1

The Intellectual Archipelago of the Postwar American Right

> The Christian religion grew and developed and has been sustained by the constant reading of its sacred book, the Bible. In order to preserve our freedoms, it is necessary that similar attention be given to American history, especially American constitutional history.
>
> Frank Holman[1]

Writing in the traditionalist *Modern Age* in the late 1960s, the conservative rabbi Will Herberg situated constitutional law within a much broader political and, indeed, theological framework. Herberg explained, "[T]he limited-power constitutional state recognizes, even if sometimes only implicitly and negatively, a majesty beyond itself, some limit intrinsically to its own pretensions, whether it be the natural law, the divine law, or whatever." By contrast, he instructed, "the totalitarian state normally espouses its own public conception of the 'good life' for man and society and proceeds to enforce this conception." Herberg continued, "[T]he constitutional state does not pretend to any such total conception of the 'good life' of its own: it strives merely to provide men, and groups of men, with sufficient freedom to follow their own, often diverse conceptions of the 'good life.'"[2]

Applying this to contemporary politics, Herberg observed that the conservatives of his day had retained their commitment to the foundational principles of liberal constitutionalism. Liberals, by contrast, had become proud anti-constitutionalists. They had engineered an entirely new understanding of American government and, over the course of the liberal century, had not only put it into practice but had also succeeded in institutionalizing it. The liberal

[1] Frank E. Holman, "The President's Annual Address: Must America Succumb to Statism?" *American Bar Association Journal* 35 (October 1949): 801–879, 878. This quotation is published as an epigraph by permission of the *American Bar Association Journal*.

[2] Will Herberg, "The Great Society and the American Constitutional Tradition," *Modern Age* 11:3 (Summer 1967): 232.

understanding was of a newly purposive government, directed not at protecting core constitutional principles (such as liberty) but rather at formulating an ever-changing list of policy goals with the aim of solving social problems.[3] Herberg explained to *Modern Age* readers as follows:

> [T]he demand for a "sense of purpose" ... is ... a radical departure from our basic constitutional system. The federal government is not, and was never meant to be, a moral agency to give the people an inspirational lead ... [T]he sense of purpose, if it is to come at all, must come to each of us from the deepest sources – from our faith, from our "philosophy of life," from our religious and moral convictions. To look to the state to supply it to us is ... to "religionize" the state ... It is something never contemplated by the Founding Fathers and the makers of our constitutional republic as a function of the state.

"The state," he continued, "has no business having an official doctrine about the good life,"[4] adding for good measure that

> it is an inseparable and inviolable part of our constitutional tradition that the government, while friendly and encouraging to the religion, or religions, of its citizens, may not itself become the object of religious devotion; it must on no account allow itself to be divinized and to engage the citizen's highest hopes and expectations. The government, to be constitutionally legitimate, must be content with being a power of the middle range, restricted to the rather prosaic functions proper to it, without pretending to be the seat of the citizen's highest values.[5]

While many contemporary scholars are familiar with some relatively crude, legalistic, and political benchmarks of conservative constitutionalism – a commitment to originalism and opposition to (at least liberal) "activist judges," for instance – they rarely appreciate the diversity of conservative constitutional thought in the postwar United States; the depth of its philosophical and ideological underpinnings; and, hence, of its political resonances; or the way in which that thought is, as the Herberg article illustrates, situated, often quite expressly, within larger political, theological, and civilizational frameworks. Lacking such an understanding, liberals have been repeatedly blindsided and bewildered by outbursts of right-wing rage that have appeared to form and structure contemporary conservatism.[6] A primary goal of this book is to make the arguments, associations, and emotions that help constitute the contemporary Right visible and legible. It is my conviction that chronicling and explaining the development of modern conservatism's

[3] See Ken I. Kersch, "The Gilded Age and the Progressive Era," in Mark Tushnet, Mark Graber, and Sanford Levinson, editors, *The Oxford Handbook on the U.S. Constitution* (New York: Oxford University Press, 2015).
[4] Herberg, "Great Society and the American Constitutional Tradition," 234.
[5] Herberg, "Great Society and the American Constitutional Tradition," 233.
[6] See, e.g., Arlie Russell Hochschild, *Strangers in Their Own Land: Anger and Mourning on the American Right* (New York: The New Press, 2016).

constitutional vision, so central to the modern movement, is an especially effective and novel way of doing that.

