

*Ensuring Poverty*

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# *Ensuring Poverty*

Welfare Reform in Feminist Perspective

Felicia Kornbluh and Gwendolyn Mink

**PENN**

UNIVERSITY OF PENNSYLVANIA PRESS

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Published by  
University of Pennsylvania Press  
Philadelphia, Pennsylvania 19104-4112  
[www.upenn.edu/pennpress](http://www.upenn.edu/pennpress)

Printed in the United States of America  
on acid-free paper

10 9 8 7 6 5 4 3 2 1

Library of Congress Cataloging-in-Publication Data

Names: Kornbluh, Felicia Ann, author. | Mink, Gwendolyn, author.  
Title: Ensuring poverty : welfare reform in feminist perspective / Felicia Kornbluh and Gwendolyn Mink.  
Description: 1st edition. | Philadelphia : University of Pennsylvania Press, [2018] | Includes bibliographical references and index.  
Identifiers: LCCN 2018008572 | ISBN 978-0-8122-5068-8 (hardcover : alk. paper)  
Subjects: LCSH: Public welfare—United States. | Welfare recipients—United States. | Low-income single mothers—Government policy—United States. | Poor women—Government policy—United States. | Poverty—Government policy—United States. | Temporary Assistance for Needy Families (Program).  
Classification: LCC HV95 .K675 2018 | DDC 362.5/5680973—dc23  
LC record available at <https://lccn.loc.gov/2018008572>



*For our mothers*

*Beatrice Kornbluh Braun, Esq., 1929-2017*

*Patsy Takemoto Mink, 1927-2002*

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## *Preface*

In a study published in February 2015, researchers reported that the 1996 welfare reform law shortens women's lives. Public health scholars studied two states, Florida and Connecticut, and compared the old, pre-1996 welfare program with the later one. They discovered that the new policy, authorized by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), shortened recipients' lives by nearly six months (0.44 years).<sup>1</sup> It also saved governments approximately \$28,000 per recipient over her lifetime. An earlier study by the same research group found that, in Florida alone, the death rate for participants in the post-1996 welfare program was 16 percent higher than for people who had received welfare in earlier decades. "The message of the finding," according to a scholar who was not one of its authors, "is that there is a very small but statistically significant difference in the measured death rates between these two populations."<sup>2</sup>

This book is an effort to explain how we ended up with a national policy that promotes the death of mothers. To grasp the politics and policy making that gave us the cruel program unironically called "welfare," we ask readers to consider welfare policy in the broad intersectional context of gender, race, poverty, and inequality. The subject of welfare reform always has been single mothers, its animus always has been race, and its currency always has been inequality. Yet public conversations about poverty and welfare, even in current times, rarely acknowledge the nexus between racialized gender inequality and the economic vulnerability of single-mother families. We hope this book will broaden how we talk about the safety net and welfare justice. We offer a feminist chronicle and assessment of the contested history of welfare reform, including the alternative arguments advanced by feminists and proposals for welfare initiatives that actually would help mothers achieve independence for themselves and economic security for their families. We

assess policy debates and decisions, examining voices engaged as well as those not heard.

Overall, we mean to restore to the past and present a sense of what historians call contingency, that is, a sense that things could have been different in the past and can change dramatically today. Our reading of the once-robust political debate over welfare reform salvages a “usable past” for people today who wish to change the terms of debate over gender, families, welfare, and poverty. Our evidence about the effects of welfare reform provides the case for action and the reason for urgency behind such a change.

The authors of this book, Gwendolyn Mink and Felicia Kornbluh, have studied and done advocacy work on social welfare in the United States for over twenty-five years. We met in 1993 at a congressional symposium on welfare reform that was organized by Gwendolyn Mink’s mother, the late congresswoman Patsy Takemoto Mink (D-Hawaii). Both of us were members of the Women’s Committee of 100, a coalition of writers and scholars who opposed the legislative proposals that ultimately prevailed in PRWORA. We lobbied Congress in an effort to stop the proposals before they became law and worked together again during the reauthorization process, beginning in 2000. Under the leadership of Representative Mink, we participated actively in efforts to redefine work under the law to include the work low-income mothers do to raise their children, and to amend the law in other ways to restore women’s reproductive rights and a measure of their economic security.

Welfare reform was the fulcrum of the wide-ranging 1996 Personal Responsibility and Work Opportunity Reconciliation Act, which overhauled safety net programs. Among the programs targeted for revision or replacement was the sixty-year-old Aid to Families with Dependent Children program, which was replaced by Temporary Assistance for Needy Families (TANF). The signal features of TANF were elimination of the entitlement to aid for people who qualified for it; imposition of draconian rules on those who received assistance; dislodging of cash aid as the core principle of welfare; and a dramatic increase in budgetary and administrative flexibility for the individual states in implementing the law.

The new rules for recipients included time limits, work requirements, and policies regulating reproductive decisions and family forms. These rules could be used as a textbook example of reproductive injustice; by design, welfare reform made it harder for poor people to parent and constrained all their decisions about whether, when, and with whom to bear and raise children. Time limits imposed tight deadlines on individual transitions to

economic self-sufficiency. Work requirements compelled recipients to take low-paying jobs, even at the cost of further education or training in preparation for better-paying jobs. Fertility control incentives and pressures stigmatized and punished childbearing while poor and unmarried. The stated justification for all these changes was that they would promote participation in the labor market, discourage childbearing by unmarried low-income women, and support married family life among low-income biological parents and children. Reducing women's poverty, enhancing their well-being, and affirming their equality were not among the stated goals of PRWORA or the TANF program.

In addition to ending the entitlement to aid and conditioning benefits on obedience to harsh new rules, welfare reform ensured poverty by permitting states to use TANF funds for the nonpoor and failing to insist that the aid poor families do receive support incomes at levels that can sustain families. Since 1996, there has been a steady increase in what some advocates call the "TANF misery index," which adds together the percentage of poor families *not* receiving TANF and the percentage gap between the TANF income of those who manage to receive it and the official poverty line. The TANF misery index for 2012, the last calculated before we finished this book, was the highest ever: 74 percent of low-income families with children were not receiving TANF aid, and there was, overall in the United States, a 73 percent gap between average TANF grants and poverty as the federal government defines it. These numbers represent dramatic changes from the time before welfare reform, when 28 percent of poor families with children did not receive public assistance, and there was a 65 percent gap between grants and poverty.<sup>3</sup>

Welfare reform policy amplified states' rights to cut direct aid to the poor and weakened their ability to support poor families more generously. In 2016, states spent just 25 percent of their TANF funds on cash grants to TANF clients, down 70 percent from prior to the implementation of welfare reform.<sup>4</sup> While national law mandates certain levels of spending by states from their own funds, it simultaneously permits states to count spending on proselytizing services as spending on welfare. Tightening the chokehold on direct financial assistance to families, national TANF law authorizes states to channel increasing shares of federal TANF funds to programs and services and away from cash aid.<sup>5</sup>

We have enough evidence now to assess welfare reform. TANF has, indeed, increased participation in the labor market by recipients and former recipients of aid. But the work lives of mothers who joined the labor market

under pressure from welfare rules or time limits have not been secure. Wage work has not kept low-income single mothers or their children out of poverty. Nor have the publicly funded promotion of marriage and fatherhood eliminated the economic vulnerability of mothers who raise children on their own. Welfare reform's rules and incentives promoting married reproduction and child raising have not reversed the rise in single motherhood, improved marriages, or made life better for children who are raised by parents who lack economic resources. In fact, at its most brutal, welfare reform has broken families, as sanctions, the drastic reduction in cash benefits, and time limits have driven some mothers to surrender children to foster care and adoption.<sup>6</sup> Rather than empower families economically to rise out of poverty, welfare reform has proliferated policing mechanisms against the poor while repudiating the original purpose of welfare: income support to help custodial parents make ends meet.

As a result of its many defects, TANF has done little to diminish or mitigate women's and children's poverty. The single-mother poverty rate remains shockingly high at 35.6 percent overall, 38.8 percent for African American female-headed families, 40.8 percent for Latina-headed families, 42.6 percent for Native American female-headed families, and 41.5 percent for families headed by foreign-born women.<sup>7</sup> Despite this, policy makers in both political parties refuse to address family poverty as a women's issue, rooted in intersectional inequalities of gender, race, nativity, and class. Democrats generally have shunned a feminist agenda centered on the disproportionate poverty of single mothers and have specifically avoided advocacy of poverty-focused social policy in preference for championing improvements for a raceless (white), genderless (male) "middle class." Republicans, for their part, have for years reflexively engaged in "dog-whistle" politics, using soft-core racism to stoke both latent and explicit racist hostility—for example, by mobilizing tropes of poor people as "lazy" and "dependent."<sup>8</sup> More recently, one wing of that party has pursued a more overt form of racialized and gendered politics, less a dog whistle than a loud, ringing alarm. Both parties obscure the unrelenting scale of poverty among single mothers raising children, instead pitching their appeals to different segments of the middle class. We think of this as snooze-mode politics, a failure to acknowledge the all-too-obvious gendered and racialized dimensions of poverty and suffering, an unwillingness by leading politicians and some influential intellectuals to wake up.

Despite the persistence of single-mother poverty, on its face a signal of PRWORA's failure, welfare reform has become a model for safety net policy



in the United States. As welfare participation has dropped under the 1996 welfare law, the law's main features, including work requirements and surveillance of recipients' family behavior, have been exported to other antipoverty programs, such as SNAP (Supplemental Nutrition Assistance Program, or food stamps) and public housing. As we write, many Republicans have called for adding work requirements to Medicaid participation, while Republican Speaker Paul Ryan has proposed replacing cash aid under the Supplemental Security Income Program (SSI) with services to prepare recipients for work.

One of the most remarkable aspects of this area of public policy is how normalized it has become, how little debated in mainstream politics. It was not always so. Most current-day discussions of welfare reform claim that the policy grew from a wide, bipartisan, consensus.<sup>9</sup> But history says otherwise: many Democrats opposed the main features of the law President Clinton ultimately signed, which Republicans drafted shortly after they took the majority in both houses of Congress. Many continued to challenge their colleagues in Congress and the administration over the implementation of PRWORA and its reauthorization. Leaders such as Representative Patsy Mink and former administration official Peter Edelman argued that President Clinton betrayed Democratic Party principles when he signed PRWORA.<sup>10</sup> They took issue with the substance of the law, especially the clause in it that ended an entitlement to aid for impoverished mothers with children. Mink and other women of color Democrats also took issue with the debate that preceded and undergirded PRWORA, which was characterized by overt racial and gender stereotyping and a marked disrespect for the work mothers of all backgrounds and income levels do to raise children.<sup>11</sup>

Representative Mink and other feminists were especially aroused by the ways both the welfare debate and welfare policy imposed inequality on low-income single mothers. For example, they pointed out that the preamble to TANF policy ordained that heterosexual marriage and the greater presence of fathers in low-income homes are the best solutions to women's and children's poverty, while TANF provisions deliberately restrained and regulated the choices available to mothers once they enrolled in welfare. In these and other ways, TANF contradicted the basic principles of feminism, that women's lives matter as much outside marriage as in it and that they are self-sovereign citizens whose government has a role to play in ensuring their access to good lives.<sup>12</sup> Social justice feminists like Mink, along with some other liberals, argued that emphasizing marriage and regulating mothers' intimate and family decisions diverted attention from economic and gendered sources

of poverty, such as low wages, structural unemployment and underemployment, domestic violence, and the large portion of men of color involved in the carceral system.

The robust debate that occurred in the Clinton era has been forgotten in part because public conversation about welfare, poverty, and inequality shifted dramatically in subsequent years. Persistent inequality and poverty have been too often treated as natural or inevitable in the face of global trends and technological change, as unreachable by governmental policies, or separate from concerns about subordination on the basis of gender, race, nationality, disability, and sexuality. Moreover, the organic connection between poverty and all forms of inequality has never been fully acknowledged, and the consequent focus of poverty policy has been on the attributes of poor individuals rather than on the structures and conditions that make and keep people poor.

Even when income inequality grabbed popular attention as a response to the Great Recession, invocations of “the 99%” were too vague to reach the particular situation of low-income women and children trying to stay afloat in the wake of welfare reform. Progressive campaigns on behalf of “ordinary Americans,” the “middle class,” or people who “do everything right but still can’t get ahead” may even have been counterproductive. The discourse of “playing by the rules” or “doing everything right” may establish a middle-class claim for a reformed home mortgage system or free college education. But it marginalizes and “others” people who do not “do everything right” almost by definition, because the rules the poor are required to live by are harsher and more stringent than any facing the middle class—starting with the compliance demanded by government in exchange for public assistance.

Mainstream public debates about poverty thinned to an unhealthy degree in part because many post-PRWORA policy interlocutors acquiesced in the othering of poor single mothers as behavioral anomalies who eventually would be fixed by the onward march of welfare reform. But policy debates about poverty also suffered because they were starved of progressive feminist ideas. Instead of giving a full hearing to feminist antipoverty ideas about self-sovereignty, economic opportunity, intimate liberty, and freedom from violence—ideas that touched on the structural and cultural inequality faced by single mothers—post-PRWORA welfare discourse treated patriarchal solutions to poverty as neutral and self-evident, just as Newt Gingrich’s GOP designed them to be in the middle 1990s. The coercive, misogynous edge of demands for universal marriage and mandatory paternity, widely noticed if

incompletely grasped during the high point of feminist influence in the 1970s, was hardly acknowledged by the early twenty-first century. Instead, for a wide swath of thinkers in Washington, D.C., marriage became a ubiquitous symbol of the moral and economic good.

Some of the narrowing of debate over welfare and poverty occurred through the efforts of those who tried to help low-income mothers by punishing their male partners. Beginning in the 1980s, some liberals joined the idea of welfare reform with feminist-sounding demands for a punitive regime of child support collections.<sup>13</sup> Strengthened under PRWORA and the state laws that implemented it, child support policy ensnared many low-income men in a kind of carceral debt peonage, in which the combination of mandated child support awards and fees for court costs and arrears led to repeated jailing and was virtually impossible to escape. Walter Scott, one of the men who became famous because police killed him during the rise of the #blacklivesmatter movement, was \$18,000 in arrears on child support payments at the time he was shot. Family members speculated that this may have been the reason he fled after police stopped him because of a broken tail light.<sup>14</sup>

The sidelining of progressive feminist analysis cramped the spectrum of socially acceptable opinion about welfare and poverty, as policy makers lost the sense that human activity and sustenance could occur outside of the labor market. One consequence or symptom of this trend was the liberal dedication to “make work pay” by expanding the Earned Income, Dependent Care, and Child Care Tax Credits.<sup>15</sup> Rather than resisting the logic of welfare reform, which hollowed out the obligations citizens could impose on their government, policies that focused single-mindedly on making work pay participated in it: welfare reform drove women with young children, who had been somewhat sheltered from full-time waged work in twentieth-century public policy, into full-time low-wage jobs and away from their children. Policies such as the Earned Income Tax Credit, which has increased in value substantially since the 1990s, painted lipstick on this pig by using public resources to supplement bad private-sector jobs. Journalists, legislators, and think-tank intellectuals stopped asking why it was better for mothers to work in the food service or home health care industries than to prepare their children’s food or tend to their family members’ illnesses.<sup>16</sup> As in the case of child support, those liberals who took women’s waged work as a positive end in itself, and who were willing to impose an obligation to

engage in such work on low-income people, may have helped produce this disregard for the mostly uncompensated work of mothering.

