

Political Problems

THUS FAR I have drawn encouraging conclusions regarding both the fiscal feasibility of an EAP jobs program and its desirability as a policy response to the problems of poverty and unemployment in the United States. I have further argued that neither the economic side effects nor the administrative problems likely to be associated with such a program offer a convincing case against its deployment. Indeed, my analysis of the indirect effects of an EAP jobs program and of the administrative opportunities it would present has suggested further grounds for favoring the idea. Why then has a policy of providing employment assurance never been tried in the United States?

In fact, substantial support did exist for such an initiative during the New Deal era in this country, and two major efforts have been made since then to enact statutory schemes that would have effectively secured the right to employment.¹ None of these initiatives were successful, and a brief review of their history can tell us a great deal about the political barriers that stand in the way of programs designed to provide employment assurance in the United States.

OPPOSITION TO NEW DEAL EMPLOYMENT PROGRAMS

The history of New Deal employment programs provides many examples of the kind of political conflicts that beset proposals to use public sector jobs to fight unemployment and poverty. The pattern these conflicts take is perhaps best illustrated by the brief and politically turbulent history of the Civil Works Administration (CWA). Indeed, the program provides a paradigm for subsequent political conflict in this area.

The CWA was the most ambitious of the New Deal's major public employment programs. It not only employed the largest workforce,² it paid the highest wages,³ and was the only major New Deal jobs program that did not require applicants to pass a means test in order to be declared eligible for employment.⁴ It did not oppose the unionization of its workforce, hired skilled workers through union hiring halls, and engaged in collective bargaining with employee organizations.⁵ Of all the public employment programs established during the New Deal period, it came the closest to providing the unemployed with "real jobs for real wages."

Harry Hopkins, who directed both the CWA and the WPA, wrote of the program in retrospect:

I believe CWA will stand out, even when WPA has become past history, like a precocious child in a family of slower-going but more substantial children. For its special quality of having come and gone so quickly, yet having let loose great forces, both economic and spiritual, it shares certain of the memorable qualities of special events.⁶

The establishment of the CWA was a particularly bold gesture, even for the New Deal. It took an extraordinary conjunction of political factors to make it possible and it is worth noting these in order to appreciate how much more difficult it would be to undertake such an initiative in normal times.

Following a small surge in business activity that developed in the early summer after President Roosevelt's March 1933 inauguration, production again resumed the downward spiral that had ravaged the economy since 1929. By fall, unemployment rates were again rising and the view was widely accepted within the Roosevelt administration that a quick dose of fiscal "pump priming" was needed. A large-scale program of conventional (that is, privately contracted) public works spending had just been authorized under the National Industrial Recovery Act (NIRA), but the agency established to spend the funds, the Public Works Administration (PWA), had been delayed by legal and other problems from beginning its projects.⁷

In the meantime, political unrest among the unemployed was growing and was assuming more radical political forms, while public confidence in the business community's economic leadership had reached its nadir.⁸ Even among strong supporters of capitalism, the general political and intellectual climate favored a degree of innovation in tackling the nation's economic problems that was, by conventional standards, quite radical. An article by John Maynard Keynes that appeared in the *Yale Review* during the summer of 1933 was symptomatic of the mood of the moment.

The decadent international but individualist capitalism, in the hands of which we found ourselves after the war, is not a success. It is not intelligent, it is not beautiful, it is not just, it is not virtuous and it doesn't deliver the goods. In short, we dislike it, and we are beginning to despise it. . . . I spend my time half vainly, but also, I must admit, half successfully in trying to persuade my countrymen that the nation as a whole will assuredly be richer if unemployed men and machines are used to build much needed houses than if they are supported in idleness. . . . If I had the power to-day, I should most deliberately set out to endow our capital cities with all the appurtenances of art and civilization on the highest standards of which the citizens of each were individ-

ually capable, convinced that what I could create, I could afford and believing that money thus spent not only would be better than any dole but would make unnecessary any dole. For with what we have spent on the dole in England since the war we could have made our cities the greatest works of man in the world.⁹

It was in this context that the staff of the Federal Emergency Relief Administration (FERA)¹⁰ under the leadership of Harry Hopkins proposed the establishment of a massive, federally administered jobs program as a substitute for the locally administered work relief programs that had hitherto been the primary vehicle for delivering public assistance to the unemployed. Aubrey Williams, Hopkins' chief assistant, expressed the trajectory of their thinking in an October 1933 memo. "Relief as such should be abolished," he wrote. Instead, the unemployed should be offered real jobs paying good daily wages, doing truly useful work that suited their individual skills. Their employment should not be conditioned on submission to a means test and their earnings should not be limited to a relief budget. The goal should be to provide the unemployed with quality employment of the sort normally associated with contracted public works, but to do it at lower cost and with less bureaucratic delay by having the federal government act as its own contractor, and by selecting projects that were less elaborate and more labor-intensive than conventional public works.¹¹