AN EMBEDDED CONSTITUTIONAL VISION

The best way to do so, I believe, is to understand conservative *constitutional* thought as integrated into broader and deeper currents of conservative *political* thought more generally. This is certainly how most conservatives – outside of the legal academy, at least – understand their constitutional thought and convictions. Only by approaching conservative constitutional thought as embedded within these larger frameworks can we hope to understand modern conservative constitutionalists as they understand themselves. One way to be led astray in this regard is to anachronistically conflate postwar conservative constitutionalism with contemporary originalism as initially formulated by its legal academic/judicial pioneers like Robert Bork and Antonin Scalia. While much of postwar conservative constitutional thought is originalist in a broad sense – placing a high value on the American Founding – it is not originalist in the sense that Bork, Scalia, and other conservative legalists have understood and continue to understand it today. Narrowly focusing on legalist originalism and its progenitors[7] as *the* foundational theory of conservative constitutionalism, if not approached in a relatively open spirit, can lead to distortion, misapprehension, and misunderstanding.[8]

This book will show that postwar conservative constitutional thought was actually much more diverse and contested than conventional originalism-centered understandings have recognized. It will show, moreover, that the conservative political thought that undergirded this constitutional thought was considerably more sophisticated and intellectually and ideologically rooted in other frameworks – philosophical, theological, historical – than is commonly understood. This more robust and filigreed backstory is, I believe, crucial to understanding why movement participants, particularly its intellectuals, including its ersatz intellectual judges, have long possessed a self-confidence, premised upon a conviction of their own seriousness and open-mindedness, that perpetually confounds and exasperates liberals, who tend to see little but shallowness, ignorance, emotionalism, rigidity, and selfishness . . . if not worse.

Far from lacking any interest in history or ideas, the modern conservative movement has been, in significant respects, a movement of idea-drenched

[7] See, e.g., Johnathan O'Neill, *Originalism in American Law and Politics* (Baltimore: Johns Hopkins University Press, 2005).

[8] Nash, *Conservative Intellectual Movement in America*; Donald Critchlow, *The Conservative Ascendency: How the GOP Right Made Conservative History* (Cambridge, MA: Harvard University Press, 2007); Patrick Allitt, *The Conservatives: Ideas and Personalities Throughout American History* (New Haven: Yale University Press, 2009).

autodidacts. Its denizens, including ordinary Republican voters, have been voracious readers and news junkies, with a lively interest in American history and political and constitutional theory.[9] As such, many understand themselves not as the ignorant and bigoted "deplorables" of Hillary Clinton's imagination but as having reflected seriously on the Western canon and the history of political thought in the West – or at least to have listened attentively to high-status conservative intellectuals, or ideamongers, who have. As lifelong learners, perpetually hungry to learn more about American history; the American Founders; and American ideals, institutions, and principles from what they are told are the most reliable sources, these same people have been primed and tutored – warned – again and again by conservative movement elites that they would be mercilessly stereotyped by the Left and liberals as ignorant, bigoted, closed-minded, and stupid, their endless reading, listening, and discussions notwithstanding. When this in fact happened, far from being chastened by the criticism, their worldview and self-regard was reinforced and confirmed.

CONSTITUTIONALISM AS SPECTACLE

The hunger, curiosity, and passion of the densely networked conservative autodidacts in the postwar United States were fed by a far-flung archipelago of outlets that discussed and debated constitutional and political theory, and the symbiotic relationship between the former and the latter, eventually constituting a powerful political culture rich in arguments, symbols, signifiers, narratives, and meanings. The islands in this archipelago, which started to form at mid-century, included conservative book (Regnery) and magazine (*National Review*, *Human Events*, *Modern Age*, *Reader's Digest*, *Commentary*, *The Public Interest*) publishers, conservative radio shows (Fulton J. Sheen's *The Catholic Hour*, Clarence "Pat" Manion's *Manion Forum*, Paul Harvey, James Dobson's *Focus on the Family*, Rush Limbaugh), conservative television shows (Fulton J. Sheen's *Life Is Worth Living*, William F. Buckley Jr.'s *Firing Line*), conservative churches and, in more recent years, conservative TV networks and websites (Fox News, *National Review Online*), blogs, Twitter streams, and newsfeeds – to say nothing of the well-known think tanks (the American Enterprise Institute, The Heritage Foundation) and party, interest, and advocacy group politics. These crucibles and purveyors of conservative political thought helped construct an ideological world in which meanings, including constitutional meanings, were made, and a community – even a nation – was imagined. It is a world in which ordinary people were both entertained and instructed. Some graduated to new levels of sophistication as they advanced, as it were, from talk radio to Austrian economics. Those who partook were tutored in comprehensive understandings of the modern

