

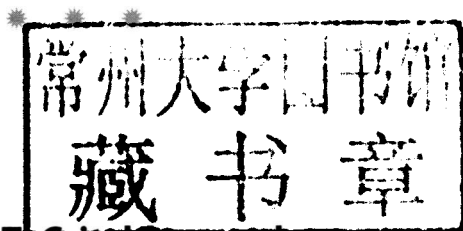
TAKEOVER

**HOW THE LEFT'S
QUEST FOR SOCIAL
JUSTICE CORRUPTED
LIBERALISM**

**DONALD T. CRITCHLOW
& W. J. RORABAUGH**

TAKEOVER

*How the Left's Quest for Social Justice
Corrupted Liberalism*



**Donald T. Critchlow and
W. J. Rorabaugh**



Wilmington, Delaware

Copyright © 2012 by Donald T. Critchlow and W. J. Rorabaugh

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, or any information storage and retrieval system now known or to be invented, without permission in writing from the publisher, except by a reviewer who wishes to quote brief passages in connection with a review written for inclusion in a magazine, newspaper, or broadcast.

Library of Congress Cataloging-in-Publication Data

Critchlow, Donald T., 1948—

Takeover / Donald T. Critchlow and W. J. Rorabaugh.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-61017-059-8

1. Liberalism—United States—History—20th century. 2. Liberalism—United States—History—21st century. I. Rorabaugh, W. J. II. Title.

JC574.2.U6C75 2012

320.51'30973—dc23

2011052575

Published in the United States by

ISI Books

Intercollegiate Studies Institute

3901 Centerville Road

Wilmington, Delaware 19807-1938

www.isibooks.org

Manufactured in the United States of America

TAKEOVER

Contents

Introduction	The New Progressives	1
Chapter 1	Legacies of the Sixties	9
Chapter 2	From the Streets into the Courtroom and the Neighborhoods	41
Chapter 3	Brave Green World: Radical Environmentalism and the New Social Justice	71
Chapter 4	Controlling Life and Death	101
Chapter 5	The Dream of National Health Insurance	133
Chapter 6	The Long March Leads to the White House	159
Chapter 7	The Heights of Power	187
Notes		215
Acknowledgments		246
Index		247

Introduction

The New Progressives

How did liberals get to be the way they are today?

This book answers that important question. It is a question more and more Americans began asking as they witnessed the ascent of Barack Obama, the most left-wing Democrat to be nominated for president since George McGovern in 1972 and arguably the most progressive president ever elected.

Searching for answers, many commentators have looked back to the progressive movement of the early twentieth century. To observers such as talk radio host Glenn Beck, author Jonah Goldberg, and historian Ronald J. Pestritto, modern liberalism is of a piece with the progressivism that President Woodrow Wilson embodied a century ago.¹ To be sure, today's liberals, many of whom embrace the label *progressive*, share the older progressive faith in using governmental power to address societal ills. But this focus on the similarities between modern liberalism and early-twentieth-century progressivism overlooks a sharp break in the history of liberalism that began in the 1960s. Only by understanding that break—and the radicalism that accompanied it—can we fully understand our current political situation.

The older progressive tradition primarily aimed to address the ills of industrial capitalism. Progressive reformers such as Theodore Roosevelt and Woodrow Wilson sought strict regulations on business to protect the rights and health of workers and citizens and to deal with the problem of corporate monopoly. They proposed an associative order in which

civic and business organizations cooperated with government at the municipal, state, and federal levels to promote the general welfare. In the 1930s, Franklin Roosevelt's New Deal built on this reform tradition by providing a "safety net"—old-age pensions, unemployment benefits, and welfare payments. Lyndon Johnson's Great Society went further in the 1960s, extending grants and loans to college students, establishing the Jobs Corps, creating Medicare and Medicaid, and declaring war on poverty. But this progressive tradition did not seek to dismantle capitalism itself. Even the New Deal, for all its statist sympathies, refused to nationalize banks or ailing industries during the worst global economic crisis in history.

The liberal agenda today is much more radical and encompassing. It is no coincidence that upon taking office, President Obama pushed for government control of nearly every aspect of American life—through nationalized health care, environmental regulation, caps on energy use, financial regulation, and a range of other governmental intrusions. The roots of this radicalism lie in a strategy that emerged in the 1960s and 1970s to challenge the American corporate order.

