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The Origins of the Neoliberal War on the Poor

Welfare Reform and an Ever-Expanding Police State

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Weekend Edition August 9-11, 2013

In November of 1994 two years of ramshackle government, breached pledges and the Clinton administration's frequently manifested contempt for its traditional base, exacted their price. In the midterm elections Republicans seized control of both the House and the Senate for the first time since the Eisenhower era. The rout extended to governors' mansions across the country, where the Republicans captured the majority of governorships for the first time in a quarter-century. Newt Gingrich, the new Speaker of the House, became the nation's political wunderkind.

Yet for Bill Clinton the Democratic defeat held its paradoxical allure. The old-line Democratic Congressional leadership no longer held sway on the Hill. Tom Foley and Dan Rostenkowski were gone altogether—one back to the Inland Empire of the Pacific Northwest and the other to a federal penitentiary. The White House no longer had to dicker with hostility to its agenda from New Deal-oriented Democrats. Without the threat of a presidential veto to lend clout to their resistance, the liberal Democrats on the Hill were impotent against the Republicans flourishing their Contract with America. Thus unencumbered, the Clinton administration could cut deals with the Republican leadership.

All this strategy needed was a name, and soon after the election Bill Clinton summoned in the man who would introduce “triangulation” into the lexicon of the late 1990s.

Dick Morris, a man of elastic political scruple, had enjoyed a fluctuating relationship with Clinton. He’d bailed out the young governor of Arkansas after the latter’s first comeuppance at the hands of the voters in 1980. Since then Morris had served many masters, ranging from the millionaire socialist from Ohio, Howard Metzenbaum, to Bella Abzug of New York, to Trent Lott of Mississippi (“I love his feisty, shit-on-the-shoes style”) and Jesse Helms of North Carolina. Morris worked as a consultant for Helms in 1990, in a particularly foul campaign against the black Democratic challenger, Harvey Gantt.

Morris came to the White House with the purpose of providing new ideas and a new strategy. He says Clinton told him, “I’ve lost confidence in my current team.” Morris commenced his mission of refreshment under conditions of secrecy, code-named Charlie, his function at first known only to the Clintons. His advice: steal the Republicans’ thunder, draw down the deficit, reform welfare, cut back government regulation and “use Gore’s reinventing government program to cut the public sector’s size.” The president should demonstrate toughness, Morris counseled, with decisive action overseas.

As the new Republican leadership took over in January of 1995, Clinton summoned Gore to the Oval Office, disclosed the hiring of Morris and instructed the vice president to work with him. “Charlie” then laid out the new agenda for Gore. Morris later wrote, “He grasped what I was saying at once and offered his full support. Gore told me that he had been increasingly troubled by the drift of the White House. He said he had tried, in vain, to move the administration toward the center, but the White House staff had shut him out. Gore said, ‘We need a change here, a big change, and I’m hoping and praying that you’re the man to bring it.’ We shook hands on our alliance.”

Soon Morris, Gore and Clinton came to two fateful decisions. As part of the strategy of stealing the Republicans’ thunder, Morris urged an intensive fundraising drive, aimed at amassing “soft money” for TV spots designed to boost the new Clinton agenda, trump the Republicans and detour the old-line concerns of the Democrats at the other end of Pennsylvania Avenue. Soft money earns that much-abused name because it can be raised in amounts not limited by campaign spending laws; it can be procured directly from corporations, labor unions or other institutions so long as the money is used to promote “issues” rather than specific candidates. That at least is how the law supposed soft money would work. Morris knew very well that the issue ads would be identified directly with Clinton, because they would sound themes Morris himself had prescribed. To execute these ads Morris and Gore turned to the latter’s longtime media consultant, Bob Squier. Down the road lay many a funding scandal, not least the Buddhist temple imbroglio that found Al Gore on the receiving end of thousands of dollars in contributions from monks and nuns supposedly ennobled by the spiritual distinction of poverty. But such things were still a year away.

The time had come to go public with the new line. Morris drafted a speech for Clinton in which the president would announce that he was ready to work with the Republicans. It laid out the grounds on which the President was prepared to meet Newt Gingrich. Within the White House

there was a storm of protest, led by Leon Panetta, Clinton's chief of staff and onetime California congressman, who was aghast at what he correctly perceived to be the betrayal of his former colleagues on the Hill.