[9] See, e.g., conservative best sellers like the books of the former Fox News host Bill O'Reilly.

predicament, the liberal threat, and the conservative solution. This involved much more than securing allegiances to a slate of policy preferences: it forged an identity – no less than a fundamental perspective on the world and movement members' place within it. Academic legalist pretensions notwithstanding, it is impossible to understand postwar conservative constitutionalism without a broader and deeper understanding of its embeddedness in broader philosophies, theologies, and historical narratives, as well as thoughts and emotions concerning nationalism, patriotism, and legitimacy.[10]

It is a mistake to limit the study of the taking and making of constitutional meaning to formal interpretations by judges of the constitutional text as part of the triadic resolution of legal disputes. To be sure, candidates, officeholders, intellectuals, social movement actors, ordinary people – and judges[11] – interpret the constitutional text. But as participants in a broader constitutional politics and culture, they also interpret the judicial interpretations such as *Brown* v. *Board of Education* (1954), *Engel* v. *Vitale* (1962), or *Roe* v. *Wade* (1973); political/constitutional spectacles such as Watergate; the leaking and publication of the Pentagon Papers; the Goodman/Cheney/Schwerner murders during Mississippi Freedom Summer; the Robert Bork Supreme Court confirmation hearings; the mobilization of social movements and social movement organizations like the NAACP and the National Organization of Women (NOW); the environmental and consumer movement litigation campaigns; key bureaucratic appointments; and historical watersheds like the Great Depression, the New Deal, the "loss" of China, the Hiss-Chambers spy case, the rise of Black Power, Jane Fonda's trip to North Vietnam, rising crime rates, urban disorder, and mass incarceration – to say nothing of the formal decisions made by other constitutional and quasi-constitutional actors like presidents, members of Congress, bureaucrats, and state and local

[10] Positivistic social science, like "attitudinal" studies of judicial "votes" on constitutional cases, cannot apprehend this core aspect of contemporary constitutional conservatism. Indeed, it rarely even tries, since the matter involves the messy process of the invention and assimilation of meaning, not simply tallies of votes or "positions." In this, it is the interpretation of facts and not the facts themselves that are critical. Facts do not come with "determinable meaning[s]." Edelman, *Constructing the Political Spectacle*, 1. See also Guy Debord, *La Societé du Spectacle* (Paris: Buchet/Chastel, 1967); Robert M. Cover, "The 1982 Supreme Court Term: Forward: *Nomos* and Narrative," *Harvard Law Review* 97 (1983): 4–68; Rogers M. Smith, "Political Jurisprudence, The 'New Institutionalism,' and the Future of Public Law," *American Political Science Review* 82 (March 1988): 89–108.

[11] See, e.g., Larry Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review* (New York: Oxford University Press, 2005); Mitchell Pickerill, *Constitutional Deliberation in Congress: The Impact of Judicial Review* (Durham, NC: Duke University Press, 2004); Michael McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago: University of Chicago Press, 1994); George Lovell, *This Is Not Civil Rights: Discovering Rights Talk in 1939 America* (Chicago: University of Chicago Press, 2012); Ken I. Kersch, "Originalism's Curiously Triumphant Death: The Interpenetration of Aspirationalism and Historicism in U.S. Constitutional Development," *Constitutional Commentary* 31 (2016): 413–429.

government officials. Even events long past, like military victories or defeats (the Civil War), massacres, or foundings (the American Revolution), whatever their status as historical facts, are subject to remade meanings. "[P]olitical developments," Murray Edelman has rightly noted "are ambiguous entities that mean what concerned observers construe them to mean." The way that political events are presented "continuously constructs and reconstructs social problems, crises, enemies, and leaders and so creates a succession of threats and reassurances."[12]

Political meanings, like governing institutions and orders, might be relatively settled for long periods of time, whether within governing coalitions or in the populace more generally. But controversies over those meanings can be generated and stoked. In this sense, meanings are never permanently resolved: they are subject to being challenged and remade. Doing so provocatively is one way that political oppositions wrest control and win power.[13] The settlement and contestation of constitutional meaning in the United States have been a major part of this process. Explanations, interpretations, and arguments in politics and US constitutionalism have "careers." Part of the business of a political and ideological opposition is to end a career and find a new one to take its place. In this, the solution may precede the problem.[14]