Infiltrating the Establishment

The New Left that came of age in the 1960s was not an extension of Roosevelt-Wilson progressive reform. Nor, for that matter, was it a continuation of New Deal or Great Society liberalism. Indeed, these activists denounced mainstream liberalism as the enemy of reform. Influenced by a rekindled interest in Marx, they saw the New Deal regulatory state as benefiting large corporations, and the New Deal welfare state as only an ameliorative measure designed to maintain class privilege. Where earlier progressives were concerned mostly with the failings of industrial capitalism, the new activists of the 1960s addressed the problems of a postindustrial order, which were related more to affluence than to scarcity. The range of concerns thus expanded beyond poverty and inequality to include corporate greed, toxic waste, unsafe consumer products, environmental abuse, overpopulation, and many other issues. These radicals disparaged consumption and corporate capitalism. They espoused what they called community control and direct democracy, though leaders of this movement generally came from elite backgrounds and aimed to impose

their visions of “social justice” on the rest of society. This emergent Left was a new political phenomenon.

By the early 1970s, the New Left’s anti-Vietnam War protests and other street activism had faded away. But the radicalism remained. The activists simply changed their tactics for remaking American society. After fighting against the establishment, radical leaders discovered that they could achieve much more by working within the system. They learned to harness politics and the courts to pursue what they thought of as social justice. Becoming lawyers, professors, journalists, consumer advocates, union leaders, and even politicians, left-wing activists morphed into a new movement—the “New Progressives.”

This book examines how the New Progressives colonized many areas of American life in creative and powerful ways. They achieved their two most significant successes in rewriting the Democratic Party’s presidential nominating rules and in remaking the legal profession. In the first case, New Progressive activists got their opportunity following the disastrous 1968 Democratic National Convention. Antiwar activists were outraged that Vice President Hubert Humphrey had won the Democratic nomination despite earning a small percentage of primary votes. The Democratic Party responded by appointing a commission, headed by antiwar senator George McGovern, to revise the party’s process for selecting delegates. Reformers on the commission—especially young staffers who came out of the antiwar movement—quietly rewrote the rules to give much greater power to left-wing activists, including peace protesters, feminists, environmentalists, community organizers, homosexual-rights advocates, and ethnic-minority leaders. These rules changes have had long-term consequences for the Democratic Party, enshrining identity politics and pushing the party much further to the left. As this book will show, Barack Obama almost certainly could not have won the 2008 Democratic presidential nomination without the McGovern Commission’s changes favoring progressive activists.

Still, New Progressives maintained an uneasy alliance with the Democratic Party. Left-wing activists wanted to radically transform American society—by pursuing militant environmentalism; tearing down corporate power; crusading for population control, abortion, and euthanasia; pushing for nationalized health insurance; and more. But electoral politics meant compromise, working with lobbying interests, and trusting politicians interested only in winning elections. Often, too, New Progressives

found that voters did not embrace their radical agenda. They needed to find a way to impose their vision on the country. That is where the second notable achievement, in the field of law, proved so consequential.

New Progressive legal activists practically invented the field of public interest law. Growing out of the rights revolution of the 1960s and especially the anticorporate crusading of Ralph Nader, a left-wing legal movement took advantage of liability law and class-action suits to go after businesses, physicians, civic organizations, government agencies, and any number of other groups. By the mid-1970s, leading New Progressive legal thinkers had laid out the strategy for taking down corporations in the name of giving power to the people. One prescient essay outlined how class-action suits could be used to exact hundreds of billions of dollars from tobacco and liquor companies, the pharmaceutical industry, food manufacturers, and other groups—exactly what activist lawyers would do in the succeeding decades.

The courts also became the place to seek social transformation, especially in the area of abortion rights. The appeal of circumventing the normal democratic process was not lost on New Progressives. According to the lawyer who argued for the right to abortion in *Roe v. Wade*, she and her fellow activists recognized that “around the nation, the big advances seemed to be coming from the courtrooms, not legislative halls.”²

The story of the New Progressives is one of radicalism tied up with elite power. Well-heeled foundations provided extensive financial support to the New Progressive judicial activism. Most notably, the Ford Foundation funded public interest law and legal clinics at the country’s leading law schools, helping make these elite institutions training grounds for left-wing legal activism. Both the legal professoriate and the student body shifted increasingly leftward. An October 1967 survey at Harvard Law showed that 31 percent of the students identified as Republicans; by 1972 those voting Republican had dropped to a mere 11 percent—this at a time when McGovern the Democrat was losing in a landslide. Similarly, in a 1956 survey at Yale Law School, 56 percent of entering students described themselves as “liberal” or “far left”; by 1972, this aggregate figure had risen to 80 percent, with fully 32 percent describing themselves as “far left.”³