\* \* \*

This book interweaves three primary concerns. The first is the significance of gender in welfare reform, and, more generally, in poverty and inequality in the United States. This is something of a truism within feminist scholarship about the American and European welfare states. However, since passage of PRWORA, the gendered dimensions of antipoverty policy appear to have receded ever more from view. We assume at least two major audiences, scholars and advocates who work on public policy but do not routinely use contemporary gender analysis as part of their work, and students and colleagues in the feminist academy who have sharp theoretical tools but rarely bring them to the task of studying policy. Our intention is to have this book serve as an object lesson in what can be gained when the lines between these two groups are effaced, when public policy history, analysis, and advocacy embrace contemporary feminism and when feminists use their rich understandings of sex, gender, difference, and power to interpret the public structures that shape contemporary life—and to change them for the better.

To capture the origins and effects of PRWORA requires a wide, intersectional understanding of gender and its role in welfare policy. Gender in the sense of women's subordination, past and present, has unfortunately been a very salient part of this law's development. But PRWORA's gendered politics also was simultaneous with and inseparable from racism and race-based stereotypes. For example, the enthusiasm of some white, middle-class female legislators for federal policy that compelled other women's out-of-home work, and the desire by many middle-class whites to cure poverty with paternal child support payments, can best be understood as a shared product of gender, race, and class relations refracted through political opinions. A full understanding of PRWORA and its effects further involves interactions among gender, nationality, legal citizenship, language, sexuality, disability, and transnational migration.<sup>17</sup>

A second thread of our analysis considers the narrowing of debate that has occurred in recent decades. We focus here on changes that occurred in the thinking and rhetoric of Democrats, progressives, and allied research-

ers. Conservative opinion and activism have, of course, been significant in the development of public policies that affect low-income people. The conservative “Contract with America,” issued by activist Republicans who became a congressional majority after the elections of November 1994, shaped the statute Congress passed for President Clinton’s signature two years later.<sup>18</sup> Anti-welfare conservatism constrained later efforts to ameliorate the effects of PRWORA. But moderates and liberals also contributed to anti-welfare discourse, principally by leaving un rebutted underlying assumptions about parenting, poverty, and the role of government.

The third concern of this book is the path charted by social justice feminists in the 1990s and early 2000s, a path not yet chosen by policy makers but not impossible to choose. The social justice feminist path begins with the irreplaceable role of people who will be most affected by public policy decisions in making those decisions. In the case of PRWORA and whatever in the future might replace it, this means involving low-income mothers actively in discussions of their needs and perspectives—and, when discussing policies about marriage and fatherhood, involving fathers, too. It also means making policy as if poor people’s needs and perspectives matter even when poor people are not in the room. At a conference in 2002, in the midst of congressional struggles over TANF reauthorization, one of us asked, “Could we please talk about TANF as if mothers matter?”<sup>19</sup> The history of PRWORA is an object lesson in the effects of policy making in which virtually everything about low-income mothers and fathers was decided without them. We endeavor to foreground and consider the distortions that occurred in political debates about poverty and welfare when those most affected, and their status as mothers and fathers, were omitted.

The social justice feminist path further requires centering the equality of mothers, especially mothers of color, in policies aimed at poor families. Disproportionately, poor children live in single-mother families. Disproportionately, single-mother families are the poorest families. And disproportionately, single mothers are required to trade self-sovereignty for even the stingiest economic assistance. The exclusion of intersectional gender analysis in creating and advancing a policy that is *about gender* has resulted in a cruel deepening of inequality for poor mothers. We will highlight the legislative effort engaged by social justice feminists to make welfare policy work for poor mothers in the hope that the effort instructs future possibility.

In the work that follows, we return repeatedly to these themes. We return as well to a set of overarching questions that haunt this study: What are

the terms of political incorporation and economic well-being for adults, paradigmatically women, who spend much of their time caring for others? How do we explain the failure of our polity and society to address the basic and predictable tensions between families and job markets as they are currently constituted? What roles have race, class, and nationality played in this failure? And what do we do next?

These are fundamental questions of feminist social thought. They demand a broader conceptualization of rights than we are accustomed to encountering in popular feminist texts or narrow discussions of civil rights. To resolve the problems PRWORA has raised so pointedly requires a rich, substantive menu of rights, “freedom to” rights in addition to “freedom from” invidious public or private action. We need a government that enters social life actively to enable those who do the work of care to survive and thrive.

These are theoretical claims, but the possibility of pursuing them is not merely theoretical. At the same time that the United States has experimented with PRWORA and other devastating reductions in public assistance, numerous other societies maintained low rates of women’s and children’s poverty. Western and northern European countries—and even our near North American ally Canada—have spent dramatically more on public welfare and less on incarceration than the United States has since the late twentieth century.<sup>20</sup> The trade-off appears not to have diminished public safety but to have reduced social strife and the worst effects of poverty on citizens’ well-being. Substantive rights are more rare in the United States than in Europe or Canada. But they are not entirely lacking in our traditions; after all, for at least thirty years, before the welfare reform of the middle 1990s, the government promised basic economic help to every impoverished mother with children who met certain criteria. As Representative Patsy Mink said: “We have to build things that we want to see accomplished. . . . It is easy enough to vote right and be consistently with the majority . . . but it is more often more important to be ahead of the majority and this means being willing to cut the first furrow in the ground and stand alone for a while if necessary.”<sup>21</sup>

## *Chapter 1*

# Legislating the Personal Responsibility of Poor Mothers

Early in the political wrangling over welfare reform, Congresswoman Patsy Takemoto Mink (D-Hawaii) warned her colleagues of a persistent bias they appeared not to have noticed. “The brunt of our criticism, the brunt of the burden of the debate,” she argued, “is being heaped upon women in this society.”<sup>1</sup> While the controversy raged, Mink gathered scores of Democratic lawmakers to remind President Clinton and the Republicans that their proposals would create more poverty. She led a much smaller group that underlined what she termed the “gender issue” framing the whole conversation about welfare.<sup>2</sup>

Politicians and many researchers still understate the importance of sex, gender, marriage, and reproduction in the politics of the 1990s and the years that followed. But Representative Mink was right: women and gender were, indeed, at the center of welfare reform and the debate that preceded it. When they voted in favor of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), a bipartisan majority of Congress pledged to change the behavior of mothers and fathers who were living at the edge of economic survival.

Declaring that “marriage is the foundation of a successful society,”<sup>3</sup> the welfare overhaul made mothers’ marital status, fathers’ financial child support, and childbearing by young women newly paramount in antipoverty policy.<sup>4</sup> The promise of the law was that by limiting access to benefits, pressuring women to have fewer children, requiring men to support biological children, and persuading biological mothers and fathers to marry one another, the U.S. government would reduce the need for welfare more effectively

than it had done in the previous six decades. Virtually lost in this framework for privatized, patriarchal poverty mitigation was the role of government in stanching the effects of extreme economic need or fostering the conditions for economic security.

This chapter explores the major features and implications of the 1996 welfare law and the Temporary Assistance for Needy Families (TANF) program it created. The primary method here is statutory analysis of Title I of the law, which established TANF. At the time we are writing, the TANF provision of PRWORA remains controlling law, although legislation reauthorizing the program in 2006 added mechanisms to advance goals for labor market participation, marriage, and fatherhood. In later chapters we use a variety of methods to explore the origins of TANF and changes over its history, changes that have not altered its basic structure or purposes. Here, we examine what Congress actually said in 1996 to illuminate the major features of the policy legislators designed and that President Bill Clinton endorsed. Before we can appreciate the history of welfare reform and its impact, we must first understand what it is, what it means, and why it matters.

Our reading of the welfare reform statute underlines the need for contemporary feminism and gender analysis in public policy. Because the 1996 law singles out low-income women—single mothers, disproportionately of color—for regulation and discipline, we find it imperative to bring to the subject an intersectional gender and reproductive justice perspective that we have developed alongside many academic colleagues. Intersectional feminism insists on the formative and ongoing political significance of differences among women's experiences of gender based on their race, class, sexual identity, immigration status, and disability circumstance. It summons solidarity across the diverse ways in which women endure sexism, gender discrimination, and subordination, but it cautions specificity in designing remedies for inequality.<sup>5</sup> A reproductive justice approach impels us to analyze public policy by considering its impact on all people's ability—including their economic ability—to bear and raise children, as well as to avoid childbearing when that is their preference.<sup>6</sup>

The gender dimensions of TANF were in plain view in the 1996 welfare reform statute. The law's authors made frequent mention of the negative effects of childbirth by single women, especially teens; the perils imposed on children when they are raised by poor single mothers; and the urgency of conditioning poor women's childbearing and child rearing on marriage and fathers' family role.<sup>7</sup> The structure and terms of TANF encourage the priva-



tized dependency of women on men, not only by incentivizing heteromari-  
tal family formation but also by ending poor families' entitlement to cash  
assistance and time-limiting eligibility for TANF participation. This with-  
drawal of the safety net closed off reliable access to income support in hard  
times for the overwhelmingly female population of adult welfare partici-  
pants. In a backhanded, if intended, way, this end to welfare amplified the  
pressure on mothers to seek income support from individual men who are  
biological fathers of their children.

If the 1996 welfare law was explicitly gendered, its gendered logic was in-  
separable from social and economic class, and from the deeply racialized  
assumptions and stereotypes it deployed. TANF was simultaneously racial-  
ized, gendered, and class-specific in the impacts it wrought. The welfare pol-  
icy created by PRWORA was predicated on a specific understanding of the  
relationship between the individual and the government, with the individ-  
ual in question not an abstraction or universal but a specifically gendered  
low-income woman, implicitly understood to be an African American, a  
Latina, an Asian immigrant, or a socially marginal white person.<sup>8</sup> The stat-  
ute drew ethical and regulatory lines between mothers and fathers, the  
married and unmarried, wealthy and poor, older and younger, "legitimate"  
and "illegitimate," disabled and able-bodied, those employed in the waged  
labor market and those not employed, immigrants and the native-born. The  
implications of the statute far exceed its own text or even the lives it im-  
mediately shaped: as Representative Mink feared they might, the arguments  
policy makers inscribed in PRWORA affected the cultural and political en-  
vironment in which all women, all mothers, all communities of color, and  
all economically vulnerable or exploited people in the United States lived in  
the years after the statute's passage.

***Racist Myths and Misogynist Stereotypes:  
The Preface to the New Welfare Law***

The debate leading up to the 1996 welfare law, as well as the law itself, fol-  
lowed from policy makers' refusal to hear feminist critiques of welfare re-  
form proposals and their neglect of mothers who bore witness to poverty  
and the need for welfare. While grassroots welfare groups did raise their  
voices, as did allied feminist social justice activists, these voices did not re-  
verberate in the legislative process. Quite the opposite. As we shall see in the  
law's opening section, policy makers treated welfare reform as a paternalistic

project—policy change from above to fix the individual failings of single mothers in need of aid.

The centrality of gender, the narrowing of debate, and the absence of direction from affected communities are all evident from the very start of the welfare reform statute. Notwithstanding proponents' drumbeat for "work, not welfare," gender, marriage, and motherhood held pride of place in the text of the law. Title I of PRWORA, the TANF provision, opened with a preamble that consisted of a list of "findings." These commingled data from testable hypotheses, untestable value statements, and familiar welfare myths. Although offered as uncontroversial first principles, they represented a specific perspective on sex, gender, intimacy, and parenting.

The first three findings that undergirded TANF policy were the least empirical and most normative: "(1) Marriage is the foundation of a successful society. (2) Marriage is an essential institution of a successful society which promotes the interests of children. (3) Promotion of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children."<sup>9</sup> The last finding, number ten, was that "prevention of out-of-wedlock pregnancy and reduction in out-of-wedlock birth are very important Government interests."<sup>10</sup> Then followed language elevating these principles in a transformed welfare policy. Amending established welfare law and replacing the prior program, Aid to Families with Dependent Children (AFDC), the congressional majority created TANF to "address the crisis" in marriage, childbearing, and child rearing by low-income women. Changing the purpose of welfare policy to align with heteromartial, patriarchal, and eugenic gender preferences, the 1996 TANF law declared among its purposes the goals of discouraging nonmarital childbearing, encouraging two-parent family formation, and promoting marriage.<sup>11</sup>

By emphasizing marriage and a supposedly traditional model of gender roles, TANF policy represented an intervention into a long-standing debate over "the black family." In the late nineteenth and twentieth centuries, many white and African American social scientists pointed to the disparity in marriage rates between families of European descent and those of African descent.<sup>12</sup> They interpreted this statistic as a cause, rather than, as might be more appropriate, a symptom, of poverty among African American adults and children. At regular intervals, they went further, to posit a causal chain from adult marital patterns, to family economic well-being, to various social phenomena, such as children's achievement in school, their likelihood

to serve time in prison or jail, and mothers' and children's need for public assistance over their lifetimes.