The political-historical process of contestation and settlement does not merely involve efforts to destabilize and construct political coalitions (groups) but the very consciousness of political actors themselves (individuals) – their subjectivity, indeed, their identity. This process is inherently relational: the construction of a political self typically involves a positioning of that self vis-à-vis the political other, constructing identity through the cultivation of a sense of membership (belonging) and opposition.[15] In this, all manner of actions, events,

[12] Edelman, *Constructing the Political Spectacle*, 1–3, 10. See also Murray Edelman, *The Symbolic Uses of Politics* (Urbana: University of Illinois Press, 1964). For recent statements and elaborations, see David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, MA: Harvard University Press, 2001); David Blight, *American Oracle: The Civil War in the Civil Rights Era* (Cambridge, MA: Harvard University Press, 2011); Rogers M. Smith, *Stories of Peoplehood: The Politics and Morals of Political Membership* (New York: Cambridge University Press, 2003); Rogers M. Smith, *Political Peoplehood: The Role of Values, Interests, and Identities* (Chicago: University of Chicago Press, 2015).

[13] Edelman, *Constructing the Political Spectacle*, 7–8, 10.

[14] Edelman, *Constructing the Political Spectacle*, 18–22. See also Victoria Hattam and Joseph Lowndes, "The Ground Beneath Our Feet: Language, Culture, and Political Change," in Stephen Skowronek and Matthew Glassman, editors, *Formative Acts: American Politics in the Making* (Philadelphia: University of Pennsylvania Press, 2007); Jack M. Balkin, "From Off the Wall to On the Wall: How the Mandate Challenge Went Mainstream," *The Atlantic* (June 4, 2012) (www.theatlantic.com/national/archive/2012/06/from-off-the-wall-to-on-the-wall-how-the-mandate-challenge-went-mainstream/258040/); Jack M. Balkin, "How Social Movements Change (Or Fail to Change) the Constitution: The Case of the New Departure," *Suffolk Law Review* 39 (2005): 27–65.

[15] Ziad Munson, *The Making of Pro-Life Activists: How Social Movement Mobilization Works* (Chicago: University of Chicago Press, 2009); Hochschild, *Strangers in Their Own Land*.

and people, past and present, are made to "stand for ideologies, values, or moral stances and they become role models, benchmarks, or symbols of threat and evil."[16] As such, for many politically involved and active people, political narratives – and for many movement conservatives, the constitutional narratives that helped constitute them – became important routes to a unified self. It is difficult to understand not only the policy preferences themselves but also the intensity of those preferences – the emotions – without some apprehension of this truth.

POLITICAL DISCOURSE AS POLITICAL REALITY

Political spectacles are made and mediated through language spoken in the public sphere. The language adduced in the public sphere evokes constructed and conditioned beliefs about "the causes of discontents and satisfactions, about policies that will bring about a future closer to the heart's desire," sensitizing political actors to "some political news, promises, and threats" and desensitizing them to others. Constructed meanings, chains of association, and stories about the past, present, and future are critical parts of this process, a process often of a character far from the rationalist "deliberative democratic" ideal so dear to our most hopeful political theorists. In political spectacles, the interested public is supplied with "stock texts," whether in general circulation or within more circumscribed scrums and subgroupings: "To maintain adequate support and acquiescence, aspirants for leadership and for social acceptance must choose from a circumscribed set of [these] texts."[17] The result is the establishment of a set of plural realities. In some periods, there are significant overlaps in these realities, even between ostensible opponents. In others, the divergent realities approach incompatibility, if not mutual incomprehensibility.

Movement conservatives in the postwar period enlisted constitutional arguments, appeals, and stories to frame their understandings of social problems: put otherwise, movement and, in turn, Republican Party leaders positioned themselves as interpreters and integrators of social experience in relation to constitutional norms and obligations. In an era of rapid social change, movement thinkers and political and intellectual entrepreneurs offered interpretations of these unsettling social changes that embedded constitutional arguments and stories in broader frames.[18]

While many still apply "classical" social movement theory to right-wing movements, treating their denizens as irrational, frustrated, excluded, and

[16] Edelman, *Constructing the Political Spectacle*, 2.

[17] Edelman, *Constructing the Political Spectacle*, 109–113; See also Hattam and Lowndes, "Ground Beneath Our Feet"; Smith, *Stories of Peoplehood*; Adam Sheingate, "The Terrain of the Political Entrepreneur," in Skowronek and Glassman, *Formative Acts*.

