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**Neo-Confederacy against the New Deal:
The Regional Utopia of the Modern American Right**

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“ The 1984 Republican platform, all the ideas we supported there— from tax policy, to foreign policy; from individual rights to neighborhood security—are things that Jefferson Davis and his people believed in.”

— Trent Lott, *Southern Partisan*, 1984

“Just when they seem engaged in revolutionizing themselves and things, in creating something that has never yet existed, precisely in such periods of revolutionary crisis they anxiously conjure up the spirits of the past to their service and borrow from them names, battle cries and costumes in order to present the new scene of world history in this time-honored disguise and this borrowed language.”

— *The Eighteen Brumaire of Louis Bonaparte*, 1852

An odd metamorphosis has taken place in American politics over the last forty years: the party of Lincoln has become the haven of neo-Confederacy. Having long prided itself on saving the Union, the Republican Party is now home to those who lionize the antebellum South and romanticize the Jim Crow South. It’s a development that attracts little notice in the press except when it goes too far to be ignored, as in 2002 when Senate Majority Leader Trent Lott said America would have been better off if the Dixiecrat revolt of 1948 had succeeded. Yet outside the limelight, many GOP leaders now honor the icons of the Confederacy. To take just a few examples: in 1981 sixteen prominent Republican U.S. senators recommended M.E. Bradford to Ronald Reagan as an “impeccable” scholar to head the National Endowment for the Humanities. Bradford, who described himself as an “unrepentant Southerner,” had compared Lincoln to Hitler and denounced emancipation as a blow to “liberty.” George W. Bush, for his part, earlier in his career aided the Museum of the Confederacy, the United Daughters of the Confederacy, and the Sons of Confederate Veterans. The Republican leaders Phil Gramm, Dick Armey, and John

Ashcroft, among others, have given friendly interviews to *Southern Partisan*, an arch-erate journal that gives a “scalawag award” to those whites who stray from its right-wing views.¹

What makes all this especially intriguing is that these particular spirits of the past are being conjured up by actors engaged in a project of radical transformation. Today’s GOP, as the former Labor Secretary Robert Reich puts it with reference to the impact of globalism, is “the party of ‘Let ‘er rip.’”² It is not exactly the embodiment of Burkean conservatism, with that tradition’s regard for family security, community cohesion, and settled tradition. Why, then, do so many of those leading the way to the brave new world of Wal-Mart-style neo-liberalism harken back to the Confederacy, despite the obvious political risks doing so in a post-Voting Rights Act world?

The puzzle suggests the need for a sequel to C. Vann Woodward’s classic study of postbellum America, *Reunion and Reaction*. The sequel would need to explore alterations in the composition and politics of the conservative business interests that have long dominated the GOP. It would have to take into account how the economic and population growth of the Sunbelt has enabled southern and western elites to eclipse the old party leaders from the Northeast and Midwest.³ It might explore how the historical mythology of neo-Confederacy, understood as a retrospective romanticization of the Old South and the secessionist project, has offered many themes of use to a longstanding dream among conservative northern Republicans of rolling back the New Deal. Its story would begin in the South, with aspiring white politicians who found in neo-Confederacy a font of legitimacy for their quest to not only limit black civil rights, but also free private property from effective regulation, substitute market dynamics for democratic processes, and cut the ground from under challenges to this extreme make-over of the nation. One prime arena

to look for the interregional transfer of ideas would be Congress, where southern white planter interests in the old Democratic Party and northern business conservatives in the old Republican Party allied repeatedly from the 1930s forward to block substantive reforms from labor rights to national health insurance.⁴ As early as 1938, conservative southern politicians were using the mythology of the Civil War and Reconstruction to fight the second, more radical phase of the New Deal, with a rallying cry summed up by one historian as “The carpet-baggers are coming.”⁵