As Panetta presented his case, Clinton began to tilt toward his position. Morris sensed crisis at hand. At the crucial moment, so he relates, Gore, who had been silently following the debate, made a decisive intervention. "I agree with Dick's point, that we need to emerge from the shadows and place ourselves at the center of the debate with the Republicans by articulating what we will accept and what we will not in a clear and independent way." It was music to Morris's ears, and he cried, "Bravo!"

For Morris, as for his employer, polls were everything. He developed what he called a "neuropsychological profile" of the American voter, and established an iron rule that no initiative could be undertaken by the White House unless polling showed an approval rating of 60 percent. By constant polling he concocted what he called a "values agenda". At the top of the list was affirmative action. "Mend it, don't end it" was the mantra, which meant, in practice, destroy affirmative action from the inside while professing support for the general principle.

Next came TV violence. Intimidate the networks, Morris advised, into adopting a "voluntary" system of ratings for TV shows and movies. Soon media executives were summoned to the White House for a session with Clinton and Gore. Simultaneously Clinton pushed for installation of the so-called V-chip in all new TV sets, which would allow parents to block all offensive material. Next came teen pregnancy, an issue pounded on by the Clinton White House, even though the rate had been falling. Education: go after tenured teachers, an attack increasingly popular in Morris's focus groups, and demand that at least they be tested. Youth: advocate school uniforms and curfews for teens. Gay marriage: on Morris's advice Clinton and Gore embraced the Defense of Marriage Act, a purely grandstanding piece of legislation which preemptively bars gay marriages from recognition under federal law for any purpose. Immigration: the poll numbers were off the chart, and the Clinton White House duly set a goal to double the number of turn-backs by the Immigration and Naturalization Service—among other things, enlisting the Labor Department to help speed the pace and breadth of workplace raids. Taxes: Morris believed that Main Street America was now playing the market, so that a 20 percent reduction in the capital gains tax rate would be hugely popular.

But there were two issues that towered above the rest in Morris's assaying of public opinion: welfare and crime. In the 1992 campaign, Clinton had pledged to "end welfare as we know it." In 1993, Gore had urged Clinton to declare war on welfare as part of the first 100 days and had implored the president to let him lead the charge. After all, Gore argued, he was one of the few Democratic senators to have supported a welfare-to-work law narrowly approved in 1988, forcing states to require parents getting welfare checks to work at least 16 hours per week in unpaid jobs. But Hillary thought an attack on welfare would divert energy from her health care package, and Gore lost the battle.

By 1995 the welfare rolls were shrinking, from a peak of 18 million in the recession of 1991 to about 12.8 million. Defenders of the system in Clinton's cabinet, Labor Secretary Robert Reich and Donna Shalala of Health and Human Services, argued that the total budget for Aid to

Families with Dependent Children was a tiny fraction of the federal budget; indeed, it was only 14 percent of the amount devoted to Medicare, a middle-class entitlement. The real problem, they argued, was lack of training for the chronically underemployed and unemployed.

Reflexively hostile to welfare and fortified by Morris's polls, Clinton pressed ahead. The administration began granting waivers to states to implement their own onslaughts on welfare, feature "workfare" requirements, time limits and "family caps", a punishment for women who dared to have more than the approved number of children the government would help support. Through 1995 and early in 1996 the Republicans had passed and sent to Clinton two bills to dismantle the federal welfare system. He vetoed both, but in his veto messages he stressed that he agreed with much of their content in principle. Peter Edelman, a high level official at HHS, described this as "the squeeze play", whereby Clinton would reap approval from Democratic New Dealers for standing up for poor kids while at the same time signaling that in the long run he'd throw the mothers of those kids off the rolls altogether.

As they approached the Democratic convention in the summer of 1996, Clinton was floating on Morris's magic carpet. Assisted by staggering blunders by Gingrich and a lackluster opponent in Bob Dole, Clinton was ahead by no less than 27 percent in the polls. The Republicans were eager to wrap up their legislative work before the conventions in July and August. They pushed through a welfare bill arguably worse than the ones Clinton had vetoed previously. Many Democrats on the Hill believed that Clinton would veto this bill too. But Senator Daniel Patrick Moynihan of New York had more sensitive political antennae. He warned, "I've heard that the leaders of the cabinet recommended a veto but that the president remains under the sway of his pollsters."