[18] Rory McVeigh, *The Rise of the Ku Klux Klan: Right-Wing Movements and National Politics* (Minneapolis: University of Minnesota Press, 2009), 5, 7.

marginalized, doing so could at most provide an incomplete account of the modern American conservative movement, which has always had a strong component of business and financial elites, as well as members of the established, mainstream middle class. Conversely, many – most recently Corey Robin[19] – present the conservative disposition as inherently one of powerful, and empowered, elites primarily concerned with the preservation of political, social, and economic hierarchies. Whatever the power of this understanding as a normative evaluation of conservative political thought and ultimate effects, it does not work descriptively for American conservatism, either in recent years or considered over the long term: many American conservatives, simply put, are not elites by any definition other than race privilege, while many liberals, including the Princeton- and Yale-educated New Yorker Robin (also white), indubitably are.[20] Postwar American conservatism involved an incipient, proto-constituency of segments of both the privileged and powerful and the dispossessed and powerless. As such, the interpretation of social, constitutional, and political relations offered by the movement had to be fashioned in a way that simultaneously, in complicated ways, promised to preserve, restore – and, indeed, remove – privileges.

Movement framings, which help construct both identities and presumed interests, built the movement itself by making collective action possible among the disparate groups and the members that ultimately comprised them. Fostering a sense of common cultural/political identity and defining and spotlighting the boundaries of the group – who is in and who is out – are ways to transcend status differences, bonding insiders and outsiders to each other as part of a newly imagined community. The frames that serve this function are, of necessity, made in time. Within the movement, the matter of which framing elements will be adopted and prevail is contested. Since the world changes, the process is, in its nature, ongoing: the frames are adjusted across time via informational feedback loops as part of the political program of expanding membership, with the aim of gaining and sustaining political power.[21]

[19] Corey Robin, *The Reactionary Mind: Conservatism from Edmund Burke to Sarah Palin* (New York: Oxford University Press, 2011).

[20] Hochschild, *Strangers in Their Own Land*; Thomas Frank, *What's the Matter With Kansas? How Conservatives Won the Heart of America* (New York: Henry Holt and Company, 2004); J. D. Vance, *Hillbilly Elegy: A Memoir of Family and Culture in Crisis* (New York: Harper, 2016).

[21] McVeigh, *Rise of the Ku Klux Klan*, 25, 36–39, 43, 45, 198. Social movement scholars refer to this temporal process as "frame alignment." David Snow, E. Burke Rochford Jr., Steven Worden, and Robert Benford, "Frame Alignment Processes, Micromoblization, and Movement Participation," *American Sociological Review* 51 (1986): 454–481. For concrete examples of frame adjustment on the Right, see Mary Ziegler, *Before Roe: The Lost History of the Abortion Debate* (Cambridge, MA: Harvard University Press, 2015) (abortion); Wayne Batchis, *The Right's First Amendment: The Politics of Free Speech and the Return of Conservative Libertarianism* (Stanford: Stanford University Press, 2016) (freedom of speech). On the wealthy and middle-class support for the

THE ARCHIPELAGO – THE DISSEMINATION AND DIFFUSION OF CONSERVATIVE IDEAS IN POSTWAR AMERICA

At mid-century, as the traditional story goes, movement conservatism was all but moribund. Beginning in 1933, the Old Right – Albert Jay Nock, Rose Wilder Lane, Isabel Paterson, John T. Flynn, Garet Garret, George Sokolsky, Fulton Lewis Jr., and others – had adamantly but unsuccessfully opposed Franklin Roosevelt's New Deal and then both the US entry into World War II and the country's ascendant leadership, and even involvement, in world affairs. In the 1930s and 1940s, the reactionary and isolationist Old Right's defeat on both fronts seemed total, amounting to complete repudiation. At mid-century, "consensus" intellectual elites casually but confidently explained from their perches in New York and Massachusetts that conservatism in America was finished once and for all: it had ceased to exist.[22] Some right-wing voices, to be sure, staggered on, well out of the political and cultural mainstream, like ideological dinosaurs from a Paleolithic political era. Old Right magazines like H. L. Mencken's curmudgeonly *American Mercury* continued to hawk curiosities – antique intellectual wares. Scattered fans remained of the Nashville Agrarians, who had taken a stand for aristocratic, chivalric, southern values that seemed ludicrously irrelevant to an urbanizing and suburbanizing polity transitioning into a new mass industrial, service, and consumer culture – the very conditions that had sparked their (last?) "stand" in the first place.[23] The libertarian magazine *The Freeman* nearly folded in 1954, leaving *Human Events* the last conservative magazine standing with any notable readership or influence. "Mr. Conservative," Ohio Senator Robert A. Taft, son of President and Chief Justice William Howard Taft, a promising contemporary if traditional voice on the rise since the late 1930s, died suddenly of cancer in 1953. The Republican Party was in the hands of the New York "kingmakers" who had selected Republican nominees for president from 1936 to 1960 (including then-President Dwight D. Eisenhower, who might have run in either party) and were positioned near the "vital center" of the American liberal consensus.[24]