The "Moynihan Report" of 1965, a product of President Lyndon Johnson's Department of Labor, publicized one pole of the debate over "the black family." The report muddled causes and effects, suggesting that the history of white supremacy (slavery and Jim Crow), the modern economy, and women's economic and familial roles had all produced "black family" poverty—a poverty whose most immediate causes or symptoms allegedly were the bad behavior and limited employment prospects of African American men. Was the solution, then, a major macroeconomic intervention by the government to create more jobs, and a policy to direct such jobs to nonwhite men? Or was it a cultural program to reduce African American women's autonomy and give men opportunities to, in the report's ineffable phrase, "strut" like cocks in the farmyard? The report made the answer to this question unclear, perhaps deliberately so.<sup>13</sup>

Feminist, civil rights, antipoverty, and welfare rights activists successfully challenged the Moynihan Report, but their success did not last. That the ideas popularized in the report were disreputable for twenty years within some liberal and Democratic circles was a remarkable achievement, given the intellectual and political forces arrayed on their behalf. However, these ideas were recuperated and mobilized in debates over national welfare policy beginning in 1985 with a series of lectures the report's author gave at Harvard University. The resurrected theories about the relationship between marriage and poverty in the preamble to PRWORA did not explicitly refer to the Moynihan Report; they subsumed it. And so the new welfare law gave legislative standing to ideas about poor people's gender behavior that feminists and welfare rights activists had refuted as long ago as 1965.<sup>14</sup>

When we argue that TANF is centrally concerned with gender, we do not mean to suggest that adult women or mothers are its sole subjects or objects. Gender as an analytic tool encompasses all people. It serves as an interpretive guide to public policy by calling attention to ways in which policy incorporates assumptions about maleness and femaleness, masculine and feminine behavior, and the two-option gender system itself.<sup>15</sup> As in the reference above to the promotion of "responsible fatherhood and motherhood," the members of Congress who voted for PRWORA mobilized negative masculine stereotypes and endorsed policies that aimed to change men who came under the law's jurisdiction, even as they also suggested that women should

relinquish their claims for self-sovereignty and focus on marriage instead.<sup>16</sup> So, for example, the fourth finding in the TANF preamble directed attention to the fathers of poor children. Here, policy makers offered quantitative data about the percentages of families who had child support orders and received payments under them.<sup>17</sup> This emphasis on child support, calling to mind the stereotype of the so-called deadbeat dad, ushered in extensive changes under PRWORA to the national child support system Congress had established in 1974 and enhanced under the welfare reform of 1988.<sup>18</sup> Likewise, the seventh finding revisited the subject of masculine behavior by dredging up the stereotype of the “statutory” rapist, the man who has consensual intercourse with a woman below the legal age of consent, placing her at risk of becoming a teenage mother. The authors of TANF insisted that a fix to the problem of teenage pregnancy “must address . . . male responsibility” for statutory rape and the “sexual and physical abuse” of young women.<sup>19</sup>

The preamble to TANF policy illustrates the place of age as a component of gender and sexual politics. Age as a category of analysis has not received the attention it perhaps deserves from scholars of public policy. But a few feminist scholars have illuminated the ways in which gendered and sexual tensions have crystallized into anxieties about young people. Tensions about young women’s sexuality, in particular, have provoked repeated “moral panics” about the state of the country since World War II.<sup>20</sup> These tensions have driven legislation and judicial decisions on abortion, adoption, and teenage pregnancy.<sup>21</sup> In the welfare context, the association between teenage child-bearing and nonmarital motherhood excited anxieties about the failure of younger women to assimilate white, middle-class, marital norms, while the connection between single motherhood and poverty seemed to support theories about the high cost of teen parenting.

TANF legislation reads like the result of a profound moral panic over gender, age, sexuality, and social risk. The sixth finding, for example, opened with a claim about an overall increase in nonmarital births but then shifted to data on “non-marital teen pregnancy”: the congressional drafters failed to note that pregnancies terminated by a safe abortion posed little challenge to the welfare system or the public fisc, or that teen moms and their children were a miniscule fraction of the welfare caseload.<sup>22</sup> The eighth and ninth findings enumerated dozens of negative effects of being born into or raised in single-mother homes if the single mother is poor and never married. These findings warned of low cognition and low educational attainment, increased delinquency and criminality, and higher rates of intergenerational welfare

dependency among children born out of wedlock into fatherless families that need welfare. In the findings as elsewhere in the statute, TANF's authors outlined the supposed deficiencies of poor single mothers while underlining the special value of biological fathers. Nowhere in TANF policy is there mention of the importance of mothers.

### ***"No Individual Entitlement"***

The introductory assertions about gender, sexuality, and parenting in the "findings" to TANF policy skewed the policy's emphasis toward privatized, individualized, moral prescriptions. They pointed away from reforming labor market opportunities, educational and employment conditions and work supports, or racist and sexist social structures.<sup>23</sup> The two overarching disciplinary mechanisms in the law were the elimination of an entitlement—an enforceable legal claim—to assistance, and the imposition of a lifetime time limit on TANF eligibility. Proponents of PRWORA chose punishing women for needing welfare over reducing their poverty; disciplining them through rules and sanctions rather than increasing their access to remunerative jobs or enlivening educational opportunities; and conditioning their well-being on attachment to men rather than blazing pathways to genuine self-sovereignty and independence.

The withdrawal of the welfare entitlement was the boldest change from established policy toward poor mothers and their children, the essence of what candidate Bill Clinton had termed "end[ing] welfare as we know it."<sup>24</sup> The end of the entitlement to welfare meant that impoverished mothers and children (and a few fathers), whom the government had for decades assured at least a minimal level of aid if they met specific eligibility criteria, could no longer count on such aid.<sup>25</sup> The statutory entitlement to public assistance in the United States was never ideal or tantamount to what activists and theorists understood as robust "welfare rights." This form of entitlement, because it was based on a statute, an act of the legislature, was always shaky and subject to potential reversal by that same legislature, as well as to interpretations by a bureaucracy that could vary dramatically depending on who was in charge. The girth of the entitlement also varied by jurisdiction, as each state could determine just how much assistance it was willing to offer, which, in turn, determined how much the federal government would contribute to a particular state. Nonetheless, the entitlement was meaningful, and so was its loss.

The removal of a reliable and accessible welfare benefit in TANF policy undid by means of national law a set of Supreme Court precedents that had guaranteed a minimal level of access to and fairness in the welfare system. The watershed opinion, written for a unanimous court by Chief Justice Earl Warren, was *King v. Smith* (1968).<sup>26</sup> Mrs. Sylvester Smith, an African American single mother, challenged Alabama's decision to terminate her welfare benefits because her nonmarital sexual relationship with a man violated the state's "substitute father" rule.<sup>27</sup> Under that rule, any man who frequented a woman's home for conjugal purposes could bear responsibility for the economic support of her children, whether or not he was biologically related to them. Smith and welfare rights advocates initially argued that the substitute father rule violated the equal protection clause of the U.S. Constitution—an argument that, if successful, would have barred use of arbitrary moral criteria to decide poor families' eligibility for aid.<sup>28</sup> *King v. Smith* did not accomplish this end because Smith's appellate attorneys and, ultimately, the Court, framed the case on statutory, not constitutional, grounds, and therefore did not establish access to welfare irrespective of sexual behavior as a matter of fundamental legal equality.<sup>29</sup> Even so, the case was a strong response to the sexually regulatory, race-conscious deprivations of welfare benefits by individual states and established that the welfare statute—the old AFDC provision of the Social Security Act—did not intend to punish children for the sexual conduct of their mothers. This ruling, in combination with Supreme Court decisions in *Shapiro v. Thompson* and *Goldberg v. Kelly*, girded the welfare entitlement with rights against arbitrary state action—for so long as the federal program was an entitlement.<sup>30</sup>

With breezy definitude, Congress in 1996 declared "No Individual Entitlement" to welfare.<sup>31</sup> The decision to end the entitlement to public assistance was inseparable from TANF policy's concerns about marriage, sex, and gender. The resolution of the gendered "crisis" legislators outlined in the law's findings lay, in part, in ending families' ability to rely on government to help supply their basic needs when they were unable to afford these needs on their own. This may appear an odd argument. However, implicit within it were assumptions about the gendered ordering of a good society. The starting assumption appears to have been that mothers sometimes resisted marrying the fathers of their children because they knew government help was available to pay at least a portion of their bills. According to research, this assumption did not explain overall trends in marriage; however, some women did resist marrying men they found unreliable, unhelpful, or abusive, and

others resisted marrying because they thought it came with obligations that they were too poor to afford.<sup>32</sup> Examined through low-income mothers' eyes, secure government aid in the form of an entitlement increased a woman's bargaining power with men in her life. It may therefore have enabled her greater happiness, her ability to avoid or escape abuse, and opportunity to build a better intimate partnership when she chose to enter one.<sup>33</sup> Reliable and accessible government assistance also assigned social worth to the family work poor mothers did as primary parents, while recognizing the impossible double burden of wage work and care work that so many faced in an inflexible, low-wage labor market.

For promarriage critics of welfare, relatively secure public assistance blunted the force of women's traditional incentives to marry, especially the economic vulnerability that risked their children's well-being. On this theory, entitlement to welfare reduced marriage rates among the poor by mitigating poverty in families with children. The idea that welfare supported poor unmarried mothers' independence apparently drove the urge to transform welfare from a reliable and accessible income supplement to temporary and conditional alms. Pushing single mothers toward marriage by intensifying their economic insecurity, the elimination of the welfare entitlement by PRWORA was inextricable from the gendered agenda of its supporters.

By the 1990s, the very word "entitlement" had acquired a negative cast.<sup>34</sup> Welfare reform demeaned the term even more profoundly and associated it in the lexicon of public policy ever more with stigmatized racial and gender identities. In its changing public meanings, "entitlement" resembled "welfare" before it, a term that came into wide use specifically to capture the expanded scope of economic citizenship in the twentieth century.<sup>35</sup> The concept of entitlement indicated the degree to which people no longer had to beg private charities for help when they experienced distress but had something like "title," a property right, to "welfare," basic well-being, from the governments to which they gave their allegiance. Decades earlier, legal theorist Charles Reich identified this entitlement idea as a key part of modern American governance in a renowned article about the "new property" interest all individuals acquired in the economically valuable benefits generated by the post-New Deal state—everything from broadcast licenses granted by the Federal Communications Commission, to professional licenses granted or regulated by state agencies, to old-age pensions and mothers' benefits under the Social Security statute.<sup>36</sup> By the time Congress passed TANF, few disputed the rights of workers in covered jobs to claim benefits in old age. But

the economic invisibility of parental care work and pejorative ideas about mothers and children who need welfare made the idea of “entitlement” for single-mother families seemingly indefensible.

In TANF policy, the loss of entitlement meant that no individual or family, no matter how destitute or deserving, no matter how moral a mother or nondeadbeat a father, could make a legally enforceable claim for assistance just because they were poor. If the state ran out of TANF money or if the family did not meet ongoing conditions for receiving aid, then the family would be left to sink or swim on its own. Further, absolute lifetime time limits for TANF participation added a chronological condition of assistance, marking a point in time beyond which families could not receive aid ever again, no matter their behavior, attitudes, or needs.<sup>37</sup>

TANF law included a national cumulative time limit of five years during which families could get help. State governments were explicitly permitted to shorten these limits, and many have done so. By statute, additional conditions a parent must meet vary from state to state. They are enforced by sanctions ranging from partial welfare benefit cuts for a period of time to a family’s complete loss of aid. Conditions that expose families to sanctions include mandatory paternity establishment and cooperation with child support enforcement by mothers, work requirements, and regular school attendance by school-age children in TANF families.<sup>38</sup>

In contrast to this approach, consider the principles foregrounded in legislation Representative Mink introduced to Congress during initial debates over welfare reform in 1993–94, a similar version of which she reprised after Republicans began to formulate PRWORA in 1995. Mink argued that if mothers wanted to work for wages, then “there must be opportunities to work” via training and education, up to and including opportunities to attend college. She argued that these mothers must be able to secure child care, financial aid, and other supports to make education and training truly accessible.<sup>39</sup> Moreover, she argued, “if people have small children, they should be able to take care of their children, at home”—a choice to which she believed all primary parents should have access. In this regard, she wrote, as in all others, “a poor family is no different from a rich family.”<sup>40</sup>

### ***Cutting Cash and Caseloads***

Title I of the welfare reform law allowed the prerogatives of individual states to billow. To be sure, TANF legislation charged states with new duties, in-



cluding enforcement of new program rules. Further, TANF provisions required states to meet certain program participation goals in exchange for federal funds. Also, the new funding formula, block grants to states, capped federal funding to each state and required states to maintain a financial contribution to overall welfare spending under a “maintenance of effort” provision. Still, within the punitive paradigm, states were given wide disciplinary discretion over how to spend those funds—discretion wider than they had had at any time since the implementation of federal public assistance in the 1930s and 1940s.<sup>41</sup>

Under the 1996 law, individual state governments can turn away applicants for aid even if they meet every criterion of eligibility. If, for example, certain people have the misfortune to apply after state funds and the federal block grant have been exhausted, officials can legitimately turn them away. States also can discourage TANF enrollment even if funds are available, as many have done through “diversion” programs that direct applicants to exhaust all possible private aid before turning to public welfare. Indeed, caseload reduction incentives in the TANF law, combined with sanctions provisions and capped funding, have pushed states to constrict TANF participation even as the need for aid has failed to abate.

Welfare reform recused states from the scrutiny and pressure they would have faced under an entitlement-based antipoverty system. Before 1996, state officials were subject to greater oversight by officials in Washington, who at least occasionally threatened “conformity hearings” to investigate whether they were following national law. State governments would risk losing the federal portion of their budgets for public assistance if, for example, they turned eligible applicants away.<sup>42</sup>

In contrast, PRWORA grants state officials leeway to decide whether and how to meet the needs of poor families, as long as state practices advance the goals of the TANF program—principally marriage, the reduction of nonmarital childbearing, and labor market participation. Yet despite the discretion permitted under TANF, state governments are not free to be generous: they may not extend federally funded benefits for most participants past the national time limit, relax paternity establishment and child support enforcement rules, or dilute work requirements.<sup>43</sup> PRWORA gave states new flexibility but tethered all states to the new fundamentals of welfare.

When the TANF framework gave states new discretion to regulate and discipline poor parents, it invited states to deploy ostensibly neutral levers of effectively race-based discrimination. Studies have shown, for example, that

the greater the density of African Americans in the potential TANF population, the more likely a state is to police recipients with a “family cap” that denies benefits to a child born while his or her mother is receiving TANF aid, and with full-family sanctions that withdraw all the support to a family in retaliation for a mother’s failure to follow all the program’s rules.<sup>44</sup>

Another dimension of the assault on welfare rights embodied in TANF policy was a retreat from the principle of cash assistance that had formed the core of the federal welfare program since its creation during the New Deal of the 1930s. Under the New Deal welfare policy, means- or income-tested aid was provided to mothers without wage-earning male partners. New Deal assistance to poor single-mother families comprised cash grants, primarily—an income substitute for poor families in which male heads of household and their earnings were missing. In a paradigm shift away from the hoary idea that poverty indicated moral failing, New Dealers abjured the morals tests that local charities had long applied to sift the undeserving from the deserving poor. Further, they ruled out moralistic controls on the spending choices of poor mothers that had been routine in private charity and in some local welfare efforts.<sup>45</sup>

But although cash assistance was the shining core of federal welfare policy, it was vulnerable almost from the start. For one thing, the level of cash benefit, determined by individual states, was often set so low as to prolong the immiseration of poor families rather than set a course out of poverty. For another, states invented morals tests as add-ons to the federal policy—such as Alabama’s “substitute father” rule that Smith challenged successfully in 1968, some thirty years after federal policy had officially declined to employ moral gauges and levers. Finally, the federal embrace of cash aid for poor mothers did not signal an end to the popular view that poor people either had to prove their moral worthiness or pay for aid by submitting to moral regulation.