But the proximate answer to this puzzle of the GOP’s metamorphosis is the conservative movement. It proved the main transmission belt carrying the spirit of Dixie into the Grand Old Party from the time of the *National Review* magazine’s founding in 1955 to the election of Ronald Reagan to the presidency in 1980 and beyond. From the moment the mainstream right coalesced around *National Review* as a self-conscious effort to overthrow the New Deal consensus regnant at mid-century—a consensus the publication’s founders disdained as “the Liberal orthodoxy”—that project has contained a strong element of neo-Confederacy. The leading proponents of the South as utopia were those later dubbed “paleo-conservatives,” largely descendants of the Nashville Agrarians and their admirers among later northern-based conservatives. Yet where the Agrarians had used this mythology to critique corporate capitalism in the 1930s, the *National Review* set used it to free business from any significant restraint in the 1950s and thereafter. The paleo-conservatives have since been displaced from the front ranks of conservatism and relegated the wings. Yet their ideas were imbibed, or at least tolerated with virtually no public criticism, by northern and western libertarian and traditionalist conservatives less enamored of the Old South.⁶

The right conjured a mythical region that bore little relation to the actual South, with its

complex history full of conflict between and within its major population groups and of dissent from the dominant conservative ethos. In the right's odes to the South, classes never clashed, whites took care of blacks, planters shared the interests of city dwellers, men presided over orderly households, and liberalism and modernism were foreign imports that attracted no local buyers. Their South was a land of propertied gentlemen devoted to defending liberty for the good of all. That conservative leaders propounded this mythical South in the very years scholars and activists alike were exposing its fundamental falsity reveals a willful blindness to inconvenient empirical evidence.⁷ That tenacity suggests the power of their felt need for a proving ground for their utopia: a model of actually existing conservatism which combined untrammelled property rights, a small state restricted largely to punitive functions, a hierarchical social order, and public religiosity. If we want to understand the radical reconstitution of the party of Lincoln, then, we need to look at those who did the most to engineer it: the thinkers and organizers around *National Review*. From the time they first took aim at "the well-fed Right," as they called the moderate GOP leaders who had "made their peace with the New Deal," movement builders on the right looked South for support in their project.⁸

Although studies of conservatism have proliferated in recent years, this element of the story has received surprisingly little attention. There are myriad books and articles on varied aspects of the right. Its intellectual moorings, its grassroots dimension, its business backing, its institutional infrastructure, its gender and sexual politics, and its impact on the major parties have all been studied. Yet the parts played by region and race in conservative movement history have not had anything like the attention they deserve, in part because northern solipsism continues to distort

what passes as national history.⁹ Elsewhere, I have shown how the right fomented opposition to African American advance over the last half century.¹⁰

Here, I want to address a related but different question: what work did the invocation of a peculiar reading of southern history do for conservatives' core goal of achieving a U-turn in American social policy? I take my cue from William F. Buckley, Jr., who wrote in his notorious 1957 argument for "Why the South Must Prevail": "Let us speak frankly. The South does not want to deprive the Negro of a vote for the sake of depriving him of the vote." No, there were instrumental reasons to do so that went beyond racial chauvinism—above all, policy questions to be decided by democratic process "on which there is corporate disagreement between Negro and White." The civil rights movement was advancing a vision of democratic government active in the service of economic and social justice that conservatives viewed as an extension of the New Deal, the dismantling of which was their *raison d'Atre*. As the conservative publishing magnate, Henry Regnery put their case years later, "the much larger issue" in the defense of segregation was "the usurpation by Washington of the authority of the states."¹¹ Precisely because the black struggle ended the quiescence of the McCarthy years and focused national attention on inequality and poverty (to say nothing of providing a compelling new understanding of "freedom"), it proved the most significant obstacle to the right's success.

That may explain why conservative leaders were willing to inflict damage on African Americans even if not personally motivated by racism. In order to achieve rollback of the regulatory authority of the federal government so as to restore property rights to their once-hegemonic standing, they had to clash with the civil rights movement, willy-nilly, whether or not

they welcomed the confrontation. By ennobling the South's white rulers, neo-Confederacy perhaps made that task more palatable. It offered a way to ally with those suppressing blacks without seeming to embrace their uglier features. It changed the subject, and thereby enabled the Manhattan-based movement builders to tap into the potent grassroots energy of white reaction without acknowledging the truth of what they were doing. At a time when African Americans were gaining white sympathy and the nation's racialized form of capitalism was losing legitimacy as never before, the architects of the conservative movement enlisted a mythical southern past to deflect reform. Neo-Confederacy served the right's purposes, then, in matters that went beyond race and region. After sketching out the conservative movement's enthusiasm in its first formative decade for a fantasy version of the antebellum and Jim Crow South, I will then jump forward in time to the years since 1980 to explore the continuing utility of these commitments for the right's project in the emerging global order. Today's conservative movement, like the Republican Party it dominates, is a complex coalition, for some of whose member groups neo-Confederacy has scant to negative appeal. Nor is the regional mythology as integral a part of the right's project today as it was in the early years. It's a sideshow now--yet one that still does important warm-up work for the feature act. The fact that it has not been shut down completely demands analysis.