modern conservative movement, see Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001); Kevin Kruse, *One Nation Under God: How Corporate America Invented Christian America* (New York: Basic Books, 2015); Donald Critchlow, *Phyllis Schlafly and Grassroots Conservatism: A Women's Crusade* (Princeton: Princeton University Press, 2005).

[22] See Lionel Trilling, *The Liberal Imagination: Essays on Literature and Society* (New York: Viking Press, 1950); Richard Hoftstadter, "Paranoid Style of American Politics," *Harper's Magazine* (November 1964).

[23] See Twelve Southerners, *I'll Take My Stand: The South and the Agrarian Tradition* (New York: Harper and Brothers, 1930); Peter Kolozi, *Conservatives Against Capitalism: From the Industrial Revolution to Globalization* (New York: Columbia University Press, 2017), 77–105.

[24] Michael D. Bowen, *The Roots of Modern Conservatism: Dewey, Taft, and the Battle for the Soul of the Republican Party* (Chapel Hill: University of North Carolina Press, 2011). See Arthur Schlesinger Jr., *The Vital Center: The Politics of Freedom* (Boston: Houghton Mifflin, 1949).

That said, it is well worth noting that whatever the state of the American conservative "movement" at the time, the nation's social status quo in the immediate postwar era remained quite conservative on several fronts, as measured by contemporary political standards. A hawkish anticommunism was one. While by the middle of 1954, having pushed his purges and attacks a bridge too far, the most strident anti-communist voice, Joseph McCarthy, was being roundly repudiated in the Army-McCarthy hearings (like Taft, McCarthy died young, in McCarthy's case, of acute liver failure brought on by a raging alcoholism), the anti-communist impulse remained strong. And, moreover, while the 1950s may not have been as unrelievedly staid as is typically assumed, and the cracks in the foundations may have been visible to the culture's structural engineers, especially *post hoc*, the era nevertheless remained one in which traditional authority and hierarchy (God, church, family, adults, law, business leaders, teachers, the police, and traditional norms concerning race, sex, and class and the public "presentation of self in everyday life") predominated.[25]

For those paying close attention, however, foundational, even radical, change was brewing in the culture and art of the Beats, the protest politics of the civil rights movement, the rise of the youth culture and anti-anticommunism, and with the Supreme Court's landmark desegregation decision in *Brown* v. *Board of Education* (1954) and resistance to police abuses, on a host of issues involving civil liberties and civil rights. Partisans of conservative ideas – or simply defenders of the status quo who did not yet identify as conservatives – increasingly felt an imperative to challenge liberals intellectually and politically, within both the then ideologically pluralistic Democratic and Republican Parties. By the early 1960s, it was clear that the Democrats were moving away from conservatism, and the Republicans were moving away from liberalism. Most dramatically, a call went out in the Republican Party for a candidate for president who would offer Americans a "choice, not an echo," a harbinger of the parties' impending ideological divide.[26]

One place to get a bead on the content of what conservatives would regard as a genuine choice is to look at the archipelago of postwar publications that were either expressly conservative or hospitable to conservative ideas – and there were many; it was not just the *National Review*.[27] For instance, promising

[25] See Risa L. Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016); Alan Petigny, *The Permissive Society: America, 1941–1965* (New York: Cambridge University Press, 2009).

[26] Nicole Hoplin and Ron Robinson, *Funding Fathers: The Unsung Heroes of the Conservative Movement* (Washington, DC: Regnery Publishing, Inc., 2008), 71; Phyllis Schlafly, *A Choice, Not an Echo* (Alton, IL: Pere Marquette Press, 1964). See also Philip M. Crane, *The Democrats' Dilemma: How the Liberal Left Captured the Democratic Party* (Whittier, CA: Constructive Action Inc., 1964); Paul Harvey, *Autumn of Liberty* (New York: Hanover House, 1954).

[27] Ken I. Kersch, "Ecumenicalism Through Constitutionalism: The Discursive Development of Constitutional Conservatism in *National Review*, 1955–1980," *Studies in American Political Development* 25 (Spring 2011): 86–116; Batchis, *The Right's First Amendment*.