The cash principle came under sustained attack when the national government and advocates challenged state and local strategies to keep poor people off the welfare rolls and public assistance became increasingly associated with never-married mothers and African Americans.<sup>46</sup> Amendments to the Social Security Act in 1962 specifically allowed for compromises of this principle.<sup>47</sup> Civil and welfare rights activists saw a further compromise of the cash principle in the expansion of food stamps under Presidents Kennedy and Johnson, which occurred alongside widening gaps between what state governments calculated as the “standard of need,” or amount people needed

to live decently, and cash welfare grants.<sup>48</sup> Why, poor people wondered, could the food stamps not simply be cashed out and added to the AFDC totals of hungry mothers and children? State governments and individual caseworkers made increasing use of noncash benefits, including “vouchers” for rent or food. In the late twentieth century, the national government used noncash programs, such as food stamps and rent supplements, to meet an ever larger share of the needs of the nonworking and underpaid poor.

Congress enacted TANF against the background of these compromises to the cash assistance principle and took a huge leap further away from that New Deal principle. TANF policy opened the floodgates for states to divert funds from cash to noncash purposes, including to services like marriage promotion. Not all of TANF’s noncash provisions were as valuable to recipients as the cash would have been; some may not have been of any value to them at all. What’s more, some of TANF’s noncash services were not dedicated to poor families: for example, marriage promotion activities, though paid for by TANF, typically are open to anyone who wants to participate.<sup>49</sup> PRWORA permitted states to use the TANF funds they received from the national government “in any manner that is reasonably calculated to accomplish the purpose” of the TANF program.<sup>50</sup> In addition, TANF policy gave states explicit “authority to use [a] portion of [the block] grant for other purposes” than providing direct assistance to impoverished parents and children, including up to 30 percent of their TANF funds in a year for child care, the creation of electronic benefit (EBT) systems, employment programs chosen by state administrators, or other social service programs that might not reach the poorest mothers or fathers at all.<sup>51</sup>

PRWORA allowed and incentivized a dramatic drop in the cash aid available to impoverished families, overwhelmingly mothers with young children in desperate circumstances. The law promoted this outcome by cutting the overall aid available and by limiting poor people’s access to cash in particular. The incentives worked: in 1996, approximately sixty-eight of every one hundred poor families received cash benefits under the AFDC program, but by 2013, only twenty-five of every one hundred families in poverty were receiving cash assistance. Overall, the number of families receiving welfare under AFDC or TANF plunged 70 percent between 1994 and 2013.<sup>52</sup>

Thanks to TANF policy and national and state rules consistent with it, by 2006 only thirty-two out of one hundred poor families received welfare assistance. In 2011, when the United States was still in recession and unemployment was at historic highs, the number had dropped to twenty-seven.

In other words, as economic uncertainty, unemployment, poverty, and inequality all worsened, the nation's main program of cash aid for needy people did progressively less.<sup>53</sup> The ratio of poor families served by TANF dropped even further in later years, faster than has the number of poor families. In 2015, only twenty-three of every hundred impoverished families received TANF overall. All the states did less for TANF recipients than they had done for needy mothers and children in the public assistance regime that existed before 1996.<sup>54</sup>

The loosening of certain forms of national oversight made the divergences between states dramatic: In 2012–13, there were still two states (California and Vermont) that served over 60 percent of families that fell under the federal poverty line. Although both states were less responsive to poor people than they had been in the pre-TANF era, on a national scale they were leaders in reducing family poverty.<sup>55</sup> At the other end of the scale, ten states in those years reached less than 10 percent of impoverished families.<sup>56</sup> In 2015, the “TANF-to-Poverty” ratio ranged from four in Louisiana to sixty-five in California, and the number of states whose TANF programs served fewer than one in ten poor families had risen to fourteen.<sup>57</sup> Perhaps most disturbing, TANF covered fewer people who were in what researchers from the World Bank call “deep poverty”—the kind we often think we do not have in this country, poverty that makes the United States compare poorly with countries across the globe (\$2.00 per day or less in income). Prior to President Clinton's signing of PRWORA, welfare lifted 62 percent of children who lived in “deep-poverty” families from that deep poverty. By 2010, the percentage had dropped to 24 percent.<sup>58</sup> And by 2015, forty-six U.S. states had more families living in deep poverty than they did receiving public assistance under TANF.<sup>59</sup>

Alongside dramatic cuts in overall aid to impoverished families were equally dramatic shifts in how states directed that aid, that is, cuts in cash available to poor and extremely poor people. Legislation reauthorizing TANF, which President Bush signed in 2006, accelerated the shift away from cash aid for poor people by inviting states to spend increasing percentages of their block grants on social and moral services.<sup>60</sup> By 2013, states spent on average only 25 percent of their TANF funds on cash assistance; some states spent much less on cash aid, reaching only seven out of every one hundred poor families.<sup>61</sup> As mentioned above, PRWORA mandated “maintenance-of-effort” by states on TANF, but effort could be maintained through spending on services favored by states rather than on cash needed by families. TANF

permitted state administrators to channel increasing shares of their TANF funds to other programs and services for impoverished families and for people who were not necessarily poor or TANF clients. Every dollar taken from the TANF block grant for marriage promotion, for example, reduced the funds available for income or supports specifically for impoverished parents and children. According to a report released by the Center on Budget and Policy Priorities in 2015, “because states can spend TANF funds for a broad range of activities, they can shift funds that they have previously used to provide assistance directly to families to plug state budget holes—and many states have taken that option.”<sup>62</sup>

### *Legislating Inequality*

The complex politics of gender and the relevance of a reproductive justice approach appear most indelibly in TANF policy at those points where childbearing and poverty meet. Members of Congress who voted in favor of the statute specifically affirmed a policy that impaired women’s reproductive rights by punishing families in which mothers bear children while receiving welfare. Enacted by individual states in the years immediately preceding 1996, the so-called family cap, or child exclusion, refuses public assistance to any child born to a mother while she is receiving aid. While PRWORA does not require states to adopt the family cap, it endorses states’ decision to do so.<sup>63</sup> In further reproductive regulation of poor mothers, PRWORA created incentives and funding streams for states actively to deter pregnancy and childbearing among poor women. Consistent with the rhetoric in the TANF “findings” section about young women’s childbearing, the law allows states to spend TANF funds to discourage teen childbearing through pregnancy prevention programs and the enforcement of strict and discouraging eligibility rules for TANF participation by unmarried teen mothers. Further, the law includes an “illegitimacy bonus,” prize money to the top five states that reduced the number of nonmarital births while also reducing the abortion rate below 1995 levels.<sup>64</sup> A separate section of PRWORA allocated funds to promote abstinence before marriage through sex education programs that instruct restraint from sexual activity among “those groups which are most likely to bear children out-of-wedlock.”<sup>65</sup>

The aspect of PRWORA that appears most responsive to women’s claims is its language about family violence. The law permitted state governments to gain federal certification “to ensure that the state will screen for and

identify domestic violence” and recuse victims and potential victims of violence from TANF requirements, including time limits.<sup>66</sup> A growing body of research in the 1990s had tied women’s poverty to misogynistic violence: The leaders in the field were Ellen Bassuk and her colleagues, who discovered that virtually all the women who were part of the new “family homelessness” were victims of physical and sexual violence, and Jody Raphael, who argued that violence was a leading source of women’s need for welfare.<sup>67</sup> The downside of this Family Violence Option was that it was merely an option: a voluntary program state governments could choose to create, possibly to help family violence survivors or possibly to relax performance standards states have to meet under TANF (or both); a discretionary program states could mount with the assistance of experts from the domestic violence support community, or not; an also-ran in a law whose mandatory sections cast suspicion on low-income mothers and increased their economic vulnerability.<sup>68</sup>

Restrictions on immigrants permeate PRWORA, including its TANF provisions. These restrictions illuminate sociologist Ellen Reese’s point that the racial and gender politics of welfare “went beyond just the politics of black and white. Anti-Latino and anti-Asian stereotypes,” too, were integral to the law.<sup>69</sup> A key part of PRWORA was a five-year bar it included on TANF eligibility for legal immigrants.<sup>70</sup> Beyond the five-year ban, Title IV of PRWORA, “Restricting Welfare and Public Benefits for Aliens,” gave states authority to deny TANF (and Medicaid) eligibility to legal immigrants altogether, unless they belong to certain protected categories (refugees and asylees; members of the military and veterans; legal immigrants who have resided in the United States for ten years without receiving any public assistance).<sup>71</sup> Nativism, a hatred or fear of national outsiders, was not incidental to the logic of the law or to the historical and political context that gave rise to it. For example, California voters in 1994 affirmed Proposition 187, a ballot measure that promised to deprive undocumented immigrants of public benefits, which the measure’s advocates alleged cost the state \$200 million per year. Federal law already excluded undocumented immigrants from public benefits, so it was PRWORA’s provisions restricting program participation by *documented* immigrants that advanced the nativist cause. In polite company, PRWORA’s nativist provisions were justified on budgetary grounds. But the restrictionist agenda was clear. Speaker of the U.S. House Newt Gingrich carried the agenda forward shortly after PRWORA became law when he argued that undocumented immigrants should lose access to public schooling—notwithstanding the Supreme Court’s 1982 decision that

undocumented children enjoy educational rights under the U.S. Constitution.<sup>72</sup> Gingrich called the demand for educational access an “unfunded mandate” placed on state governments.<sup>73</sup>

PRWORA went far beyond California’s Proposition 187 by denying or severely restricting assistance to documented immigrants across a range of antipoverty programs. For example, documented immigrants who entered the country after PRWORA was signed into law on August 22, 1996, are denied access to Supplemental Security Income (SSI) and food stamps (SNAP). Documented immigrants who need TANF assistance, whether cash, in-kind, or services, are required to wait five years after their date of entry as “qualified legal alien[s]” to become eligible.<sup>74</sup> Heightened deeming requirements, under which the immigrant’s sponsor’s income and resources are treated as available to the immigrant, make it more difficult for “qualified immigrants” to meet the means test to enroll in TANF and other programs. Researcher Shawn Fremstad summarized the magnitude of the shift: “Until passage of the 1996 welfare law, legal immigrants were generally eligible for public benefits on the same basis as citizens. The [1996] welfare law conditioned eligibility on citizenship status rather than legal status, extending to most legal immigrants the eligibility restrictions that had traditionally applied only to undocumented immigrants. These unprecedented restrictions effectively redrew the boundaries of social membership in the United States.”<sup>75</sup>

### *Moving from Welfare to Poverty*

The most famous promise of 1990s welfare reformers was that the new policy would “end welfare as we know it” by moving recipients “from welfare to work.” TANF’s work provisions teach the work ethic by requiring labor market engagement but do little to assure recipients that compliance will win them economic security. PRWORA specified new, severe limits on the amount of time a parent who participates in TANF can spend educating herself before being mandated to work in the formal labor market. It makes no provision for improving wage prospects of low-income mothers, by offering paths to training for the relatively high-paying jobs that are typically dominated by men, such as those in construction and the skilled trades.<sup>76</sup> What’s more, PRWORA did not include an entitlement to child care and deemed that work requirements could be satisfied through unpaid labor—workfare—or through taking care of another recipient’s children. TANF’s work discipline

ensures that women with limited education or outdated skills will not be able to get jobs whose wages meet their and their children's needs.

Accordingly, even as low-income single mothers' participation in paid employment increased to conform to the requirements of TANF, millions remained in poverty, trapped in low-wage jobs. Assessing the income and security effects of TANF for low-income single-mother families in 2002, the Institute for Women's Policy Research reported that post-PRWORA, more than three-quarters (78 percent) of employed low-income single parents were concentrated in four typically low-wage occupations, with 44 percent working in services.<sup>77</sup> The Working Poor Families Project reported in 2014 that the occupational isolation of single mothers in low-wage jobs continues, with many working as cashiers, maids and housekeepers, administrative assistants, and waitresses, while the largest percentage works in home health care.<sup>78</sup> The TANF regimen of "work for work's sake"—without attention to living wages, job supports such as paid sick days and child care, and education or training for better paying jobs—tracks low-income mothers, on TANF or "timed-off," into sex-segregated, low-income, career-ladderless fields such as home health care, which offered a median income in 2016 of \$22,600.<sup>79</sup>

Welfare reformers withdrew the lifeline public assistance had provided to poor mothers and their children without offering an alternate path to economic survival. Instead, they enacted an exaggerated performance of discipline for discipline's sake, aimed at a grotesque caricature of poor single mothers.<sup>80</sup>

When they utilized racialized gender ideology to propel the legislative movement for welfare reform, Democrats and Republicans inflicted long-lasting damage. We will explore the consequences of TANF more fully in later chapters but summarize them here as a way to take the measure of the law: In TANF, policy makers endorsed a mix of racism, sexism, reproductive injustice, and a lack of faith in government capacity that has been subsumed in policy discourse, with disabling effects.<sup>81</sup> PRWORA both reflected and distorted perceptions of the U.S. welfare state and removed poverty from the lexicon of polite policy conversation, even among the fiercest critics of income inequality. Old Democrats, New Democrats, and progressive Democrats alike focus on improving conditions for the middle class, to the exclusion of working to end, or even mitigate, poverty.<sup>82</sup> Meanwhile, Republicans of all stripes call for reducing government, not poverty—or they claim that reducing government *is* the way to reduce poverty. Both parties revel in the 1996



bipartisan argument that poor mothers and children should bear responsibility for their own economic vulnerability.

The mechanisms of disdain for poor families that characterize TANF policy now permeate other antipoverty policies. The Supplemental Nutrition Assistance Program (SNAP), also known as the food stamp program, was perhaps most deeply inscribed with the restrictive and demeaning impulses behind “welfare reform.” SNAP benefits were never in cash, always only in food, and therefore not as controversial as income assistance grants under AFDC or, later, TANF.<sup>83</sup> But SNAP beneficiaries and TANF participants are subject to similar suspicion, aspersions, and controls. PRWORA instituted new restrictions on this strand of the safety net for impoverished legal immigrants and unemployed able-bodied adults without children at home. This last group is subject to time limits and mandatory work requirements. Childless adults face potential sanctions for nonparticipation in work programs, although they are not granted educational or training services. Unemployed, nonparenting, able-bodied adults are limited to three months of SNAP assistance in a three-year period.<sup>84</sup> At the height of the recession, this time limit was suspended in many states and localities, and maximum benefits increased somewhat. However, at the end of 2013, although many still faced unemployment or underemployment, the federal government reactivated the draconian terms for program participation.<sup>85</sup> Unchallenged, the powerful PRWORA paradigm and the invidious discourses that underpinned it strangled debate when the recession that began in 2008 drove the numbers of SNAP beneficiaries skyward.

Blaming the poor for their poverty and disdaining their need was codified in TANF policy and related aspects of PRWORA. Reauthorizing the policy under President George W. Bush in 2006, Republicans expanded the scope of governmental sex and gender regulation, exposed disparaged groups to heightened disciplinary treatment, and further impoverished the poor.<sup>86</sup> TANF reauthorization escalated marriage promotion and fatherhood incentives; invited states to wither cash assistance even further by spending more on programs that aim to change behavior rather than on income that sustains human dignity; and ratcheted up the work requirements that penalize poor single mothers for remaining single and poor.