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The *National Review* made no clear reference in its inaugural issue to the grassroots movement for racial justice then sweeping the country, but the *Brown v. Board of Education* decision likely helped galvanize the new cause's founders. "From the day of the Supreme Court's unanimous ruling against racial segregation in the public schools," as Felix Morley put it a few

years later, “a resurgence of [a] political movement in behalf of States’ Rights became probable.”¹² That movement generally preferred the less-charged label “federalism,” but its cause was indeed states’ rights. Buckley announced the mission of the new magazine, thus: to “stand athwart history, yelling, Stop.” He and his fellows pitted their cause against the very developments that had enabled the mounting challenge to racial hierarchy. The New Deal state, mass industrial labor unions, anti-colonialism, the right to dissent freely and organize nonviolent protest, social gospel Christianity and prophetic Judaism, non-traditional scholarship in the life sciences and social sciences—there was hardly a development on any front that invigorated African American organizing which did not antagonize spokesmen for the conservative cause. The right’s architects focused on fighting Communism abroad and the welfare state at home. Yet a defense of white rule in the South was part of their cause from the outset, by tacit agreement a unifying force among otherwise quarreling libertarians, cultural traditionalists, and militant anti-Communists. The consensus was evident when the leader widely accredited with bringing “fusion” between the rival factions, *National Review* senior editor and American Conservative Union official Frank Meyer, himself a New Yorker, denounced *Brown vs. Board of Education* as a “rape of the Constitution.”¹³

The intellectual architects of the conservative cause united across the Mason-Dixon line in a common defense of the old hierarchical order. In the wake of the Court’s decision, the national movement reached out to the man who provided the constitutional rationale for “massive resistance” to school desegregation: James Jackson Kilpatrick, editor of the *Richmond News Leader*. Resurrecting the pro-slavery states’ rights doctrine of “interposition” for use against federally backed integration, Kilpatrick exulted in how it was “catching fire across the lower

South.” The head of the white Citizens’ Councils of Mississippi, one of the most ardent segregationists in America, praised Kilpatrick as “one of the South’s most talented leaders.”¹⁴ The *National Review* agreed, and chose Kilpatrick to be its voice on civil rights and the Constitution. Kilpatrick, who liked to describe himself as “only a little to the South of John C. Calhoun,” did more than anyone else to make “the militant South” part of the postwar conservative mainstream.¹⁵ With his help, Buckley got the mailing list of the Citizens’ Councils in 1958: some 65,000 southern white conservatives who might appreciate the *National Review*. “Our position on states’ rights is the same as your own,” said Buckley in thanking William J. Simmons, the Mississippi based leader of the region-wide white supremacist organization which, in the words of the civil rights movement scholar Charles Payne, “pursu[ed] the agenda of the Ku Klux Klan with the demeanor of the Rotary.” Simmons, in turn, praised the *National Review*’s “contribution to the cause of political and social sanity.”¹⁶

The appreciation of the Citizens’ Council leader made sense, because the magazine portrayed the white South’s cause as not merely a regional concern, but a national matter with profound implications for the future of the country. Other conservative opinion makers sought to spread Kilpatrick’s philosophy for the same reason. Thus, Henry Regnery, the leading conservative publisher in America and himself a lifelong Midwesterner, invited Kilpatrick to write the book that became *The Sovereign States*, with its bold case for interposition to limit federal power. Regnery described their shared convictions without regional modifiers as simply “the conservative point of view” on “constitutional problems as a result of the Supreme Court

