

## Conservative Philanthropy in Higher Education

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On October 6, 2018, the Senate confirmed Brett Kavanaugh as an associate justice to the US Supreme Court, creating a conservative court majority that could transform American jurisprudence. Interestingly, not only is there a conservative Supreme Court majority, but each conservative justice—Samuel Alito, Neil Gorsuch, Kavanaugh, John Roberts, and Clarence Thomas—is a past or current member of (or has been associated with) the Federalist Society, a group founded by conservative law students in 1982 that has influenced a generation of legal professionals. However, the Federalist Society did not achieve this prominence simply through grassroots activism. Founded by students at Harvard Law School, Yale Law School, and the University of Chicago, it was always an elitist project, and it enjoyed a tremendous amount of patronage from conservative donors and their philanthropic foundations. This support was part of a broader campaign to transform American intellectual life by building ideologically conservative, pro-free market institutions hostile to state regulation in American colleges and universities. In this paper, I focus on factions within the conservative movement that have used philanthropy on college campuses to promote free market and free enterprise principles and to effect broader transformations in American politics and culture. Such philanthropy involves large sums of money: the Charles Koch Foundation, for instance, donated roughly \$50 million in 2016 alone to groups at nearly 250 US colleges and universities.<sup>1</sup>

This literature review sheds light on conservative philanthropic efforts to transform American higher education by promoting free market ideology. It also offers insights into the mechanics behind the conservative, pro-free market philanthropic movement's success, and is organized into a series of "case studies" of specific efforts and organizations. Finally, it presents some broad conclusions and suggestions for future research. This is *not* a comprehensive research report, nor has the author conducted original research in drafting it. Rather, it is a summary of existing literature that concludes with suggestions for future, targeted research.

This literature review draws on the following three broad categories of sources: (1) institutional histories of conservative philanthropic foundations, (2) popular histories of conservative donors and their networks, and (3) media reports from, roughly, the past 20 years.

Finally, conclusions regarding conservative philanthropy's success in higher education—namely, the importance of dense networks for achieving goals, of organizational entrepreneurs within higher

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<sup>1</sup> Colleen Flaherty, "A Shift for Koch, but How Much of a Shift?" *Inside Higher Ed*, July 25, 2018, <https://www.insidehighered.com/news/2018/07/25/koch-foundation-pledges-make-future-grant-terms-public-critics-want-know-more-about>.

education, and of sympathetic administrators for overcoming institutional resistance—are expanded upon at the end of the review.

## CASE STUDY I: THE WALGREEN FOUNDATION

As early as the 1930s, conservative philanthropists attempted to finance their preferred vision for American higher education. In 1935, Charles Walgreen, owner of the eponymous national drugstore chain, threatened to withdraw his niece from the University of Chicago because he believed she was being subjected to communist indoctrination by left-wing professors (Walgreen apparently came to this belief because of reporting in Chicago’s local Hearst newspaper). His threat prompted a statewide imbroglio: the Illinois state senate convened hearings that mainly featured Walgreen denouncing the university. Walgreen eventually backed down, and even donated \$550,000 to the University of Chicago in 1937 under the aegis of the Walgreen Foundation. However, his donation was not an unconditional block grant but was earmarked to “[foster] greater appreciation of American life and values among University of Chicago students.”<sup>2</sup>

The Walgreen case—which has received limited scholarly attention except in institutional histories of the University of Chicago—is instructional in two respects. First, it was directly related to the development of the Chicago school of economics and corresponding conservative philanthropic efforts in the field of “law and economics.” Second, it exposes the political stakes underwriting conservative philanthropy in higher education throughout the rest of the 20th century: that is, a belief that campuses are hotbeds not just of liberalism but of socialism and even communism, and that funding programs that promote “American values” (particularly capitalism and free enterprise) is a proper and effective response.<sup>3</sup>

Walgreen’s attempt to foster greater appreciation for “American values” initially failed. The \$550,000 endowment—\$10 million adjusted for inflation—was placed under the control of the University of Chicago’s Department of Political Science, which used the money to support faculty salaries and subsidize a lecture series. The Walgreen Foundation’s grants were also intended to subsidize an endowed Walgreen professorship in the political science department, but that position went unfilled for nearly 20 years. Although the department repeatedly attempted to fill the position, Charles Walgreen Jr. consistently vetoed its candidates on the grounds that he believed they were not in keeping with the foundation’s avowed purpose. Such financial support, therefore, did not achieve

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<sup>2</sup> Edward Nik-Khah, “George Stigler, The Graduate School of Business, and the Pillars of the Chicago School,” in *Building Chicago Economics: New Perspectives on the History of America’s Most Powerful Economics Program*, edited by Robert van Horn, Philip Mirowski, and Thomas A. Stapleford (New York: Cambridge University Press, 2011), 116–51.

<sup>3</sup> The best account of the 1935 Walgreen Foundation saga is John W. Boyer, *Academic Freedom and the Modern University: The Experience of the University of Chicago: Occasional Papers on Higher Education*, vol. 10 (Chicago: The College of the University of Chicago, October 29, 2002). Nik-Khah (2011) also further explores the broader implications of the Walgreen Foundation’s philanthropic giving at the University of Chicago.

Walgreen's political goals because of the faculty's resistance to the Walgreen Foundation's strategic aims.<sup>4</sup>

The Walgreen Foundation only began to achieve those aims when it transferred control of its funds at Chicago to George Stigler, an economics professor at the Chicago Graduate School of Business. Stigler used this funding to aggressively promote research on the “causes and effects of government control over economic life” from an antistatist perspective.<sup>5</sup> Edward Nik-Khah, who wrote the definitive study of Stigler's career at the University of Chicago, credited him with building the vaunted “Chicago school” of economic thought; although Stigler was not an intellectual heavyweight like Milton Friedman, he was a tireless organizational entrepreneur and institution builder who leveraged support from the Walgreen Foundation to create a permanent home for his political and economic beliefs, chief among which was his opposition to New Deal liberalism and government intervention in the economy. Stigler wrote numerous studies on the ineffectiveness of government regulations, and as Nik-Khah writes, “it became a shared creed at the [Chicago Graduate School of Business under Stigler] that government policies would never accomplish their publicly stated goals.”<sup>6</sup>

We can assess Stigler's and the Walgreen Foundation's impact on the academy by considering the careers of some of the scholars they funded. Richard Posner, who would become the Circuit Judge of the US Court of Appeals for the Seventh Circuit and whom *The Journal of Legal Studies* named the most cited legal scholar of the 20th century, received Walgreen funding.<sup>7</sup> So did Gary Becker, who won the Nobel Prize in Economics in 1992 and was awarded the Presidential Medal of Freedom in 2007, and Robert Lucas, who won the Nobel Prize in Economics in 1995.

But it is John McGee, who received Walgreen support and is a professor emeritus of economics at the University of Washington, whose work provides the clearest example of the Walgreen Foundation funding's impact on economic thought. McGee wrote an article in 1958 for the debut issue of *The Journal of Law and Economics* (founded by University of Chicago law professor Aaron Director, himself a close friend of George Stigler) arguing that predatory pricing—the practice of charging different customers different rates—is economically irrational. McGee went on to argue that the landmark antitrust case *Standard Oil v. U.S.*,<sup>8</sup> which cited Standard Oil's predatory pricing scheme as an important basis for breaking up the firm under the Sherman Anti-Trust Act, was decided on flawed evidence. McGee's article had substantive impacts on American political economy: the Supreme Court cited it in *Matsushita v. Zenith* as the basis for concluding that predatory pricing does not rationally occur in business transactions, and therefore that predatory pricing does not occur at all.<sup>9</sup> In other words, the Walgreen Foundation funded McGee's work, which made an argument *against* antitrust that was

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<sup>4</sup> Nik-Khah, “Stigler,” 122–23.

<sup>5</sup> Between 1958 and 1980, the foundation awarded more than 100 fellowship grants, typically in the five-figure (and occasionally six-figure) range. Nik-Khah, “Stigler,” 126.

