

# Clearinghouse REVIEW

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# Paternity

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## AND

Walter Mosley on Poverty and the  
Religion of Capitalism

## “Just as Wealth Defines Saintliness, in the Capitalist Religion Poverty Is a Sin,” Says Walter Mosley

**[Editor’s Note:** Walter Mosley, the novelist and sociopolitical activist, was the featured speaker at the 2006 Sargent Shriver National Center on Poverty Law Awards Dinner on November 30 in Chicago. Below is his speech.]

Religiosity in essence is the belief in a supreme power. Over the centuries and across the vast terrain of our planet there have been many gods and other beings worshipped and adored. These beings, and the moral systems that have grown up around them, have influenced how many of us, and most of our ancestors, have organized ourselves, our ethics, our laws, our ways of life.

All types of representatives of the Divine in its many permutations have stood before us as examples, as paragons of righteousness and of retribution. From the giant lizards of the Australian Aborigine to Moses to Buddha to Jesus Christ we have had our divinities and their attendant Laws.

Religion originates from a perceived superior force that guides and organizes our lives and subsequently our beliefs, our faith and our willingness to accept mortality in the face of that which at least seems to be immortal.

In the past our religious belief systems explained the inexplicable: the sun rising; arid seasons that should be filled with rain; the death of loved ones.

Religiosity claims everyone and assigns titles of good and evil to its believers and its nonbelievers alike. Belief in these often invisible forces gives us a way to communicate with the Divine and to calculate our innocence and our guilt.

We worship these powers. Our art, our labor, our children are offered up in their names.

I think that it might be accurate to call the religious feeling in the human heart a kind of Instinct, a prescient knowledge, a readiness to believe in something that cannot be dominated, formed, or known in its entirety. Human beings have faith in that which looms so large that we are made aware of our infinitesimal place in the great scheme of things.

This feeling, this instinct is an essential part of being human. We, at least most of us, could no more expel our notion of the soul than we could successfully deny our sexual drives or our survival instincts. Fate, faith, God, and the immortal soul in one way or another have filled the minds of almost all humans at almost every important moment of our short existence. The concept of good and evil is

deeply ingrained into each and every one of us.

It is true that my good might be your evil. It might be that America’s good is Iran’s evil. But the concepts are the same.

The trouble is that though there are constant, even immutable forms in the history of the human heart we are also a restless, greatly adaptive, and a self-reflexive life-form. We are continually examining our world and changing it only to find that we are in the end ourselves transformed.

A farmer discovers in the Nile valley many thousands of years ago that she can regularize the harvest. Within the next hundred years the population grows exponentially. Everything changes. Nothing is as it was. The past becomes a golden age while the present is uncertain, straining at the seams.

Henry Ford widely distributes the internal combustion engine and now we have a hole in the ozone layer the size of the North American continent.

Global warming is not a threat; it is a disaster.

As the ways of life change and make demands upon our systems of organization, our beliefs also change. But not necessarily quickly enough or rationally enough to avoid the disasters we conjure.

Often, in order to deal with the vast changes brought about by our quixotic transformations, we begin to see the world through new eyes. Our philosophers both great and small spend their days trying to understand where we are going. Our lawmakers redefine our rights, our freedoms, and even the very structure of our government. What was once acceptable becomes a crime. What was once evil becomes a badge of righteousness.

George Hegel, one of the West’s most important thinkers, used his vast intelligence to rethink the very existence of the Deity. God, Mr. Hegel said, was the idea of perfection that was realizing itself through history; that through dialectical progress the material world, heralded by mankind, would achieve the reality of God by struggling toward the final goal of perfection.

This notion explained, to many thinkers’ satisfaction, how the face of God had taken so many forms throughout known history. It took into account the restless changes in the human heart and even to some degree technological advance within the notion of the Spirit. Our struggle and our changes were the ever-growing articulation of Spirit through history. We were ourselves hammering out the metaphysical world through our physical and intellectual conflicts.

Less than a century later Karl Marx comes around, with a pronounced atheistic flair, taking the Spirit out of Hegel and replacing it with historical materialism. There was a perfection coming out of the dialectical struggle of history, but for Marx it was a social perfection guided by the infrastructural forces of economics: Capitalism.

Marx is interesting because he represents a general family of thought generally anchored in the twentieth century that I like to call the School of Suspicion. Freud with his unprovable and yet incontestable theory of the unconscious, Darwin with the wonderfully insidious notion of evolution, Einstein and his refutation of Newton, and Marx who tells us that we are formed by our economic relationships and that we cannot by dint of will alone make ourselves into something different.