decision.”¹⁷

Supporting the white supremacist case against Washington, conservative movement builders vehemently opposed civil rights legislation. The *National Review* broadcast the case against the Civil Rights Act of 1964 that was first developed by southern defenders of segregation. As Buckley later reminded the magazine’s publisher: “I feel a considerable debt of gratitude to the [Virginia] Commission [on Constitutional Government] for permitting us to publish free of charge and without assigning them the credit, the[ir] extensive analysis of the civil rights bill.” The Civil Rights Act, Commission member Kilpatrick had written, “would undermine the most precious rights of property.” If “the citizen’s right to discriminate” should “be destroyed, the whole basis of individual liberty is destroyed.”¹⁸ The Civil Rights Act would abrogate the nation’s liberties and undo its finest traditions. “The right to own, and possess, and manage property is vital,” Kilpatrick insisted, as he portrayed any restriction on owners’ rights as a death threat to the vision of the nation’s founders.¹⁹ Robert Bork argued that it was sophistry to distinguish property rights and human rights; property rights were human rights of the highest order and “individual liberty” depended on their sanctity. The issue, he said, “is not whether racial prejudice is a good thing but whether individual men ought to be free to deal and associate with whom they please for whatever reasons appeal to them.” For anyone to tell these white citizens “that even as individuals they may not act on their racial preferences” was “unsurpassed ugliness.”²⁰ Defending the right to discriminate as a time-honored gauge of liberty, conservatives tried to derail civil rights reform.

The timing of this invocation of tradition becomes the more intriguing when set against the

economic history of the South. World War II and the Cold War transformed the region. Coming on the heels of the shake-up of sharecropping in the Great Depression and the mass out-migration of farm workers that new federal agricultural policies prompted, the rapid economic development of the South was thoroughly altering southern society. Business growth outside the old agricultural sector, encouraged by federal government contracts, remodeled the region's communities and vastly augmented its polity.²¹ From the outset, the conservative movement attracted support from some of the regional elites in South Carolina textiles and Texas oil who were pioneering these changes.²² What could such daily watchers of the bottom line gain from the right's seemingly nostalgic odes to the likes of John C. Calhoun and to a cause that resulted in catastrophic defeat? Most whites of that generation were raised on the Bourbon interpretation of the Civil War and Reconstruction, to be sure, so the opportunity existed to appeal to their mis-education.²³ And even staid, centrist Northerners discovered the advantages of appealing to white southern revanchism, as when General Dwight Eisenhower stood for the playing of "Dixie" before an adoring crowd in Columbia, South Carolina while campaigning in the 1952 election.²⁴

But there was more to it than the attempt to attract votes. Neo-Confederacy appealed to conservatives as a way to advance their core mission of freeing capital from any effective restraint, especially that which used the democratic process in the interests of less powerful citizens of any description. Perhaps that is why *Nation's Business*, the official journal of the U.S. Chamber of Commerce, made James Kilpatrick one of its regular writers after he became nationally known for his pro-states' rights, anti-civil rights writing.²⁵

From early on, in fact, northern as well as southern conservative thinkers identified the Union cause in the Civil War, Reconstruction, and the New Deal as interrelated aspects of a “Liberal” threat that usurped the rights of property owners and states. Conservative intellectuals who discussed Emancipation portrayed it as one of the greatest violations of the rights of private property in world history. For them, its import was not the freeing of persons, but the expropriation of property. Wilmore Kendall, the mentor of Buckley and Russell Kirk, claimed that the contemporary “war” between liberals and conservatives “began as a war of aggression, launched . . . by the Liberals,” who had attacked “the victim’s territory in the 1860s and 1870s” in the form of “emancipation of the slaves in the name of equality, [and] the post-Civil War ‘equality’ amendments to the Constitution.”²⁶ Northerners and Southerners alike promoted a mythology of the war and Reconstruction that depicted white Southerners as victims and supported their call for states’ rights. A few rejected the national cause in their very terminology, speaking of “the War Between the States.”²⁷

In the right’s view, the social legislation of the New Deal deepened the outrage to the nation’s founding creed that had begun seventy years earlier. “The tradition of Western civilization and the American republic,” Frank Meyer insisted, had “been subjected to a revolutionary attack in the years since 1932” when Roosevelt was elected.²⁸ In conservatives’ reckoning of how America got off course, the pro-labor regulatory welfare state and racial justice were thus linked causes from the outset. By the 1950s, according to *National Review*’s founding salvo, “the most alarming single danger to the American political system” was how “clever intriguers are reshaping

both parties in the image of Babbitt, gone Social Democrat.”²⁹ Conservatives felt, as one put it, “a positive hatred of redistributionist schemes” and “anything in the way of mandated equality.” Standing against what another called “the characteristic leveling egalitarianism of the time,” they insisted that hierarchy was natural, inevitable, and highly desirable for a good society.³⁰

