

# Xavier Becerra: Biden makes phony “left” gesture with Health and Human Services cabinet pick

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President-elect Joe Biden announced last week the nomination of California Attorney General Xavier Becerra to lead the Department of Health and Human Services. The department, with a yearly budget of more than \$1.4 trillion, is expected to play an outsized role in the opening days of the Biden administration in relation to the COVID-19 pandemic.

Before his role as attorney general, Becerra, a Democrat, was in the US House of Representatives for 24 years, representing a Los Angeles-area district. He held leadership positions as chairman of the House Democratic Caucus and chairman of the Congressional Hispanic Caucus.

California Governor Gavin Newsom appointed Becerra state attorney general in 2017 when Kamala Harris left the position after she was elected to the US Senate. Becerra was elected to a full term in that office in 2018.

His tenure thereafter was marked by a number of lawsuits filed against the Trump administration over its attempts to roll back state- and federal-level regulations relating to the US census, health care, immigration, the environment, gun control, civil rights, the US postal service and consumer protections among other issues. Becerra’s office has filed more than 100 lawsuits against the Trump administration, often serving as the lead for other Democratic attorneys general in other states with fewer resources.

Speaking about the lawsuits, Becerra remarked to the *Los Angeles Times*, “I am surprised that any president in any administration would at least 100 times be caught red-handed violating the law.”

With the president’s extreme unpopularity in California—he received only 34 percent of the vote in

the 2020 election—Becerra’s aggressive posture worked to his political benefit. It also provided some cover for Governor Newsom who often adopted a conciliatory posture towards Trump, as when the state needed federal funds to address wildfire damage or other public service funding shortfalls.

A significant contributing factor in Biden’s choice of Becerra to lead HHS—aside from fulfilling identity politics demands of Democrats in choosing several Latinos for major departments—was the California official’s reputation as a defender of the Affordable Care Act (ACA) against the Trump administration’s repeated attempts to diminish and ultimately repeal the law. These included a lawsuit filed in July 2020 with 23 other state attorneys general for injunctive relief against the Trump administration’s attempt to remove gender non-discrimination clauses from the ACA. An earlier 2017 lawsuit sought to prevent Trump from stopping federal subsidies to the ACA.

Even after the expected departure of Trump, a Biden administration will have to tackle other attempts to roll back the ACA as the Supreme Court is scheduled to rule on a 2018 lawsuit brought by Texas and other Republican-led states seeking to overturn the law. Becerra himself led oral arguments before the court last month and he will doubtless continue to play a leading role in the case as the court moves towards a decision.

Perhaps the most important part of Becerra’s time as attorney general, however, has been largely absent from recent coverage of the HHS announcement. That is his intransigent opposition to any kind of police accountability measures while millions protested against the police killings of George Floyd, Breonna Taylor and numerous others.

In 2018, Becerra actively campaigned against Senate Bill 1421 which made police records related to officer use-of-force incidents and sexual assault available to the public. After the bill became law in January 2019, Becerra's office refused compliance until the First District Court of Appeal compelled it to do so a year later.

His office argued that compliance with the law would be unduly burdensome and that local agencies, not the Department of Justice, were responsible for gathering and reviewing files. Becerra's office further argued that the public's interest was better served by keeping police misconduct records secret than by disclosure. The department cited Government Code section 6255(a) allowing the exemption. The appeals court argued that the department could not use the provisions of the section under all circumstances but was still entitled to argue against compliance with the law on a case-by-case basis.

The ruling came after the Investigative Reporting Project at the University of California Berkeley obtained names of police officers accused or convicted of crimes using the newly passed SB 1421. Becerra's office immediately demanded that the reporters destroy the records or face criminal liability.

While his criminal justice pedigree is not directly applicable in his new role, there can be no doubt that the Biden administration's response to the COVID-19 pandemic, along with other health care crises, will trigger even greater social protests in the coming period.

Becerra will play a leading role as HHS secretary, for example, in promoting the reopening of schools and the broader economy leading to mass infection and death before adequate distribution of the vaccine is possible. Biden already announced that he would fully reopen most schools within the first 100 days of his administration, even though most professional estimates have concluded that vaccine distribution won't produce the necessary immunity within the population until at least three or four months afterwards.

The nomination is also a further repudiation of the Sanders wing of the Democratic Party, including the Democratic Socialist of America, in their support for the Democratic nominee. The DSA claimed the Biden administration would provide "space" for various left-

wing reforms including government-provided health care programs such as Medicare for all. Biden himself has already put paid to such false promises. Speaking to a meeting of wealthy donors in June 2019, the candidate and future president-elect remarked that under his administration, "No one's standard of living would change, nothing would fundamentally change."

Through the promotion of Obamacare, the Biden administration instead intends to use the coronavirus and other health crises to increase the profits of the gargantuan US health care industry.

In a 2019 tweet, Becerra himself made clear that free, universal health care was definitely off the table as far as the Democratic Party was concerned, "I've been a #MedicareForAll advocate for at least three decades. But before we build on the success of Obamacare, we must defend the gains we've already made."

The Becerra nomination is further proof that the fight against the pandemic profiteers and the prevention of needless death falls to the working class. Independent rank-and-file committees of workers must organize the shutdown of all non-essential industry, full compensation for all unemployed workers and the complete closure of schools with guaranteed quality, internet access for students studying from home. This can only take place through a complete political break with the two parties of big business.



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