The Ford Foundation also funded a host of public interest law firms that reflected the wide-ranging agenda of the New Progressives. Among the groups the foundation helped establish were the Center for Law in the

Public Interest, the Public Advocates, the Education in Law Center, the International Project, the Mexican American Legal Defense and Education Fund, the Native American Rights Fund, the ACLU Women's Rights Project, the Natural Resources Defense Council, the Environmental Defense Fund, the Sierra Club Legal Defense Fund, the Citizens Communication Center, the Georgetown Institute for Public Interest Representation, and the League of Women Voters Education Fund.⁴

Public-sector unions such as the Service Employees International Union (SEIU), as well as key industrial unions, contributed crucially to this radical matrix by providing funds and personnel to activist causes, including community organizing, voter registration drives, and political campaigns. They cooperated with organizations such as the Association of Community Organizations for Reform Now (ACORN) in campaigns for low-income housing development, health-care reform, political mobilization, and other causes. Funding for these activities often came from philanthropic foundations as well as wealthy corporate backers. By the 1990s, for example, hospital associations and large private insurance corporations backed national health insurance reform. Industrial unions such as the United Auto Workers (UAW) joined with hard-pressed corporations to shift long-term pension and health-care benefits to the American public.

New Progressives involved themselves in an astounding variety of causes. Fears of overpopulation and environmental degradation, for example, led activists to oppose nuclear power and to promote animal rights, regulations for food packaging, use of mass transportation, construction of low-income housing, and restriction of population growth. One of the leading figures in the population-control movement was John D. Rockefeller III, heir to the oil fortune. Rockefeller supported abortion on demand, family planning, sex education in schools, immigration restrictions, and more.

Given the array of issues it has pursued, the New Progressive movement is diffuse and fluid. Its goals are sometimes ambiguous. Causes have appeared, disappeared, and then reappeared. For a time, the leading issue was nuclear development, followed by suburbanization, unsafe drinking water, food additives, McDonald's Styrofoam containers, a nuclear weapons freeze, the destruction of rain forests, and nationalized health care.

What unites these disparate causes is the rallying cry of social justice. Radicals have never defined the exact meaning of "social justice." The

concept appeals to the heart and to good intentions. It has allowed New Progressives to form alliances, at various times, with concerned Americans who would resist being called radicals. Even some activists drawn to the New Progressive banner have been well-intentioned reformers who sought answers to legitimate problems related to poverty, environmental pollution, health care, and corporate abuse. Yet their mistrust of corporations and their ignorance of, and hostility to, free markets led them increasingly toward solutions that relied on big government and technocratic and legal elites.

That reliance on governmental power, the faith in elites to determine the collective good, and the suspicion of free markets are all hallmarks of the New Progressives. Indeed, only by examining how the New Progressives emerged and the radical departure they represent can we see the close connections among seemingly unrelated issues. Modern liberalism can appear to be a grab bag of causes: radical environmentalism, class warfare, abortion rights, nationalized health care, feminism, regulations on the free market, assisted suicide, sex education, caps on energy, and on and on. To these new-style liberals, the breadth of the agenda is the very point. They call for new standards of public morality to be built on a foundation of social justice in which individual rights are subsumed in the collective interests of the community—with the New Progressives defining those collective interests, of course.

Such public morality does not stop at determining how government treats the needy and how much leeway businesses are given to operate. It involves how all citizens live their lives: how much energy they consume, the health-care plans they purchase, the cars they buy, the lightbulbs they use, and even the food they eat and drink. Big corporations, New Progressives suggest, manipulate consumers with sophisticated advertising campaigns, often targeting children, the poor, or ethnic minorities. To these activists, health warnings, public education campaigns, and common sense are not enough to ensure that consumers make the right choices; the state must step in to restrict those choices.

In short, this leftist agenda is intent on transforming America into a European-style social democracy, run by a governmental elite from the top down. If the public and corporations cannot be cajoled by the argument of social justice, then coercion through new legislation or court rulings is necessary. With an electorate that has remained stubbornly center-right through the decades, such coercion has often proved necessary.