<sup>6</sup> Nik-Khah, “Stigler,” 127.

<sup>7</sup> Fred R. Shapiro, “The Most-Cited Legal Scholars,” *The Journal of Legal Studies* 29 no. 2 (January 2000): 409–26.

<sup>8</sup> *Standard Oil Co. of New Jersey v. United States*, 221 U.S. 1 (1911).

<sup>9</sup> *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986).

consistent with Walgreen’s “free market” values and that the Supreme Court cited in a decision that undercut the effectiveness of antitrust.<sup>10</sup>

The importance of the Walgreen Foundation’s support raises a counterfactual: would these scholars have enjoyed prominent careers without that financial assistance? Like all counterfactuals, the conclusion must be speculative. Certainly, many of the scholars at the University of Chicago who received funding from the Walgreen Foundation (such as Posner and Becker) may well have had brilliant academic careers even if the Walgreen Foundation and the Graduate School of Business had never existed. However, this misses the point: the success of George Stigler’s Walgreen-funded project created a scholarly network and a financial infrastructure with which to promote their pro-free market ideas. Without Walgreen’s support, that may well have been more difficult.

## CASE STUDY II: HENRY MANNE AND LAW AND ECONOMICS

The success of Stigler’s project can be understood within the context of a broader conservative philanthropic movement that built upon past victories. Before Stigler constructed an antistatist economics and business program at the University of Chicago, Keynesians (who supported muscular state interventions in the economy) tended to dominate economic thought in the United States. The most prominent economists and economics programs in America (e.g., Paul Samuelson, who served as an economic advisor to John F. Kennedy and Lyndon Johnson and built MIT’s economics department into a powerhouse) predominantly belonged to the Keynesian tradition.<sup>11</sup> Stigler’s antistatist economics program not only allowed for the transformation of economics programs throughout American higher education, but provided academic support for the conservative transformation of the law. Steven Teles’s (2008) book on the development of the conservative legal establishment, *The Rise of the Conservative Legal Movement: The Battle for Control of the Law*, strongly emphasizes the Chicago school’s importance in the creation of the field of “law and economics” in the 1970s. “Law and economics” is, essentially, the application of economic analysis—specifically economic analysis rooted in the Austrian school’s free market philosophy—to public policy and legal questions.<sup>12</sup>

Not every early attempt to institutionalize conservative legal and economics programs was as successful as Stigler’s. Henry Manne, whom Teles calls one of the great organizational entrepreneurs of law and economics, attempted to build a dedicated conservative law program at the University of Rochester in the late 1960s by cultivating conservative alumni and foundation support. Although he failed, Manne’s efforts are worth exploring in detail, because he eventually succeeded at reorienting the

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<sup>10</sup> Nik-Khah, “Stigler,” 134–35; Shapiro, “The Most-Cited Legal Scholars,” 408–26; John McGee, “Predatory Price Cutting: The Standard Oil (N.J.) Case,” *The Journal of Law and Economics* 1 (1958): 137–69; C.R. Leslie, “Revisiting the Revisionist History of Standard Oil,” *Southern California Law Review* 85 no. 3 (2012): 573–603.

<sup>11</sup> See, for example, Samuel Barbour, James Cicarelli, and J.E. King, *A History of American Economic Thought: Mainstreams and Crosscurrents* (London: Routledge, 2017).

<sup>12</sup> Steven Teles, *The Rise of the Conservative Legal Movement: The Battle for Control of the Law* (Princeton, NJ: Princeton University Press, 2008).

George Mason University (GMU) law school in a conservative/libertarian direction. What was different about Rochester?

In 1968, Rochester (and its president, W. Allen Wallis) offered Manne an endowed chair in the political science department, as well as the opportunity to plan a new law school based in law and economics. Though Manne framed this move as nonideological—he once said that “no other social science discipline can begin to match the relevance and importance of economics for the training of modern lawyers”<sup>13</sup>—he also hoped to use the university to promote “libertarian values.” Manne had the support of Rochester’s administration and its generally sympathetic right-of-center faculty, but he was unable to attract significant philanthropic support and the project was eventually scuttled. Teles’s book explores Manne’s attempts to build a conservative law school at Rochester and concludes that his problems procuring funding from corporate donors crippled the project, in marked contrast to his later success attracting right-wing and libertarian philanthropic support for the George Mason law school. Teles’s account contains little additional information about Manne’s Rochester initiative, and Manne’s own writings on the subject merely state that “the University did not have sufficient funds to embark on such an ambitious and expensive new school.”<sup>14</sup> However, the details of this story matter because Manne’s project at Rochester predated the explosion in right-wing foundations and their interest in higher education in the 1970s. Teles asks whether “transformative conservative institutions on college campuses [would] have been established without the support of conservative foundations.”<sup>15</sup> If the Rochester project failed because of a lack of funding, that suggests that the answer to this question is (conditionally) no.

However, any answer to that question must also consider Manne’s efforts to build a law and economics center at Emory University in the early 1980s, which failed despite the funding he received from the John M. Olin Foundation. Manne even wrote to John Olin that the “John M. Olin Law and Economics Center would be an East Coast anchor of conservative intellectual thought comparable to the Hoover Institution on the West Coast.”<sup>16</sup> But Manne faced resistance from Emory’s president, James T. Laney, a liberal Democrat who was close to Jimmy Carter. Emory’s Board of Trustees (apparently at Laney’s behest) rejected Manne’s proposal to purchase an off-campus building for his center in July 1982 (Manne preferred an off-campus location because it would face less university oversight). Laney and the Olin Foundation negotiated for several months, and Laney eventually agreed to an on-campus location for the center on the condition that the foundation pay for the bulk of the project. Manne objected, apparently fearing that Emory’s administration would subject him to politically hostile scrutiny if the center was located on campus. The Olin Foundation pulled its support for the project, convinced it would fail because of university resistance. According to Teles, the foundation’s

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<sup>13</sup> Teles, *Conservative Legal Movement*, 103.

<sup>14</sup> Henry G. Manne, “An Intellectual History of the George Mason University School of Law,” Antonin Scalia Law School, 1993, <https://www.law.gmu.edu/about/history>.

<sup>15</sup> Teles, *Conservative Legal Movement*, 101–08.

<sup>16</sup> Teles, *Conservative Legal Movement*, 126.

experience at Emory was critical in its switch to a “beachhead strategy” of establishing conservative programs within elite schools.

### CASE III: THE OLIN FOUNDATION AND THE BEACHHEAD THEORY

Although a dense network of conservative philanthropic foundations—including the Lynde and Harry Bradley Foundation, the Scaife Foundations, and the Charles G. Koch Charitable Foundation—became prominent funders of right-wing causes in the 1970s and early 1980s, the John M. Olin Foundation has received the most scholarly attention for the following three reasons: (1) it was one of the first conservative foundations to focus on giving in higher education to achieve its political aims, (2) its peer institutions considered it an innovative leader in right-wing philanthropic giving, and (3) it has actively supported studies that highlight its history and mission. Such studies include John J. Miller’s official history of the foundation, *A Gift of Freedom: How the John M. Olin Foundation Changed America*, and Steven Teles’s more neutral *The Rise of the Conservative Legal Movement*, both of which received support from Olin Foundation grants.<sup>17</sup>

Scholars and philanthropic officials have centered these points (particularly its reputation for innovation) in criticisms of the Olin Foundation’s politics (Sally Covington’s *Moving a Public Policy Agenda*, for example, devotes one of its major case studies to the foundation because of its reputation for innovation and impact). Given the success of the Olin Foundation’s projects and of its broader vision of promarket social change rooted in college and university campuses, this reputation is well deserved.<sup>18</sup>

John M. Olin, whose Winchester Repeating Arms Company made a fortune during World War II manufacturing arms and ammunition for the US Army, was not the first right-wing billionaire to establish a dedicated philanthropic foundation in their name (Henry Ford, John D. Rockefeller, and even the comparatively less wealthy Charles Walgreen preceded him). But Olin was concerned that “mission creep” had set in at the major establishment philanthropic organizations, leading them to betray their founders’ promarket ideals. He was determined to avoid the same fate, and to ensure his money was tied to meaningful institution-building and political change. The Olin Foundation was therefore designed to have a limited lifespan: Olin died in 1982, and the foundation folded in 2005 after having disbursed nearly \$300 million to conservative causes.<sup>19</sup>

According to Miller, the Olin Foundation was established in 1953 and began grantmaking to various institutions, including Olin’s alma mater, Cornell University. In fact, most of the Olin Foundation’s

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<sup>17</sup> John J. Miller, *A Gift of Freedom: How the John M. Olin Foundation Changed America* (San Francisco: Encounter Books, 2006); Teles, *Conservative Legal Movement*.