On July 30, 1996, Clinton mustered his cabinet to hear arguments on whether or not he should sign the Republicans' bill. One by one his advisers said he should not. No's from people like Shalala and Reich came as no surprise. But similarly disapproving were not only Leon Panetta but Laura Tyson, his chief economic adviser, Henry Cisneros of HUD and even Treasury Secretary Robert Rubin, who said that too many people would be harmed by the bill and that it show an act of political courage to veto it.

Not trusting Shalala's department to produce objective assessments of the consequences of the bill, the White House staff had commissioned a survey from the Urban Institute, a DC think tank. The numbers were dire. The bill would push 2.6 million people further into poverty—1.1 million of them children. In all, the Institute predicted that 11 million families would lose income. That was the best-case scenario. In the event of a recession (which would come in 2001), the numbers would be far, far worse. In that fateful cabinet meeting Rubin invoked this study, and the numbers seemed to find their mark with Clinton, while Gore remained mute.

The meeting came to an end and Clinton, Panetta and Gore headed for the Oval Office for a private session. All accounts agree that, first, Panetta again made the case for a veto, laying particular emphasis on an appalling provision in the bill that would deny legal immigrants federal assistance, such as food stamps. Finally Gore broke his silence and urged Clinton to sign.

Clinton, Morris and Gore prepared a press statement, delivered by the president later that same day. Clinton admitted that the bill contained “serious flaws” but went on to say, “This is the best chance we will have in a long time to complete the work of ending welfare as we know it.” No one at the press conference quizzed Clinton on this curious claim. After all, the election was only about three months away. By early fall of 1996 it was clear The Democrats had a chance of regaining the House. Would not that recapture afford a better chance of crafting a welfare bill not compromised by Gingrich and the others?

To this day many Democrats in Congress become incensed on the topic of what Clinton and Gore did. One the eve of a Democratic convention, with Gingrich already ensconced in the national imagination as the Bad Guy, Clinton had just made common cause with him, thus undercutting all plans to campaign against the Gingrich Congress. As for Al Gore the consensus was that he was looking ahead to a possible challenge in 2000 from his old rival Dick Gephardt. With Morris’s polls showing that an attack on welfare scored well over the 60 percent bar, Gore would have the advantage over Gephardt or any other liberal challenger.

Suspicious about Gore deepened as the fall campaign proceeded. The president and vice president argued that it was crucial that they be re-elected so that they fix the problems with the welfare bill they had just signed. The problems here concerned not the welfare bill itself but the denial of federal services to legal immigrants and a slash in the food stamp program. In October of 1996, with the presidential election no longer in doubt, Democratic candidates came to the Democratic National Committee urgently seeking infusions of cash to help them in the crucial final weeks. Finally, Senator Christopher Dodd of Connecticut, then the general chairman of the DNC, organized a meeting with Clinton and Gore. Dodd explained that the two were home safe and there was a chance to recapture the House. Clinton seemed amenable to a release of funds. Gore adamantly disagreed. On one account, Gore was the only person in the White House to oppose this transfer of funds from the presidential campaign to congressional races. It’s a measure of how a number of Democrats view Al Gore that some participants in that meeting felt that the only explanation for his conduct was that he did not want the Democrats to re-take control of the House because victory would elevate Gephardt to Speaker of the House.

The cynicism may not have stopped there. Why did Clinton and Gore decide to sign on to that third Republican welfare bill? The only major difference from the previous ones came in the form of the denial of federal services to legal immigrants and a \$2.5 billion cut in the food stamp program. It’s likely that these two Republican add-ons were what allured the White House, because (as noted above) Clinton could then turn to the liberals saying they needed him to be re-elected so he could repair part of the damage wrought by the very bill he had just signed. In fact the White House probably could have insisted the riders be dropped, because Dole desperately wanted a legislative victory under the Republicans’ belt.