A proposal to establish such a program was made by Hopkins to President Roosevelt at a luncheon meeting on 2 November 1933. Congress was in recess at the time, but the president was in the unusual position of having the money necessary to launch such a program in hand. Title 2 of the NIRA was worded broadly enough to allow the diversion of funds intended for the PWA to public works projects operated by force account, that is, with the federal government undertaking the work itself. Much to Hopkins' surprise, Roosevelt approved his proposal on the spot, giving him the go-ahead to employ four million persons through the winter, using \$400 million in funds diverted from the PWA. A week later the CWA was formally established by executive order with Hopkins at its head.¹²

The exceptional political climate that existed in the fall of 1933, combined with Roosevelt's extraordinary discretionary control over NIRA funds, made such an experiment possible. It did not, however, make it sustainable. From the very beginning Hopkins knew that the CWA was destined for a short life. At a 6 December 1933 staff meeting, before the program was even a month old, Hopkins concluded that, "It is humanly impossible for anybody to inject any chance of permanence in this thing. If we get action from Congress right away, it will be on a basis of an emergency proposition which will see us through this winter."¹³ Hopkins'

political assessment was accurate. As it turned out, he could not even win the president's support for the program's continuation.

The forces that arrayed themselves in opposition to the CWA were formidable. First, there was opposition from within the Roosevelt administration because of the program's cost and because of fears that it would become politically entrenched if it were allowed to continue. This opposition was led by Roosevelt's fiscally conservative Budget Director, Lewis Douglas. Douglas's point of view can be surmised from the fact that as a congressman he had criticized President Hoover for being a spendthrift. Unhappy with the direction the New Deal was taking, he later left the administration and began denouncing the similarity between "Franklin Roosevelt's fiscal policies and those of the Soviet Union." Douglas was particularly adamant in his opposition to employment programs, since they accounted for the largest share of new government spending. He believed that direct relief was preferable to work relief because it was cheaper, and he had opposed the establishment of both the Civilian Conservation Corps (CCC) and the PWA in the spring of 1933. Persistent in pressing his views, Douglas became the voice within the administration of business leaders and conservative southern Democrats who opposed continuation of the CWA.¹⁴

In a 30 December 1933 memo to the president concerning the administration's overall fiscal policy, Douglas made a "last plea" that additional government spending be limited to direct relief and warned that the "credit of the Government" would not be able to support even the level of borrowing already required by existing authorizations. In memos written the following month, Douglas argued specifically and forcefully for the termination of the CWA. To buttress his position, he suggested that if the program were not ended quickly, it might become politically impossible to end it at all. Workers employed by the CWA would become accustomed to public employment, and the more their sense of entitlement to such jobs grew, the more difficult it would be to force them off the public payroll.¹⁵

Outside the administration, criticism of the CWA focused on allegations of mismanagement and corruption. There were, of course, some instances of both. No program as large as the CWA, as quickly implemented, and as decentralized in its day-to-day operations could be entirely free of such problems. In point of fact, however, such problems appear to have been surprisingly limited in scope. The West Point engineer assigned by the War Department to study the CWA was effusive in his praise of its administration,¹⁶ and the number of criminal cases arising from the operations of the program was very small.¹⁷

In assessing the extent and importance of these problems it is essential to distinguish between their actual dimensions and their political impact.

There are no objective standards for judging how much incompetence and corruption is tolerable in the administration of a government program, nor any rules for deciding whether the appropriate response to such deficiencies is to continue existing efforts to curb the problem, to reform the program, to replace it, or to terminate it. Relatively extensive profiteering and speculation may be tolerated in a politically popular program, but even minor irregularities in the administration of a controversial one can attract extensive public attention and give rise to concerted calls for its termination.

Such was the fate of the CWA. Hopkins and his staff were themselves unwitting accomplices in this process because they were quick to publicize any irregularities that they uncovered. "I may have made a mistake in kicking a lot of this stuff outdoors," he told Congress, "but I don't like it when people . . . finagle around the back door."¹⁸

A second group that was active in publicizing alleged program irregularities were politicians, public officials, and private citizens who felt aggrieved at their failure to gain a larger share of pork barrel benefits. Democrats in particular were angered by Hopkins' refusal to allow the program to be used as an instrument of political patronage. As one of the CWA's field representatives commented, "Politicians did not especially mind turning relief over to a group of citizens, for they felt there was nothing but grief in that job. However, it drove the politicians wild to find themselves without anything to say about who was going to get a job on public work."¹⁹