<sup>18</sup> Sally Covington, *Moving a Public Policy Agenda: The Strategic Philanthropy of Conservative Foundations* (Washington, DC: National Committee for Responsive Philanthropy, 1977), 11–12.

<sup>19</sup> According to Miller, Olin was particularly disturbed by the idea that his foundation could follow the example of the Ford Foundation and begin awarding grants diametrically opposed to his political beliefs; John J. Miller, *Strategic Investment in Ideas: How Two Foundations Reshaped America* (Washington, DC: Philanthropy Roundtable, 2003), 13.

philanthropy in the late 1950s and early 1960s was directed to various Central Intelligence Agency front groups, which distributed the money to anticommunist academic and cultural organizations.<sup>20</sup>

Olin's commitment to conservative politics in philanthropic giving dated to the late 1960s. Long an archconservative, he was horrified by that era's campus uprisings, especially the armed takeover of the Cornell student union building by black student protestors in 1969.<sup>21</sup> Olin—who, according to his official biography, believed that Cornell's recruitment of black students and the relative affordability of higher education in the 1960s were the causes of student radicalism—refocused his charitable giving toward right-wing scholars and activists.<sup>22</sup> The renaissance in conservative philanthropic campus organizing in the 1970s (led by Olin and his foundation) was a direct response to the student uprisings of the 1960s. This is not to suggest that the Olin Foundation and the various initiatives discussed in this review were simply a backlash to perceived left-wing overreach on campuses; rather, conservative philanthropy was a means of limiting and ultimately reversing the gains that liberals, leftists, women, and above all students and faculty of color made on campuses in the 1970s.<sup>23</sup>

How, then, did the Olin Foundation achieve its on-campus successes? Its victories came largely from its willingness to take chances when funding projects, fund multiple approaches to achieve its political goals, and move on from failing strategies. For example, in the early 1980s, rather than continue to fund Henry Manne's attempts to establish an independent conservative/libertarian law school, the Olin Foundation opted for what its then-executive director James Piereson called the "beachhead strategy." This strategy involved embedding comparatively smaller conservative programs within elite colleges and universities and was based on the notion that these schools were "emulated by other colleges and universities of lesser stature."<sup>24</sup> In 1981, Olin embarked on what Teles describes as a "Fabian strategy" to "slowly burrow" right-wing ideas and figures into elite institutions (as opposed to Manne's "Gramscian" strategy of creating parallel institutions for conservatives).<sup>25</sup> To this end, Olin began funding efforts to create law and economics programs at the nation's top law schools. Precise figures are difficult to determine because the existing literature generally does not break down the dollar amounts of specific grants, but a 1986 *Harvard Crimson* report offers one example of Olin's investment

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<sup>20</sup> Miller, *Gift of Freedom*, 123.

<sup>21</sup> Miller, *A Gift of Freedom*, 31–32; Ironically, photos show that some of the student occupiers were armed with M1 Garand rifles manufactured by Olin's Winchester Repeating Arms Company; George Lowery, "A Campus Takeover That Symbolized an Era of Change," *Cornell Chronicle*, April 16, 2009, <http://news.cornell.edu/stories/2009/04/campus-takeover-symbolized-era-change>.

<sup>22</sup> According to Miller, one of Olin's first actions was financing the Cornell newsletter of a student group called "Radicals for Capitalism" (2006, 32).

<sup>23</sup> This theme is especially pronounced in Miller's work: he quotes Olin as telling the *New York Times* that "business and the public must be awakened to the creeping stranglehold that socialism has gained here since World War II" (2003, 11).

<sup>24</sup> Teles cites a letter Olin wrote to Cornell's president complaining that the "law college faculty left-wing rejection of Doctor Manne" undermined his confidence in the university administration (2008, 185); Jane Mayer, "How Right-Wing Billionaires Infiltrated Higher Education," *Chronicle of Higher Education*, February 12, 2016, <https://www.chronicle.com/article/How-Right-Wing-Billionaires/235286>.

<sup>25</sup> Teles, *Conservative Legal Movement*, 207.

strategy on Ivy League campuses: \$900,000 for an interdisciplinary law and economics program, earmarked for courses, seminars, student research fellowships, and professorial research.<sup>26</sup>

Harvard was not the only campus that gained an Olin-funded law and economics program in the 1980s—programs at Stanford, the University of Chicago, and Yale all preceded Harvard’s—but Olin’s investment at Harvard paid substantial dividends and had an impact greater than at other schools. As a legal philosophy, law and economics was rivaled on the Left by critical legal studies, a legal doctrine that sought to be, according to prominent critical legal studies theorist Mark Tushnet, a way of understanding the “moral, epistemological, and empirical assumptions embedded in any particular legal claim” as well as how and why those claims “[are] made to advance the interests of some identifiable political grouping.”<sup>27</sup> If law and economics was primarily about applying the Chicago school’s free market logic to legal and regulatory issues—most infamously in Landes’s and Posner’s “Economics of the Baby Shortage,”<sup>28</sup> which proposed the establishment of a free and open market for the buying and selling of infant children—critical legal studies sought to interrogate the power dynamics of the law. Because of its radical skepticism toward the power arrangements in American jurisprudence, critical legal studies had detractors throughout the academy, from centrist liberals to conservatives; nevertheless, it was growing in strength and influence in the 1980s. The Olin Foundation saw the establishment of a law and economics program at Harvard as an opportunity to promote its ideological preferences while diminishing the influence of its left-wing rivals. Olin’s leadership assumed that at a school of Harvard’s prominence, such a program’s effects would trickle down throughout the American legal academy.

In the spring of 1984, the Olin Foundation invited Philip Areeda, a moderate law professor at Harvard opposed to critical legal studies, to its board meeting. In subsequent meetings involving Steven Shavell, one of the only law and economics professors then on the Harvard faculty, and James Vorenberg, dean of the law school, they discussed the establishment of a dedicated law and economics program at Harvard. In March 1985, the board granted nearly \$1 million to establish the center. The Olin staff and Harvard faculty understood this as a check on critical legal studies’ power on campus.<sup>29</sup> Around the same time, the Federalist Society, a conservative legal advocacy group, launched a series of blistering attacks on critical legal scholars at Harvard, culminating in a debate between Federalist Society members and prominent critical legal theorists at the Harvard Club in New York City. This campaign was intended to escalate a sense of crisis on the Harvard Law campus, which Olin-backed law and economics scholars used to strengthen their position at the school.<sup>30</sup>

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<sup>26</sup> Phyllida Burlingame, “New Program Ties Ec and Law,” *Harvard Crimson*, March 6, 1986, <https://www.thecrimson.com/article/1986/3/6/new-program-ties-ec-and-law/>.

<sup>27</sup> Mark Tushnet, “Critical Legal Studies: A Political History,” *Yale Law Journal* 1,000 (1991): 1,517.

<sup>28</sup> Elisabeth M. Landes and Richard A. Posner, “The Economics of the Baby Shortage,” *The Journal of Legal Studies* 7 no. 2 (1978): 323–48.

<sup>29</sup> Teles, *Conservative Legal Movement*, 193–94.