Into the White House

Progressives did, however, finally achieve their long-sought electoral triumph when Barack Obama won the presidency in 2008. Sickened by the centrism of Democrats such as Bill and Hillary Clinton, progressives had long looked for a new leader. After flirting with John Edwards, they found that person in Barack Obama, who had come directly out of New Progressive circles. The son of a Kenyan father and an American mother who had worked for the Ford Foundation in Asia, Obama had been educated at Columbia University and Harvard Law School. He had worked as a community organizer on Chicago's South Side, devoting himself to the cause of social justice and to activist methods. Most important, he shared progressive concerns, opposing the war in Iraq, calling for nationalized health insurance, proposing new energy and environmental policies, urging the end of corporate greed, and advocating arms control and the reduction of nuclear weapons.

In 2008, Obama stepped forward to harness progressives into a well-organized political movement. Once in office, he proposed transformative change: a sweeping national health insurance program, an extensive "cap and trade" energy policy, unprecedented regulation of finance and banking, and a government purchase of a big chunk of America's largest automobile company. In 2009, the government invested heavily in the takeover of General Motors, the insurer AIG, the student loan program, and many of the nation's home mortgages. If the president got his way, the New Progressive elite that ran the government would control health care, automobiles, energy use, nutrition, and banking. There would be top-down control, oversight, and regulation from cradle to grave. In Obama's America, the nanny state had become the nanny-to-granny state.

Legacies of the Sixties

Like many changes in American life, the transformation of liberalism began in the 1960s. Until that crucial decade, liberals could be found in both major political parties, although the Democratic Party, as the majority party, contained more liberals. At the beginning of the sixties, liberals, suspicious of big business, influenced by the social gospel, hopeful that an informed public would make enlightened decisions, and confident that increased governmental power and regulation could cure all ills, were still close to the economic and social reform ideas of Theodore Roosevelt, Woodrow Wilson, and Franklin Roosevelt. To these tenets, Harry Truman had added support for civil rights and strong anticommunism.

The sixties rattled liberals, challenged their premises, and turned liberalism to the left. John F. Kennedy used money, television, and primaries to destroy the boss-led convention nomination system, while Lyndon Johnson completed the New Deal agenda. Meanwhile, the civil rights revolution introduced moral politics, participatory democracy, egalitarianism, and voting rights. Young radicals emerged, while African Americans, women, and other groups embraced identity politics. Then the Vietnam War brought antiwar protesters into the Democratic Party. In 1972, George McGovern cultivated identity politics and ran for president on progressive principles. Although McGovern lost in a landslide, he pushed the Democrats permanently leftward. By the eighties the Democrats were increasingly a party of New Progressives devoted to elite control of governmental power in pursuit of social justice.

Kennedy and Johnson: Old-Style Liberals

In the early 1960s, Americans innocently embraced the present as prelude to a better tomorrow and imagined easy successes. The sixties were the “go-go” years. The stock market rose, and the jet set cavorted in Capri. The government planned to send an American to the moon (outer space), while others plotted to turn America on to psychedelic drugs (inner space). No one affirmed the country’s optimism more than President John F. Kennedy.¹ “We were guys of the fifties,” one of Kennedy’s advisers later recalled, “who thought there was nothing we, or America, couldn’t do.”² Presenting himself as a dynamic, can-do guy, Kennedy was nevertheless only a moderate liberal. This cautious liberalism along with a mastery of television style, sex appeal, charm, and wit enabled him to enjoy unusual popularity, even though he accomplished little as president.

Traditionally, the Democrats had been an umbrella party that included liberals, moderates, and conservatives. Big-city party bosses, who ran the party until the late 1960s, tended to be pragmatic. They were less interested in whether a candidate was liberal or moderate than in who could win. Although Kennedy had cultivated the bosses, he invented a new nomination method that employed money, television, and primaries. This new system gave liberal candidates an edge in gaining nominations. Liberal Democrats were more likely to give money to candidates, to work on campaigns, and to vote in primaries. The old system produced Franklin Roosevelt and Harry Truman, who won and governed successfully, as well as Adlai Stevenson, a shrewd choice to hold the party together in an inevitable loss to the popular Dwight Eisenhower. The new system led to Jimmy Carter, who could not govern, and George McGovern and Michael Dukakis, neither of whom could win a national election.³