On both sides of the Mason-Dixon line, conservatives understood liberty—their cardinal virtue—as the nation’s slave-owning founders had. They viewed it as precious and essential to the preservation of republican institutions, yet something that only certain men were fit to exercise. Willmoore Kendall explained that one of the things that made liberals so odious was their “*egalitarian* principle,” their deplorable belief in “one-man one-equal-vote.” Seeing it as “manifestly dangerous” for “the inferior group” to be “granted political equality,” James Burnham thought it eminently reasonable to “continue to want my group to have more than its arithmetic share in running things.”³¹ Insisting that the U.S. was a republic, not a democracy, they scorned majority rule and repeatedly defended restricted suffrage and other limits on voting rights such as poll taxes.³² They saw no contradiction between claiming to stand for liberty and opposing a movement demanding “freedom now” because they upheld a tradition that subordinated African Americans as outsiders and denied they had any legitimate claim to participation. “Integration,” said a *Modern Age* writer, “is patently a radical departure from the explicit provisions of the contract between the states that established the federal union.”³³ What made “the White community” in the South “entitled” to use any means necessary to keep blacks from voting, Buckley explained—sounding for all the world like one of the gentlemen who overthrew Reconstruction—was that “it is

the advanced race,” so its “claims of civilization supersede those of universal suffrage.”³⁴

Conservative leaders constructed an image of the Jim Crow South that expressed their values in action and served as a mobilizing device for their intended audience, North and South. Leading thinkers of the movement exalted what Richard Weaver was wont to call “the regime of the South.” Weaver and his fellows portrayed the segregated South of their day as a kind of Shangri-la: a utopia of order, faith, and civilized values. He defended the South’s devotion to the “principle of exclusion” and an “aristocratic” social order against the “heavy assault” on its white leaders’ rule “by Liberalism.” Anthony Harrigan praised this region of “essential conservatism” for its “built-in power brake.” To the Michigan-based Russell Kirk, the South was “the citadel of tradition,” the front-line of defense for “civilization.” “The South,” he instructed his readers, “need feel no shame for its defense of beliefs that were not concocted yesterday.”³⁵

Pulling aside the distracting Spanish moss to examine what lies beneath, we can see how this idea of the South—this imaginary, symbolic South—served the national right’s larger purposes. Above all, this South could serve as a home-grown example of the conservative utopia in practice. An analogue to the Stalinist left’s “actually existing socialism,” it acted as a beacon from which conservatives took their bearings. The Jim Crow South exemplified their ideal of state governments that vigorously upheld the rights of property against all other claims, resisted federal intrusion on their prerogatives, and confined their exertions to punitive governance, straying as little as possible on to the socialist-tainted ground of providing for popular welfare. Conservatives “strive to re-establish a federal system of strictly divided powers,” as Meyer put it, “and to repulse the encroachment of government, federal or state, over the economy and the individual lives of

citizens.” Why? Because “our right of property,” as Barry Goldwater avowed in making his case against the Civil Rights Act, “is probably our most sacred right.”³⁶ Their determination to safeguard the rights of property drew conservatives, like homing pigeons, to the side of the South’s white rulers.

Those who wrote about the South especially revered the most ardent defenders of property rights in American history: the defenders of chattel slavery, who invented a powerful legal and philosophical defense of inequality in a nation that worshiped opportunity. Later conservatives lifted up that constitutional tradition in order to prove that “conservatism is something deeper than mere defense of shares and dividends,” as Russell Kirk put it in his paean to John C. Calhoun of South Carolina and John Randolph of Virginia in *The Conservative Mind*. “Men are not created equal,” announced Kirk, and so “the overmastering tendency of the past century and a half” toward “social egalitarianism” was a grievous error. “Aye,” he intoned, articulating a core premise of his movement, “men are created different; and government which ignores this law becomes an unjust government, for it sacrifices nobility to mediocrity; it pulls down aspiring natures to gratify the inferior natures.”³⁷