<sup>30</sup> Teles, *Conservative Legal Movement*, 195.



In 1989, Harvard president Derek Bok appointed Robert Clark, a fierce opponent of critical legal studies, as dean of the law school.<sup>31</sup> The existing literature does not suggest that Clark was involved in the earlier meetings between Olin staffers and the Harvard Law faculty, nor is there evidence in the public-facing primary sources (specifically the *Harvard Crimson* and various mainstream newspapers) that the Olin Foundation was instrumental in his appointment. However, his legal scholarship was influenced by law and economics and he was a reliable ally in the foundation's efforts to expand law and economics at Harvard. Although it is not clear whether Olin was directly involved in the decision to hire Clark, it is very likely that the intellectual climate the Olin-backed law and economics center established on campus significantly influenced Bok's decision to approve him as dean.

Appointments of law and economics scholars at Harvard soon outpaced those of critical legal scholars. According to the John M. Olin Center for Law, Economics, and Business at Harvard Law School's website, 21 Harvard Law faculty members were associated with the program as of 2018; by contrast, only 3 list critical legal studies as a research interest on their web profiles.<sup>32</sup> The centrist administration's support in combating the school's left-wing elements was one of the major reasons for the success of Olin-backed law and economics at Harvard.

This raises another counterfactual: could there have been a backlash against critical legal studies without the influence of the Olin Foundation at Harvard? Again, any such answer is necessarily speculative, but in this case it seems possible to say "yes." The Harvard faculty and administration were actively strategizing to minimize critical legal studies' influence before Olin became involved. However, it was not preordained that this backlash would benefit law and economics. The Olin Foundation's involvement proved essential in that respect. By allying with centrists to defeat critical legal studies, Olin successfully (although not totally) denied Harvard Law School's resources from its political opponents while strengthening its own position at the school.<sup>33</sup>

## CASE IV: THE KOCHS AND GEORGE MASON UNIVERSITY

The Koch Family Foundations took a similar approach to Olin, except that unlike Olin, the Koch foundations funded "Gramscian" and "Fabian" strategies simultaneously. As of 2015, the Kochs had spent nearly \$150 million funding academic programs at no fewer than 307 higher education institutions. In fact, they dedicated \$50 million to a single flagship campus in the Koch system: George Mason University.<sup>34</sup> How GMU became a Koch campus—or rather, how the Kochs became the major financial backers of several of the school's promarket research centers, along with its economics department and law school—is worth exploring in detail. The Kochs' approach to philanthropic giving is similar to Olin's in important ways, among them the committed ideological vision, the importance of

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<sup>31</sup> Robert Clark, "In Critical Legal Studies, the West is the Adversary," *Wall Street Journal*, February 23, 1989.

<sup>32</sup> "Faculty," The John M. Olin Center for Law, Economics, and Business at Harvard Law School, [http://www.law.harvard.edu/programs/olin\\_center/faculty/](http://www.law.harvard.edu/programs/olin_center/faculty/).

<sup>33</sup> See also Tushnet, "Critical Legal Studies," 1,515–44.

<sup>34</sup> Erica L. Green and Stephanie Saul, "What Charles Koch and Other Donors to George Mason University Got for Their Money," *New York Times*, May 5, 2018, <https://www.nytimes.com/2018/05/05/us/koch-donors-george-mason.html>.

organizational entrepreneurs and sympathetic administrators, and the positive effects of dense networks of conservative activists and philanthropists on individual projects.

First, a word on sources. The Koch Family Foundations have received far less scholarly attention than the Olin Foundation; the only book-length academic study of the Koch foundations is Nancy MacLean's *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America*, which focuses on the relationship between Charles and David Koch and James Buchanan, a GMU economist and organizational entrepreneur. Moreover, *New Yorker* contributor Jane Mayer's work offers the most detailed sources on the Koch family, its corporation (Koch Industries), and its philanthropic giving through the Koch Family Foundations (including the Fred and Mary Koch Foundation, the Charles G. Koch Charitable Foundation, and the Charles Koch Foundation). Her reporting was compiled in the 2016 book *Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right*.<sup>35</sup> Daniel Schulman's 2014 *Sons of Wichita: How the Koch Brothers Became America's Most Powerful and Private Dynasty*, is the other major biographical source on the Kochs, but does not cover their organizational structure in great detail.<sup>36</sup> Another resource worth mentioning is Theda Skocpol's and Alexander Hertel-Fernandez's work on the Koch network, which offers a useful framework for understanding Koch-backed initiatives as a pipeline of "idea organizations and think tanks," "policy advocacy organizations," "donor coordination organizations," "constituency mobilization organizations," and "political utilities."<sup>37</sup> Skocpol and Hertel-Fernandez consider GMU's Mercatus Center an "idea organization," but do not detail its structure. Most additional information comes from reporting at the *New York Times*, *Chronicle of Higher Education*, and other major media outlets. Additionally, there is a grassroots activist project, UnKoch My Campus, whose GMU chapter, Transparent GMU, has been instrumental in getting previously confidential agreements between the Koch family and George Mason University released through legal pressure and in pushing GMU to tighten its rules regarding donor influence.<sup>38</sup> The bulk of this section is drawn from these sources.

Besides Buchanan, the key organizational entrepreneur in the history of the Koch family's involvement in higher education philanthropy (which dates to the 1970s) is Richard Fink. Fink was a graduate student in economics at New York University in the mid-1970s when he solicited \$150,000 from Charles Koch for a new libertarian economics program at Rutgers University. He flew from New Jersey to the Koch headquarters in Wichita, Kansas, to make the pitch. Fink became one of the Kochs' top lieutenants and was the author of the 1976 paper "The Structure of Social Change," which outlined a three-phase plan involving an intellectual framework similar to Olin's. The first phase was to "invest" in

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<sup>35</sup> Nancy MacLean, *Democracy in Chains: The Deep History of the Radical Right's Stealth Plan for America* (New York: Viking, 2017); Jane Mayer, *Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right* (New York: Doubleday, 2016).

<sup>36</sup> Daniel Schulman, *Sons of Wichita: How the Koch Brothers Became America's Most Powerful and Private Dynasty* (New York: Grand Central, 2014).

<sup>37</sup> Theda Skocpol and Alexander Hertel-Fernandez, "The Koch Network and Republican Party Extremism," *Perspectives on Politics* 14 no. 3 (2016): 685.

<sup>38</sup> "The Latest from UnKoch My Campus," UnKoch My Campus, <http://www.unkochmycampus.org/>; Matthew Barakat, "George Mason Tightens Donor Rules after Uproar over Koch," *Associated Press*, April 26, 2019, <https://www.apnews.com/807149f5a8044bf49e24deadffac72fd>.

intellectuals (the “raw products” of policy change); the second phase involved investing in think tanks that would translate ideas into policy; and the third phase required the promotion and funding of activists to pressure elected officials. Jane Mayer dubbed Fink’s proposal a “libertarian production line.” Charles Koch told a sympathetic writer that his vision for social change took a “vertically and horizontally integrated” approach to controlling the means of knowledge production.<sup>39</sup> This involved funding students with fellowships and scholarships on the one hand, and endowing professorships and creating right-wing think tanks and research centers on the other to provide those students with jobs later in their careers.