It was dissatisfaction of this sort that resulted in the most widely publicized case of alleged CWA corruption. Ray Branion, an independent Republican who served briefly as the California state administrator of the CWA, was indicted for corruption, along with Pierce Williams, the CWA field representative for the region and a key Hopkins aide. The U.S. attorney who obtained the indictment was a Democrat who had unsuccessfully sought Branion's job with the support of U.S. Senator William G. McAdoo. (In objecting to Branion's appointment, McAdoo had earlier told Williams that he had been personally instrumental in including the provision in FERA's enabling legislation that authorized the appointment of state relief administrators in order to increase the number of political appointments made available to the Democrats.) The indictment was groundless and it was eventually dismissed, but not before severe political damage had been done to the program.²⁰

The strongest critics of the CWA, though, came from the business community. I have already noted the concerted opposition of the construction industry to the program,²¹ but employers in general protested that the CWA was having a deleterious effect on the labor market. With official unemployment rates close to 25 percent, the program provided work for

only about a third of the unemployed, paid weekly (though not hourly) wages well below the national average, and generally offered only hard outside work in winter weather. Still the CWA was viewed by employers as providing too much job security, too lax a working environment, and too high a level of earnings. The California Farm Bureau Federation complained that CWA wages were higher than those that prevailed in the industry even before the Depression and that they were "causing labor to leave essential work on farms for more lucrative civil works jobs." Industrialists in the Northeast protested that they were losing labor because CWA rates were higher than those mandated by voluntary NRA codes.²²

It was in the South, though, that this criticism was most vehemently expressed. The purely economic concerns of the region's low-wage employers was reinforced by racist resentment of the program's nondiscriminatory hiring and wage policies. A du Pont vice president and family member wrote that, "Five negroes on my place in South Carolina refused work this spring, after I had taken care of them and given them house rent free and work for three years during bad times, saying they had easy jobs with the Government. . . . A cook on my houseboat at Fort Myer quit because the Government was paying him a dollar an hour as a painter." A North Carolina landlord put it more bluntly: "You can't hire a nigger to do anything for you. . . . High wages is ruinin' 'em." In a letter to the president criticizing the CWA, Georgia Governor Eugene Talmadge enclosed a letter from a local farmer, who complained: "I wouldn't plow nobody's mule from sunrise to sunset for 50 cents per day when I could get \$1.30 for pretending to work on a DITCH."²³

More sophisticated corporate leaders and national business organizations like the U.S. Chamber of Commerce focused their criticism on issues they believed would have greater resonance with the public, namely, the high cost of the CWA and the threat it posed of higher taxes and increased federal power. Most business leaders supported the dole over work relief (because it was cheaper), favored the return of relief programs to local control, and argued for strict means testing in the distribution of all public relief. On this issue, even liberal business leaders broke with the New Deal. Robert E. Wood, the politically liberal chief executive of Sears Roebuck, reflected the sentiments of this sector of the business community in a June 1934 letter to Secretary of Agriculture Henry Wallace. The New Deal's public relief policy, he wrote, was its "one serious mistake." He explained his position as follows: "While it is probably true that we cannot allow everyone to starve (although I personally disagree with this philosophy and the philosophy of the city social worker), we should tighten up relief all along the line, and if relief is to be given it must be on a bare subsistence allowance."²⁴

Does this litany of opposition to the CWA mean that it was unpopular

with the public at large? To the contrary, there is good reason to believe that the CWA was exceptionally popular. This was particularly true with regard to the people who got jobs on the program. A FERA field investigator wrote to Hopkins from Iowa at the end of the program's first week of operations: "And did they want work? In Sioux City they actually had fist fights over shovels!" A CWA administrator reported: "It was pathetic to watch some of the reactions. I saw a few cases leave the office actually weeping for sheer happiness."²⁵

The program was much preferred by the unemployed to traditional forms of work relief.²⁶ It was also preferred over direct relief. As a *Fortune* magazine report published in October 1934 concluded, men and women on relief "do not like the dole. They are almost unanimous in demanding *work*."²⁷ Nine million people applied for the two million positions that the CWA made available for persons not on relief.²⁸ The mayor of Chelsea, Massachusetts, wrote to Hopkins in January 1934 complaining that the city's allocation of 155 CWA jobs was totally inadequate. He warned that two thousand unsuccessful applicants were congregating in City Hall and that "a spark might change them into a mob." He went on:

I believe that the Federal Government, once having acknowledged its responsibility by giving jobs merely for the sake of a job, must now put every unemployed man to work doing the most useful task that can be found for him. . . . If some such remedial measure is not immediately adopted I make bold to predict fundamental and sweeping changes in the structure of our government before the end of the present year.²⁹

Social workers expressed concern that enrollees in the program were "beginning to regard CWA as their due, that the Government actually owes it to them. And they want more."³⁰

The political problem the CWA faced was not that it was unpopular, but that it was too popular. Douglas was probably not exaggerating when he warned Roosevelt that if the program were not ended quickly, it might be impossible to end it ever. The interests that Douglas represented sensed the danger, and even in the midst of the worst unemployment crisis in the nation's history, they exercised enough political power to control the program's fate.