Democrats opposed some of the Republican-initiated changes to TANF and voted against the omnibus Deficit Reduction Act that included TANF reauthorization. But as we discuss in later chapters, the return of Democrats to power in 2009 did not temper the harsh practices of welfare reform. Democrats

contributed proposals to adjust welfare rules to economic reality but never really deviated from the 1996 TANF paradigm. President Obama, in fact, reprised TANF's focus on patriarchal family forms by making fatherhood promotion the mainstay of his antipoverty policy.

Even federal programs for disabled people, once thought to be the quintessence of aid to the "deserving poor," became soft targets in the wake of welfare reform.<sup>87</sup> Although impoverished parents lost entitlement to TANF with enactment of PRWORA in 1996, disabled adults who met program criteria (some of whom are, of course, parents) remained entitled to assistance through SSI, or, if they had sufficient work histories, Social Security Disability Insurance (SSDI). Indeed, the federal government implicitly encouraged those who could not meet TANF work requirements because of impairments to recategorize themselves as disabled in order to get help.<sup>88</sup>

By 2017, the lifeline extended to disabled poor people was in serious jeopardy. President Trump's proposed domestic budget included a \$72 billion cut in programs serving people with disabilities, chiefly SSDI and SSI.<sup>89</sup> Office of Management and Budget director Mick Mulvaney introduced the proposal with rhetoric strongly reminiscent of 1990s anti-welfare discourse, with a broader but still familiar emphasis on eliminating fraud through a new regime of work requirements to "increase labor force participation" by the severely disabled.<sup>90</sup> Waving the "work, not welfare" banner, Mulvaney condemned slackers and scammers he seems to think infest basic assistance programs: "If you're on food stamps, and you're able-bodied, we need you to go to work. If you're on disability insurance and you're not supposed to be—if you're not truly disabled, we need you to go back to work."<sup>91</sup>

TANF's disciplinary mechanisms may have infiltrated the safety net more generally, but the indignities of the safety net continue to burden single mothers disproportionately, especially black, Latina, and Native American single mothers. Over a third (35.6 percent) of all single mothers with children under age eighteen live in poverty—and well over a third of black (38.8 percent), Latina (40.8 percent), and Native American (42.6 percent) single mothers. Even as the postrecession poverty rate declined a bit—to 12.7 percent overall in 2016—single mothers and their children remained singularly at risk of economic deprivation and insecurity.<sup>92</sup>

"Who bears the brunt?" Representative Patsy Mink asked as her colleagues were fashioning welfare reform in the middle 1990s. Ultimately, it is the people who can least afford to.

## Chapter 2

### Welfare (Reform) as We Knew It

In 1997, Philadelphia journalist David Zucchino published a volume of fine-grained reporting on the daily life of a woman named Odessa Williams on the eve of welfare reform. His book, *The Myth of the Welfare Queen*, depicted Williams, a grandmother and great-grandmother, as a person of nearly endless resourcefulness. Zucchino chronicled her persistent efforts to maintain minimally decent food, clothing, and shelter for the people who depended on her for help—a group that included grown children who could not find work that paid adequate wages and school-aged grandchildren whose parents were in prison or addicted to drugs. The book demonstrated that, despite Williams's work, her skills, and even some good luck, she and her family did not make it on welfare. Without the occasional help of a neighborhood moneylender who charged usurious interest and, in the midst of the high-wire act that was Odessa Williams's effort to make Christmas for her family, a no-interest loan and unreported cash grant from a visiting journalist, her finances would have tumbled to earth.<sup>1</sup>

As depicted by Zucchino, Williams was a savvy citizen. She knew as much about how to maximize her own and her children's public benefits as she did about how to stretch a dollar at the supermarket—and she knew how essential to their well-being the benefits and the thriftiness both were. Cash grants under Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI), which she received on account of her and some of her grandchildren's disabilities, plus food stamps to spend on groceries, were not nearly enough to cover the basics. With periodic bits of cash she earned driving neighbors home after shopping and small amounts her wage-earning relatives contributed, Odessa Williams almost got by. However,

an endless river of emergencies threatened to sweep her family's security away. Small cash needs, such as \$3.00 for a granddaughter's school trip, or \$10.00 for composition books without which a grandson would receive failing grades, posed serious challenges when every dollar was otherwise accounted for. More substantial emergencies, such as a child's or grandchild's need for bail money, would have been devastating without the money-lender and other informal supports that flew beneath the radar of the welfare department.

In retrospect, perhaps the most remarkable thing about Odessa Williams's story was that it occurred entirely before "welfare reform," that is, before Congress and President Clinton approved PRWORA. Her experiences not only refuted what the title of Zucchino's book termed "the myth of the [Cadillac-driving, profligate] welfare queen." They illuminated the precarious living of a welfare recipient who cared for her family under circumstances that would later seem wildly accommodating. Williams faced a stringent budget and constant emergencies. But no one turned her away from the welfare office when she returned after a lapse of years to support her grandchildren; no lifetime limit of benefits for five years (or a shorter period, under the state discretion permitted under TANF) prevented her from rescuing the children from their addicted mother or the alternative of public foster care. She spent nearly all her time attending to her family's basic needs, including their needs for medical attention and income, which required long waits at the clinic and public aid office. But Williams did not *also* need to juggle government-approved "work activities," which were demanded for rising numbers of TANF participants. Her cash grants never covered the minimum her family needed, but at least Williams received cash. After the welfare reform of the middle 1990s, states could withdraw cash support, as did the state of Wisconsin, for example, which turned the whole program into a "work-first" low-wage employment agency.<sup>2</sup> And before the anti-welfare crescendo of the 1990s, no one accused a recipient like Williams of "double-dipping" by receiving welfare for children while also receiving SSI to alleviate the expenses associated with disability.<sup>3</sup>

The published account of the experiences of Odessa Williams teaches two important lessons about welfare reform. First, Williams's challenges speak to the limitations of the old system, before TANF. People whose economic advancement was blocked in a thousand ways by poverty, sexism, racism, and poor health found it difficult to survive under the old system and nearly impossible to change the patterns of their lives. There were multiple villains

here. But some of the problems Odessa Williams and her family encountered resulted from the public aid system as it was created in the early twentieth century. Others were the results of moralistic and cost-saving reforms implemented in the years immediately before passage of PRWORA. We also learn from Odessa Williams's story that the changes of 1996 were enormously consequential. For all the imperfections of the old system, all the ways it failed to counteract the negative effects of late-twentieth-century political economy and the compromises of its best principles that politicians allowed, it was still markedly different from what came later. From the perspectives of impoverished clients like Odessa Williams, it was unquestionably better before PRWORA than after. Zucchini underlined the point by including in his book numerous scenes in which Williams followed congressional and state legislative debates. Despite her challenges, Williams saw welfare as a gift from the Almighty, who enabled her many vulnerable family members to hold body and soul together. She was stunned by the proposals that ultimately became PRWORA, and by the cuts that were contemplated in the middle 1990s by her own state government in Pennsylvania. She predicted that her family and friends would capsize in their wake.<sup>4</sup>

This chapter offers an analysis of welfare reform from the years following the federal program's creation through the last major legislative intervention prior to PRWORA, which occurred in 1988. We argue that the welfare reform enacted during the Clinton administration was merely the latest in a long series of reforms. But while noting continuities in this history, we also argue that the 1996 law was a major departure. President Clinton and the Republican majority in Congress were certainly not alone in reforming welfare; they were not even alone in reforming welfare along highly gendered and racialized lines. Nonetheless, they changed the fundamentals of safety net policy in the United States.

Our guides through the thickets of social welfare history are the same themes that have led our inquiry up to this point. Intersectional gender and feminist theory, and analysis based in the principles of reproductive justice, are the guides we follow most closely. We maintain our focus on the ways in which femininity and masculinity have shaped policy, and vice versa. We join other feminist scholars in noting the many ways in which law and policy have reproduced and reinforced gendered arrangements of power. We understand gender in social welfare history as always also racialized, inflected by class relations and political economy, and tied to the gendered person's perceived sexuality, nationality, and dis/ability.

The history of social welfare is not only gendered. It is also discontinuous and contingent, chock full of debates, divisions, and reverses. We resist the temptations of both chiasm and a belief in Armageddon, that is, interpretations of history that find it trending ultimately toward good or ill. Our account brings to the surface debates that have occurred in the history of welfare reform. Other accounts have muted some of these debates. We amplify the leitmotifs of division and dissent in the history of welfare reform, listening especially closely to divisions among Democrats.

In reviewing the history of welfare reform, it is not enough to study only the actions of legislators and bureaucrats. We consider as well the impact of policies on people who received government help or who might have done so if the rules had been different. In studying the period after World War II, in particular, we appreciate the role of organized groups of welfare recipients and their allies in demanding, shaping, resisting, or, in certain cases, provoking welfare changes. The groups that participated in reforming the welfare state included low-income blind recipients of the categorical welfare program Aid to the Blind and their more well-off allies in the National Federation of the Blind; rural African Americans and attorneys in the civil rights movement; and urban African American, Puerto Rican, Mexican American, and white members of the National Welfare Rights Organization, who resisted what they saw as invidious welfare reforms and demanded what they believed would serve their families.<sup>5</sup> This history reveals the importance to many welfare clients of the principle “Nothing about us, without us,” in other words, the intensity of their demand to be included in policy making. It also reveals the impact of clients’ actions on public policy.

We discuss the history of welfare reform in two distinct periods. We start with revisions to the Social Security Act of 1935, the New Deal innovation in policy making that made aid for impoverished children, blind adults, and older women and men a national responsibility. We chronicle the multiple welfare reforms enacted between 1935 and the 1980s, including both expansionist and reductionist reforms. Some of these came entirely “top-down” from politically powerful institutions at the national level. Others moved “bottom-up,” having been proposed initially by welfare clients and their allies. We then explore the 1980s, examining in some detail the intellectual and political shifts that occurred in that period, which resulted ultimately in passage of the Family Support Act of 1988, the last major welfare reform before PRWORA.

### ***Welfare Reform Before “Welfare Reform”***

From the beginning of the United States onward, poverty policy has been gendered. It has been shaped by diverse constituencies and motives, and by the presence or absence of poor people at the tables where policies were made.<sup>6</sup> All the welfare programs created during the New Deal period have been subject to efforts at reform from above and below. However, the program originally called Aid to Dependent Children (ADC), the means-tested income assistance program for children and their custodial parents, has seen the most dramatic and draconian reforms.

One of the earliest and most consequential top-down reforms after the New Deal came with the Social Security Act Amendments of 1939. These amendments added minor children and spouses, including widows, as beneficiaries of the old-age pension system we know as Social Security, which was just one part of the Social Security law. The effect was to exacerbate women's economic dependence on men in theory and practice; the national government preserved the dependency of wives on husbands even when the husbands were no longer alive.<sup>7</sup> The 1939 amendments removed a disproportionately white group, women and children attached to men whose jobs were covered by Social Security, from the pool of potential ADC families. This privileged group was disproportionately white because the jobs typically held by African Americans and Latinos/as in that period, in agriculture and domestic service, were explicitly omitted from coverage by the original Social Security Act.<sup>8</sup> After 1939, ADC recipients, who had limited employment options themselves and whose male partners overwhelmingly had uncovered or marginal jobs, were still majority white, but they were disproportionately nonwhite. Policy change left them in a starkly precarious political position from which they never recovered.<sup>9</sup>

Understandings of gender inflected by race shaped recurrent attempts to curtail access to ADC benefits. In the early 1940s, ADC and other nationally organized but locally administered antipoverty programs changed as states and localities responded, first, to continued economic doldrums and then to the effects of World War II. Restrictive welfare reform was not a primary concern of policy makers. However, canards that would be familiar from the debate over PRWORA appeared in service of larger political goals shortly after the war. In 1947, for example, Republicans who controlled the New York State government fomented a scandal over the supposed excesses of public

assistance in Democratically controlled New York City. The media stoked popular outrage over the city's efforts to alleviate poverty. The *New York Times* led in calling attention to a "Woman in Mink" who lived on the dole.<sup>10</sup> The story combined gendered fury at an atypical public aid recipient, presumptively white in this case and known to be divorced, with suspicion of the whole idea of welfare. Unstated in the article were some of the main features of the postwar labor market for mothers, such as limited child care exacerbated by the end of federal subsidies, and the rebuilding of barriers to women's employment that had relaxed during the war.<sup>11</sup> This early version of the "welfare queen" archetype prompted the writer A. J. Liebling to complain—in 1947!—about hackneyed use of the term "reform" to mean cuts in public budgets.<sup>12</sup> He wrote of the "picayune cruelties" in journalistic treatments of poverty.<sup>13</sup>

Liebling-style reform began in earnest in the 1950s thanks to the tight coils of gender and race that wound around ideas about poverty at the height of the "American Century." National and state policy makers, Democrats and Republicans alike, pursued restrictive welfare reforms. In some cases, federal officials pushed back against these efforts in the name of defending the true meaning of the Social Security Act.<sup>14</sup>

Democratic politicians debated one another over specific initiatives and about whether the overall trend of "reform" should be expansive or restrictive. Some wanted to dismantle what they saw as the excesses of the New Deal. Anti-Communist and anti-trade union Democrats pursued restrictive welfare reforms in the states and nationally. An overlapping but distinctive group of Democrats sought to amend public assistance in order to sustain Jim Crow hierarchy in the South. A third group generally favored expansive welfare reforms but could be persuaded otherwise by explicitly gendered and implicitly racialized appeals.