Richard Fink moved his Austrian school of economics program from Rutgers to George Mason University in 1981; this signaled the beginning of decades of heavy investment by the Koch family in GMU and in Fink’s program (renamed the Mercatus Center in 1999) specifically. The Kochs invested nearly \$30 million over three decades in Mercatus alone, which Bill Koch described as a “lobbying group disguised as a disinterested academic program.”<sup>40</sup> Mercatus is currently located on GMU’s satellite campus in Arlington, Virginia, along with the Antonin Scalia Law School (another Koch project), the Schar School of Policy and Government (named after its major donor, Dwight Schar, a businessman and former chairman of the Republican National Committee), and the GMU School of Business.<sup>41</sup>

The Scalia Law School—which, as its name implies, generally takes a conservative/libertarian approach to legal issues—exists, as it turns out, because of the efforts of Henry Manne. In 1985, several economists at George Mason University (including Gordon Tullock and James Buchanan) asked Manne to transform the International School of Law, which GMU acquired in 1979, into a right-leaning law school. GMU president George W. Johnson fully supported this initiative because he wanted to ensure that the Republican-controlled Virginia General Assembly would continue to support the university. Once he was hired, Manne forced out every nontenured professor at the school and hired ideologically sympathetic faculty to replace them.<sup>42</sup> The Kochs’ support for GMU was part of a larger long-term project to effect social and political change in the United States (namely to roll back state regulation). This plan also involved creating think tanks (e.g., the Cato Institute, which the Kochs founded in 1974) and funding political lobbying groups (e.g., the American Legislative Exchange Council, which distributes model legislation to conservative lawmakers in state legislatures). However, the Kochs have heavily focused their patronage on GMU.

By 2008, GMU was the largest recipient of Koch funds throughout higher education and the largest research university in Virginia. Thanks to pressure from Transparent GMU, the university released a cache of documents—primarily emails and donor agreements—that detail the degree of influence the Koch foundations and other conservative donors have had over the Mercatus Center (this led the university to revise its policy on donor agreements to make them more accessible to public oversight). For instance, a 2003 agreement with the Menlo F. Smith Trust stipulated that a \$900,000 grant for an

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<sup>39</sup> Mayer, *Dark Money*, 142.

<sup>40</sup> Mayer, *Dark Money*, 183.

<sup>41</sup> Mayer, *Dark Money*, 150.

<sup>42</sup> MacLean, *Democracy in Chains*, 184–85.

economics professorship was conditional on the hiring of libertarian Russell Roberts (who was eventually hired). Another agreement between Mercatus and the Kochs in 2009 over a \$1 million grant for a professorship specified that the Kochs be guaranteed representation on the search committee.<sup>43</sup>

Donor demands for veto power over academic appointments were not new: the Walgreen Foundation exercised similar influence over appointments at the University of Chicago in the 1940s. The key difference, however, is that at Chicago, the administration and the departments receiving donations were generally unsympathetic to the Walgreen Foundation's demands, whereas at GMU, the administration and economics faculty eagerly sought out donor support, which was crucial to the university's continued expansion. Consequently, powerful actors affiliated with GMU have resisted Transparent GMU's calls for transparency in funding: the George Mason University Foundation, which manages private donations to the university, defeated a legal challenge by Transparent GMU to open records in July 2018.<sup>44</sup> Despite the university foundation's resistance, the GMU administration has implemented new rules to increase transparency over future donor agreements.<sup>45</sup>

## CASE V: THE FEDERALIST SOCIETY

Institutions created by conservative philanthropy in higher education can have profound political, social, and cultural influence. The most influential of these institutions is the Federalist Society, founded as a group for conservative law students in 1982. The Federalist Society has given educational and social support to a generation of right-wing judges, attorneys, and legal scholars. The landmark cases settled by a conservative-leaning Supreme Court in the past decade—*Citizens United v. FEC*, *Shelby County v. Holder*, *Janus v. AFSCME*, and *Trump v. Hawaii*<sup>46</sup>—would have been considerably more difficult for conservatives to win without the Federalist Society's influence, not least because Chief Justice John Roberts and Associate Justices Samuel Alito, Neil Gorsuch, Brett Kavanaugh, the late Antonin Scalia, and Clarence Thomas are all Federalist Society alumni. One opinion columnist has called the Federalist Society the “farm system for the [judiciary],” ensuring the ideological reliability of judicial appointees and preventing missteps like Richard Nixon's appointment of Harry A. Blackmun (who wrote the majority opinion in *Roe v. Wade*) to the Supreme Court or George H.W. Bush's appointment of David Souter (who was identified with the court's liberal faction for most of his career).<sup>47</sup> Although the media

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<sup>43</sup> Erica L. Green and Stephanie Saul, “What Charles Koch and Other Donors to George Mason University Got for Their Money,” *New York Times*, May 5, 2018, <https://www.nytimes.com/2018/05/05/us/koch-donors-george-mason.html>.

<sup>44</sup> Sarah Larimer, “George Mason University Foundation Is Not Subject to Public Records Laws, Judge Rules,” *Washington Post*, July 6, 2018, [https://www.washingtonpost.com/news/grade-point/wp/2018/07/06/george-mason-university-foundation-is-not-a-public-body-judge-rules-in-records-case/?utm\\_term=.d499f86c4b1f](https://www.washingtonpost.com/news/grade-point/wp/2018/07/06/george-mason-university-foundation-is-not-a-public-body-judge-rules-in-records-case/?utm_term=.d499f86c4b1f).

<sup>45</sup> Barakat, “George Mason Tightens Donor Rules.”

<sup>46</sup> *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010); *Shelby County v. Holder*, 570 U.S. 529 (2013); *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, 585 U.S. \_\_\_\_ (2018); *Trump v. Hawaii*, 585 U.S. \_\_\_\_ (2018).

<sup>47</sup> *Roe v. Wade*, 410 U.S. 113 (1973); David Von Drehle, “Conservatives Have Trained for This Moment for Decades,” *Washington Post*, June 29, 2018, <https://www.washingtonpost.com/opinions/conservatives-have->

often frames the Federalist Society's rise in the context of conservative cultural politics—for example, the drive to restrict access to abortion or opposition (before the 2010s) to same-sex marriage—as New York University law professor Samuel Issacharoff noted in an interview in the *New Yorker*, the Federalist Society's fundamental political commitment was in fact “limiting the regulatory power of the state.”<sup>48</sup> In other words, both the Federalist Society and its members in the judiciary are committed to the same free market politics and policies as the foundations and donors discussed earlier in this review. This is unsurprising, given these foundations and donors have provided the Federalist Society a considerable degree of financial support.

There are only a handful of comparative academic studies of the Federalist Society. Michael Avery and Danielle McLaughlin's 2013 book *The Federalist Society: How Conservatives Took the Law Back from Liberals* provides a decent and accessible introduction to the Federalist Society, its scope, and its aims, while Amanda Hollis-Brusky's *Ideas with Consequences: The Federalist Society and the Conservative Counterrevolution* offers a detailed series of case studies of the Federalist Society's influence on some of the landmark cases mentioned above. However, for the details of the Federalist Society's origins on law school campuses and its close relationships with conservative higher education philanthropy, Teles's *The Rise of the Conservative Legal Movement* remains the best source.<sup>49</sup>

The Federalist Society was founded in the spring of 1982 by a small group of conservative law students at a conference at Yale Law School. By the end of that summer, student leaders had begun to establish personal relationships with officers at the Olin, Bradley, and Scaife foundations. The Federalist Society was particularly reliant on foundation funding in its early years because it did not have an extensive membership of practicing attorneys or wealthy alumni. Teles notes that by the mid-1980s, leaders at conservative foundations were already primed to support groups like the Federalist Society because they recognized the importance of cultivating activist cadres of conservative leadership in the law and other professions. Furthermore, the personal relationships between student activists and

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trained-for-this-moment-for-decades/2018/06/29/a10cae78-7bb6-11e8-80be-6d32e182a3bc\_story.html?utm\_term=.95ad041074a1.

<sup>48</sup> Jeffrey Toobin, “The Conservative Pipeline to the Supreme Court,” *New Yorker*, April 17, 2017, <https://www.newyorker.com/magazine/2017/04/17/the-conservative-pipeline-to-the-supreme-court>; The attorneys who made the oral arguments for the litigants in *Citizens United*, *Shelby County*, *Janus*, and *Trump* were Theodore B. Olson, Bert W. Rein, William Messenger, and Solicitor General Noel Francisco, respectively. All four are listed as “contributors” on the Federalist Society website. Contributors are people who “have spoken or otherwise participated in Federalist Society events, publications, or multimedia presentations.” The Federalist Society does not have a public-facing directory. For information on Supreme Court oral arguments for the respective cases listed, see Oyez, “*Citizens United v. Federal Election Commission*,” <https://www.oyez.org/cases/2008/08-205>; Oyez, “*Shelby County v. Holder*,” <https://www.oyez.org/cases/2012/12-96>; Oyez, “*Janus v. American Federation of State, County, and Municipal Employees, Council 31*,” <https://www.oyez.org/cases/2017/16-1466>; and Oyez, “*Trump v. Hawaii*,” <https://www.oyez.org/cases/2017/17-965> accessed August 22, 2018; For information on the Federalist Society contributors, see the Federalist Society website, “Contributors,” <https://fedsoc.org/contributors>.