John C. Calhoun claimed a special place in the pantheon of historically inclined conservative movement builders thanks to his hatred of equality, and the extreme states’ rights position he staked out to fortify the institution of slavery. Aptly dubbed by Richard Hofstadter “the Marx of the master class,” Calhoun had devoted his acute intellect to figuring out how to subvert the will of the majority and constrain democracy so as to protect property and privilege.³⁸ In a tribute to him, Donald Davidson thus insisted that slavery was but a “a minor issue”: “the difficulty

was with egalitarianism itself.” Only those “realistic” enough to renounce “romanticism” and accept the inevitability that some should rule and others should serve were fit to govern wisely, a truth proved “when the carpet-bag governments had finally been expelled.”³⁹ Calhoun had understood early on that his region could play the prime role in holding back the nation’s majority because it acted as “the great conservative power.” “In this tendency to conflict in the North, between labor and capital,” Calhoun had written over a century before his rediscovery by the right, “the South has been and ever will be found on the conservative side.” Calhoun perceived a logic that became common sense to his latter-day admirers when he observed that “the assaults which are now directed against the institutions of the Southern States may be very easily directed against those which uphold their property and security elsewhere in the country.”⁴⁰

Another resource the Old South provided the right, over the long run likely to prove the most transformative for the entire nation, was skillful defenders of what conservatives liked to call “the Constitution as originally conceived.”⁴¹ As Felix Morley noted of white Southerners’ contribution, “to justify their part in the ‘War Between the States’ Southerners have had to study our constitutional history, and they are generally more familiar with it than are many in other sections of the country.”⁴² Here, too, the right constructed a past that never existed. As Garry Wills has brilliantly shown, the right’s heroes were actually the anti-Federalists--not the Constitution’s advocates, but its enemies.⁴³

Still, that tradition of tendentious interpretation in the guise of divining “original intent” was eminently useful in the quest to undercut reforms which benefitted the less powerful. The legal

scholar Cass Sunstein, for example, points to the *Dred Scott* decision as an early instance of judicial “originalism,” noting that the Taney court claimed obeisance to the Constitution’s “true intent when it was adopted.”⁴⁴ It is often forgotten today that the pioneers of so-called original intent interpretation were defenders of slavery in the antebellum era and its apologists thereafter, who used their readings of the Constitution to limit what democratic government could do. That helps explain why *National Review* chose the Calhoun follower James Jackson Kilpatrick to serve as one of its two experts on civil rights and the Constitution. As Frank Meyer later approvingly quoted Richard Weaver, another devotee of secessionist thought: “It took the study of John Calhoun to wake me up to a realization that a constitution is and should be primarily a negative document”—a restraint rather than an enabling framework.⁴⁵ Setting to work in argument with the Warren Court—a Court that, in the words of one legal historian, was the first to stand for “equality of treatment as a necessary precondition of democracy”—conservative leaders sought to turn the judiciary back to its habits in the Gilded Age and the *Lochner* era, when justices repelled democratic attempts to advance the rights of labor as violations of the Constitution.⁴⁶ The right’s thinkers viewed the trend after 1937, when the Court made its peace with the New Deal and began encroaching on the rights of business in the interests of the majority, as the scratch that led to gangrene.

Conservatives were similarly contemptuous of democratic modifications to the Constitution after its ratification, above all the Fourteenth Amendment, which became the scaffold for many kinds of reform. Explaining his support for whites who deprived blacks of the vote, Buckley announced: “the Fourteenth and Fifteenth Amendments to the Constitution are regarded by much

of the South as inorganic accretions to the original document, grafted upon it by victors-at-war by force.” Attacks on the legitimacy of the Fourteenth Amendment became a veritable cottage industry on the right, and a centerpiece of its leaders’ advocacy of “authentic federalism.”⁴⁷ Today, most conservatives are more discrete, but as late as 1978 the publisher Henry Regnery insisted that the Fourteenth Amendment had never “properly” become “part of the Constitution” and was therefore illegitimate.⁴⁸