In the face of the politically potent opposition mobilized against the CWA, and because of his own responsiveness to Douglas's arguments, President Roosevelt decided not to seek the program's continuation.³¹ The CWA workweek was reduced beginning 18 January and demobilization officially began on 15 February. By early April, the program's payroll had been reduced to less than one hundred thousand workers.³²

The strength and political effectiveness of the opposition the CWA inspired is paradigmatic of the political problems faced by other New Deal

employment programs. Throughout the 1930s political support for such programs was strong enough at least partially to overcome this opposition, but not strong enough to sustain a program as expansive as the CWA. The more modest WPA probably marked the outer bounds of what was politically feasible.

THE EMPLOYMENT ACT OF 1946

Despite this political opposition, there was significant ongoing support within the Roosevelt administration for the long-term goal of using programs like the CWA eventually to provide employment assurance to the nation's laborforce. That intention was made explicit in the recommendations of the Committee on Economic Security,³³ but an even stronger statement of the policy is found in the 1943 report of the National Resources Planning Board (NRPB).

This very detailed eight-hundred-page report was prepared at President Roosevelt's request to correlate "plans and programs under consideration . . . for post-war full employment, security, and building America."³⁴ As part of the elaborately detailed plan formulated by the NRPB, it was expressly proposed that the federal government guarantee the right to employment.³⁵ The strategy contemplated for achieving this goal was similar to the one outlined by the Committee on Economic Security in 1935. The NRPB proposed that:

To guarantee the right to a job, activities in the provision of physical facilities and service activities should be supplemented by:

(1) Formal acceptance by the Federal Government of responsibility for insuring jobs at decent pay to all those able to work regardless of whether or not they can pass a means test.

(2) The preparation of plans and programs, in addition to those recommended [in the section of this report dealing with] Public Works, for all kinds of socially useful work other than construction, arranged according to the variety of abilities and location of persons seeking employment.

(3) Expansion of the functions of the [U.S.] Employment Service, strengthening its personnel to the end that it may operate as the key mechanism in referring unemployed workers to jobs, whether public or private.

(4) Establishment of a permanent "Work Administration" under an appropriate Federal agency to administer the provision of jobs of socially desirable work for the otherwise unemployed.³⁶

Support for this vision of the welfare state was by no means universal within the Roosevelt administration and the president's own attitude seems to have been driven largely by pragmatic considerations, as his dual role in first launching and then scuttling the CWA demonstrates.

Early in 1944, however, there were strong indications that he intended to undertake a major political initiative in this area. The president used his 1944 State of the Union message to challenge Congress to give effect to an "Economic Bill of Rights," which was clearly based on the recommendations of the NRPB.³⁷

One of the distinctive features of this proposed "bill of rights" was the balance it struck between (1) the right of every person to be self-supporting (whether as a wage laborer, farmer, or business proprietor) and (2) a series of entitlements whose realization would require a significant expansion in the production of public goods and services and in the provision of cash and in-kind transfer payments (for instance, guarantees of decent housing, adequate medical care, a good education, and economic security in the face of disability, old age, and unemployment).³⁸

In the more specific proposals advanced by the NRPB a year earlier, these two categories of economic rights were functionally linked. It was through the production of new public goods and services—partly by means of private contracting, partly by the growth of regular government agencies, and partly by the reestablishment of government employment programs like the WPA—that full employment was seen as achievable.³⁹ In contrast, Roosevelt's speech contained no specific plans for realizing the rights he identified. In fact, he expressly foreswore any intention of proposing any such plans, asserting that it was the responsibility of Congress to do that.⁴⁰

It is difficult to know what Roosevelt's intentions were in leaving to Congress the task of formulating plans for the implementation of his proposal. An indication of the political prospects of this strategy can be seen in the fact that Congress had killed the NRPB in an appropriations bill three months after receiving its report and seven months before the president's speech.⁴¹ In any case, whatever his long-term intentions may have been, Roosevelt was as good as his word and played virtually no role in subsequent efforts to draft a full employment bill and to mobilize public support for its passage.⁴²

A bill designed to secure the right to employment was drafted, however, at the initiative of Senator James Murray (D-Montana).⁴³ Significantly, it did not adopt the NRPB strategy for the achievement of full employment, but instead called for the adoption of a sufficiently expansive fiscal policy to ensure the availability of private sector jobs for everyone seeking work.