These notions are all miraculous. They inform us that while we think we understand the world, we are really the pawns of systems that are metahuman if not metaphysical.

Science and philosophy come together to open a window to places that we cannot go, or at least to places where we have to redefine ourselves in order to accept the vast changes that they imply.

I know some of you might be wondering what any of this has to do with poverty. Believe me—I'm trying to get there. But first I had to at least state how our world changes while our beliefs and our perceptions lag behind. We free the slaves but deny their rights. We make profit from tobacco but turn a blind eye to cancer. We blame our president when a whole nation went to war.<sup>1</sup>

We ask, *What poverty?*—never managing to look in the mirror or in our own hearts.

I began this talk with the notion of religiosity because I believe that Capitalism is the primary religion of America. Capitalism defines good and evil, saint and sinner, the powerful and the powerless, the halls of white justice and the prison rolls of color. Capitalism elects the president, wages war where natural resources abound, buys public opinion, and creates and then crushes the dreams of our masses.

Don't get me wrong here. I'm not coming from a Marxist, communist, or even a socialist standpoint. What I'm talking about is a country, because of a

complex internationally contentious century, that has confused the humanist ideal of democracy with the venal reality of Capitalism.

There are many Deities in the Olympus of Capital but the highest of these, the most powerful is Profit. In the scriptures of Capitalism, Profit must be maintained no matter the cost in natural resources, human life, or even our precious Constitution.

Profit likes dictators and low wages, slaves that maintain their own chains, and bread and circus. Profit likes Democrats and Republicans alike as long as they go along with the program set forth by vicious international competition.

Contradictorily, Profit is also a helpless victim of the fluctuations of Capital. You cannot be a good Capitalist and still be worried about the well-being of your employees and fellow citizens. If things are good and money is plentiful, then everyone gets a little something, but if things are bad, if Profit is down, then there has to be unemployment and inflation or depression.

Business has hard-and-fast rules based on competition, and no matter how much our business leaders, the high priests of Capitalism, feel for our suffering millions their hands are bound with chains of gold. They are also constrained by the scriptures, the balance sheets of business.

This is not news of course. I'm not the first one to say that the machinations of Capitalism cannot afford to have humanitarian interests when the chips are down. People cannot buy cars and so the factory closes. Who will look after the unemployed? That's not the concern of our Capitalistic deities; they must rebuild their infrastructure while we survive as well as we can.

No one really questions these truths. We all know that if there's no money in the bank, then there will be no paycheck. If business is bad, then everyone suffers. And the ones who suffer the most are those that are already on the bottom.

We, most of us, accept these realities. We accept poverty, want, disease, ignorance and illiteracy, crime, and the suffering of the weak, aged, and infirm as potential outcomes of our economic system (a system which many of us confuse with our political system).

<sup>1</sup>While giving this speech I felt comfortable in making this statement because there was to be a question-and-answer period. But because the printed word allows no such opportunity, let me elaborate a bit in this footnote. Part of the argument of this piece is that we have to look into ourselves to answer the problems we encounter. Blaming someone else (even if that someone bears a great part of the guilt) might well exonerate us when we, too, share the blame.

No one says that the prison rolls are unacceptable. If a child does not get an education, it's their parents' fault or the child's fault. If a man is lazy, then that is why he doesn't have a pot; didn't anyone tell him the tale of the Grasshopper and the Ant? If you are sick and don't have insurance, what can you expect? If you are poor and the bill collector is at the door, there's nothing we can do.

Most of us here agree with at least a few of these sentiments. We're Americans after all. We make myths out of men and women who pull themselves up by their bootstraps. The Carnegies, Rockefellers, Kennedys, Capones, and Bushes. These men and women are saints in the religion of Capitalism. They fill out the rosters of our past presidents and the Senate.

And the poor accept these leaders not because of their love of democracy but because of their shame at their own poverty. Because just as wealth defines saintliness, in the Capitalist religion poverty is a sin. If you cannot afford your life in America, then you are a failure. You are not worthy of marriage or fine society, freedom or a seat at the table.

This is why our young men and women are signing their lives away to go off to the corrupt and unjust war we are waging in the Middle East. They're poor and ashamed. They, a great many of them, cannot afford college or a home, a family or whatever electronics are being touted in the so-called youth-oriented media. They aren't sports stars or rappers, they aren't movie stars or even employable at the level of a living wage. They throw their lives away because they know that in the religion of America they are damned.

