

Hello, everyone. Stluhdog here. An old guy who knows shit, continuing with **Season 2, an old guy who knows shit explains it all for you.**

Today's deep dive is into what might be called the trigger event that moved us from political dialogue to extreme polarization. This is

Season 2, Episode 7

The Powell Memo: A Conspiracy Fact

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In 1971 Lewis F. Powell was a prominent corporate lawyer who was friends with Eugene B. Sydnor, the education director of the U.S. Chamber of Commerce. Sydnor asked Powell to write a confidential memorandum to the Chamber entitled "Attack on the American Free Enterprise System." Later that year, Powell was nominated to the supreme court, and this memorandum was made public during his confirmation hearing as an argument that he was not the best choice for a supreme court justice. He was nonetheless confirmed and served until 1987, when he retired. That memorandum is the foundation of the modern Republican/conservative movement, and is, ultimately, why we have the supreme court we have today.

I'm not going to include the entire Powell Memo in this podcast – it's fairly lengthy and it is easy to find. All you have to do is google "Powell Memo" and it will be at the very top of the list. Which tells you, in and of itself, that there are a lot of people out there looking at this thing. Which side, one wonders, are those folks on?

But we do have to *start* with the memo itself, so here is its beginning and introduction:

CONFIDENTIAL MEMORANDUM

Attack on American Free Enterprise System

DATE: August 23, 1971

TO: Mr. Eugene B. Sydnor, Jr., Chairman, Education Committee, U.S. Chamber of Commerce

FROM: Lewis F. Powell, Jr.

This memorandum is submitted at your request as a basis for the discussion on August 24 with Mr. Booth (executive vice president) and others at the U.S. Chamber of Commerce. The purpose is to identify the problem, and suggest possible avenues of action for further consideration.

Dimensions of the Attack

No thoughtful person can question that the American economic system is under broad attack. This varies in scope, intensity, in the techniques employed, and in the level of visibility.

There always have been some who opposed the American system, and preferred socialism or some form of statism (communism or fascism). Also,

there always have been critics of the system, whose criticism has been wholesome and constructive so long as the objective was to improve rather than to subvert or destroy.

But what now concerns us is quite new in the history of America. We are not dealing with sporadic or isolated attacks from a relatively few extremists or even from the minority socialist cadre. Rather, the assault on the enterprise system is broadly based and consistently pursued. It is gaining momentum and converts.

Close quote.

And that's how it begins. So the first thing we have to do is to put this memo into historical perspective. This is not difficult for me, being an old guy, because I was 20 in 1971 when this memo was written. I grew up with this "Attack on the American Free Enterprise System" swirling around me. Now, granted, my catholic high school kept me firmly locked in the 1950s until I graduated in 1969, but I got the full brunt of the 1960's right upside my head with a giant sledge hammer when I went to college that fall, and by 1971 I was tuned in to the world enough to know we were in deep shit and things were definitely not going well. Folks today cannot imagine what an effect the Vietnam War had on us everyday Americans. In 1970, casualty lists were a daily horror: over 58,000 American soldiers died in Vietnam (National Archives, archives.gov). Compare this number to 7,057 killed in all post-9/11 war operations combined (Watson Institute, Brown University). During that era "media" amounted to newspapers and magazines, radio, and four television stations, all of which appeared to be competing by reporting what they considered important and factual and patriotic. Bloody and brutal images of the horrors of war graced American television screens on the 6 o'clock news for the first time ever. Nobody seemed to know exactly why we were there, except for this vague, amorphous "domino theory" that was supposedly spreading Communism – but, really? That's a good enough reason for all these American soldiers to die on foreign soil? A theory? Named after a game? Defending what? And because of the patriotic bend in the reporting, we didn't get the Viet Cong side, which to me looked for all the world like they were the locals fighting to get their country back. The South Vietnamese army, on our side, looked traitorous to their own country. We were not fond of citizens who fought for the Brits during our revolution, were we? But the freedom fighters were – gasp! – Communists! ... weren't they? Or were they? It was very, very confusing, and I suspect none of us had any idea what was really going on. But what we DID know was that thousands of us were dying there and no good reason for this sacrifice had ever been defined, and some of us were threatened with being drafted and forced to go there. I was among those; my lottery number was 54, a very low number, so when my student deferment ended, which I knew would be in 1973, I would be drafted. So the Vietnam War was very much IN MY FACE throughout my college career. I was motivated to pay attention.