After Kennedy’s assassination, the presidency fell to Lyndon Johnson, a thirties New Dealer who had survived in Texas politics by keeping his liberalism to himself.⁴ Johnson broke a southern Senate filibuster to pass the Civil Rights Act.⁵ After winning a landslide election in 1964, Johnson moved to complete the New Deal agenda. He pushed successfully for the Voting Rights Act and Medicare, the government health program for senior citizens that promised to end the nightmare by which elderly Americans lost their homes in an effort to pay high medical bills. He expanded Social Security, Aid to Families with Dependent Children,

urban renewal, and funding for public education and for colleges, including the new federal student loan program. Johnson's War on Poverty included the Jobs Corps for unemployed youths as well as neighborhood job training programs.⁶

Johnson's domestic social programs were impressive in breadth and scope. In effect, all the New Deal proposals from the thirties, except national health insurance, were enacted. He had to skip universal health care because there were not enough votes in Congress to pass it, but he saw Medicare as a first step. In 1966, Johnson said, "Medicare need not just be for people over sixty-five. That is where we started." An incrementalist, he believed that Medicare would lead inevitably to national health insurance. Expressing a view common among New Deal liberals of his generation, Johnson always thought that half a loaf was better than nothing.⁷

Johnson's completion of the New Deal agenda, except for national health insurance, suggested that the old-style liberalism of Kennedy and Johnson had reached its natural limit. These liberals had always imagined, as had Theodore Roosevelt, Woodrow Wilson, and Franklin Roosevelt, that the government's role was to provide a helping hand. The purpose of social programs was to make it possible for average people or the poor to enjoy the same opportunities that the upper middle class or the wealthy were able to provide for themselves. Hence, government-aided home ownership, freeways, mass transit, college loans, job training, and health care for the elderly (Medicare) and the needy (Medicaid). Capitalism was affirmed, and the social order went unchallenged.

Old-style liberalism meshed poorly with the upheavals of the 1960s. Kennedy's death in 1963 marked the decade's first shock. That murder shattered the country's equilibrium, challenged liberal confidence, strained the political structure, disillusioned youthful idealists, and ultimately energized emerging radicals. Alas, Kennedy's assassination would not be the last. The murders of Martin Luther King Jr. and Robert Kennedy less than five years later would complete a trilogy. The civil rights movement, college student protests, and peace marches increasingly filled the streets and appeared on the evening television news. Peaceful black demonstrations ("Freedom Now") turned into riots in Watts and across the country ("Black Power"), and radical opponents of the Vietnam War brought chaos at home ("Ho, Ho, Ho Chi Minh, the NLF is gonna win"). Violence escalated. At the end of the decade, H. Rap Brown, a black militant, called violence as "American as cherry pie."⁸

The Civil Rights Revolution

In the last half of the twentieth century the civil rights movement was the most consequential social movement in the United States. While important for the rights of African Americans, the movement also transformed politics in both obvious and subtle ways. Ever since slavery ended in 1865, black Americans had remained second-class citizens. In the South, they were subjected to a formal legal system of racial separation and white supremacy. In the North, informal segregation was the norm, but there was access to the ballot. As a result of the Great Migration to the North, especially during and after World War II, black voters by 1948 proved pivotal in carrying such key states as New York, Pennsylvania, and Illinois. Black migration, in many ways, put civil rights onto the national agenda.⁹

Martin Luther King Jr., a Baptist preacher and the son of a prominent Atlanta clergyman, saw that principles of nonviolent protest could be applied to the racial problem in the United States.¹⁰ Nonviolent protest enabled African Americans to confront the role that violence had played in southern society. White supremacy in the South depended heavily on violence to crush black resistance. A devout Christian, King believed that black nonviolent protest both occupied the moral high ground and created political opportunity. Whites who attacked peaceful protesters revealed their own degradation against a moral challenge and mocked the claim that they were guardians of virtue. If whites avoided violence, they lacked the means to defeat the protests. Once black nonviolence claimed the moral high ground and neutralized white violence, the civil rights movement would prevail.

King and other movement participants sought to win rights for African Americans, who faced widespread discrimination in jobs, housing, and education. To help unlock opportunities, blacks needed to vote in large numbers. Voters could then push for social change. In the late 1960s rights activists, including King, became increasingly interested in poverty, which was seen as an issue of social justice.¹¹ Most civil rights groups shared the same vision. The Congress of Racial Equality (CORE) had practiced nonviolent protest since the 1940s. In 1960 southern black college students who admired King's principles founded the Student Nonviolent Coordinating Committee (SNCC). While King, CORE, and SNCC provided inspiration and advice, the civil rights movement