the decline of electoral participation, the development and rise of neoconservatives, the continued lack of third party representation, the decline of trade unions, the rising importance of special interest groups, as well as many others.

⁴ Once again, this question is posed figuratively. It is not the purpose of this essay to determine if they truly heeded Powell’s call.

⁵ Richard Mellon Scaife in Pittsburg, Lynd and Harry Bradley in Milwaukee, John Olin in New York City, the Smith Richardson family in North Carolina, Joseph Coors in Denver, & David and Charles Koch in Kansas.

⁶ Lapham, Lewis H., *Tentacles of Rage – The Propaganda Mill, a Brief History*, in: Harpers Magazine v.309, n.1852, September 2004.

Think Tanks

“The first essential is to establish the staff of eminent scholars, writers and speakers, who will do the thinking, the analysis, the writing and the speaking.” (Lewis F. Powell)

The initial key in developing this intellectual infrastructure and winning the “war of ideas” was the financial support and development of conservative “research centers”. These allow the Right to promote a specific policy agenda, thus inundating the marketplace of ideas by producing thousands of reports, articles, essays, studies, briefings, pamphlets, etc. These ideas matter for a multitude of reasons. They create new social understandings of old issues, they provide the structural frameworks within which policy and law makers rationalize their governing decisions, and they provide the underlying justification of intellectual and ideological movements. Looking for supportive statistics to argue for more prisons or the elimination of the minimum wage? These studies exist, and they do so in numbers unequalled by progressively aimed intellectual institutions. Unlike their left-wing counterparts, the modus operandi of these think tanks extends beyond the mere construction of concepts, they place their products in the context of public policy. One example is the success that conservative think tanks have had in establishing statistical “facts” to discredit the Kyoto Protocol on global warming. “Bankrolled by heavy industry, these efforts have focused on depicting global warming as ‘theory, not reality’ and exaggerating the economic consequences of curbing carbon dioxide emissions.”⁷ As their budgets have increased, conservative intellectual institutions have extended their onslaught into new areas of deregulatory activity. They have escalated longstanding attacks on worker-safety and environmental regulations as well as concentrating their efforts on discrediting federal laws safeguarding the nation’s food and drug supply⁸. In addition, these think tanks produce and fund “experts” who often directly supply their findings to members of Congress. These “experts” also supply the American people with their “objective” information.

While the Left has also worked to establish its own think tanks (considerably fewer in numbers and fiscal support⁹) what has most obviously separated the success of the Right from the Left is not the ideas themselves, but their ‘marketing’.

Media and Marketing

⁷ Callahan, David, *\$1 Billion for Conservative Ideas*, in: *The Nation*, April 26th 1999 issue.

⁸ In the mid 90s, financed by over \$400,000 in contributions from biotechnology, drug, and medical device companies, the Progress and Freedom Foundation initiated a major project aimed at weakening the FDA. *Ibid*.

⁹ The Heritage Foundation (originally established by Joseph Coors in 1973), the most influential conservative think tank, functions with more than \$25 million a year at its disposal; the Economic Policy Institute, the premier think tank of progressives, runs on less than \$6 million annually.

Borosage, Robert, *The Mighty Wurlitzer*, in: *The American Prospect*, May 6th 2002 issue.

“Efforts should be made to see that the forum-type programs (*the Today Show, Meet the Press, etc.*) afford at least as much opportunity for supporters of the American system to participate as these programs do for those who attack it. . . Radio and press are also important, and every available means should be employed to challenge and refute unfair attacks, as well as to present the affirmative case through these media. . .” (Lewis F. Powell)

Moving out from the narrow confines of the academic world the conservative Right has implemented a successful strategy of disseminating its message to the American people. In order to achieve this end, they have employed a plethora of marketing methods, this study concentrates on two: 1) demonizing existing media outlets. 2) creating their own, which operate without any without any intention of objectivity. In accordance with the first method, two of the conservative movement’s most successful endeavors have been stigmatizing the term “liberal” itself and constructing the myth of the “liberal media bias”. They have accomplished the latter by funneling huge resources into the constant repetition of this myth. Through the purposeful and constant repetition¹⁰, over multiple channels, messages such as the “liberal media bias”, or catch phrases such as “Social Security is going broke” and “public schools are failing” have become fully imbedded into the “public consciousness”. Stigmatizing the term “liberal” has followed a similar path; today “liberals” are portrayed as supporters of increased governmental regulation which is inherently bad for business, capitalism, and the general population. Individuals who favor social programs are labeled “tax and spend liberals” favoring big government at the expense of its citizens, environmentalists become “tree hugging liberals” who favor spotted-gophers over the livelihood of Americans. This could provide an explanation for why despite the fact that the majority of Americans remain supportive of “liberal” issues¹¹, they nonetheless hesitate to apply the term to describe themselves¹². Additionally, as the term “liberal” has come to be pejorative, media operators strive ever harder to avoid accusations of “liberal media bias”.

In accordance with the second method, the Right has not merely stopped at demonizing existing media outlets; they have aggressively worked to establish their

¹⁰ This orchestration has been referred to as a “Mighty Wurlitzer,” a term used by the CIA to describe propaganda that is constantly repeated until the public believes its validity. Borosage, Robert, *The Mighty Wurlitzer*.