And Judge Powell was correct in that an attack was happening. It was abundantly clear to many millions of us that whatever in the system that had gotten us HERE (Vietnam) was FUBAR and needed to change, and the anti-war movement was huge, particularly on college campuses. Student protesters had just been killed at Kent State in May of 1970. In addition to the anti-war movement, the civil rights movement had been exploding with protests and non-

violence was met head-on with violence, particularly after the Civil Rights Act of 1964. The women's liberation movement was headline news, as was the workers' movement. Students on college and university campuses were protesting from coast to coast, from peacefully taking over administration buildings for a weekend (I took part in one of these) to Students for a Democratic Society (SDS) causing major disruptions, to the Weathermen, an SDS splinter group, literally trying to blow shit up. It was a time when Big Ideas coalesced in a new way: racial equality, gender equality, wealth disparity, all these battles are still being fought, 50 years later. Most of them were being fought many years before, but in the 1960s, all of them gained new momentum at the same time, and there were protesters squared off with the military seemed like every day over something and some of those confrontations became riots. They did not call the 1960s a period of civil unrest for nothing. Judge Powell was also right in that the one thing all of these groups seemed to have in common was opposition to "the system" and, more specifically, capitalism.

The thing is, as powerful and focused as these movements were individually, they never coalesced sufficiently as a group to be able to agree on any one common goal. A revolution was happening, but it was happening in pieces. The separate movements never got together. Everybody knew "the system" had to change, but everybody had a different answer for exactly what in the system needed to change first. Except for getting out of Vietnam, even military folks I knew agreed on that, but how? And then what? And what needed to change beyond that? How do you change "the system"? Bringing down capitalism is tough because everybody wants groceries, no matter what, right? Nobody could agree on what part needed changing first. No one had written a Powell Memo telling these movements how to get together and what steps were needed to take down the American Free Enterprise system. Personally, I don't think that was their goal. They were each, in their own way, fighting for the same thing, liberty and justice for all, and I don't think they would have said that the American Free Enterprise system had to come down in order to achieve those things.

In fact, when you read Powell's description of the "Attack," you wonder if he really understood the nature of the attack that was actually happening himself. Ralph Nader is listed as a terrific example of an attacker but in fact he was doing exactly what you heard Powell just say is ok: "criticism has been wholesome and constructive so long as the objective was to improve rather than to subvert or destroy." Ralph Nader was not trying to bring down the system at all, he was trying to make the system work without killing people. If you look at Powell's justifications, and the number of specific attacks he is able to list, it is ultimately pitiful. He is hard pressed to list specifics. But he was correct in perceiving that there was a great, general feeling in the populace that something was profoundly wrong and needed to change, at a very fundamental level. Anti-capitalism was, indeed, a thing. Powell, and the National Chamber of Commerce, saw this as a clear and present danger, and took it as a wake up call: what if these people got together and organized? They could take all of our wealth *and* our ability to replace it. For them, it was time to circle the wagons. Time to build defensible fortifications and then go on the march.