The welfare bill ended a federal entitlement that had been a cornerstone of the New Deal. It caps the federal contribution to welfare programs at \$14.6 billion a year and hands the money over in block grants to the states to distribute as they see fit. The main requirement is that the states agree that welfare recipients can spend no more than a total of five years in their lifetime on welfare. It allows states to adopt even harsher standards. Finally, under the old system, welfare money came to the recipient as cash. Under the new system, the money can be given to

intermediaries, for possible conversion to other services such as housing or food. Al Gore particularly liked this provision. In Atlanta in May of 1999, he told an audience why: “It allows faith-based organizations to provide basic welfare services. They can do so with public funds—without having to alter the religious character that is so often the key to their effectiveness. We should extend this approach to drug treatment, homelessness and youth violence prevention. People who work in faith-and values-based organizations are driven by their spiritual commitment. They have done what government can never do: provide compassionate care. Their client is not a number but a child of god.” In other words, treat welfare payments like school vouchers. Gore had just laid out the welcome mat for Bush’s faith-based initiatives.

Not long after Clinton signed the welfare bill, judgment came from Senator Moynihan, who had begun his service to the state back in the sixties with sermons about the “pathology” of the black family and now, bizarrely, was defending the system he’d denounced for years. Even this man of all seasons and all masters was shocked: “It is a social risk no sane person would take, and I mean that. If you think things can’t get worse, just wait until there are a third of a million people on the streets It’s not welfare reform; it’s welfare repeal.”

Hugh Price, president of the National Urban League, called the bill “an abomination for America’s most vulnerable mothers and children” and accused Clinton, Gore and the Congress of defecting from a war on poverty and “waging a war against poor people instead.”

Within weeks three high-ranking officials in the Department of Health and Human Services had resigned: Mary Jo Bane, Walter Primus and Peter Edelman. That was it. Across the length and breadth of the Clinton administration, only these resignations were tendered in principle against this abandonment of the New Deal and the shafting of America’s poor. Since that time Edelman has missed no opportunity to denounce the bill as a punitive strike against defenseless people. “The bill closes its eyes to all the facts and complexities of the real world and essentially says to recipients: find a job.”

The edict “find a job” was central to the bill and to the mythology nourished by opponents of welfare—that freeloaders with jobs available to them were abusing the system. Of course, there is always some abuse, but study after study had shown that most welfare recipients had looked for jobs and couldn’t find a suitable one or had been on welfare for a limited period, then found a job and got off the rolls. In 1999 a University of Michigan study making an assessment three years after the welfare bill went into effect found that the welfare population faces “unusually high barriers to work: such as physical and mental health problems, domestic violence and lack of transportation.” More than 30 percent of the families on welfare are constrained by disability, a sick child, no child care or an infirm relative. Those that want to find work are faced with narrow options even in an economy hyped as in mid-boom. In 1996 the Congressional Budget Office offered some bleak realities about the reserve army of the unemployed. With an official unemployment rate of four percent (the unofficial rate is roughly twice that, since government figures don’t count frustrated people who have given up looking for work), there are still three to five people needing work for each available job. In the Bush recession, this ratio rose to more than 10 to one.

In urban areas the job market is even more constricted. A 1998 study in Harlem showed just how brutally competitive the low-wage job market is. Over a five-month period, an average of fourteen people applied for each job opening at a local McDonalds. A year later researchers from the University of Chicago found that 73 percent of those same job searchers still hadn't found even minimum wage level work.

In many states, there's the last resort of workfare, which compels welfare recipients to accept public jobs, such as highway clean-up or garbage picking with the Parks Department, in return for benefits. Nationally the average benefit for workfare jobs is \$381 per month, which works out to \$4.40 an hour, or 80 percent of the minimum wage. But in some places it's much worse. Mississippi, for example, requires single mothers to work twenty hours a week at \$1.38 an hour, and a two-parent household to work fifty-five hours at 50 cents an hour.

On top of this the people in the workfare labor force are denied such basic rights as collective bargaining, unemployment insurance, the earned income tax credit and Social Security credit. States are finding it to their budgetary advantage to fill job vacancies with these "slavefare" workers. A Senate study in 1996 estimated that the consequences of welfare reform would depress the wages of the working poor by 12 percent.