This shift in strategy is significant. It reflected the growing ascendancy of Keynesian economists over their institutionalist counterparts in the formation of liberal social welfare policy in the late New Deal period. The NRPB's report, with its emphasis on economic planning and structural economic reforms, was the last hurrah of the New Deal institutionalists.

Postwar Keynesianism promised full employment without the need to tamper with the microeconomic structure of the economy. This approach was clearly more acceptable to established interests than the program suggested by the NRPB, and this may have played a roll in Senator Murray's decision to adopt it. At the same time, though, there can be little doubt that the growing influence of Keynesianism among U.S. liberals reflected a significant shift to the right in their thinking.

Still, while this approach was clearly less threatening to business interests than a program of direct job creation would have been, it was still bitterly opposed by the business community. Among the most effective lobbying efforts were those organized by the National Association of Manufacturers, the U.S. Chamber of Commerce, the American Farm Bureau Federation (which represented the interests of large growers), and the Committee for Constitutional Government (a citizens' lobby that supported a variety of conservative causes, including a constitutional limitation on income, inheritance, and gift taxes). Since the Murray bill did not propose to use direct hiring by the federal government to achieve full employment, the arguments employed by opponents of the bill raised only a subset of the issues that had proved effective in efforts to end or limit programs like the CWA and the WPA. The most frequently repeated arguments were (1) that full employment and political freedom were incompatible (because of the increase in government power necessary to achieve full employment), (2) that the government paternalism mandated by the bill would kill economic initiative, (3) that deficit spending made necessary by the bill would undermine business confidence, (4) that efforts by the government to base its spending decisions on economic forecasts and planning would prove either futile or harmful, and (5) that full employment would cause inflation.⁴⁴

The interest groups that supported the Murray bill included the National Farmers Union (which represented the interests of small farmers), the Union for Democratic Action (a liberal citizens' lobby), both the AFL and the CIO, the NAACP, the American Veterans Committee, the YWCA, the National Catholic Welfare Conference, the National Council of Jewish Women, and the National Lawyers Guild. The National Farmers Union played an especially important role in first eliciting congressional interest in full employment legislation and the Union for Democratic Action led the effort to mobilize popular support for the Murray bill after it was introduced.⁴⁵

It is important to note, however, that support for the Murray bill was not unqualified even within these groups. Most important in this respect was the attitude of organized labor, because the AFL and the CIO had more political "throw-weight" than any of the other groups within the coalition. Both labor federations did support the bill, the CIO more

strongly than the AFL, but their support was relatively slow in coming and was never unreservedly enthusiastic. There was concern in both organizations that the Murray bill was "pie in the sky" legislation that would distract attention from issues—such as unemployment compensation, minimum wages, and the continuation of the Fair Employment Practices Commission—that were of greater immediate concern to the trade union movement. It was not until the late summer and early fall of 1945 that the AFL and the CIO began to publicize their support for the Murray bill and they did so in a manner that emphasized that it comprised only one element in their respective legislative agendas.⁴⁶

Support for the bill tended to be more spirited within the rank and file of the labor movement, and public opinion polls conducted at the time suggest that there was in fact broad popular support for the idea that the federal government should assume responsibility for assuring full employment. As previously noted, even the Republican presidential candidate in 1944 supported direct job creation by the government to achieve full employment.⁴⁷

The widespread public support that existed for the idea of providing employment assurance was never effectively mobilized in support of the Murray bill. Most people did not even know that such a bill was being considered. For example, a poll conducted in a congressional district in Chicago in July 1945 (before the AFL and the CIO had begun to publicize their support for the bill) found that 69 percent of the respondents were totally unaware of "any bill before Congress that will plan for enough jobs for everyone after the war." Only 8 percent of the respondents had heard that such a bill was under consideration and had a correct idea of what it was about. When asked to respond to a hypothetical bill with provisions similar to those contained in the Murray bill, however, 83 percent of the respondents said they would support such a measure.⁴⁸

What this demonstrates is the limited ability of the groups comprising the liberal-labor coalition that supported the Murray bill to transform popular sentiment into effective political pressure. Only the trade union federations had the organizational resources and constituency bases necessary to do this, but they did not throw their full resources into the effort. Even if they had, it must be remembered that only about one-third of the laborforce was unionized at the time. The views of the business community may not have been shared by the public as a whole, but they were politically far more potent.