Ideas and biases about disability mixed with those about gender and race.<sup>15</sup> Disability discourse and policy were especially important parts of the intersectional mix in postwar America; as disability policies for civilians expanded, policy makers who were interested in liberalizing welfare increasingly understood poor people as having deficits that rehabilitative policy needed to cure.<sup>16</sup> Part of the cure could be found in spending more on services that welfare clients sometimes desired and sometimes resisted.<sup>17</sup> The organized welfare clients who were most recognized in the period were those from the National Federation of the Blind (NFB), advocating with and for impoverished blind adults who received federal Aid to the Blind. NFB



fought unwanted services and interference in people's choices by social workers and rehabilitation counselors. They sought welfare reforms that broadened eligibility, raised income and property ceilings imposed on people applying for aid, reduced supervision of their romantic and consumer choices, and removed the presumption that they would exhaust the economic support from their relatives before the government would help them.<sup>18</sup>

Gendered arguments for welfare reform built on ideas about flawed maternal and paternal behavior. The idea that paternal child support was vital to the well-being of impoverished children, and that collecting it was a good use of governmental resources, led to the Notice to Law Enforcement Officials (NOLEO) policy of 1950. The Truman administration and many Democrats in Congress approved this provision, which aimed to shape the behavior of impoverished women and men, or perhaps, more realistically, simply to drive women who were not on good terms with their children's fathers away from the rolls.<sup>19</sup> The NOLEO provision demanded that state welfare offices share with police the names of men who had deserted or abandoned mothers who received welfare. The mothers who refused to share their partners' names or prosecute them for child support—whether out of concern for the men or fear of the consequences of pursuing them—lost eligibility for public aid. The provision applied to over one-quarter of families who received ADC benefits. Within a decade of its implementation, an estimated five thousand women had chosen in effect to give up government help by not disclosing the names of their partners.<sup>20</sup>

Among the most controversial reforms of the period were those that spoke to anxieties about trade unions and the political left, but which also violated the professional standards of the field of social work. Chief among these was the Jenner Amendment, which Congress, with both houses under Democratic control, passed and President Truman signed in 1951.<sup>21</sup> The amendment guaranteed that no state would lose the federal portion of its funding for ADC if it permitted welfare department personnel to publicize the names of people who received benefits, thus violating professional standards of confidentiality.<sup>22</sup> Democratic representative Burr V. Harrison of Virginia fought for the amendment on the grounds that “criminals, illegitimate children, prostitutes and Cadillac owners [we]re receiving welfare payments” because their names were secret.<sup>23</sup> He distinguished sharply between the disproportionately white, supposedly more deserving, beneficiaries of old-age pensions and Unemployment Insurance, and the disproportionately nonwhite recipients of ADC.<sup>24</sup> “Behind an iron curtain of secrecy and concealment,” he

claimed, “we have today a miniature welfare state . . . that spends public money for luxuries for the undeserving and for the financing and encouragement of improvidence and illegitimacy.”<sup>25</sup>

The most successful expansionist reforms in the 1950s and early 1960s sought to improve clients by funding social services. The problem with the emphasis on services was that it suggested that poor people were psychologically, as much as financially, needy—and that part of poor people’s rehabilitation inhered in their learning to make ends meet despite their economic poverty. In 1950, Congress and the Democratic administration created a new welfare program, Aid to the Permanently and Totally Disabled (APTD).<sup>26</sup> In 1954, Congress passed new rules that allowed ten million agricultural and domestic workers to gain eligibility for welfare aid.<sup>27</sup> In 1956, the national government authorized a new social insurance program (non-means-tested and tied to waged work) centered on disability. The scale of Social Security Disability Insurance would far surpass that of means-tested programs such as APTD and ADC. Social Security amendments in that same year shifted the emphasis of ADC toward rehabilitation by adding social services to the mandate of the program.<sup>28</sup>

States and cities were more active in welfare reform than was the national government. Here, again, differences among Democrats were as significant as those between Democrats and Republicans. With national officials playing a muted role in supervising or overruling them, state and local politicians made policy to preserve racial and class hierarchies, react to migration, and enforce (or at least advertise) normative standards of gendered and sexual behavior.<sup>29</sup> Beginning with Georgia in 1951, over half of the states reformed the definition of a “suitable home” under ADC to exclude unwed mothers and “illegitimate” children from receiving benefits. States that took this action included those in the Democratically controlled (and Jim Crow) South, as well as midwestern states, such as Michigan, which experienced immigration by African Americans and working-class whites after World War II.<sup>30</sup> By 1962, there were investigative units dedicated to enforcing the “suitable home” rule and other moralistic, gendered provisions under welfare policy in eight states and eighteen large cities.<sup>31</sup>

In the 1950s and well into the 1960s, heavily rural states in the South, all under Democratic control, pursued some of the most restrictive welfare reforms. The two leading sources of these policies were the felt need of certain white supremacist politicians to respond to civil rights activism, and the changing demands of employers in an era of out-migration and new tech-

nology. Public assistance was hardly alone as a realm of policy officials used to shore up white and planter dominance: Agricultural policy, too, helped sustain white supremacy and planter aristocracy in the Deep South. Local officials responded to civil rights activism by cutting access to commodity food, often the only government aid agricultural and domestic workers regularly received.<sup>32</sup> In the late 1960s, many southern African Americans theorized that states introduced food stamps—which in those days cost cash that rural people rarely had—in place of commodity food as punishment for civil rights activism, with the intention to starve them or drive them north.<sup>33</sup> Restrictive public assistance reforms had particular staying power because they drew from gender and sexual morality, while also being built on anti-civil rights and proemployer forces. The best-known example of a state welfare cutoff of this kind occurred in Louisiana in 1960. Twenty-three thousand children, 95 percent of them African American, lost subsistence aid because the homes of their unwed mothers were deemed “unsuitable.”<sup>34</sup> Similarly, Alabama passed a package of welfare reforms into law as the civil rights movement began to post real gains.<sup>35</sup> Even after passage of the national Civil Rights and Voting Rights Acts, local authorities across the South manipulated public assistance to punish people for their activism.<sup>36</sup>

The mix of expansive and restrictive welfare reforms, and divisions these sparked among Democrats, was even more complicated in the 1960s than previously. However, two themes from the prior decade that were also critically important in 1990s welfare reform continued: an emphasis on services in conjunction with cash aid, based on a sometimes unstated belief that mothers who were poor failed to earn their livelihoods because they were effectively disabled; and concern about the sexual behavior and romantic choices of women who received ADC. In 1961, a Democratic secretary of Health, Education, and Welfare ruled that states could not deny welfare on the basis of the so-called unsuitability of the home of a child born outside marriage. But the Kennedy and Johnson administrations did not back up the ruling by exercising their authority to cut federal funding to states that refused to follow it.<sup>37</sup> Social Security amendments in 1962 turned ADC into Aid to Families with Dependent Children (AFDC). This move recognized the labor of maternal care. However, legislators who created AFDC also did so in part because they saw impoverished mothers as deficient and government as an agent of rehabilitation.<sup>38</sup> The reforms introduced by President Kennedy followed medical and disability models to emphasize “prevention and rehabilitation.” Without spelling out the argument in detail, the president

suggested that, like some disabled people, mothers who could not make the economic system work for their families could receive a course of professional intervention and then “get . . . off assistance and back into useful, productive roles in society.”<sup>39</sup> While ostensibly sympathetic to impoverished parents, the emphasis on rehabilitation flowed all too easily into mandates for waged labor. With the support of social welfare advocates in Washington, D.C., national policy makers introduced work mandates into public assistance policy in the name of reforming clients and readapting them to normal life.<sup>40</sup>

Urban Democrats outside the South found their voices to oppose restrictive welfare policies, even when their chief antagonists were others in their own party. The 1967 welfare reforms from the Johnson administration and leading congressional Democrats represented a post-Civil Rights Act backlash against activist demands for racial and economic equality. Under Democratic control, Congress passed into law a welfare “freeze” that capped the national budget for public assistance. This was an early compromise of the principle of entitlement. However, under pressure from Democrats such as Senator Robert F. Kennedy, who was threatening a dissident presidential run, Congress repealed the freeze before the administration implemented it. President Johnson and the white Southern Democrats who chaired major committees also ushered into law a national work mandate under welfare policy. The Work Incentive Program of 1967 was known as “WIN” to policy makers and “WIP” to the activists who thought of it as just the latest in a long line of efforts to compel African American women to perform demeaned, low-wage (or no-wage) work.<sup>41</sup>

Another rising theme of the 1960s, which would later prove significant in PRWORA, was the importance of men, masculinity, and fatherhood in public assistance. Although most mainstream Democrats agreed on this, serious splits emerged over how to translate it into policy. Following on the NOLEO provision were other initiatives to reengage noncustodial fathers in their children’s and female partners’ lives.<sup>42</sup> At the same time, unemployed and underemployed men were increasingly a focus of public assistance policy. This was a masculinist response to the civil rights and Black Power movements, and to the perception that urban riots were driven by male unemployment. Even the work training and educational benefits sponsored under the “service” provisions of the 1962 reforms went overwhelmingly to low-income men.<sup>43</sup> A demonstration program to enhance the access of two-parent families to welfare aid, which the Kennedy administration initiated

in 1961, was made, later in the decade, a permanent option the states could adopt. These policies were a fit with the Moynihan Report and an address President Johnson gave at Howard University in 1965, which described a crisis in black masculinity caused by the twin scourges of discriminatorily high unemployment for men and African American women's excessive access to income.<sup>44</sup>

### *Nothing About Us, Without Us*

The arc of welfare reform bent, briefly, toward expansion. This was a result of enormous, organized energy on the part of welfare clients and a wide array of nonclient allies in the 1960s and 1970s. Activists and advocates built on prior models to make a greater impact on local, state, and national anti-poverty politics than they had at any time since passage of the Social Security Act. The forces that conspired to enable and sustain this wave of welfare reform from below were the African American movement, south and north; related activist movements among lawyers and social workers (including, reprising earlier models, unionized welfare caseworkers); the renaissance of feminism, especially a variety of radical feminisms shaped by the New Left and by the Black Power, Chicano/a, and Puerto Rican movements; and the emergence of a newly configured movement for disability rights.

The organization that is most closely associated with this mobilization is the National Welfare Rights Organization (NWRO). The national headquarters of NWRO lasted only from 1967 until 1974. However, its seedbed was local activism by public aid recipients and allies early in the 1960s, and it had legacies that continued into the 1990s and even into the twenty-first century. In New York City, for example, discontent and a coalescing sense of entitlement on the part of poor people fed and was fed by the African American and Puerto Rican civil rights movements. With the help of resources from the War on Poverty, Protestant and Catholic churches, and old-line charities, this discontent grew into welfare rights organizations in several different neighborhoods by 1963–65. In northern and southern California, welfare rights activism was also fed by contact between the welfare reformers from the National Federation of the Blind and those from African American and Chicano groups.<sup>45</sup> Alongside NWRO efforts were those sponsored directly by local outposts of the War on Poverty and by other civil rights groups. Local attorneys from the NAACP Legal Defense Fund, such as Marian Wright (later Marian Wright Edelman) and her colleagues

in Jackson, Mississippi, represented welfare recipients who lost their benefits because of civil rights activism, or simply because of the way race, gender, and class hierarchies operated in their communities.<sup>46</sup> While most of these efforts dissipated after the middle 1970s, national networks of local welfare activist groups remained and continued to offer expansive welfare reform proposals through the period during which Congress and the White House debated PRWORA.

Gender, parenting, and sexuality were as central in the agendas of organized poor people and their allies as they were in the thinking of politicians who wanted to restrict welfare. The feminist dimensions of welfare rights include the demand for human dignity outside of marriage and for free sexuality. Claimed by majority-white groups of liberal and radical feminists, such rights of independent personhood applied as well to low-income and nonwhite women. Welfare reformers from below further claimed the positive right of economic support to parent one's own children even if one were not attached to a man who earned a high wage. These aspects of their agenda were precisely those that anti-welfare reforms, culminating with PRWORA, sought to reverse. The earliest welfare rights groups on both coasts wanted to restrict the ability of local welfare departments to deny families benefits on the basis of women's sexual and romantic behavior. Activist social workers resisted participating in "midnight raids" on the homes of welfare clients, and activist lawyers brought questions about welfare recipients' sexual privacy before the appellate courts.<sup>47</sup> NWRO members argued that forcing women to name their sexual and romantic partners, and efforts to criminalize men's failure to pay child support, were dangerous. They either would lead to men's further alienation from their children or would bring them back, angrily, into the lives of women who had separated from them with good reason.

One of the movement's paramount successes came in the U.S. Supreme Court decision in the case *King v. Smith*. As discussed in Chapter 1, the court's opinion invalidated the "man-in-the-house" rule that had been the Alabama legislature's way to deprive especially African American women assistance on the basis of their sexual behavior after national authorities indicated their dissatisfaction with "suitable home" restrictions. It was in *King v. Smith* that the court specified that, under the Social Security Act, if a public assistance applicant met all the eligibility criteria for aid, then he or she was entitled to receive it. The Mrs. Smith at the heart of the case had lost her and her children's benefits because she was rumored to have an occasional

sexual relationship with a married man. Her landmark case started its legal life as one strand in a much larger skein of activist litigation by a post-Civil Rights Act southern freedom movement that was simultaneously a movement for civil rights, welfare rights, and public-interest law.<sup>48</sup>

The activism that brought the perspectives of poor people into the policy-making process also launched into national politics the idea of a national minimum income, or guaranteed income. The idea originated with intellectuals, such as economist John Kenneth Galbraith Jr., who sought a solution to the problem of rising productivity in advanced industrial societies. Absent a moral or disciplinary commitment to the work ethic, Galbraith and colleagues concluded, it was hardly sensible to keep all adults in the labor force—or to punish them with starvation when they were outside it.<sup>49</sup> The welfare rights movement added to this rationale a feminist or motherhood-centered one: AFDC mothers asked, why should a woman work for wages in a child care center or another woman's kitchen when the social good was served as well by her raising her own children? NWRO formalized the idea into a proposed Guaranteed Adequate Income, which members demanded that politicians consider. After years of calculations, welfare rights leaders finally settled on \$5,500 per year for a family of four as an appropriate level. They went into battle on its behalf with the slogan, "5500 or fight!"<sup>50</sup>

Welfare reformers from below believed they needed to "fight" over the guaranteed income despite the fact that mainstream politicians, themselves, were considering variations of the idea. President Richard Nixon is often credited, incorrectly, with bringing attention to this idea because his administration proposed a kind of guaranteed income to Congress in 1969 and appeared to support it until it finally failed in 1972. However, poor women and men, and the organizers and professionals who worked with them, deserve primary credit for generating a credible case for a guaranteed income—what would later be termed a Basic Income Grant and become the object of social policy experimentation across the world.<sup>51</sup> The Nixon initiative, called the Family Assistance Plan (FAP), distorted the idea and then used it against welfare recipients by tying income assistance to mandatory wage-earning by heads of households. Even while advocating expanded income assistance in the form of a guaranteed income, FAP policy advocates mobilized gendered and racist arguments. President Nixon argued that FAP would end traditional public assistance, which he claimed unfairly privileged female-headed versus male-headed households. Following the lead of Democrats, he committed the national government to forced waged work for recipients

(although only for one parent in a two-parent household, thus discriminating between married and unmarried mothers). The Nixon administration proposed a relatively low national income standard, at least by NWRO's standards and the standards of welfare recipients in northeastern states, who worried that their benefits would drop to the FAP level.<sup>52</sup>

The legacy of welfare reform from below may have been most powerful in the record of things not done, or not even proposed, during the period when activism by and on behalf of poor people was powerful. Rather than further stereotyping public assistance as a social problem, identified with African Americans, Latinas, and women with lax sexual morals, these welfare reformers conceptualized public assistance as a necessity for all people in poverty, living in a society that routinely generated poverty. A guaranteed income that applied equally to those who were not working because of their family care responsibilities, those who were unemployed, and those whose wages were simply too low, placed the onus for creating poverty on the economic system rather than on individual or group failures.