¹¹ For example 57% of individuals prefer stricter gun regulation laws, 56% are in favor of keeping abortion legal, and a clear majority support stricter enforcement of environmental laws.

Heagle, Dean, *Why Liberals Fail*, in: JoeCitizen.org, online at <http://www.joecitizen.org/liberalsfail.html>.

¹² In a 2001 survey only one in five Americans were willing to accept their political identity as “liberal”, while one in three were inclined to welcome the label “conservative” Lewis H. Lapham, *Tentacle of Rage*

own¹³, without any objective intention.¹⁴ These outlets, predominately on radio and cable television, allow the Right to market its message unfiltered, directly to the public. They have also led to the creation of “conservative stars” (i.e. Rush Limbaugh, Michael Savage, and Bill O’Reilly), who appear on outside “objective” talk/radio shows. These media outlets, and their stars, have established what has been referred to as a “noise machine” or “echo chamber.”¹⁵ Let us briefly examine how this noise machine operates. A concocted story can be originally found in a Right Wing publication, *The American Spectator*, with a circulation of about 30,000. This article is then read by Rush Limbaugh on his show, broadcasting to two million people, including many who consider themselves Democrats or independents. Then conservative pundits “echo” this fabrication on various cable television and radio shows and in news columns throughout the country, making its contents “news”. From here, the story is picked up by the *Wall Street Journal*. If other news outlets do not run the story they are attacked for their liberal bias. The actual validity of these stories could be negligible; what matters are that they are “out there” in the media and, in the process, are shaping public discourse. In order to supply this machine with its noise, the Right has established projects aimed at cultivating their own journalists as well as offering free education to journalists throughout the world on “fair” and “accurate” reporting. Couple these methods, a plethora of others not mentioned, and the continued concentration of media ownership due to deregulation and privatization (ideas whose justifications are established within Right Wing think tanks, further accredited by conservative-supported academics at universities, and then fought on a legal basis) and you find a Left who is increasingly falling behind in this “war of ideas”.

The Courts

“The American Civil Liberties Union is one example. It initiates or intervenes in scores of cases each year, and it files briefs amicus curiae in the Supreme Court in a number of cases during each term of that court. Labor unions, civil rights groups and now the public interest law firms are extremely active in the judicial arena. Their success, often at business’ expense, has not been inconsequential. This is a vast area of opportunity for the Chamber, if it is willing to undertake

¹³ This network includes the Fox News channel, the Washington Times, the New York Post, the Wall Street Journal, the Rush Limbaugh Show, the Drudge Report, Savage Nation, the American Spectator, and the National Review, just to mention a few.

¹⁴ Made considerably easier following the dismantling of the Fairness Doctrine in 1986; originally adopted in 1949 by the FCC, it stated that station licensees were public trustees, and as such had an obligation to afford reasonable opportunity for discussion of contrasting points of view on issues of importance.

¹⁵ Brock, David, *The Republican Noise Machine: Right-Wing Media and How it Corrupts Democracy*, (New York: Random House, 2004).

the role of spokesman for American business and if, in turn, business is willing to provide the funds.” (Lewis F. Powell)

Following Powell’s recommendations, over the last 30 years an abundance of conservative privately-funded legal firms (which also seek to portray themselves as “public interest firms”) have been aggressively challenging the civil justice system, attacking previous legal precedents perceived as posing “grave challenges” to economic and individual freedom. These attacks have focused on challenging environmental pollution programs, rent control statutes, affirmative action policies, workers’ compensation, restrictions on school vouchers, and work-place anti harassment laws – “stealth statutes that consistently trump free-speech rights”. In addition they have “been rewriting corporation, tort, contract, property and liability laws.”¹⁶ One case example is the designing of litigation around the “takings” provision of the Constitution’s Fifth Amendment which states “nor shall private property be taken for public use, without just compensation.” Corporate-sponsored legal firms are now arguing that government regulations violate their Fifth Amendment right by “taking” private property without due process and just compensation. If interpreted as such, it could require the federal government to reimburse private property owners for regulatory acts which adversely affect the value of their land. This tactic seeks “not merely to invalidate specific laws or to argue interpretations of laws,” but rather “to eradicate categories of laws by challenging prevailing legal theory and establishing new precedents.”¹⁷

Along similar lines, corporate-sponsored organizations have challenged prevailing legal theory by funding a campaign that gives precedence to the “law and economic” school of thought. Traditionally associated with the Chicago School, this rationale propounds the goal of an “efficient” (i.e., unregulated) market as providing the best returns for both consumers and producers. Critics claim this doctrine has led to a drastic decline in the enforcement of anti-trust laws. Methods to promote a pro-business legal environment include the continued funding of corporate-backed “public interest” law firms; all-expense-paid “educational” seminars for judges; establishment and support of like-minded organizations, such as the Federalist Society, that recruit, train, and advance the careers of business-friendly attorneys;¹⁸ as well as huge financial support for law and economic programs at universities. It should be noted that, at present,

¹⁶ Grossman, Richard L., *Review and Commentary on Justice for Sale: Shortchanging the Public Interest for Private Gain*, in: The Workbook, Vol. 18, 1993.

