

"From the New Deal to the New Right"
Joe Lowndes Book Talk
Knight Library, Browsing Room
June 5, 2008, 3:30 p.m.

Remarks of Professor Robert L. Tsai
American University, Washington College of Law

Thank you for joining us on this happy occasion, a celebration of the publication of a new book, one of the highest achievements of academic life. Thanks to the Wayne Morse Center for Law & Politics and the Department of Political Science for jointly sponsoring this event.

In order for there to be a book, there must be an author. That person is Joe Lowndes: specialist in race and American political development, who began teaching at the UO in 2003. Not only is Professor Lowndes a prolific and deep-thinking academic, he also tries hard to make academic insights accessible to ordinary citizens by discussing Americans' political experience with race in the media and on the Internet.

The themes of accessibility and pragmatism in Joe's work are most clearly revealed in the book we are celebrating today: "From the New Deal to the New Right." Its thesis: The intellectual origins and discursive strategies of modern conservative movement can best be located not in the late 1950s or early 60s, when many white Americans reacted against desegregation and the civil rights movement. Instead, Lowndes invites us to join him in a journey farther back in time, to mine the politics of the 1940s and early 50s and observe the groundwork being

laid for the racially inflected strategies and sentiments that get activated only later. It is a story of intellectuals and activists, as much as the words they used.

The book is written beautifully, with little jargon. Theory is backgrounded, thus inviting the reader with little or no theoretical grounding to participate in an act of rediscovery. Though theory is backgrounded, a strong set of ideas nevertheless solidly frames the portrayal of events and the insights to be mined. Moreover, serious scholarly attention is demonstrated when, for instance, the book explores in detail the intellectual impact of figures unknown to many Americans today, such as Charles Wallace Collins; or when it draws on largely ignored materials for studies of politics during this period, such as *The National Review*; or when it examines sources of popular culture one might not ordinarily think of as promoting a view of politics, such as the film, "The Outlaw Josey Wales."

I would like to make two points about why Lowndes' book should be read by those interested in the interplay between law and politics. First, accounts of legal development or constitutional lawmaking generally focus on big moments and decades of obvious change, like the 1930s and 1960s. Lowndes' work complicates this conventional portrayal, forcing us to grapple with a growing resistance to the New Deal and mid-twentieth century changes to American life in a way that most theories have not confronted. Even academics more interested in the 1940s and 50s of late have focused on recovering a growing concern for liberty and equality, without asking whether some of the race-tinged political reactions identified by Lowndes have impacted the law in meaningful ways.

Lowndes' focus on Truman's 1947 speech before the NAACP is especially intriguing. To what extent did this event and other emphases on rights by liberal national leaders serve as rallying points for conservative legal intellectuals as well as politicians—not only in statehouses where laws are made, but also courts where laws are applied and media from which lawyers and activists seek inspiration?

Second, Lowndes contributes to the study of language and power by arguing that racist appeals to the populace—through the mechanics of politics—invents “rhetorical constituencies.” We have in recent days been treated to one of these invented constituencies—“white, working class Americans”—used by elected officials and political operatives, and repeated endlessly by opinion-makers. Such categories, and appeals to these categories, necessarily exclude non-white workers. They also suggest a cohesive identity where none may exist, and promote one identity over others deemed important to citizens. But, as Lowndes, points out, racial discourse limits political possibilities, until one realizes that throughout history, other political discourses and cultural categories have been available. In the author's account, there is a structure to racialized political language, but there is also a dynamism or what I might call “rhetorical autonomy” that remains, allowing Americans to individually or collectively reject such appeals.

I might ask Joe: to what extent are racial appeals part of a uniquely American political experience and to what extent are they part of every modern democratic society that purports to value pluralism? I might also ask: to what extent are legal ideas and arguments being

used instrumentally in politics, and thereby reworked, to promote or resist this form of racialized discourse? During the 1940s and 50s, in cases involving rights, courts helped to construct arguably new conceptions of American political identity—did these help or hurt? The answers to these questions would make his account richer than it already is, and they would also help us to see the ways in which legal discourses reinforce or alter political debate.

Besides Collins, there are other intriguing figures whose views on race arguably changed, or at least reflected some of the currents and cross-currents of the times. What should we make of the fact that FDR appointed Jimmy Byrnes, a South Carolina conservative to the U.S. Supreme Court in 1940 along with two liberals, only to bring him back to the administration less than a year later? How Byrnes—who moved between politics and law—fits within Lowndes' account would be interesting to learn. Early in Byrnes' political career, he was opposed by the Ku Klux Klan as too liberal on matters of race—by the mid-50s, he was openly criticizing Truman's support for integration and led opposition to desegregation as the Governor of the State of South Carolina.

These are questions for further reflection—I hope you in the audience will have others. Without further ado, please join me in welcoming our author, Joe Lowndes.