The political consequences of these factors spelled failure for the effort to secure the right to employment. The Murray bill was not totally defeated, but it was sufficiently weakened by amendment that Senator Robert Taft (R-Ohio), a leader of the fight against the bill, was finally able to declare it innocuous. "I do not think any Republican need fear voting for

the bill because of any apprehension that there is a victory in the passage of the full employment bill," he stated "because there is no full employment bill anymore."⁴⁹

In its original form, the Murray bill had declared that "all Americans able to work and seeking work have the right to useful, remunerative, regular, and full-time employment," and that "it is the policy of the United States to assure the existence at all times of sufficient employment opportunities" to enable them to exercise the right. The means specified for achieving that goal included assistance to "industry, agriculture, labor and state and local governments in achieving continuing full employment," but "to the extent that continuing full employment cannot otherwise be achieved, it is the further responsibility of the Federal Government to provide such volume of Federal investment and expenditure as may be needed to assure continuing full employment."⁵⁰ The first published draft of the bill prepared by the staff of the War Contracts Subcommittee was even stronger. It had included a provision that would have automatically appropriated "such sums as may be necessary" to achieve the needed level of federal spending.⁵¹ In its final form, though, the Employment Act of 1946 merely proclaimed that:

It is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy . . . to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining . . . conditions under which there will be afforded useful employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.⁵²

In short, all that survived was a formal commitment to the goal of achieving "maximum employment."

THE FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978

The issue of whether the federal government should assume responsibility for the provision of employment assurance remained politically dormant in the United States throughout the 1950s, and, surprisingly, during the early part of the War on Poverty era as well. In the mid 1970s, though, another legislative effort was made to secure the right to employment. The political battle that ensued was in all essential respects a reprise of its predecessor.

The effort formally began in June 1974 when Representative Augustus Hawkins (D-California) introduced a bill that, if it had been adopted, would have established a legally enforceable right to employment in the United States.⁵³ In this respect, the Hawkins bill promised more than

the full employment bill introduced in 1945 by Senator Murray. The reason the Hawkins bill could contain such a provision is because it was based on the strategy for achieving full employment proposed by the Committee on Economic Security in 1935 and by the NRPB in 1943 rather than on the Keynesian strategy adopted by the drafters of the Murray bill. Whereas the Murray bill assumed that full employment could be achieved through a sufficiently expansive fiscal policy, the Hawkins bill provided for the federal government to serve as the employer of last resort for persons unable to obtain employment through the regular labor market.

Senator Hubert Humphrey (D-Minnesota) sponsored an identical bill in the Senate and it was henceforth known as the Humphrey-Hawkins bill. In March 1975 a more fully specified version of the bill was unveiled in response to rapidly rising unemployment rates, but over the next three years it was progressively modified and weakened in an effort to put together a political coalition capable of winning its enactment.⁵⁴

Whereas the original bill would have established a legally enforceable right to employment for all job-seekers regardless of age or disability, the 1978 act merely "declares and establishes as a national goal the fulfillment of the right to full opportunities for useful paid employment at fair rates of compensation of all individuals able, willing, and seeking to work."⁵⁵ At the same time, however, this commitment is qualified by joining to it a host of other policy goals, including a reduction in the rate of inflation, the achievement of a balanced federal budget, and the minimization of federal outlays as a share of GNP.⁵⁶ It was in fact part of the strategy of opponents of the Humphrey-Hawkins initiative to weaken the bill by adding goals to it.⁵⁷

On the other hand, the 1978 act did establish a time limit for achieving its employment goals. The unemployment rate was supposed to be reduced to 4 percent within five years, and full employment was to be achieved "as soon as practicable" thereafter.⁵⁸ Nevertheless, this commitment was toothless because no mandatory measures were enacted for achieving these goals. The spirit of the act is best reflected in the following weasel language:

It is . . . the purpose of this title to require the President to initiate, as the President deems appropriate, with recommendations to the Congress where necessary, supplementary programs and policies to the extent that the President finds such action necessary to help achieve these goals.⁵⁹

In other words, the 1978 act fell as far short of realizing the goals of the original Hawkins bill as did the 1946 act with reference to the goals of the original Murray bill.

Also as in the 1940s the political failure of this effort to secure the right

to employment occurred despite apparently widespread popular support for the idea that the federal government should provide employment assurance. Evidence of this support from public opinion polls is cited in the introduction to this book.⁶⁰ Political decision making reflects political power, however, and the intrinsic popularity of a proposal does not necessarily translate into effective political support for its adoption. The liberal-labor coalition that supported the Hawkins initiative was similar to the one that had supported the Murray bill, and it was similarly unsuccessful in mobilizing the kind of popular support that would have been needed for this effort to succeed. The business and other conservative interest groups that had defeated effective full employment legislation in the 1940s once again demonstrated that on this issue they are more than a match for their liberal opponents.⁶¹

POLITICAL BARRIERS TO THE PROTECTION OF HUMAN RIGHTS

This analysis of the political problems that beset earlier efforts to secure the right to employment in the United States inspires little optimism regarding the political prospects of an EAP initiative. Despite the feasibility and the desirability of adding employment assurance to the list of social welfare benefits provided by the federal government, and despite the broad popular support that seems to exist for the idea, there are powerful political interests that oppose it. More importantly, these interests have consistently demonstrated their capacity to block legislative initiatives in this area.