And it is true. They are flotsam in our culture. But it isn't only them. We herd our elderly (the men and women who built this nation) into pens of senility. Nineteen thousand children die each day in this world from bad water. Over seven million have died in Congo in the last decade—Congo where they mine the elements to run our cellphones. We've been the cause of the deaths of more Iraqis than Saddam Hussein—us, the liberators.

And through it all the saints and the sinners in our system of morality believe that America is right and just. Poverty, though detestable, is also acceptable. The deaths of innocents from Cuba to Iraq are just so much collateral damage. Our ghettos, slums, and prisons; our illiterate, mentally disabled, and diseased; our soldiers, children, and goods assembled by slaves in foreign lands are all part and parcel of the American, the Capitalist religion.

So, you ask, what is to be done? How can we address the false consciousness of Americans? How can we stem the growing malignancy of poverty?

I think that the title of this evening is the answer. *What poverty?* These two words are the crosshairs on the dilemma we face. Because, you see, most Americans, being unconscious members of the Church of Capitalism, want to deny their sins. I am not a poor man, they once said. But as the church has retooled its definition of sin to include the working classes, most of us have redefined our litanies saying *I am middle-classed*; right up there next to the high priests and saints of Capital. They aren't of course. If you are in the middle class and lose your job, you fall back on your portfolio and your life can stay the same for a year or more before you absolutely have to get another job. If you're working class, however, you have to get a job in two weeks or your kids are off to junior college and it's fast food and Wal-Mart for the duration.

Most of America is either poor or living so close to poverty that it stalks them. But you must remember poverty is a sin in this nation and so the people who could make a difference, who could demand the changes necessary, deny their own situation. Instead of empathy, many of them have contempt. Instead of stirring the pot, they fall into predictable conservative hierarchies created and maintained by the rich and the lackeys of the rich.

The true middle class also has disdain for the so-called lower classes. Sometimes they hide their condescension in charities knowing full well that charity alone will never end poverty. Only true self-interest and self-reflection will open our eyes to the infernal system that we stoke with every billable hour and every tax dollar.

Because, you see, the poverty is in us. We are deficient in vision, in idealism, and in true demystified democracy. Every woman, child, and man deserves a living wage, a home, their health, and a nation that honors them for their being a member of our potentially great society.

This knowledge, as depressing and oppressing as it is, is also a potential harbinger for hope. Poverty is not the fault of the poor nor is it an unavoidable destiny. We, the poor and working classes, have built this nation and it, along with all of its fabulous wealth, belongs to us. From the Atlantic to the Pacific we, the workers, are the ones who should hold sway. And every vault, every clinic, every drop of sweat fallen upon American soil is our democratic birthright.

The rich don't own anything that we haven't built. The government means nothing that we don't endorse. These are the secrets which need to be made public. There may be charities to help with income and profession, there may be those that lend a helping hand. But the helpers and the help are equals in this country, in this nation. There are no hierarchies of class in a democracy. There is only freedom and the debt owed to the millions upon millions who have labored to make us great.

The greatest service that could be given to poor and working women and men is the knowledge that they, that we, all deserve the best that America has to offer and if there are those who try to diminish us because of our bankbooks or our education, this is a crime against our Constitution. We carry this nation on our backs and everything it has done is our property and our solemn responsibility.

A man can be rich but only a nation can be wealthy. And if any person of any age suffers from poverty, then our whole country is to shame.

Thank you.

### Shriver Center Sets National Agenda

The Sargent Shriver National Center on Poverty Law's national policy agenda outlines twelve poverty issues that are ripe for policy change at the state and national level. The agenda also shows how such policy change can be accomplished.

John Bouman, the Shriver Center's newly named president, says that the time for such change is propitious because, "woken by the powerful public images of deep-seated American poverty revealed during the Gulf Coast disasters, and tired of the widening of the income gap between rich and poor and the intensifying threats to the middle class, most people in America are ready for leadership to end poverty. That national readiness is creating a political change, evidenced in part by the elections last fall."

The Shriver Center is calling on policymakers to (1) strengthen the legal foundation for civil rights and racial justice, (2) establish affordable quality health care for all, (3) guarantee economic safety for people who need jobs, (4) create redemptive opportunities for people with criminal records, (5) increase economic mobility through lifelong education, (6) advance low-wage workers by making work pay, (7) link economic development to workforce develop-

ment opportunities, (8) create asset-building initiatives for financial stability and growth, (9) expand low-income housing in economically diverse communities, (10) protect access to the American dream for immigrants and refugees, (11) ensure economic opportunity and safety for women and girls, and (12) invest in the public good through fair budget and tax policies.

