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# Farm crisis over? Don't tell Iowa

By Osha Davidson

MECHANICSVILLE, IOWA

It is hard to believe that Terry Branstad and Mary Farwell are talking about the same state.

"The farm crisis is over," declares a smiling Branstad, Iowa's second-term Republican governor. "Our economy is on the move again."

"Over?" responds Farwell, director of Farmer's Outreach, a church-based rural support service in eastern Iowa. "I see people every day who are right on the edge of disaster. There is almost no middle class left in our county. They can't decently clothe their children. Many people don't have enough food. There is a very real threat of violence hanging in the air. How can anyone say our problems are over?"

An old maxim may explain the disparity: Where you stand depends on where you sit. Branstad sits in a high-backed, black leather executive armchair that rocks and swivels, and is situated in a spacious office on the first floor of the state capitol building, a location that affords a commanding view of the Des Moines skyline. Branstad's term ends in January 1991. He wants very much still to

be sitting in his plush chair that February.

Farwell sits on a metal folding chair in the office she shares with the church copier at St. Paul's Lutheran Church in Clinton, Iowa, an economically depressed, blue-collar town on the banks of the Mississippi. Her view is of many dazed farmers and small businessmen and women who have reached the end of their rope and are forced to admit what for them is probably the most shameful admission possible: They need help.

Branstad is not alone in his Chamber of Commerce boosterism. The *Des Moines Register*, which was recently bought by *USA Today* parent company, Gannett Co., Inc., regularly issues pronouncements that the long-awaited recovery has begun.

"The Iowa economy has absorbed the worst punch that the farm crisis could throw," wrote *Register* editor James Gannon in his weekly column last May, "and it's now bouncing back.... Yes, yes, I know: It is practically un-American to say, right out loud, that the farm crisis is over. But it is."

Branstad and the *Register* are "playing with fire," charges an angry Ben Zachrich, head of the Iowa Citizen Action Network. "We have a continuing crisis that is not being addressed and the more they hide it in happy words the more it festers and the worse it gets."

**Hungry farmers:** A study released in October by the Physician Task Force on Hunger in America documents the effects of the crisis that Branstad and Gannon claim has ended. The task force found evidence of widespread hunger and malnutrition on farms and in rural communities.

"For the first time, we are seeing children experiencing growth failure," says Dr. J. Larry Brown, head of the group and a faculty member at the Harvard University School of Public Health. "The families just simply didn't have adequate food to feed the children."

The People's Community Health Clinic in Waterloo, Iowa, told the task force that they had seen more cases of childhood malnutrition in the first three months of 1987 than in the last three years.

Another recent study by University of Wisconsin's Institute for Research on Poverty found that the percentage of Iowans living in poverty more than doubled between 1979 and 1985, with almost one out of six individuals in this formerly prosperous state now living below the federal poverty line. It was the biggest single jump in the poverty rate in the nation.

Yet the news that Iowa has a level of poverty comparable to Louisiana, Tennessee and Georgia didn't surprise Karen Ford, director of the Food Bank of Iowa, which supplies donated food to 200 food pantries and non-profit agencies throughout the state.

"We've seen a steady and continuing increase in the need for food in the past five years," says Ford. "The word crisis is a misnomer—what we are seeing is a chronic condition."

The picture is particularly gloomy for the state's growing rural elderly population, which now makes up 14.3 percent of Iowa's inhabitants—the third highest proportion in the country.

"In most cities in Iowa we have programs for the elderly, including meals on wheels, companion and transportation programs," says Jack Seeber, president of the Iowa State Council of Senior Citizens (ISCSC). "But these things just aren't available in rural areas. There are a lot of people hurting out there."

"Older women are having a very rough time," adds ISCSC field organizer Aileen Holthaus, "because only about one out of five have pensions. When their children and grandchildren move out of the state looking for work, these women are left with virtually no support. It's a mess, and it's getting worse—not better."

Many who work with public and private relief agencies believe that the rosy reports on the end of the farm crisis hinder relief efforts.

"We're seeing as much pain and need today as we were a year ago," says Roz Ostendorf, program coordinator of the Human Needs Commission of the Iowa Inter-church Agency for Peace and Justice in Des Moines. "In fact, we're seeing more people who can't pay for health care. When people hear that everything is getting better, but things are not improving for them, they think it must be their fault. It makes it more difficult for them to seek help."

**The figures tell the story:** Ostendorf's assertion appears to be borne out by figures released by the Iowa Department of Human Services showing that 33 percent fewer rural families received food stamps this past year—during a time of continuing rural poverty.

Gov. Branstad and the *Des Moines Register* point to a leveling off of once-plummeting land values and a slight decrease in the number of farm bankruptcies this year. But farm economist Neil Harl of Iowa State University attributes what little improvement there has been in the

## INSIDE STORY

farm economy to three factors: record hog prices, higher cattle prices and a \$25 billion shot-in-the-arm in the form of federal subsidy payments. A decline in any one of the three would lead to a second wave of farm foreclosures, says Harl.