My analysis of the probable side effects and administrative problems associated with an EAP jobs program suggests reasons for the strength of this opposition. It is not wrongheaded. It is self-interested. It is certainly not surprising that employers in general, and especially low-wage employers, would oppose programs that not only aim to raise wages among low-wage workers, but would also tend to strengthen the bargaining power of workers generally. Business leaders are not likely to admit it publicly, but they do not perceive full employment to be in their interest and will generally oppose measures designed to achieve it. It is also not surprising that the business community would oppose proposals to expand the government's role as a direct provider of goods and services. Such proposals not only threaten specific business interests, they bear the taint of socialism.

Another source of opposition to employment assurance proposals can be found in the biases of neoclassical economic theory. Conservative economists are generally not prepared to admit that active management of the economy is needed to achieve full employment, and their liberal counterparts are generally not prepared to countenance measures for

achieving full employment that extend beyond macroeconomic manipulation. Neither group believes that direct job creation by the government is either necessary or desirable to achieve full employment. Given the influence of neoclassical economic theory on public policy analysis in the United States, it is not surprising that employment assurance proposals have not attracted much scholarly support, or even interest, in recent decades; and without academic support, such proposals are not likely to receive serious political consideration.

The relative ineffectiveness of efforts to mobilize popular support for employment assurance proposals is also understandable. The groups in the population that would most benefit from the introduction of employment assurance—unemployed workers, low-wage workers, poor people generally—are among the politically weakest members of our society. They possess very little direct political influence, and organizations that do try to represent their interests tend to have other constituencies whose concerns demand priority. Trade unions, for example, can generally be counted on to support employment assurance proposals, but since their primary constituency consists of employed workers, support for such proposals will probably take a second seat to other concerns. Civil rights organizations are also likely to direct their primary energy to other issues. As the label identifying these organizations implies, the influence they exercise has been gained primarily in the struggle to defend the civil and political human rights of the populations they represent. They are less well-equipped to fight for the realization of economic and social human rights, and to do so effectively they would have to reorient their work in fundamental ways.

There are understandable reasons, then, for the failure of the United States to secure the right to employment. Groups opposed to the idea exercise substantial political power and benefit from a well-articulated ideology supporting their position. Even though they represent what is probably a minority point of view on the issue, these groups are able to dominate public policy debate. Support for the idea that the government should guarantee the right to employment may be widespread, but it has never been successfully mobilized and therefore it remains politically impotent.

This is not to say that the nation's failure to secure the right to employment is excusable. If access to useful and remunerative work is indeed a human right, then the fact that entrenched political interests have the power to block initiatives to secure that right cannot be regarded as creating a license to accept that outcome. It is a basic principle of international human rights law (as it is of United States constitutional law) that even a democratically elected legislature, representing the perceived in-

terests of a majority of a nation's population, may not properly refuse to recognize the human rights of a disadvantaged minority group.

A white majority cannot properly refuse to protect the human rights of a nonwhite minority, even if the political process from which the majority derives its putative authority is open to both whites and nonwhites on equal terms. Similarly, if unemployed individuals really are entitled to protection of their right to employment, then even a democratically elected legislature may not properly decide that it is unnecessary or inconvenient to take steps to secure the right.

Moreover, before dismissing the right to employment as someone else's concern, human rights advocates should ponder the consequences of a failure to secure the right—the lives lost as a result of the material deprivations and psychological stress attributable to unemployment and the poverty that attends it, the physical and emotional suffering people endure, the social costs communities bear, the damage done to our collective humanity, the amount of this suffering borne by children. In short, human rights advocates should consider whether the consequences of a government's failure to secure the right to employment are any less serious than the consequences that attend violations of key civil and political rights.

A government's failure to secure the right to employment when it has the capacity to do so is a serious human rights offense. It is not a minor matter. Like freedom of conscience and speech, the right to employment is a cornerstone entitlement. To the degree that it is realized, the task of achieving adequate protection for a host of other human rights (including civil and political ones) is eased. If it is denied, the realization of many other human rights becomes virtually impossible.

Human rights advocates have for too long been hesitant to demand the same progress from governments in the protection of economic and social human rights that they expect with respect to the protection of civil and political rights. To be sure, international standards regarding the protection of economic and social human rights are not very demanding, but an obligation at least to strive for their realization is generally acknowledged.⁶² Where practical measures actually do exist for securing one of these rights, governments should be held accountable for their failure to adopt them.