So now that we have this memo in its historical context, lets get to the memo itself. I encourage you to read the memo in its entirety, but for our purposes the headings will suffice:

Title: **Attack on American Free Enterprise System**

Dimensions of the Attack (7 pgs)

Sources of the Attack

Tone of the Attack

Apathy & Default of Business (5 pgs)

Responsibility of Business Executives

Possible Role of the Chamber of Commerce

The Campus (8 pgs)

What Can Be Done About the Campus

Staff of Scholars

Staff of Speakers

Speaker's Bureau

Evaluation of Textbooks

Equal Time on Campus

Balancing of Faculties

Graduate Schools of Business

Secondary Education

What Can Be Done About the Public? (4 pgs)

Television

Other Media

The Scholarly Journals

Books, Paperbacks and Pamphlets

Paid Advertisements

The Neglected Political Arena (2 pgs)

Neglected Opportunity in the Courts (1 pg)

Neglected Stockholder Power (1 pg)

A More Aggressive Attitude (2 pgs)

The Cost (1 pg)

Quality Control is Essential (1 pg)

Relationship to Freedom (2 pgs)

Conclusion

The first important feature in Powell's plan is mentioned in the Business section: you have to play the long game. Clearly he sees education as a top priority, giving it the most attention and considerable detail. Then the memo just becomes a series of specific steps to take: Penetrate the media. Enter the political arena. Appoint judges, all the way up to and including the Supreme Court. Take advantage of your stockholders. Be aggressive. Be willing to spend a lot. Keep up appearances at all times. And finally, under "Relationship to Freedom:"

... freedom as a concept is indivisible. As the experience of the socialist and totalitarian states demonstrates, the contraction and denial of economic freedom is followed inevitably by governmental restrictions on other cherished rights. It is this message, above all others, that must be carried home to the American people.

In other words, any restriction on making money will automatically lead to restriction of human rights as well – the extent of your freedom is defined by the limitations on your ability to make

money. To say that freedom is indivisible is utter nonsense. There are a gajillion different kinds of freedom and you can divide them up in a gajillion different ways. So, to prevent this, all he had to do was to narrow the definition. He simply added “economic” to its name, saying, essentially, that if freedom is not economic freedom, it ain’t freedom.

What it really boiled down too was: how can we make making money unassailable? And Powell’s answer is you make *economic* freedom – that is, making money – the most important thing. As opposed to, say, liberty and justice for all, which is not profitable.

Republicans took this memo as a call to arms and proceeded, in surprisingly short order, to execute its plan in focused, organized and heavily funded detail, while the leftist commie threat they were responding to, sadly, remained splintered. They are still fighting their battles, but in the 50 years since this memo:

- Republican think tanks have become ubiquitous, and provide a continuous and well funded army of conservative lobbyists, attorneys, speakers, faculty, media content, whatever.
- State colleges and universities routinely have one or more corporate sponsors. We just take that for granted. Was not the case in 1972. And these sponsors don’t just give money now, they control curriculum. Look at chemical companies on the campuses of agricultural states.
- Fox. Good god, look at Fox. Talk about penetrating the media. Pure propaganda. Now, testifying in the Dominion case, they have admitted to broadcasting, as news, lies that they knew were lies.
- Gerrymandering and voter suppression are ubiquitous, and there is a strong argument that it is because of this that Republicans rule as a minority in many red states.
- How often have we heard about the evils of regulation, a direct restriction on our most essential freedom?
- The supreme court, which I have mentioned before, is the ultimate fulfillment of Judge Powell’s plan. Now that they have a court that does not believe in personal liberty, their future ability to tell us what to do is assured. (Or so they believe, anyway.)
- Finally, the culture of cheating, the justification and glorification of successfully cheating politically, was birthed with this memo. I doubt this was conscious on Powell’s part. But it was his “you’ve got to pull out all the stops” attitude that did, indeed, pull out all the stops. Look at things like trickle-down economics, the Contract with America, Dick Cheney-ism, the Tea Party. There’s a pretty straight line from this memo through increasing amounts of misleading and cheating, straight to the liar and his cohorts, who have mainstreamed in-your-face lying, which led directly to January 6th.