Allowing the states to freelance their welfare programs has resulted in some particularly cruel policies and inequities. Minnesota spends \$50 million a year on child care for single mothers receiving welfare benefits who are working or looking for work. New York spends \$54 million to serve a population six times as large. Clinton and Gore repeatedly touted the approach taken by Indiana, where welfare reform was instituted by a Democratic governor, Evan Bayh, and his successor in the governor's mansion, Frank O'Bannon. The pair presided over the shrinking of the welfare rolls in the Hoosier state by 30 percent. There's no way to know if those people actually found work. It's possible that the conditions of supervision of welfare recipients simply became unbearable and they left the program and perhaps the state. Under Indiana's scheme, one missed job-training course means the loss of a welfare check for two months. A second infraction means loss of benefits for a year. A third strike and you're out for good.

The Clinton welfare bill also includes a provision that allows states to begin drug testing welfare recipients. In theory the provision was aimed at people suspected of having drug problems. Oregon, for example, initiated a testing policy but soon reversed course when recipients began dropping out of the welfare program to avoid testing. The state found that it was better to stop drug testing, keep people in the program and steer addicts into treatment. Michigan took a different approach. In 1999 the state adopted a mandatory drug-testing policy for all welfare recipients, which prompted a lawsuit by the ACLU. A federal judge ruled in 1999 that the policy was unconstitutional. He noted that in the five weeks of the program's operation there were positive drug tests in only eight percent of the cases, and all but three of those were for marijuana.

In his 2000 campaign, Al Gore pushed for what he called "Welfare Reform 2", saying that more remained to be done to weed out cheats and freeloaders. He was particularly vehement in attacking dads behind on child support, vowing that he would make it easier for credit care companies to deny credit to such fathers. This would have come on top of a program, initiated by

Janet Reno in her Florida years, whereby fathers behind on their payments get their driver's license lifted, meaning that they can't drive to work. In 1995, Clinton, Gore and Morris put into operation a program that saw these father's mug shots put up in Post Offices, their federal benefits garnished and the IRS sent on their trail. This pattern of inflicting administrative conviction outside the court system and due process is integral to the Clinton/Gore philosophy on crime.

The Clinton crime bill of 1994 introduced mandatory life imprisonment for persons convicted of a third felony in certain categories. It maintained the 100-to-1 disproportion in sentencing for crimes involving powder and crack cocaine, even though the US Sentencing Commission had concluded that the disparity was racist. It expanded to fifty the number of crimes that could draw the death penalty in a federal court, reaching even to crimes that did not include murders—the largest expansion of the death penalty in history. Pell grants giving prisoners an avenue to higher education were cut off. Federal judges were stripped of their powers to enforce the constitutional rights of prisoners and the power of states to set sentencing standards for drug crimes was greatly diminished.

The curtailment of states' rights went further. Grants for new prisons contained the provision that receipt of the money was dependent on the states ensuring that prisoners served at least 85 percent of their sentences. These inmates, remember, had been convicted in state, not federal, courts so this was simply federal blackmail to curtail parole at the state level. The Clinton administration also pressed the states to try juvenile offenders as adults. Gore articulated the administration's position: "When young people cross the line, they must be punished. When young people commit serious, violent crimes, they should be prosecuted like adults." Nonviolent offenders were to be sent to boot camps. Not, it should be noted, his own kids, who evaded punishment for nonviolent infractions such as smoking pot and having an open alcohol container in the car.

The Clinton/Gore administration was particularly assiduous in its assaults on the Fourth Amendment, protecting citizens against unreasonable searches and seizures. In 1994, they successfully pressed for a bill providing all communications providers to make existing and future communication systems wiretap ready. They also pushed hard for the so-called Clipper Chip, an encryption device that makes it easy for law enforcement and intelligence agencies to snoop on private messages.

The high-water mark in the Clinton administration's attack on the Bill of Rights came in 1996 with the Counter-Terrorism and Effective Death Penalty Act, which among other horrors allowed the INS to deport immigrants without due process, and denied prisoners the right to appeal to the federal bench based on habeas corpus petitions. "When historians write the story of civil liberties in the twentieth century," said Ira Glasser, head of the ACLU, "they will say that the Clinton administration adopted an agenda that has everything to do with weakening civil rights and nothing to do with combating terrorism."