"Significant leadership on all twelve of the issues identified in the Shriver Center's national agenda would constitute a well-rounded, aggressive program to attack poverty," Bouman says. This is the first step in many toward the Shriver Center's renewed focus on national policy.

For an update, go to [www.povertylaw.org](http://www.povertylaw.org).

### Race Equity Project

Racial inequality, despite years of advocacy, remains a legal issue that society faces. Created three years ago by Legal Services of Northern California, the Race Equity Project is a resource for advocates for racial justice. The project offers support materials for advocates, addresses racial issues through advocacy, and shares strategies. The project's newly launched website, [www.lsn.net/equity](http://www.lsn.net/equity), has organized data, up-to-date news, technology advancements, and resources, including a free newsletter. Many of the resources are California-based, but the project is working to expand its other resources.

### Civil Rights Litigation Clearinghouse

For advocates and policymakers researching civil rights issues, the Civil Rights Litigation Clearinghouse created by Washington University in Saint Louis is a new resource. The online collection of cases and related materials, including thousands of documents otherwise difficult or impossible to find, continues to grow. Because the website is indexed by substantive topics, finding cases and other information is easy. Topics include prison conditions, elections/voting rights, jail conditions, juvenile institutions, mental retardation facilities, police nonprofiling, and mental health facilities. The Civil Rights Litigation Clearinghouse, at <http://clearinghouse.wustl.edu>, allows users to create a user account, to save searches, cases, and documents, and to return to areas of particular interest to keep up-to-date on developments. Registered users can also opt to receive e-mail notices.

## Federal Government Medicaid Strategies for Helping States During Economic Downturns

In *Medicaid: Strategies to Help States Address Increased Expenditures During Economic Downturns* the U.S. Government Accountability Office analyzes three potential Medicaid strategies for the federal government: (1) targeting supplemental federal assistance to states most affected by the economic downturn; (2) using two instead of three years of each state's per capita income data to compute federal matching rates to reflect states' current economic conditions better; and (3) giving states the option to receive assistance based on their own determination of their needs. The report, released last October, contains experts' analysis of the potential effects of each strategy. See <http://www.gao.gov/new.items/do797.pdf>.

## Homeland Insecurity of America's Children

"Millions of American children are without health insurance, millions are reported abused and neglected, millions are left unsupervised every day after school, and millions have parents in a prison system that is crushing families," according to *Homeland Insecurity: American Children at Risk*, recently published by the Every Child Matters Education Fund. Reporting on the challenges that "families face in raising healthy children," the book sets out to prove that government-sponsored programs can improve the lives of American children. The report concludes that the federal government should invest in a ten-year \$500 billion kids' initiative in order to improve American life and America's standing in the international community. The Every Child Matters Education Fund aims to use the book to promote a family-focused agenda for the upcoming presidential election. Download the book for free at <http://www.everychildmatters.org/>.

## ABA Sanctions Lawyers' Use of Metadata from Opposing Counsel's Electronic Documents

An ethics opinion from the American Bar Association (ABA) sanctions, from a professional ethics standpoint, the discovery and use of metadata in attorney work product transmitted electronically. According to Formal Opinion 06-442, issued in August 2006, the ABA's "Model Rules of Profes-

sional Conduct do not contain any specific prohibition against a lawyer's reviewing and using embedded information in electronic documents, whether received from opposing counsel, an adverse party or an agent of an adverse party."

"Metadata," or information about data, is embedded in word processing, spreadsheet, e-mail, and other electronic documents as they are created and edited. Such information might be the name of the owner of the computer that created the document, the name of the person who last saved the document, and the date and time of the document's creation and when it was last changed or saved. Moreover, comments, versions, and changes made in a word processing document as one or multiple authors edit it may be stored in metadata attached to the document. The metadata stored in an electronic document may or may not be relevant to a legal matter.

Because some metadata can easily be discovered by adversaries and others simply by using the tools available in word processing and other programs, inadvertent disclosure of privileged information or attorney work product must be avoided. One simple way is to convert the final draft of all documents to "portable document format" (PDF) before distribution to clients and opposing counsel. Conversion to PDF strips most of the metadata out of the underlying file. Conversion to PDF is not a panacea, however. If a document's author uses certain formatting features in the underlying document, such as highlighting in black to redact text, conversion to PDF does not strip out the redacted text. Moreover, files that are subsequently edited by using Adobe Acrobat accumulate metadata regarding the changes made in the file.