I would argue that the Powell Memo marked a sea change in our society. Before the Powell Memo, they were just trying to sell shit, but after the Powell Memo what they focused on selling was the freedom to make money first, and shit to buy second. This is the moment making money became the patriotic religion. Conservatives pumped gigantic amounts of money into not just selling shit, but into convincing us that money and stuff are what will make us happy; that anything corporate is better for us than whatever we have for ourselves. They did penetrate education, and the media, and their think tanks worked with politicians and “marketing” experts over decades to find innumerable other, subtle ways to penetrate our

consciousness, and to keep us wanting what they have. Each successive generation of youth got the message stronger than the generation before.

Now, with the success of the smart phone and social media, they have direct control of our brains for a huge percentage of every day of our lives. Every moment they have is a moment that we do not have. It is a moment that we are not living our own life. It is a moment they are stealing from us in order to convince us (a) that what they have will make us happy and (b) that we have to have enough money to have whatever that is. Now they have created entire worlds of experience that have nothing whatsoever to do with real life. Students at high schools and universities with psychological/emotional issues are through the roof, beyond what schools can handle. I have witnessed this change myself. There is a gigantic crisis in education today, and I blame many things, but the freedom to make money, and its current primary tactic for inculcation, social media, are at the top of the list.

Pre-Powell Memo, most of us people in the trenches were living our lives, trying to do our best with what we had. We were living with each other in the real world. Like our parents, we wanted our kids to have a better life than we did, so we learned from the people in our lives, and from mentors and other people and our experiences in the world and that was how we learned to improve our lives. We learned about people and the world from people and the world, and, as a general rule, we lived in the world. That world was filled with racism and sexism and poverty and violence and by golly we lived right in it and if it didn't kill us we did our best to make it better.

Since the Powell Memo, each generation has replaced more of its actual life with artificial life created by a corporation. Radio and television, provided by corporations to make money, took more and more of our lives, replacing real life with corporate sponsored entertainment. With the onset of smart phones and the internet, the scope of corporate sponsored entertainment available to us, reaching into our very brains for hours every day, has made living our lives with fellow humans in a real world less and less a part of life, and living life inside a screen world controlled entirely by corporations more and more what life is.

They have outdone George Orwell's *1984*. I've talked about this before, but now, include social media, and folks, think about it: in Orwell's world, the screens were intrusive, and people tried to evade them. Now, by making everybody WANT to live in screen world, they have put Orwell to shame.

According to a recent study, teenagers spend seven hours a day on screens. Seven hours. After sleep and school, that's pretty much what's left. You spend seven hours a day anywhere, and that is the dominant location in your life. That is the place where you are learning about life. That's the place where you *live*. That is where you learn how to think and what to want. And it was created by a corporate entity for no other reason than to make money. And has nothing whatsoever to do with actual life. Seven hours a day. On a screen. In screen world. Learning about life.

What could possibly go wrong?

Fact is, folks, we are in some deep shit, and if we don't make a change we are all toast. Yeah. Remember? Our battle today is, indeed, apocalyptic. First of all, we've come full circle. We're back at the doomsday machine of the 140 Years piece contributed by the Voice Greater in Season 1, Episode 15. By making money the most important thing, and building society around a fossil fuel economy designed to funnel all that most important money to the top, they have created a doomsday machine that is quite literally bringing down humanity through its relentless consumption of Mother Earth.

Before the Powell Memo, money ruled, but it wasn't god. If you made \$100,000 a year, you paid 70% in taxes. Seventy. Percent. Today, if you make \$740,000 – what 100,000 1970 dollars would be worth today, your tax rate is 37% (not counting loopholes, of course). After the Powell memo, those people with money invested it in changing things. Pretty damn successfully.