<sup>49</sup> Michael Avery and Danielle McLaughlin, *The Federalist Society: How Conservatives Took the Law Back from Liberals* (Nashville: Vanderbilt University Press, 2013); Amanda Hollis-Brusky, *Ideas with Consequences: The Federalist Society and the Conservative Counterrevolution* (New York: Oxford University Press, 2015); Teles, *Conservative Legal Movement*.

foundation leaders (as well as their ideological affinity) created “bonds of trust that permitted a more aggressive and long-term style of grantmaking,” as opposed to the shorter-term, metrics-driven funding approach of corporate backers and more traditional foundations like Ford and Rockefeller.<sup>50</sup>

Teles approaches the development of the conservative legal establishment through the analytical framework of policy/organizational entrepreneurship, and uses the Federalist Society as an example of institution-building by conservative network entrepreneurs. The relatively modest initial investments in the Federalist Society—the group spent \$103,000 in its first year, \$98,000 of which came from six conservative foundations—would not have been successful without its significant network building. The society quickly expanded to as many law school campuses as possible, sponsored conservative speakers and debates, and—critically—established a Washington, DC chapter for practicing lawyers. Although Teles emphasizes that the key to the Federalist Society’s success was its “encouraging [of] intense and sustained interactions among its members,” the group owed its growing political strength to its position in the conservative career pipeline.<sup>51</sup> The Federalist Society enjoyed a close relationship with the conservative wing of the Republican Party, which was, by the mid-1980s, firmly entrenched as the major power center in the GOP and (with Ronald Reagan’s presidency) in the Washington bureaucracy. Many of the Federalist Society’s early members procured jobs in the Reagan administration. Indeed, the group has operated symbiotically with other elements of the conservative movement, providing a well of talented and ambitious lawyers with politics that right-wing administrators favor for political appointments. Federalist Society membership is a kind of ideological guarantee that an appointee can be expected to reliably conform to conservative and promarket ideology, particularly over the course of lifetime judicial appointments with high political stakes.

When a young law student joins the Federalist Society, that student gains access to a dense network of sympathetic conservative lawyers, judges, and legal scholars. If they are interested in a career in legal academia, they can apply for an Olin Fellowship.<sup>52</sup> This, in turn, can help students acquire an influential clerkship, sometimes for one of the Federalist Society alumni on the Supreme Court. Such clerkships position law students for influential legal academic careers and ensure that reliably conservative individuals occupy positions of influence in the law, in government, and the academy. Indeed, Teles includes tables tracking the careers of Olin Fellows from 1997 to 2006. Thomas Lambert, for example, won the Olin Fellowship at Northwestern University in 1999, clerked for Judge Jerry Smith on the Court of Appeals for the Fifth Circuit, and is currently the Wall Family Foundation Chair in Corporate Law and Governance at the University of Missouri, where he specializes in free market approaches to antitrust law.<sup>53</sup> This is part of the broader strategy of conservative philanthropy in higher education (i.e., the strategic transformation of university cultures), particularly at elite universities.

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<sup>50</sup> Teles, *Conservative Legal Movement*, 151.

<sup>51</sup> Teles, *Conservative Legal Movement*, 150–51.

<sup>52</sup> The Olin Fellows program, Teles writes, was established in 1996 by the Olin Foundation in conjunction with the Federalist Society with the explicit goal of increasing conservative influence in the nation’s law schools (*Conservative Legal Movement*, 173–76).

<sup>53</sup> Teles, *Conservative Legal Movement*, 176–77; “Thom Lambert,” University of Missouri School of Law, <http://law.missouri.edu/about/people/thom-lambert/>.

Transformations at elite universities are believed to trickle down to shape other institutions. If placing conservative faculty at top law schools has not totally transformed those institutions into conservative spaces, it has nevertheless normalized right-wing politics in the academy to an extent conservatives could have barely imagined in the 1960s.

The sheer number of alumni of Koch-funded GMU programs who have occupied senior positions in the Trump administration is evidence of the influence of the school and its donors. Andrew Wheeler, administrator of the Environmental Protection Agency who opposes environmental regulations, received his MBA from GMU in 1998. Brian Blasé, special assistant to President Trump on healthcare policy, is a former senior research fellow at the Mercatus Center. Neomi Rao, chief administrator of the Office of Information and Regulatory Affairs and who was nominated by the president to the Court of Appeals for the DC Circuit in late 2018, is a former law professor at the Antonin Scalia Law School. Daniel Simmons, assistant secretary in the Office of Energy Efficiency and Renewable Energy, was also a research fellow at Mercatus. All of these GMU alumni with connections to the Kochs have played prominent roles enacting the Trump administration's deregulatory agenda. Mercatus and GMU have served both as training grounds for free market activists and as incubators for probusiness and antiregulation conservatives to produce scholarship and bolster their academic credentials while waiting for a Republican administration to take power in Washington.<sup>54</sup>

## CASE V: UNDERGRADUATE STUDENT GROUPS

Although the Federalist Society and conservative domination of the legal system represent conservative philanthropy's most consequential achievements, other kinds of higher education philanthropy have contributed to right-wing political success. Conservative activists and philanthropists have underwritten right-wing undergraduate student activism that advocates free market ideology on college campuses. One of the earliest organized efforts was Young Americans for Freedom, founded by a group of some 90 young activists at conservative publisher William F. Buckley Jr.'s Connecticut estate in September 1960.<sup>55</sup> (Young Americans for Freedom is not to be confused with Young America's Foundation, discussed below. For clarity, I refer to both organizations by their full

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<sup>54</sup> Maxine Joselow, "Is George Mason the New Trump U?" *E&E News*, July 17, 2018, <https://www.eenews.net/stories/1060089361>; "Tracking Deregulation in the Trump Era," Brookings Institution, January 16, 2019, <https://www.brookings.edu/interactives/tracking-deregulation-in-the-trump-era/>.

<sup>55</sup> There are three scholarly treatments of Young Americans for Freedom by historians. These are Gregory L. Schneider's *Cadres for Conservatism: Young Americans for Freedom and the Rise of the Contemporary Right* (New York: New York University Press, 1999), John A. Andrew's *The Other Side of the Sixties: Young Americans for Freedom and the Rise of Conservative Politics* (New Brunswick, NJ: Rutgers University Press, 1997), and sociologist Rebecca E. Klatch's *A Generation Divided: The New Left, the New Right, and the 1960s* (Berkeley: University of California Press, 1999). There are also a handful of accounts from conservative pundits involved in Young Americans for Freedom, notably William F. Buckley Jr.'s *Flying High: Remembering Barry Goldwater* (New York: Basic Books, 2008) and Wayne J. Thorburn's (former executive director of Young Americans for Freedom) *A Generation Awakes: Young Americans for Freedom and the Creation of the Conservative Movement* (Ottawa, IL: Jameson Books, 2010).

names.) Typically portrayed in the literature as a right-wing analogue of Students for a Democratic Society (SDS), Young Americans for Freedom was in fact largely reliant on existing power centers within the nascent American conservative movement for organizational and financial support.<sup>56</sup> Although Young Americans for Freedom predated the rise of dedicated conservative philanthropic giving by nearly a decade, it provided an important blueprint for the success of subsequent generations of conservative student activism.