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Granted, neo-Confederacy was not the main thoroughfare on which the conservative movement traveled to power. For more central and consequential to its day-to-day work were anti-Communism, other kinds of cultural traditionalism, and appeals for individual liberty and “free enterprise.” Nor did every writer in the conservative camp work these by-ways. Indeed, some experts on the right will object that my characterization conflates paleo-conservatives with the entire movement, and so overlooks the ultimately more powerful libertarians and neo-conservatives.⁴⁹ Yet however much the latter differed from the former on some matters, it is striking how little they protested the neo-Confederate mythology of southern history and the Constitution. It’s not yet clear what explains this silence. I would guess that the anti-statism of the libertarians and the growing infatuation of neo-conservatives with unfettered capitalism and American military power led them to similar distortions of historical memory by a different route—or at minimum, to a politically convenient silence.⁵⁰

Yet, what ultimately accounts best for the lack of significant challenge from within the right to the neo-Confederate consensus is likely the continuing utility of the mythical South to the overall conservative program. Nowhere was its instrumental value better demonstrated than in the presidential election of 1964. By all accounts, Barry Goldwater was not himself a racist, let alone a neo-Confederate; he was first and foremost an economically minded libertarian, who even took out membership in the NAACP in his home state of Arizona. But for all that he differed from arch-segregationists like Kilpatrick, Goldwater believed one should “hunt where the ducks are”—namely, troll the post-*Brown* white South to build the Republican right.⁵¹ He lost in a landslide in 1964, it is true, but as recent studies reveal, in the course of Goldwater’s spirited grassroots campaign, the right built up a devoted mass following as never before. The cause gained its best traction in the Deep South, where white supremacy and economic conservatism usually went hand-in-hand, and even those who favored one seldom voiced concern over the other. The Goldwater-Johnson contest, the later Mississippi U.S. Senator and Senate majority leader Trent Lott said, was “the first time that we really started thinking, ‘Gee, maybe we are Republicans.’” In his once solidly Democratic state, 87 percent of voters, still overwhelmingly white, had a similar epiphany.⁵²

After Goldwater’s defeat and the passage of the Civil Rights Act and the Voting Rights Act, a significant change in the conservative sales pitch occurred. The right’s strategists learned, often tutored by northern Jewish neo-conservatives whose goals began to converge with theirs, that they must stop relying so heavily on overtly racial appeals if they wished to succeed in national politics. In an early omen of that relationship, Irving Kristol thus thanked Buckley in 1964 for sending a *National Review* attack on school desegregation, but warned that to argue the case “in

terms of racial differences” was “political folly.” Veteran conservative leaders such as Buckley and Kilpatrick came to appreciate the cost of appearing openly racist, and learned that they could achieve most of the same ends by advocating “color-blind” policy.⁵³ As they ceased advocating state-sponsored segregation, the neo-Confederacy with which they had once glorified it, now a potential liability in the quest for nationwide power, also slipped from its once-central place.

What is important here, however, is that although there was increasing danger in being identified as racist after the mid-1960s, very few of the right’s leaders ever spoke out against neo-Confederate holdouts despite that risk. The silence speaks loudly from a movement that does condemn Holocaust denial and anti-Semitism and that regularly demands that African American leaders denounce bigoted mythology even on the part of black individuals to whom they have no organizational or personal ties.⁵⁴ National conservative leaders have played a two-faced game, singing hosannas to color blindness on one side, while whistling Dixie on the other.⁵⁵ Many leading spokespersons of the conservative movement and the Republican Party persist in promoting the mythological South with little challenge from their peers, and it seems fair to conclude that the enablers hold their tongues because they find that mythology useful in their overall mission of advancing extreme property rights and undermining what remains of a welfare state.

A case in point of the national movement’s continued exploitation of Confederate mythology is the runaway bestseller on the right entitled, *The Politically Incorrect Guide to American History*. Commissioned by the oldest, largest, and most respectable conservative publishing house in the nation, Regnery, and featured prominently on the website of the *National*

Review, the book sports a belligerent-looking Johnny Reb on its cover. The text popularizes the Dunning school of southern history long since discredited among scholars. It has chapters on such topics as “Why nullification isn’t as crazy as it sounds,” and sidebars that share important lessons such as: “southern states had the right to secede” and “the Fourteenth Amendment was never constitutionally ratified.” Yet Max Boot and Ronald Radosh are nearly alone on the right in protesting.⁵⁶

The matter of why neo-Confederacy continues to appeal to so many conservatives needs more study. But I suspect its greatest long-term value to them will be in the development of a radically altered jurisprudence for the twenty-first century global order. A sanitized version of neo-Confederacy is proving very helpful in transforming the nation’s political economy through a historic rewriting of its legal rules to favor property owners. Thanks to the judiciary’s role in sustaining reforms from the Wagner Act to the right to choose abortion, the courts have been a prime target of conservatives since *Brown v. Board of Education*.