Their biggest success, now, is the supreme court. And I'm sorry, folks, but for two of six members of the conservative majority on the supreme court to be utter cheats is enough to completely DE-legitimize the whole works. Utter, bare-faced, open, unchallenged, cheats. Mitch McConnell broke the rules openly and defiantly, refused to give Merrick Garland a hearing at all, and then jammed Barrett through in 4 weeks. Of course, the democrats let him get away with both of these, so while the republicans flipped the court entirely by breaking rules both written and unwritten, the democrats hold just as much blame because they put their stamp of approval on those cheats by letting them happen, so McConnell now rests confident that his malfeasance cannot be undone. I don't know that he is wrong, but if we cannot change that somehow, it will not only be a great shame, it could end the republic. Yes, I know that sounds hyperbolic, but folks, think about it: the majority of this conservative court believes that the state has the power to tell its citizens what to do, not the other way around, which we all know is what the founders envisioned. We the people, for crying out loud. So this court turns the constitution upside down. The way it stands now, Powell's vision has won.

To Powell, the American free enterprise system is the freedom America represents and it is "indivisible." Judge Powell, and the acolytes of his memo, believe the freedom to make money is the be-all and the end-all, and there is no other "freedom" that could even be viable. So Powell made it patriotic to make all the money you possibly can. He frames it as the ultimate freedom – the freedom to become wealthy. By convincing the entire population that they, too, could become wealthy, their power becomes self-sustaining. Everybody wants to be wealthy. Nobody wants to give THAT freedom up. It is Powell's mantra: All American freedom possible is contained in the freedom to make money.

In fact, his arguments that protecting the freedom to make money is protecting human rights as well is stood on its head, because as we have discussed earlier, in this country the freedom to make money always trumps the freedom to live. And human rights, animal rights, Mother Earth's rights, do not ever come out the winners in that conflict. To be unassailable, making **money must be more important than all of those things. It must have the ultimate freedom so coveted by religion: the freedom to oppress. If you are more important than human rights, then you are by-god unassailable. Between Citizens United and this court's recent ruling curbing the EPA's power over corporations, Judge Powell's objective seems to

have been achieved. If we don't pass different laws, making money, and its freedom to oppress, are now pretty much unassailable.

So the Powell Memo became the standard, the road map, the battle plan that would eventually give the moneymakers control of the country. Now it appears they have succeeded. We do not know how far this court will go in removing personal liberties, but 7 of 9 are Roman Catholic, and the concept of personal liberty does not exist in Roman Catholicism. After Dobbs, and listening to Justice Alito at the Religious Liberty Summit talk about the special treatment religion deserves, we will be very, very lucky if a host of personal liberties do not disappear very soon.

I wish the news was better, but there it is. The Powell Memo organized everyone with money under a common plan. They set out on a systematic campaign to make making money unassailable. I don't know what else you could call this but a conspiracy to take over the government. Not, however, a conspiracy *theory*. History. This time, it is a conspiracy fact. The supreme court is theirs.

It is up to us, now, if we want our children to ever have a place to live at all, much less to live free in, we the people are gonna have to fix this ourselves. We must use their own tools against them, especially social media, and, without any violence whatsoever, change why this country is here: not to make money, but to restore balance.

Which takes us to one more chapter this season, to hopefully get us to a plan of our own. I'm going to sort of wrap up where this podcast has taken us so far. I've covered a lot of ground, and it's time to put it all together and see how it relates to American "liberty and justice for all." A summary as a conclusion, if you will. Please tune in next time, when I will put together all of my conclusions, and including a plan, that you may or may not have heard me describe earlier, to deal with inevitable climate change. The sooner the better, folks!

I feel like it's only fair to add one quick footnote, and that is that despite my low number, I was not drafted when I graduated in 1973. First of all, the draft was suspended, much to our surprise, in January of 1973, and then we pulled out of Vietnam, an even bigger surprise, in March. And then my reclassification said my number had not been drawn, making the whole thing moot. I was acutely aware that I had been spared thanks only to a student deferment. Without that deferment, I would have been sent there in 1969, just about the worst possible time. But the cosmos spared me going to war, and now that sparing falls into line with several other events that, if you have followed this podcast you know of, that have all, oddly, added up to me not being dead in spite of there having been many opportunities.

Dang.

Till next time, this is an old guy who knows shit, signing off.