Under the terms of the Employment Act of 1946, as amended by the Full Employment and Balanced Growth Act of 1978, the federal government of the United States has expressly acknowledged its obligation to use all practical means to secure the right to employment. If this pledge is being unreasonably disregarded, then the government's nonfeasance should be viewed as a violation of the human rights of the unemployed. Moreover, the violation should be deemed a serious one, because its con-

sequences are both far-reaching and profoundly destructive of the human personality.

I believe the analysis contained in this book demonstrates that the United States does have the capacity to secure the right to employment without unreasonably impinging on other legitimate public policy goals. Indeed, my analysis supports such an initiative on grounds of self-interest alone. If, then, a practical method for securing the right to employment does in fact exist, a strong human rights claim can be made that the government of the United States has a moral obligation (and arguably a legal duty under international human rights law) to secure the right.

It is no longer enough to proclaim the realization of the right to employment to be a long-term goal of public policy in this country. The time has come for the right to be secured in fact. The specific means I have proposed for achieving that end need not be adopted, but some combination of measures that are similarly effective ought to be viewed as morally and legally obligatory, not just pragmatically desirable.

Realistically, of course, significant political change would have to occur in the United States for the right to employment to be secured, and even liberal politicians display little interest in launching such an effort. Among recent major party presidential aspirants, for example, only Jesse Jackson and Paul Simon have sought to identify themselves with this issue.

Interestingly, the different policy proposals advanced by Reverend Jackson and Senator Simon to secure the right to employment illustrate the alternative strategies that I have identified as underlying past attempts to secure the right in the United States. Jackson presidential campaign materials suggested that a major expansion in federal spending for such items as housing, education, health care, job training and child care (financed by a combination of tax increases on the wealthy and reductions in military spending) would be sufficient to achieve full employment.⁶³ Thus, the Jackson strategy for securing the right to employment is similar to that embodied in Senator Murray's original Full Employment Bill of 1945.

Senator Simon, on the other hand, has proposed a modest version of the strategy embodied in the original Humphrey-Hawkins full employment bill. Specifically, he has proposed that the federal government finance a limited "Guaranteed Job Opportunities Program," which would offer employment in locally administered work projects to all persons eighteen years of age and older who have been out of work for at least five weeks. The jobs would pay only the statutory minimum wage, however, and would provide only thirty-two hours of work per week.⁶⁴

Given the rightward political drift of the nation in recent years, the lack of serious attention being given to proposals such as these is hardly

surprising. If history is any guide, however, the issue will not remain politically dormant forever. At some point in time a new campaign to secure the right to employment is sure to emerge in the United States. The logic that supports such an initiative and the needs it would address are too compelling for the idea to be permanently banished.

In the final analysis, it is simply irrational for a society to allow a sizable segment of its workforce to remain in a condition of involuntary idleness. If we were not accustomed to the situation, and if we were not convinced that it was unavoidable, we would not tolerate it. Additionally, the hardships that the unemployed and their families are forced to endure constitute a grievous assault on human dignity. Thus, while an argument based on self-interest alone can be made on behalf of an initiative to secure the right to employment, that argument is buttressed by a powerful moral claim as well.

If the force of both of these considerations could be driven home to the American people, that is, if both the self-interest and the conscience of the nation could be successfully engaged on behalf of this issue, then it might be possible to transform the broad spontaneous support that already exists for the idea of guaranteeing the right to employment into effective political pressure on behalf of the idea.

Even then it might not be possible to overcome the tradition of political opposition that has stymied past efforts to secure the right to employment. Knowing the political history of these efforts, it is hard to be optimistic on this score. This is hardly an unusual situation, though, in the struggle for human rights, and human rights claims can sometimes catalyze a process of political and social change whose force confounds seemingly reasonable expectations. That is especially true when strong human rights claims are reinforced, as in this case, by equally strong considerations of collective self-interest. Thus, while it would be foolish to overestimate the chances of the United States acting to secure the right to employment in the near future, it would also be a mistake to write off the possibility.

In any case, it is a policy initiative that I am convinced will eventually succeed. After all, given the balance of political power that existed in the United States at the beginning of the twentieth century, it would have seemed equally improbable to expect the modern welfare state to emerge. Major shifts do occasionally occur in the balance of political power in a country, and these shifts can usher in dramatic changes in what is politically conceivable.

Guaranteeing the right of all job-seekers to useful and remunerative employment is an idea of such inherent good sense and such irresistible moral appeal that it cannot be dismissed as nothing more than an echo of the New Deal. It is an idea that is firmly rooted both in American think-

ing about society's responsibilities to its individual members and in evolving international conceptions of human rights. It is an idea of the future, not of the past. At some point in time the political opposition that has hitherto blocked experimentation in this area will surely be overcome. It won't happen all at once, and initial efforts to implement programs such as the one proposed in this book may be disappointingly limited in scope, but eventually the right to employment will be secured in the United States.