Record pork and cattle production this year will result in a glut on the market and a fall in prices for those commodities next spring. And federal budget cutters say that they are looking at agriculture expenditures as a good place to start trimming next year. Given those factors, it is more than likely that Iowans will face a new round of foreclosures, bankruptcies and bank-failures next summer. And when that happens, the task of trying to help people somehow survive the crisis that was supposed to be over will fall to Mary Farwell.

"Sometimes the hardest part is just trying to convince people not to give up," she says. "Some of them have been fighting for so long that they have almost nothing left. Many of them just can't face it anymore. I was an emergency room nurse before starting here and I saw people die, I saw many people die, because they waited until it was too late to seek treatment. Why? Because they knew they didn't have the money to pay for a doctor."

"For a lot of people it's been the breaking of not only a personal dream, but of a broader dream of what it means to be an American," she continues. "These people—the most patriotic, idealistic, Heartland Americans—have lost faith not only in themselves but in their country, because when they were hurting they were ignored. That does something to a person—something that's frightening to see."

Osha Davidson writes for several publications on farm issues.

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By John B. Judis

WASHINGTON

JUDGE ROBERT BORK, PRESIDENT REAGAN'S first nominee to fill the Supreme Court seat vacated by Lewis Powell, was a radical at odds with 50 years of constitutional interpretation. Judge Douglas H. Ginsburg, Reagan's next nominee, was a political and constitutional unknown. Appeals Court Judge Anthony Kennedy, Reagan's third nominee for the seat, appears to be far more cautious and genuinely conservative than Bork. Kennedy is therefore less likely to provoke a bitter nomination battle.

Like Powell, Kennedy does not appear to have an overall judicial philosophy. Instead, he weighs each case against precedent and against a vague set of political-philosophical standards that place him somewhat to the right of center. Like Powell, he is reluctant to make sweeping pronouncements that would establish broad precedents. Even when casting his vote with the right, he frames his conclusions in terms that can appeal to the center.

The difference between Bork and Kennedy is borne out by the way they handled similar cases involving the U.S. Navy's peremptory discharge of gays. In ruling on *Dronenburg vs. Zech*, Bork was not content to dismiss a gay's case against the Navy; he used the occasion to fire off a lengthy polemic against the plaintiff's claim that a constitutional right to privacy was at stake. Surveying the privacy cases from *Griswold vs. Connecticut* to *Roe vs. Wade*, Bork concluded that they provide the lower court judge with no "articulate Supreme Court principle."

In 1980 Kennedy also upheld the Navy in *Beller vs. Middendorf*. But Kennedy's ruling was far more equivocal. Citing *Roe vs. Wade* and liberal jurist Laurence Tribe, he acknowledged that the court's rulings on the right to privacy "suggest some kinds of government regulation of private consensual homosexual behavior may face substantial constitutional challenge." But he contended that the "special circumstances and needs of the armed forces outweigh whatever heightened solicitude is appropriate for consensual private homosexual conduct."

Kennedy's ruling upset feminist and gay organizations. But it also upset Sen. Jesse Helms (R-NC) and anti-abortion organizations who see in Kennedy's acknowledgment of a right to privacy the repudiation of their own judicial agenda.

**Opposition to civil rights:** In his opinions, Kennedy has periodically displayed an insensitivity to civil rights and women's rights issues. Three civil rights cases are raising the hackles of some liberal groups. In 1977 Kennedy ruled that TOPIC, a fair housing group in Torrance, Calif., did not have the "standing" to sue a local realty company for steering prospective home buyers to neighborhoods according to their race—a practice forbidden by the federal Fair Housing Act. TOPIC had tried to prove the realty company's discriminatory practices using "test" buyers who had no real intention of purchasing homes. But the plaintiffs in the suit were residents of Torrance who claimed they had been injured by segregated housing patterns. And even though the court had ruled in a similar case that third parties could bring suit under the act, Kennedy dismissed the suit.

In 1979, Kennedy affirmed a lower court's

## A true conservative, Kennedy courts the 'center'



Supreme Court nominee Anthony Kennedy appears headed for an easy confirmation.

decision that Mexican-Americans in San Fernando, Calif., did not have sufficient grounds to bring a 14th Amendment voting-rights suit against the city for its at-large election system. Mexican-Americans, who made up 50 percent of San Fernando's population, had elected only three people to the city council since 1911. To demonstrate the city's intent, the plaintiffs cited racist statements by city officials, harassment of Hispanic poll watchers, the use of all-English ballots and the absence of polling places in Mexican-American neighborhoods. But Kennedy ruled that evidence was not even sufficient to justify a trial. "The facts advanced by plaintiffs...cannot reasonably be viewed as suggesting that San Fernando's municipal government is unresponsive to the particular interests of the Mexican-American community," Kennedy wrote.