Young Americans for Freedom was a conservative mass-membership organization that owed its successes to its closeness to existing conservative organizations, institutions, and funders, in particular the *National Review*, William F. Buckley Jr., and Martin Liebman, a public relations luminary and direct mail pioneer. These older conservatives cultivated Young Americans for Freedom's founding members to serve as movement leaders. Douglas Caddy, for instance, an early Young Americans for Freedom activist, wrote for conservative publications while an undergraduate at Georgetown and later took a position at Liebman's public relations firm, where he worked as a full-time organizer for Young Americans for Freedom. Although not as substantial as later organized philanthropic efforts, support for Young Americans for Freedom established a blueprint for future conservative student activism, above all the importance of a pipeline for conservative student leadership to move through.<sup>57</sup> In fact, Young Americans for Freedom's eventual inability to provide such a career pipeline under the Nixon administration limited its influence.<sup>58</sup>

Large-scale philanthropic support for conservative student organizations on campus accelerated in the 1970s alongside the proliferation of available funding for conservative institution-building writ large. Compared with the scholarship on Young Americans for Freedom, there is a considerable gap in the scholarly literature on post-1970s conservative student groups and their funders. One of the few exceptions is the work of sociologists Amy J. Binder and Kate Wood, *Becoming Right: How Campuses Shape Young Conservatives*, which provides a good introduction to several major conservative student activist groups in the 2000s, including Young America's Foundation, the Leadership Institute, and the

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<sup>56</sup> This was, in fact, an important point of contrast to SDS, whose parent organization, the League for Industrial Democracy, was largely funded by the labor movement. But SDS alienated its labor allies by issuing the Port Huron statement in 1962, and despite its massive popularity on campus by the end of the 1960s (even at the staid and conservative Princeton University, a tenth of the freshmen class joined the group in 1968), SDS fell apart as a meaningful institution by 1969. For a good recent (and critical) summary of SDS's organizational failures, see Paul Heideman, "Half the Way with Mao Zedong," *Jacobin*, May 23, 2018, <https://jacobinmag.com/2018/05/half-the-way-with-mao-zedong>.

<sup>57</sup> Caddy went on to serve as the initial counsel for Watergate burglars E. Howard Hunt and G. Gordon Liddy; Andrew, *The Other Side of the Sixties*, 54, 66–67.

<sup>58</sup> Schneider, *Cadres for Conservatism*, 145–60. Schneider notes that the organization had effectively collapsed under the weight of internal rivalries by the 1980s, but that Young Americans for Freedom alumni did serve in senior positions in Republican politics: Patrick Buchanan was one of a relatively small number of Young Americans for Freedom members who went to work for the Nixon administration. R. Emmett Tyrrell became the publisher of the right-wing *American Spectator*. Dana Rohrabacher served in the Reagan administration before his election to Congress in 1988, a seat that he held until the 2018 midterm elections.



Intercollegiate Studies Institute (ISI).<sup>59</sup> Binder and Wood distinguish between the “populist” Leadership Institute and Young America’s Foundation, which focus mainly on cultivating firebrand conservative activists, and more “refined” and elitist organizations like ISI, although functionally these distinctions can be blurred.

Most of the detail from Wood and Binder’s book comes from college students, organizers for conservative groups, and senior officials, all of whom emphasize the importance of financing. Groups like Young America’s Foundation and the Leadership Institute essentially function as conduits for conservative foundation money to be distributed to campus activists. In 2014 alone Young America’s Foundation controlled more than \$59 million in assets and distributed nearly \$23 million in funds.<sup>60</sup> Its major donors include the Richard and Helen DeVos Foundation (Richard’s daughter-in-law, Betsy, is the current secretary of education in the Trump administration), Charles and David Koch, the Bradley Foundation, and the Olin family (distinct from the Olin Foundation, which closed its doors in 2005).<sup>61</sup> Young America’s Foundation often supports campus activists by underwriting the speaking fees, transport, and hotel costs of conservative and/or pro-free market speakers on campus, and by subsidizing conferences and networking opportunities for conservative campus activists.<sup>62</sup> The Leadership Institute has a similar mission and similar funding sources, and actively seeks to support conservative campus-based groups and, above all, campus publications. Alumni of conservative campus newspapers who have gone on to prominent positions in conservative and mainstream media include *New York Times* opinion columnist Ross Douthat (*Harvard Salient*), *National Review* writers Rich Lowry

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<sup>59</sup> Amy J. Binder and Kate Wood, *Becoming Right: How Campuses Shape Young Conservatives* (Princeton, NJ: Princeton University Press, 2013). Binder and Wood are also clear that theirs is a case study of a handful of right-wing campus organizations; they do not examine the College Republicans National Committee, David Horowitz’s Students for Academic Freedom, the Institute for Humane Studies, the Federalist Society, the Clare Boothe Luce Policy Institute, or the Heritage Foundation’s on-campus efforts. Wood and Binder also do not discuss Turning Point USA, which has become one of the most prominent right-wing campus organizations, is funded by “dark money” (anonymous donors), and has claimed to have swayed student government elections on dozens (if not hundreds) of college campuses. Though there are no dedicated academic studies of Turning Point USA, there has been some excellent reporting. See in particular Jane Mayer, “A Conservative Nonprofit That Seeks to Transform College Campuses Faces Allegations of Racial Bias and Illegal Campaign Activity,” *New Yorker*, December 21, 2017, <https://www.newyorker.com/news/news-desk/a-conservative-nonprofit-that-seeks-to-transform-college-campuses-faces-allegations-of-racial-bias-and-illegal-campaign-activity>, and Joseph Guinto, “Trump’s Man on Campus,” *POLITICO*, April 6, 2018 <https://www.politico.com/magazine/story/2018/04/06/trump-young-conservatives-college-charlie-kirk-turning-point-usa-217829>.

<sup>60</sup> Amy J. Binder, “There’s a Well-Funded Campus Industry behind the Ann Coulter Incident,” *Washington Post*, May 1, 2017, [https://www.washingtonpost.com/news/monkey-cage/wp/2017/05/01/theres-a-well-funded-campus-outrage-industry-behind-the-ann-coulter-incident/?utm\\_term=.e79fc262d5a9](https://www.washingtonpost.com/news/monkey-cage/wp/2017/05/01/theres-a-well-funded-campus-outrage-industry-behind-the-ann-coulter-incident/?utm_term=.e79fc262d5a9); see also Stephanie Saul, “The Conservative Force behind Speeches Roiling College Campuses,” *New York Times*, May 20, 2017, [https://www.nytimes.com/2017/05/20/us/college-conservative-speeches.html?\\_r=0](https://www.nytimes.com/2017/05/20/us/college-conservative-speeches.html?_r=0).

<sup>61</sup> Binder and Wood, *Becoming Right*, 81.

<sup>62</sup> Binder and Wood, *Becoming Right*, 75–76. The distinction between pro-free market and politically conservative speakers is functionally blurred: Binder and Wood specifically cite a Young America’s Foundation-backed presentation by Princeton political scientist Robert George entitled “Social and Economic Conservatism: A Marriage of Principle,” whose thesis can be surmised by the title.

(*Virginia Advocate*), Jay Nordlinger (*Harvard Salient*), and Ramesh Ponnuru (*Princeton Tory*), syndicated columnist and far-right political figure Ann Coulter (*Cornell Review*), talk show host Laura Ingraham (*Dartmouth Review*), *Washington Free Beacon* editor-in-chief Matthew Continetti (*Columbia Daily Spectator*), QVC network president Michael George (*Northwestern Review*), and Silicon Valley tycoon Peter Thiel (*Stanford Review*).<sup>63</sup> Binder and Wood quote a pseudonymous student at a satellite campus of a land-grant university in the western United States, who told them that “[Leadership Institute] contacted him out of the blue [and] immediately offered him \$750 for use on his newspaper.”<sup>64</sup>

It should also be noted that Young America’s Foundation and Leadership Institute alumni have gone on to prominent positions in the American Right in the 2010s, including White House advisor and architect of the Trump administration’s draconian immigration policy Stephen Miller (Young America’s Foundation) and media provocateur James O’Keefe (Leadership Institute).<sup>65</sup> This poses another counterfactual: would a similar conservative leadership cadre have developed absent support from organizations like Young America’s Foundation and the Leadership Institute? Ultimately, it seems unlikely that conservative organizations operating independently on college campuses without any kind of overarching political and financial coordination would have developed such a wide-ranging and politically disciplined leadership class.