Welfare rights activists forced the repeal of the "freeze" provision that President Johnson and conservative Democrats had written into the 1967 Social Security Act amendments. They helped defeat Nixon's FAP proposal. And they helped turn the work requirement under the "WIP" program (also part of the 1967 amendments) into a dead letter; if governments were unwilling to provide adequate training, education, and child care services, then welfare activists and advocates made it difficult for them to implement forced work programs.

Coalitions of poor people and professionals working together had some significant victories. The Supreme Court's holding in *King v. Smith* applied beyond Alabama to invalidate "man in the house" laws in every state that had them. It established an individual entitlement to public assistance under the Social Security Act, and signaled surveillance by federal courts of state efforts to deprive benefits to families of color. *Shapiro v. Thompson* (1969), another Supreme Court case brought by welfare rights attorneys, reformed state laws that distinguished new migrants from other states from long-term residents in regard to their access to public aid. And this principle has endured, even in the wake of state statutes that attempted to compromise it. It was reaffirmed strongly by the Supreme Court in *Saenz v. Roe* (1999), which invalidated both a California statute that created two distinct classes of welfare recipients, based on their length of residence in the state, and a portion of PRWORA that expressly supported the California law. The Supreme



Court's holding in *Goldberg v. Kelly* (1970) affirmed the access of poor people to legalistic appeals before they were deprived of benefits on which they relied. In all these cases, the principles for which they stood—sexual self-determination even for racial and economic minorities; entitlement; free movement in pursuit of economic well-being (and physical well-being, as in the case of women fleeing domestic violence); and access to benefits in the face of what Justice Brennan termed “brutal need”—have been compromised over time.<sup>53</sup> But none of the cases has been judicially overturned. If by nothing else, their power was demonstrated in the efforts of anti-welfare reformers to reverse them legislatively through PRWORA.

### *The Age of Moynihan*

The next phase of welfare reform from above began in the early 1980s. It culminated in a major legislative reform in 1988. The central figure in creating that reform was Daniel Patrick Moynihan, veteran of debates over the Johnson administration's “Moynihan Report” on African American families and, by the 1980s, a U.S. senator from New York. A rough balance between continuing activist energies to improve welfare and anti-welfare reformism resulted in a kind of stalemate for most of the 1970s. After Nixon's FAP proposal failed, voices quieted at the two poles of welfare reform, the one that stood for expansion and rationalization, and the one where racist misogyny defined the need for welfare reform and underlay calls to require more wage work and to keep benefits low.

A new welfare politics gathered slowly in the aftermath of poor people's powerful assertion through NWRO and other groups. In addition to and intermixed with the collapse of a nationally coordinated welfare rights movement, the ebbing of African American and feminist activism by the end of the 1970s helped enable the change.<sup>54</sup> One way to observe the shift is by studying intellectual treatments of poverty and welfare.<sup>55</sup> As so often was the case in the history of social policy, Moynihan's work was an early indicator of what was to come: he attempted to recuperate his experience advocating the Nixon administration's FAP, with all its contradictions, in *The Politics of a Guaranteed Income* (1973).<sup>56</sup> Deploying the same racialized and gendered stereotypes with which President Nixon had encased his ambivalent FAP proposal, the book blamed activist welfare recipients for defeating FAP—which, according to Moynihan, had been perhaps the last, best hope for major social policy reform for a generation.<sup>57</sup> Moynihan's book became

increasingly influential as the contributions of other interlocutors stirred the debate over welfare reform anew.

Two tributaries of research had the potential to challenge the anti-welfare agenda, but their findings were hijacked by conservatives who claimed that the availability of welfare undermined heterosexual marriage and the waged work ethic. The first body of work emerged following the deadlock over FAP, when the federal government funded “income maintenance” demonstration projects in selected cities. The projects provided FAP-like basic income solely on the basis of economic need. Preliminary data that became available in the late 1970s revealed that this kind of basic or minimum income—essentially, welfare provided irrespective of a recipient’s personal or family characteristics—reduced poverty without causing the kind of cataclysm that had long been predicted by opponents of welfare rights. Basic income security had a slight depressive effect on recipients’ willingness to do paid work—concerning in Washington although arguably exerting a salutary pressure on employers, who would have to offer more decent working conditions to ensure a robust labor force. Among the variables researchers chose to study, the only sizable effect, which manifested in a Seattle-Denver study, was on sexual and marital behavior:<sup>58</sup> women with a steady, nonstigmatized income source were more likely to leave intimate partnerships than were women without it. Researchers in the Canadian province of Manitoba, which conducted a comparable experiment, found similar results. Later analysis of the data indicated that this kind of no-strings-attached welfare also limited women’s exposure to domestic violence.<sup>59</sup>

Hostility to the possible links among women’s independence, self-sovereignty, and economic security had inspired previous welfare retrenchment and helped doom policy proposals such as NWRO’s guaranteed income proposal and President Nixon’s FAP. Fresh data from the income experiments were used against both traditional welfare and the Carter administration’s guaranteed income–like initiative, the Program for Better Jobs and Income.<sup>60</sup> Members of the male-dominant policy establishment argued among themselves, shutting out feminists and poor people. Not surprisingly, virtually no one in official Washington argued that some women had good reasons to withdraw from their relationships. Perhaps the impact of income on heterosexual unions should have been received as an alarming measure of the state of those unions rather than as evidence against economic redistribution. Officials of the Carter administration, federally funded social scientists, and anti-welfare policy intellectuals united in their squeamishness

about women's choices and centered debate on the size of the negative effect.<sup>61</sup>

Policy makers had ready at hand a second federally funded source of information about poverty and people's use of welfare benefits. With backing from the National Science Foundation, the Panel Study of Income Dynamics (PSID) began in 1968 to study a large, diverse sample of U.S. households.<sup>62</sup> By the early 1980s, researchers had evidence to share about family incomes over a decade. In *Years of Poverty, Years of Plenty* (1984), Greg J. Duncan and colleagues argued using the PSID that poverty was a normal, not anomalous, experience among U.S. families. They attributed this ubiquitous poverty to easily identified features of the economy (e.g., structural unemployment) and government (e.g., a bare-bones welfare state that left families mostly on their own to accommodate the cost of raising young children). Along with ubiquitous poverty was a ubiquitous need for—and use of—welfare benefits. In the course of a decade, Duncan and his colleagues pointed out, over one-quarter of households received government grants from the means-tested programs AFDC, food stamps, Medicaid, and Supplemental Security Income (or its predecessor programs).<sup>63</sup> These numbers suggested that welfare recipients should not be shamed, and that their economic dependence should not be treated as an outrage or scandal, but as a normal phenomenon in a society that had made economic and political choices with certain predictable consequences.

In the policy circles that produced anti-welfare initiatives, these data were either recruited into a wider war against welfare or largely ignored. The motives of ideological conservatives who censored normalizing ideas about welfare were fairly clear; they wanted to reduce the public sector and shore up the so-called traditional family.<sup>64</sup> However, thanks to gendered, sexual, and racist biases that were rarely addressed head-on, researchers identified with the Democratic Party and liberal politics also joined a consensus of pseudowisdom about public assistance. In this regard, Senator Moynihan was again an early adopter, a nominal Democrat (veteran of both the Nixon and Johnson administrations) who reprised his emphasis on gender from the Moynihan Report. He drew on the Seattle-Denver Income Maintenance Experiment findings to goad the Carter administration about the effects of guaranteed income on marriage, suggesting that the findings could be applied to the far stingier, more conditional AFDC program. In other words, from his perspective, as a form of income maintenance, welfare was a moral hazard, inevitably breaking up marriages and undermining desirable behavior.<sup>65</sup>

Conservatives such as George Gilder, Charles Murray, and Lawrence Mead followed suit. They largely ignored the conclusions of Duncan and colleagues from the Panel Study of Income Dynamics and utilized only portions of the Seattle-Denver evidence, in the touchstone texts of the Reagan presidency, *Wealth and Poverty* (1981), *Losing Ground* (1984), and *Beyond Entitlement* (1986). They argued that AFDC and, by extension, all government antipoverty efforts, reduced sexual abstinence and fidelity, pointing men toward “deadbeat” fatherhood and women toward lone parenting.<sup>66</sup> The overall result, they claimed, was social chaos, with government policy at its source. Hovering high above the ground of empirically proven facts, they argued that welfare should end because it produced more poverty. This last point was easily falsified by the PSID evidence and other sources. However, the mix of moral anxieties about the patriarchal family and racialized scares about the future of the work ethic appears to have overwhelmed any weakness in their economic claims.<sup>67</sup>

The absence of publicly audible feminist analysis and the marginalizing of low-income mothers’ perspectives permitted victory for the Reagan Revolution’s war on welfare, a disaster for the supposed aims of Democrats and liberals. But truth be told, while many Democrats forfeited debate with anti-welfare Reaganites because they were afraid of the fray, other Democrats simply conceded the argument, helping to turn Moynihan’s dicta into popular “wisdom.”

The anti-feminist and anti-welfare consensus could not have formed without Democratic participation. Moynihan continued to set the tone, although he was hardly alone. In 1985, in a major address at Harvard University that he later published as the book *Family and Nation*, he revisited and reinterpreted the Moynihan Report from twenty years before.<sup>68</sup> He omitted the most outé language from the report about men’s need to “strut,” and also downplayed his prior call for massive educational and employment investments to enable African American men to head their families and to help families avoid poverty. Moynihan focused instead on gender, sex, and poor people’s choices about intimacy. He claimed that a tight link that had once prevailed between overall prosperity and the poverty rate had broken since 1965, and that the phenomenon could be explained by behavioral or moral characteristics—chiefly, the propensity of poor and nonwhite people to bear and raise children outside of wedlock. Moynihan claimed nonmarital parenting was both a cause of poverty and a social problem in itself. He muted other explanations for the gap between “normal” economic well-being and

that of African American families, such as racial discrimination, disproportionate rates of incarceration, and the hyperexploitation of many working women of color. The *New York Times* declared in an editorial that the speech was a landmark, a brilliant intervention into public policy.<sup>69</sup>

Moynihan's moralism, which ignored the facts that a quarter of the U.S. population used means-tested public programs and used them as designed, prevailed through the welfare reform debates of the 1980s. It shaped the last major national legislative change in cash welfare before PRWORA. Moynihan himself was the primary author of this legislation, the Family Support Act of 1988, a reform that the remaining welfare rights activists and advocates in the United States considered dramatic and draconian although PRWORA subsequently made it seem fairly modest. The primary difference between Republican and Democratic versions of welfare moralism in this period was that Republicans, echoing policy intellectuals Gilder, Murray, and Mead, blamed government programs themselves for producing the supposed gender crisis in impoverished families and communities, while Moynihan and his allies who leaned Democratic largely blamed gendered arrangements for producing the need for government programs. The politically engaged scholars Mary Jo Bane and David Ellwood argued, in studies cited in Moynihan's *Family and Nation* and in Ellwood's *Poor Support* (1988), that the different welfare grant levels in different states represented a "natural experiment" of the effect of public aid on poor women's and men's choices: because there was no predictable statistical relationship between AFDC grants and rates of teenage and nonmarital parenting, then welfare could not have caused those phenomena.<sup>70</sup> But that did not mean that public assistance was to be left alone, or that government officials should not concern themselves about poor women's sexual, marital, and parenting choices. Ellwood continued to find the moral hazard in AFDC (but not other public welfare programs) significant; *Poor Support* included a proposal for dismantling women's entitlement to support by placing a time limit on their access to the program.<sup>71</sup>

The debates that helped produce the Family Support Act were not only gendered. They were, simultaneously, deeply racist. Ellwood devoted three chapters of his book to what he identified as the problem of changing families, and an additional chapter to the challenge of "ghetto poverty." Although there was obvious slippage between the two, the distinction lay in the emphasis in the former on women, their bodies, and their choices, whereas the "ghetto" poor were stereotyped as black, male, criminal, and threatening to middle-class culture in a more immediate way than were women raising

children outside of wedlock.<sup>72</sup> Sociologist William Julius Wilson, whose influence on the debate is difficult to overstate, examined “ghetto poverty” exclusively. Again bypassing the normal, explicable, general picture of poverty and public assistance, he wrote compellingly about the sometimes illegal and self-destructive behavior that occurred in small, statistically aberrant communities in which few people had decent jobs. Wilson’s book *The Truly Disadvantaged* (1987), and a related series by journalist Nicholas Lemann in the *Atlantic Monthly* magazine, did as much as anything else to fuel anti-welfare politics by changing the subject from the economic circumstance of poverty to the behavior of poor people—behavior that readers inevitably interpreted through the lens of their stereotypes about women, African Americans, and the poor.<sup>73</sup> As they were for Moynihan, men and masculinity were for Wilson at the center of the problem and the source of its solution: economic conditions and men’s bad choices, together, left poor, African American neighborhoods with a paucity of what he termed “marriageable males” and therefore created women’s and children’s distress.<sup>74</sup> Rather than defend the anti-poverty policies that extended what lifeline there was in urban communities awash in postindustrial poverty, Wilson saw the solution to women’s circumstances in a far-off, social-democratic program of education, training, and employment directed at men.

The Family Support Act of 1988 was in many ways a rehearsal for PRWORA. In a reverse of the later pattern, the Family Support Act emerged from a Democratic Congress and was signed by a Republican president. It received critically important support from the self-styled centrist Democratic group the Democratic Leadership Council and from the National Governors Association, both led by Governor Bill Clinton.<sup>75</sup> The history of its passage reveals that leaders of the two major parties disagreed on matters of emphasis but fundamentally shared an analysis of the problem they were trying to fix. They agreed, too, on the necessity of “reform,” a word that encoded the same “picayune cruelties” and drive to cut spending that A. J. Lieblich had analyzed decades earlier. Its most distinctive feature followed William Julius Wilson’s emphasis on masculinity and paternity without the social investments he recommended. The Family Support Act dramatically increased the involvement of the national government in paternity establishment and child support enforcement. This reprised the principles of the NOLEO requirement from the Eisenhower era and expanded the power of the national Office of Child Support Enforcement, which Congress had created in 1974. Under the new law, states were required to withhold money from the wages

of absent fathers to support their children and were penalized for failing to establish paternity in a substantial number of cases.<sup>76</sup> The other major portion of the legislation, less distinctive but equally significant for poor people, was a program of work mandates and promised investments in education and services. The Job Opportunities and Basic Skills (JOBS) program replaced and reprised WIN/WIP from the 1967 welfare law. Like that earlier effort, it both federalized and placed a rehabilitative gloss on the kind of forced work that states had once faced federal opprobrium for applying on a smaller scale and more openly discriminatory basis. However, one bright spot of the law was that it contained a definition of “work” that included full-time participation in work training or school, including in advanced programs and four-year colleges.<sup>77</sup>

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Intellectuals and politicians who reformed welfare in the period from the 1930s to the 1980s apparently believed their prescriptions were new each time they offered them. They proceeded as though confident that the policy shifts they endorsed would end an old and acrimonious national debate. But stubborn ideas about gender, race, poverty, and disability made the debate endlessly recursive. Almost regardless of which party held the majority in Congress or the White House, legislative innovations presented with the greatest fanfare proved to be retreads of earlier models. The only major changes in understanding and approach occurred at the relatively brief moments during which people who relied on public aid, themselves, authored welfare reform. The Family Support Act of 1988 was the last great push to reform AFDC and quiet the gender trouble it represented to so many observers.<sup>78</sup> If Daniel Patrick Moynihan’s analysis of the problem had been correct, then the law might have improved intimacy and parenting in impoverished neighborhoods, relieved poverty, saved AFDC, and rid Democrats of the need to defend the program from its critics. In the end, its effects were mostly nil or negative: too underfunded to change poverty or poor people’s choices, the law stoked even greater acrimony among politicians, who heaped even more aspersions on welfare families and the people who stood with them. All this set the stage for the political rise of the Family Support Act’s backstage champion, Bill Clinton of Arkansas.