That same year, Kennedy reversed a District Court opinion ruling against the Pasadena, Calif., board of education, which had sought to terminate the jurisdiction of the District Court over its desegregation efforts. In denying the board's petition, the District Court cited school board members' statements that they would revoke Pasadena's desegregation plan. In his reversal, Kennedy denied that the board members' threats to restore segregated schools constituted a real danger. "I have doubts whether there is always a logical nexus between the objective of eliminating the effect of a past violation and a finding that a future violation might occur," he wrote.

In all these cases, however, Kennedy qualified his own judgment by acknowledging the political merits of the plaintiffs' claims. In the San Fernando voting-rights case, he wrote, "To conclude that the plaintiffs' evidence could not justify striking down the at-large election system does not, in my

view, necessarily mean that plaintiffs may not be entitled to some relief."

Kennedy's civil rights decisions also do not display a pattern of insensitivity. In 1980, for instance, he ruled in favor of Mexican American restaurant owners who charged that a city's denial of their liquor license was racially motivated.

**Comparable worth:** Kennedy's approach has been most rigid on women's rights cases. In 1985 he overturned a District Court ruling in support of a suit brought by the American Federation of State, County and Municipal Employees (AFSCME) against the state of Washington. Citing studies done by the state, AFSCME had charged that in paying women 20 percent less than men for comparable work, Washington was violating the 1964 Civil Rights Act.

Instead of relying on the District Court's statement of the facts of the case, Kennedy broke legal custom by introducing a new argument. The lower court ruling had not described the state as having used market forces to determine wage rates, but Kennedy framed the case as an attack against free enterprise. He ruled that the state's use of market criteria to set wages could not be construed as discriminatory: "Neither law nor logic deems the free market system a suspect enterprise."

The judge also displayed hostility to women's rights in a 1982 case. Kennedy dissented from an Appeals Court ruling that weight requirements for airline hostesses were discriminatory. The airlines claimed customers prefer slimmer flight attendants, and Kennedy argued that the continual contact between stewardesses and customers justified the airline's requirement.

**Death penalty:** With some justification, conservatives have championed Kennedy as

a law-and-order judge. For example, he has upheld several death-penalty convictions. In a decision this year, he declared that "there is no valid constitutional or federal objection to the imposition of the capital sentence." Kennedy has also thrown out several cases in which defendants claimed that the evidence was obtained illegally and should be excluded.

But Kennedy's position has not been rigid. In 1986, for example, he overturned the death sentence of an Arizona man because the judge had not adequately apprised the jury of its sentencing options. In 1980 he dissented from an Appeals Court decision allowing evidence that the police obtained by bribing a defendant's five-year-old son. "I view the police practice here as both pernicious in itself and dangerous as precedent. Indifference to personal liberty is but the precursor of the state's hostility to it," Kennedy wrote.

In the few First Amendment cases that Kennedy has handled, he has taken a civil libertarian stand. In a 1978 case he reversed a lower court ruling that NBC would have to provide the court with a preview of a television drama portraying an insurance executive convicted of fraud. "It is a fundamental principle of the First Amendment that the press may not be required to justify or defend what it prints or says until after the expression has taken place," Kennedy wrote.

In cases in which the right to sue was at stake, Kennedy has periodically championed the rights of individuals against those of the state—a position that contrasts sharply with that of Bork. In 1982, for instance, he overturned a lower court ruling that a housing group could not sue the U.S. Department of Housing and Urban and Development for discouraging lower-income housing.

**Conventional Republican:** While Kennedy has called himself a judicial "conservative," he has never been a conservative political activist. Associates in Sacramento, Calif., have described the jurist as "apolitical," but it is probably more accurate to call him a conventional business-oriented Republican—closer in sensibility to someone like Sen. Robert Dole of Kansas than to Reagan or Attorney General Edwin Meese.

Raised in Sacramento and educated at Stanford and Harvard Law School, Kennedy became a lawyer and lobbyist in the state capital. He gave a paltry \$50 to Reagan's gubernatorial re-election campaign in 1970. He first came to Reagan and Meese's attention in 1973 when he helped draft Reagan's unsuccessful state tax cut initiative, Proposition One.

Some liberals believe that a Kennedy confirmation will constitute a defeat for the groups that helped block Bork. But Reagan's nomination of Kennedy is really a victory for liberals. It was made possible only by the rejection of Bork.

Conservatives in Meese's Justice Department had originally wanted not only someone who would tip the court to the right, they wanted someone who would also replace liberal jurisprudence with the kind of doctrines championed by Bork and by the University of Chicago's law-and-economics school of thought. They had initially rejected Kennedy because he is not a right-wing ideologue, and because on specific cases he may not follow the Heritage Foundation's line.

If confirmed, Kennedy may push the court to the right. But he may not. That is something that could not have been said of Bork. □