¹⁷ Ibid.

¹⁸ Established in 1982, the organization has chapters in 60 cities, with student chapters at 150 of the nation’s 182 accredited law schools. Its major supporters include: the John M. Olin Foundation (\$376,000), the Sarah Scaife Foundation (\$175,000) and the Lynde and Harry Bradley Foundation (135,000). In its mission statement, the Federalist Society calls for a sustained challenge to the “orthodox liberal ideology which advocates a centralized and uniform society” found in law schools and the legal profession. Homepage: <http://www.fed-soc.org/>

Federalist Society judges are seeded throughout the U.S. judiciary, and that all but one of the federal circuit courts are solidly conservative in their composition.

Universities

“The ultimate responsibility for intellectual integrity on the campus must remain on the administrations and faculties of our colleges and universities. But organizations such as the Chamber can assist and activate constructive change in many ways, including the following:” (Lewis F. Powell)

In order to initiate this “constructive change”, Powell specified how financial aid could be channeled to influence university curriculum, faculty, and students. Over last 30 years, many of these strategies have been implemented with considerable fruition. The Right has funded and created possibilities for “like-minded” students to gain experience within its intellectual institutions by providing scholarships, internships, leadership programs, retreats, funding student newspapers and organizations, etc. Once these students are trained and graduated, Right Wing organizations offer them every opportunity to stay with “the cause”. These students represent the future academics who can then in turn influence the following generation. The Right has also aggressively sought to influence those academics already “in place” by providing research funds, grants, and fellowships within its intellectual infrastructure. In order to influence the employment and tenure selection process, research has been conducted to prove the existence of a “liberal bias” within the universities. With this bias effectively “proven”, significant rightward pressure has been applied to the board of trustees to provide students with a “fair and balanced” education. More recently, efforts have become aggressively critical of those who have not fallen in line with this ideology.¹⁹

Conclusion:

For the purpose of this paper, Powell’s memo has been employed as a hermeneutic device in order to superimpose a boundary upon an otherwise limitless labyrinth of interconnected institutions. Once this boundary was established, certain activities were extracted and analyzed, providing a schematic overview of the Right’s intellectual infrastructure. Employing this technique presented certain analytical advantages; however, this “extraction” neglected a range of potential responses. In addition, for the purpose of their study each one of these intellectual

¹⁹ Following the terrorist attacks of September 11th, 2001, “the single largest private source of support for higher education”, the American Council of Trustees and Alumni (ACTA) published a report claiming that university faculty were “the weak link in America’s response to the attack.” This report identified 40 academics as allegedly out of line with American public opinion on the war on terrorism and cited 117 specific instances where professors made such utterances. Donating billions of dollars a year, its mission statement is as follows: “ACTA works with college and university trustees to ensure responsible management of higher education resources, end grade inflation, establish a solid core curriculum, and restore intellectual diversity on campus.” It represents one of the more powerful groups exerting rightward pressure on universities. Homepage: <http://www.goacta.org>

power apparatuses was analyzed separately; however essential to the success of this infrastructure is its interconnectedness. These boundaries do not actually exist. They are fully woven together, and now they have spun a web over the intellectual landscape.

References

- Bai, Matt, *Wiring the Vast Left Wing Conspiracy*, in: New York Times Magazine, July 24th 2004.
- Borosage, Robert, *The Mighty Wurlitzer*, in: The American Prospect, May 6th 2002 issue.
- Bradley, Bill, *A Party Inverted*, in: the New York Times, March 30th 2005.
- Brock, David, *The Republican Noise Machine: Right-Wing Media and How it Corrupts Democracy*, (New York: Random House, 2004).
- Callahan, David, *\$1 Billion for Conservative Ideas*, in: The Nation, April 26th 1999 issue.
- Cambell, Kim, *A Call to the Right*, in The Christian Science Monitor, July 25th 2002 edition.
- Gingrich, Newt, *Language: A Key Mechanism of Control*, in FAIR (Fairness and Accuracy in Reporting), 1995. online at: <http://www.fair.org/index.php?page=1276>.
- Grossman, Richard L., *Review and Commentary on Justice for Sale: Shortchanging the Public Interest for Private Gain*, in: The Workbook, Vol. 18, 1993.
- Heagle, Dean, *Why Liberals Fail*, in: JoeCitizen.org, online at <http://www.joecitizen.org/liberalsfail.html>.
- Lakoff, George, *Moral Politics: How Liberals and Conservatives Think*, (University of Chicago Press, 1996).
- Lapham, Lewis H., *Tentacles of Rage – The Propaganda Mill, a Brief History*, in: Harpers Magazine v.309, n.1852, September 2004.
- McChesney, Robert W., *Rich Media, Poor Democracy – Communication Politics in Dubious Times*, (University of Illinois Press, 1999).
- Powell, Lewis, *Confidential Memorandum: Attack of American Free Enterprise System*, 1971. online at, http://reclaimdemocracy.org/corporate_accountability/powell_memo_lewis.html.