For instance, the broad support that conservative philanthropy has provided to conservative firebrand Dinesh D’Souza, now a bestselling author, suggests that a vibrant conservative ecosystem, both on and off campus, is crucial for cultivating conservative leaders. The Olin Foundation and the Institute for Educational Affairs first supported D’Souza through his right-wing campus newspaper, *Dartmouth Review*, in the early 1980s. After graduating from Dartmouth, D’Souza secured a John M. Olin Fellowship at the American Enterprise Institute, where he helped popularize the phrase “political correctness” to decry early 1990s campus culture. It seems fair to say that D’Souza owes much of his success to Olin, which can likely be said for many lesser-known conservative thinkers and writers who have reliably promoted free enterprise and procapitalist views.<sup>66</sup>

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<sup>63</sup> “Prominent CN Alumni,” Collegiate Network, <https://www.collegiatenetwork.org/alum>.

<sup>64</sup> The same student also then “clammed up a bit,” the authors write. “I don’t know what I should be saying ... they don’t like a whole lot of in-depth detail about what they do” (*Becoming Right*, 99–100).

<sup>65</sup> Stephen Miller had not yet risen to national prominence at the time of their writing, but is mentioned prominently on the Young America’s Foundation website as of this writing. Ashley Weaver, “YAF Alumnus Stephen Miller: From Bold Student Activist to Top Trump Aide,” *The New Guard*, April 5, 2017, <https://www.yaf.org/news/yaf-alumnus-stephen-miller-bold-student-activist-top-trump-aid/>; Binder and Wood discuss O’Keefe as a Leadership Institute alumnus in *Becoming Right* (77).

<sup>66</sup> Miller, *Strategic Investment in Ideas*, 21.

## CONCLUSIONS AND RECOMMENDATIONS

A survey of the literature on conservative philanthropy in higher education yields the following key themes:

***The importance of dense networks to achieve immediate and long-term goals.*** Michael Joyce, a senior official at the Olin Foundation and later the head of the Bradley Foundation, called this the “wine collection” effect; I refer to it as the career pipeline. This pipeline is a way for foundations to invest in conservative figures when they are students or scholars, who mature and eventually contribute to right-wing politics off campus.<sup>67</sup> This was the Olin Foundation’s stated goal when it supported writers and activists like Dinesh D’Souza. But it was also a goal of institution-building on college campuses. Multiple foundations funded overlapping efforts at colleges and universities across the United States to establish centers for right-wing thought, and those efforts operated cumulatively over time. The creation of a center of conservative economic thought at the University of Chicago allowed for future successes; even failed attempts like Manne’s entrepreneurship at Rochester and Emory reaped results under different circumstances at George Mason. The establishment of conservative student groups, from the Federalist Society to undergraduate conservative newspapers, provided a pipeline of talent to these institutions and, in the case of the Federalist Society, eventually provided financial support.

***Identifying faculty organizational entrepreneurs and sympathetic administrators.*** From an operational standpoint, this was a critical component of the eventual establishment of conservative centers on campus. When any of the three ingredients (dense networks of donors, dedicated organizational entrepreneurs among faculty, and a sympathetic administration) were lacking—as at the University of Rochester in the 1960s and Emory University in the 1980s—the institution-building efforts failed. When those three ingredients were present, as they were at Harvard in the late 1980s and George Mason University since the 1970s, the transformations could be profound. The Koch network at George Mason would never have been as successful as it has been without the collaboration of faculty and administrators. A corollary to this is the importance of *overcoming institutional resistance*. There has been tremendous resistance in the academy to right-wing philanthropy. Three of the right-wing efforts discussed in this review—at the University of Chicago in the 1940s, the University of Rochester in the 1960s, and Emory University in the 1980s—were unsuccessful because of faculty or administration resistance; the successes were possible when support from faculty and, above all, administration was forthcoming.

## RECOMMENDATIONS FOR FURTHER RESEARCH

***Other foundations.*** At present, the vast majority of the research on conservative philanthropic foundations has centered on the James M. Olin Foundation and the various Koch family foundations. There are, however, a number of other major foundations that have been engaged in philanthropy promoting free market ideology since the 1970s that have not received detailed histories, including the Lynde and Harry Bradley Foundation, the Smith-Richardson Foundation, and the Scaife family

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<sup>67</sup> Mayer, “Right-Wing Billionaires.”

foundations, all of which have been heavily involved in giving to promote free market ideology on college campuses (Bradley, for instance, gave \$5.5 million to Harvard and Yale between 1985 and 1995).<sup>68</sup>

**Microhistories of individual scholars.** Campus-based support from conservative foundations has been central to the careers of a number of scholars and organizational entrepreneurs in the academy. This review covered George Stigler, Henry Manne, Richard Fisk, and James Buchanan. Yet there are hundreds, if not thousands, of scholars who have benefited from conservative philanthropic support. Microhistories of the career arcs of a subset of such scholars—particularly scholars without national prominence—may better illustrate how these networks operate in the academy.

**Microhistories of student organizations on individual campuses.** Support from conservative philanthropies was apparently critical to the establishment and success of right-wing college newspapers like the *Dartmouth Review*, and philanthropic support has also been crucial to the Leadership Institute and Intercollegiate Studies Institute. Binder and Wood's work is very useful as a blueprint but lacks a change-over-time component that would be valuable with respect to conservative activist groups' histories and long-term strategies.

**Comparative studies.** Michael Bloomberg has given more than \$3 billion in gifts to Johns Hopkins University. His ten-figure investments in Johns Hopkins have had political implications: the *New York Times* cited the Bloomberg School of Public Health as “something of a brain trust for Mr. Bloomberg, shaping his approach to issues like cigarette smoking, gun violence, and obesity.”<sup>69</sup> Nevertheless, Bloomberg has been far less effective in translating his philanthropic efforts into the kind of durable and transformative political success that Olin, Koch, and other right-wing foundations have achieved. A comparative study between liberal philanthropic campus-based donations in the late 20th and early 21st centuries<sup>70</sup> versus those of conservative philanthropic foundations during the same period may prove especially useful for future philanthropic officers.

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<sup>68</sup> Mayer, “Right-Wing Billionaires”; Rebecca L. Walkowitz, “The High-Stakes World of Foundation Dollars,” *Harvard Crimson*, November 30, 1990, <https://www.thecrimson.com/article/1990/11/30/the-high-stakes-world-of-foundation-dollars/>; “Research Center Gets \$1 Million,” *Harvard Crimson*, February 25, 1988, <https://www.thecrimson.com/article/1988/2/25/research-center-gets-1-million-pharvards/>.

<sup>69</sup> Abigail Hess, “Michael Bloomberg’s \$1.8 Billion Gift to Johns Hopkins Is Historic, BUT Not Everyone Agrees It Will Have a Lasting Impact,” *CNBC*, November 20, 2018, <https://www.cnn.com/2018/11/20/michael-bloomberg-just-gave-1point8-billion-to-johns-hopkins-university.html>.

<sup>70</sup> E.g., “John Kluge, CC’37, Pledges \$400 Million for Financial Aid,” *Columbia News*, April 11, 2007, <http://www.columbia.edu/cu/news/07/04-new/kluge.html>; Pete Farley, “UCSF Receives \$500 Million Commitment from Helen Diller Foundation to Begin Planning New Hospital,” February 8, 2018, <https://www.ucsf.edu/news/2018/02/409741/ucsf-receives-500m-commitment-helen-diller-foundation-begin-planning-new>.

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