Since the 1970s at least, conservative corporate interests seeking the kind of U-turn in public policy since misleadingly labeled neo-liberalism have also looked to the courts strike down or rein in reforms from occupational health to environmental standards. “No thoughtful person can question that the American economic system is under broad attack,” Lewis Powell asserted of the challenges that characterized the sixties in his now famous 1971 memo at the U.S. Chamber of Commerce. He worried especially that the critics of “the enterprise system” were not “extremists” but “perfectly respectable elements of society.” Powell urged business executives to organize as never before to reclaim hegemony in arenas from “the campus” to the Congress, but he noted that

“in the final analysis, the payoff” to such mobilization “is what government does,” especially the judiciary. Powell wrote: “American business and the enterprise system have been affected as much by the courts as by the executive and legislative branches of government. Under our constitutional system, especially with an activist-minded Supreme Court, the judiciary may be the most important instrument for social, economic, and political change.” Pointing to the success the other side had achieved in the courts, he urged “business interests” to take “a more aggressive attitude.”⁵⁷

In the “revolt of the haves” that has characterized the years since, one vital front has been the promotion of conservative legal foundations and organizations.⁵⁸ The premier such initiative is the Federalist Society, which since its founding as a national body in 1982 has enjoyed generous financial backing from leading right-wing foundations spawned by the conservative movement including Olin, Scaife, Bradley, and Milliken. Leaders are savvy enough to portray the organization as a debating society without a particular political agenda, and its over 30,000 members no doubt have varied goals, not least to enhance their career prospects with future GOP administrations. But the Federalist Society’s anti-statist opposition to decades of labor, consumer, environmental, civil rights, and other protections appears indistinguishable from the southern states’ rights tradition revived by the modern right. They do not publicly advertise the connection, but the kinship is undeniable. No wonder, then, that the Federalist Society chose as its first executive director Eugene B. Meyer, the home-schooled son of the *National Review* power-broker who called *Brown v. Board of Education* a “rape of the Constitution.”⁵⁹ Supreme Court Justice Stephen Breyer reminds those unaware of the undercurrents of “original intent” jurisprudence that “the Constitution originally and intentionally ignored” the majority of those most of us now recognize as part of

“We the People.” As Breyer puts it, “literalism has a tendency to undermine the Constitution’s efforts to create a framework for democratic government.”⁶⁰ That was precisely the goal of the conservative movement builders who in the mid-1950s set out to transform the nation with a mythical southern utopia as their guiding star.

This essay is not a conclusive report but an attempt to set a research agenda. It has shown how neo-Confederacy was one important element of the modern national conservative cause in ways that demand more recognition and analysis, not least because that movement transformed one of the nation’s two major political parties. One neo-conservative, skeptical of the right at its founding, characterized what its organizers wrought thus: “*National Review*, it turns out, was part of a larger movement that created institutions which shaped and trained several thousand young conservatives, not so much to go forth and proclaim the gospel, as to go into the Republican party and take control of it.”⁶¹ Their triumph came in 1980 with the election of Ronald Reagan, the conservative movement’s standard-bearer since the 1960s. Given that movement’s history as described here, the push by the Reagan administration to recast the nation’s judiciary with a “jurisprudence of original intention,” as Attorney General Edwin Meese called it, has deeper and more frightening roots than most Americans realize.⁶²

The rise of a Republican right anchored by conservative southern whites has made the contest over interpretation of the past ever more consequential to the future. Neo-Confederacy is the time-honored disguise and borrowed language being used to present a new scene in world history in familiar terms, this time to package the ill-named neo-liberal project that aims to shred a century of popularly supported reform. The defense of democracy now more than ever requires

knowledge of southern history because, as Voltaire warned long ago: “If we believe absurdities, we shall commit atrocities.”⁶³

Notes