Another way is to send sensitive documents only in hard-copy format or via facsimile. Or avoid creating some types of metadata from the outset by not using certain functions, such as "fast saves," "versioning," and "track changes" in Word and similar functions in other word processing software.

Advocates may choose to use special software designed to scrub metadata out of documents. Two such software applications are the "remove hidden data" add-on for Microsoft Office and iScrub, a metadata removal and management utility for Office and PDF files.

ABA members may download complimentary copies of Formal Opinion 06-442 until August 2007. Nonmembers may purchase a hard copy or PDF version from the ABA ([www.abanet.org/cpr/pubs/](http://www.abanet.org/cpr/pubs/))

home.html). Information on how to scrub metadata from documents to avoid inadvertent disclosure of privileged material is forthcoming on the Sargent Shriver National Center on Poverty Law's eJustice website ([www.ejustice.org](http://www.ejustice.org)).

### Advocates Representing Disaster Survivors Share Information on FEMA Answers

Advocates helping survivors of Hurricanes Katrina and Rita can find information and support at FEMA (Federal Emergency Management Agency) Answers ([www.femaanswers.org](http://www.femaanswers.org)). The site features up-to-date information on FEMA litigation, official statements from FEMA, laws and policies governing FEMA and other federal agencies involved in the disaster response, training and advocacy materials concerning FEMA benefits, survivor testimony, and information on housing recovery and rebuilding efforts. Recent updates include information regarding the extension of housing assistance for households displaced by Hurricane Katrina and still receiving housing aid. The site also offers links to the text of the district court's opinion in *ACORN v. FEMA*, which requires the restoration of Section 403 benefits to certain evacuees; a new recertification form promulgated by FEMA in an effort to streamline the recertification process; and a link to a recertification video created by the Joint Hurricane Housing Task Force and the City of Houston. FEMA Answers is sponsored by the Public Interest Law Project and the Sargent Shriver National Center on Poverty Law; for more information, see [www.femaanswers.org](http://www.femaanswers.org).

### Federal Practice Manual for Legal Aid Attorneys Now Available in HTML Format

The first five chapters of the 2006 edition of the *Federal Practice Manual for Legal Aid Attorneys*, edited by Jeffrey S. Gutman, professor of clinical law and associate dean for academic affairs at George Washington University Law School, and published by the Sargent Shriver National Center on Poverty Law, are now available in HTML (hypertext markup language) format. This is the updated version of the *Federal Practice Manual for Legal Aid Attorneys* published in 2004. This version of the *Manual* includes hyperlinks to federal statutes, Supreme Court case citations, and case pleadings available through the Shriver Center's Poverty Law Library. Chapters 6–9

and a documentary supplement that includes annotated model pleadings are still being edited and will be posted online soon.

To view the HTML version of the *Federal Practice Manual for Legal Aid Attorneys*, visit the eJustice website at [www.ejustice.org/federal-practice-manual/](http://www.ejustice.org/federal-practice-manual/).

### Join Shriver Center Conference Call on How to Enable Recipients of Public Benefits to Save

State limits on assets allowed for eligible recipients of public benefits prevent them from saving or accumulating assets to get ahead. Dory Rand, who has an article on this subject in this issue of *CLEARINGHOUSE REVIEW*, will discuss this Catch-22 problem in a free conference call on May 23 at 12:00 noon, CDT. Call 888.296.6500 (pass code 115217) to join the conference. The supervising attorney of the Sargent Shriver National Center on Poverty Law's Community Investment Unit, Rand will take up strategies to reform state rules on asset caps and eliminate such barriers to savings or asset accumulation for recipients of public benefits. Stacy Dean, the Center on Budget and Policy Priorities' director of food assistance policy, will be among other advocates discussing. For more information or to respond to this invitation, contact Meg Dunne at 312.263.3830 ext. 246 or [megdunne@povertylaw.org](mailto:megdunne@povertylaw.org).

## Mission Statement

"The mission of the Sargent Shriver National Center on Poverty Law is to provide national leadership in identifying, developing, and supporting creative and collaborative approaches to achieve social and economic justice for low-income people. The Shriver Center fulfills its legal advocacy and policy development mission by (a) representing low-income people on welfare, workforce, housing, and community development issues through legislative and administrative advocacy, collaboration with public and private entities, and, where necessary, impact litigation and (b) managing communication and knowledge services on poverty law and policy-related information through *CLEARINGHOUSE REVIEW* and the Shriver Center's other publications, the Shriver Center's website, training sessions, and the Shriver Center's Poverty Law Library."

Board of Directors,  
Sargent Shriver National Center on Poverty Law

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