In May of 2000, Gore outlined his campaign posture on crime and drugs in another speech in Atlanta. The erstwhile dope-smoker from Tennessee evidently feared that the man who refused to discuss cocaine use in his early years, George W. Bush, had the edge on the crime issue. Gore

proclaimed he wanted to swaddle communities in “a blanket of blue”. He swore that the minute he settled in the Oval Office, President Gore would call for 50,000 more cops (i.e., more half-trained recruits like the ones who shot Amadou Diallo forty-one times in the Bronx) and would allow off-duty cops to carry concealed weapons (which they almost all do anyway).

Gore promised prisoners what he called a simple deal: “Before you get out of jail you have to get clean. If you want to stay out, then you better stay clean. We have to stop that revolving door once and for all. First we have to test prisoners for drugs while they’re in jail”. Gore was so blithe in his disregard for elementary rights that he was unable to see a distinction between a prison sentence fully served and a further punitive add-on: “We have to insist on more prison time for those who don’t break the habit”. Even after prisoners are released the eye of the state would still follow them: “We should impose strict supervision on those who have just been released—and insist they obey the law and stay off drugs”.

Another feature of Al Gore’s prospective war on crime was the especially vigorous targeting of minority youth. “I will fight for a federal law that helps communities establish gang-free zones with curfews on specific gang members, a ban on gang-related clothing and the specific legal authority to break violent teen gangs once and for all”.

Both parties have eagerly conjoined in militarizing the police, extending police powers and carving away basic rights. Often the Democrats have been worse. It was Republican Representative Henry Hyde of Illinois who led the partially successful charge in 1999 against the seizure of assets in drug cases. It was Democrat Senator Charles Schumer of New York who played the role of factotum for the Justice Department in trying to head off Hyde and his coalition.

The rise of the Jackboot State has marched in lockstep with the insane and ineffective War on Drugs. This has been an entirely bi-partisan affair. Its consequences are etched into the fabric of our lives. Just think of drug testing, now a virtually mandatory condition of employment, even though it’s an outrageous violation of personal sovereignty, as well as being thoroughly unreliable. In an era in which America has been led by three self-confessed pot smokers—Clinton, Gore and Bush—the number of people held for drug crimes in federal prisons has increased by 64 percent.

No-knock raids are becoming more common as federal, state and local politicians and law enforcement agencies decide that the war on drugs justify dumping the Fourth Amendment. Even in states where search warrants require a knock on the door before entry, police routinely flout the requirement.

The Posse Comitatus Act forbidding military involvement in domestic law enforcement is rapidly becoming as dead as the Fourth Amendment. Because of drug war exceptions created in that act, every region of the United States now has a Joint Task Force staff in charge of coordinating military involvement in domestic law enforcement. The involvement has now expanded to include anti-terrorism investigations.

In many cases, street deployment of paramilitary units is funded by “community policing” grants from the federal government. The majority of police departments use their paramilitary units to serve “dynamic entry” search warrants. The SWAT Team in Chapel Hill, North Carolina, conducted a large-scale crack raid of an entire block in a predominantly black neighborhood. The raid, termed Operation Redi-Rock, resulted in the detention and search of up to 100 people, all of whom were black. (Whites were allowed to leave the area.) No one was ever prosecuted for a crime. In Albany, New York, not long before the change-of-venue trial there of the four white cops who had killed Amadou Diallo in the Bronx, police in camouflage uniforms went on a ransacking spree in the black neighborhood of Arbor Hill, beating down doors house-to-house in search of a black suspect.

Where there is no social program, there’s always a violence program. For the Clinton/Gore administration welfare reform and expansion of the police state were not only means to trump the Republicans; they were also essential to economic policy. Intense competition for jobs at the lowest rungs would depress wages, pit poor and working-class people against each other and, where welfare recipients displace municipal workers, weaken labor unions. The spectre and reality of incarceration would have the traditional effect of suppressing the dangerous classes, at a time when the wage gap between the rich and the poor grew wider than at any time in recent history.