## Chapter 3

### Change They Believed In

In 1988, President Reagan signed the Family Support Act (FSA), the most significant welfare reform passed by Congress in two decades. Daniel Patrick Moynihan, the Democratic senator from New York who had served both a Democratic president and a Republican one, claimed primary authorship for the law. Like Moynihan's own career, the Family Support Act was bipartisan. As with the Moynihan Report of 1965, his 1988 bill, the FSA, was the object of protest by many liberals and intersectional feminists.<sup>1</sup> Reagan attempted to soften the demeaning messages about African Americans and women that had helped produce FSA by promising the law would "lead to lasting emancipation from welfare dependency." While underlining the preference in FSA for married couples raising children with a patriarchal family division of labor, President Reagan insisted that "single parent families also share[d] in the message of hope underlying this bill."<sup>2</sup> Indeed, alongside the terrifying aspects of FSA for welfare parents, which included a waged work mandate, a renewed requirement that women participate in paternity establishment and child support collection, and consequences delivered to fathers who lacked steady income to pay child support, there was a promising side to the law. For those who wanted to further their educations or were ready to combine waged and unwaged work more than they had been doing, the Job Opportunities and Basic Skills (JOBS) initiative under FSA might help.<sup>3</sup> The states were to receive \$6.8 billion over seven years from the federal government to finance efforts to provide job opportunities. They would receive additional funds to cover child care and children's health care costs while parents were in what was conceptualized as a "transitional" period from welfare receipt to permanent family support via the waged labor market.<sup>4</sup> The



law forbade states to require mothers of children under six to participate “unless child care is guaranteed and participation is on a part-time basis.” Perhaps most significantly, it specified that if recipients were “attending a school or course of vocational or technical training . . . such attendance may constitute satisfactory participation in the Program so long as it is consistent with his or her employment goals.”<sup>5</sup>

President Reagan did not acknowledge Moynihan for his role in creating the Family Support Act. But he did single out one increasingly renowned Democrat, Governor Bill Clinton of Arkansas.<sup>6</sup> Clinton had headed the National Governors Association and cochaired its Task Force on Welfare Reform. Consistent with the bipartisan shift across the twentieth century toward viewing poverty as a disease or disorder, Clinton and his task force cochair, Republican governor Mike Castle of Delaware, renamed their effort the Task Force on Welfare Prevention.<sup>7</sup> In congressional testimony shortly after states began to implement FSA, Clinton repeated a misleading and racially tinged old saw about the history of welfare and its recipients. “When welfare was first instituted,” he claimed, “the typical recipient of welfare was a West Virginia miner’s widow,” a white woman, in other words, who married before bearing children and whose husband pursued waged work under notoriously unsafe conditions.<sup>8</sup> He contrasted this white widow with “a class of permanently dependent individuals, sometimes passing their dependency from generation to generation.”<sup>9</sup> The data made it clear that this “class” was vanishingly small: according to the state-of-the-art Panel Study of Income Dynamics (PSID), less than 1 percent of the U.S. population received welfare for ten years consecutively and depended on welfare for over half of their family income.<sup>10</sup> The PSID data and others also indicated that, while similar conditions might produce similar rates of poverty for parents and children, welfare receipt was not “passed down” from mother to child in the way that biological traits can be passed down.

As a practiced state-level welfare reformer, Clinton rehearsed many of the arguments that would ultimately shape the bill he signed while in the White House. He complained that welfare “had become fundamentally a substitute child support system” and proposed to place more of the burden of financial child support on low-income parents.<sup>11</sup> He did not propose time limits on receipt of economic assistance or ending the entitlement status of family economic aid. However, his rhetoric pushed policy in that direction by inveighing against the idea of an entitlement or right to welfare. “This program,” he argued about FSA, says to everybody, “We don’t want to

maintain you. We don't think you have a right to anything other than assistance in return for your best efforts.'"<sup>12</sup> Governor Clinton's rhetoric regarding the Family Support Act helps explain the centrality of similar arguments to his presidential bid and agenda once he took office. It also helps explain why Clinton ultimately signed the legislation that a Republican-majority Congress presented to him in 1996. But it raises a question as to why the Family Support Act, to which Clinton contributed with apparent pride, failed politically. Indeed, by the presidential primary season in 1992, FSA had become in Clinton's rhetoric evidence of the kind of old-fashioned Democratic Party thinking against which he defined himself.<sup>13</sup>

Contrary to prior accounts that have emphasized the degree to which President Clinton was pressured in the middle 1990s by Republican governors and a Republican Congress to sign the 1996 welfare bill into law, we find that, long before he was president, Bill Clinton developed his political persona and built the national dimensions of his career around welfare reform.<sup>14</sup> Welfare was the central issue to which he devoted his efforts within the National Governors Association. The "New Democrat" wing of the party articulated its politics as maverick and innovative, committed to fiscal responsibility instead of a "tax and spend" approach. This was effective branding but deceptive politics and policy. The newness of Bill Clinton's version of New Democratic politics implicitly (and sometimes explicitly) rested on a willingness to offend African American and feminist constituency groups along with liberals who believed the best way to reduce inequality was to tax those with excess wealth and assist those with too little. Despite the fact that Clinton was a leading state-level advocate for FSA, welfare reform continued to be an emblematic and defining issue for Clinton and other New Democrats as they took power within the Democratic Party.

### *E.T., Phone Home*

Before the Family Support Act became an object of political vitriol, national politics briefly focused on "E.T.," the Massachusetts Employment and Training program. E.T. was the heart of Governor Michael Dukakis's social policy portfolio and part of his bid for the presidency in 1988. Initiated in the early 1980s, E.T. was one of several local and state-level "get-tough" welfare policies, which promised to turn the unpopular Aid to Families with Dependent Children (AFDC) program from one of maternal and child support into one that moved women into the waged labor market. The major difference be-

tween E.T. and both the Family Support Act and PRWORA was that participation in E.T. was voluntary.<sup>15</sup> Massachusetts officials and the social science evaluators of the program found that there was sufficient interest among parents who received AFDC benefits to fill a completely voluntary program of employment and training. A mandatory program would have overwhelmed the state bureaucracy and swamped the portion of the labor market to which people with limited educations had access. Evaluators discovered, moreover, that the most expensive and bureaucratically challenging aspect of the program was fulfilling its pledge to provide child care for parents who participated. If Dukakis's administration followed the mandate in the state statute that created E.T., to ensure that children received care, then it could not afford to accommodate more participants than the number who volunteered. Moreover, given the costs of child care, training, and assistance in finding employment, the program did not save the state as much money as political leaders had hoped it would. Administrators of the California welfare-to-work program similarly found that education and literacy levels were so low among many AFDC parents that the costs of adult education and pinched employment options limited (or, in certain counties, apparently erased) the savings from welfare reform.<sup>16</sup> For welfare reformers who wanted to improve recipients' earnings potential, E.T. and other welfare-to-work policies held promise. But they did not do much to help state administrations plug gaps in their budgets. They required unpopular spending to help a disdained population.<sup>17</sup>

Politicians such as Moynihan, Reagan, and Clinton did not debate the social scientists who found that E.T. and similar programs could work if properly funded but also found most states unwilling to make the investment. Regardless of the research, anti-welfare politicians continued to argue that there was an unsolved welfare crisis that only new leadership could adequately address. Indeed, the anti-welfare discourse of the late 1980s and early 1990s proceeded in apparent ignorance of the findings derived from E.T. and other local experiments—much as they proceeded irrespective of the government-funded Panel Study of Income Dynamics.

The Democrats' defeat in the 1988 presidential election presented a growing community of anti-welfare Democrats with an opportunity to commandeer the party's agenda. The Democratic presidential nominee, Michael Dukakis, was the governor of Massachusetts, home of E.T. Candidate Dukakis represented a version of northern, white, intellectual liberalism that was mocked by many in the Democratic center-right and deemed out of touch

by cynical political insiders. By the end of the 1988 campaign, Dukakis had become a Democratic untouchable. Not only did he lose the presidential election to a relatively weak Republican candidate, but he also allowed himself and the party to be derided as inadequately masculine, even effeminate, and weak on the race- and gender-coded issue of criminal justice. What captured attention during the 1988 campaign was the image of the diminutive candidate Dukakis swallowed up in a military helmet when he mistakenly tried to prove his bone fides by driving a tank. Even more sensationalized was the “Willie Horton” television advertisement, which Republicans used to associate the governor’s parole policies with racialized and sexualized crime. A third touchstone in memories of the Dukakis campaign is the moment during a presidential debate when the candidate muffed a question about whether he would support the death penalty if his own wife were raped.<sup>18</sup> These flashpoints were products of the gendered and racialized politics of the period. They also concretized and enhanced those politics, making everything related to Dukakis, especially policies that directly implicated gender and race, seem toxic for ambitious Democrats.

New Democrats defined themselves against what they characterized as the trademarks of traditional, liberal Democracy.<sup>19</sup> Dukakis served as a synecdoche for what they found problematic about the whole party, which formed the rationale for their “new” departure. It is easy to see how “new” Democratic politics set the stage for Bill Clinton’s rise to national prominence and shaped his agenda: New Democrats, contra Dukakis, were not from the traditional party strongholds of the urban Northeast and West; they were not ambivalent about policies on crime, welfare, or immigration that might offend advocates of color; and they were not beholden to familiar Democratic allies such as labor unions, feminist organizations, and civil rights lobbies. With the help of these positions and a “tough” foreign policy, New Democrats sought to project an image of mainstream white heterosexual masculinity.<sup>20</sup> Clinton’s embrace of welfare reform as an issue and his persistent unwillingness to credit Dukakis’s welfare reform model or recognize the data derived from it was consistent with the emergent terms of New Democratic politics.<sup>21</sup>

President Reagan signed the Family Support Act in October 1988, on the eve of the Dukakis-Bush election. The FSA differed from Dukakis’s state-level E.T. program: it reflected a greater concern with policing masculine behavior, in the form of enforced financial child support, and was premised on racialized stereotypes of welfare recipients as lazy and therefore in need of

work mandates rather than a voluntary program.<sup>22</sup> But FSA, like E.T. and other local welfare-to-work experiments, did not settle the debate over welfare. In fact, in the years immediately following what Moynihan described as policy to “turn the welfare program upside down,” the debate seemed to rage even more loudly and intensively than it had before.<sup>23</sup> As political scientist Hugh Heclo has argued, “welfare reform became much more than an isolated campaign issue after 1988. It became a central focus in the strategic maneuvers of party warfare,” a “wedge issue” with which conservatives hoped to separate voters from the Democratic Party and a matter of identity to New Democrats such as Bill Clinton.<sup>24</sup>

The continued, high-stakes political conversation about welfare distracted from the fact that, as antipoverty policy, FSA was destined to fail. This had little to do with the claims that continued to resound in the debate, that policy was too permissive, was insufficiently oriented toward the labor market, or contained too few levers with which to shape men’s treatment of their children or women’s reproductive and romantic choices. The Family Support Act was destined to fail because child support collections and mandatory employment, in themselves, could not transform poor families’ circumstances. The Government Accounting Office (GAO) found that “many single mothers will remain near or below the poverty line even if they work at full-time jobs” of the kind they were likely to secure under FSA. The GAO researchers warned that many women who used AFDC money to help support their families would find “full-time year-round work difficult to achieve,” and that their incomes were so low at the start that “even relatively large increases in earnings would not be enough to bring many disadvantaged single mothers out of poverty.”<sup>25</sup> Like E.T. and other state- and local-level “welfare-to-work” initiatives earlier in the 1980s, FSA was apt to fail, too, as a source of significant fiscal savings for the states: the GAO underlined the need for state and national administrators to help women who were seeking “self-sufficiency” through waged work with additional supports, such as food stamps, child care, and cash supplements via the Earned Income Tax Credit, lest welfare reform leave their families destitute and starving.<sup>26</sup> Ensuring these supports necessitated an adequate number of state human services employees, typically unionized workers who would of course require salaries, and it would increase the costs of all the other social support programs when their caseloads rose. Evaluations of local welfare-to-work programs by the respected Manpower Demonstration Research Corporation (MDRC) found an unsurprising inverse relationship between the degree to which

programs helped participants train for and locate decent jobs, and program savings. Based on these evaluation studies, MDRC researchers anticipated under the Family Support Act trade-offs among the three goals of “producing more substantial earnings gains for some individuals, maximizing welfare savings, or reducing long-term dependency. Providing mandatory job search to large numbers of people,” the researchers continued, presaging the option the U.S. government would ultimately privilege under PRWORA, “may maximize welfare savings and job-holding, but by itself usually will not get people better-paying jobs or benefit the more disadvantaged.”<sup>27</sup>

It was perhaps not surprising that the national Republican administration and Republican-dominated states continued to press the familiar politics of welfare reform after implementation of FSA began. It was more surprising that Democrats continued to lambaste AFDC, a program that was originally part of the Social Security Act, signed by President Franklin Delano Roosevelt during the formative moment of their modern party. AFDC had, moreover, received an overhaul in 1988 at the initiative of the Democratic éminence grise Daniel Patrick Moynihan and two houses of Congress under Democratic control.

Before the new initiatives authorized by FSA could be assessed, states under Democratic as well as Republican leadership began experimenting with policies that built on the political popularity of “workfare,” shorthand for a government mandate for adult recipients to engage in labor market work in addition to their parenting labor—even if that work did not pay actual wages. State governments tried “Learnfare,” which would supposedly promote better schooling outcomes for low-performing children by conditioning welfare receipt on children’s school attendance; “Bridefare,” which would supposedly encourage a low-income woman to marry the father of her child by conditioning benefits on marriage; and the “family cap,” or exclusion from assistance of children born to welfare participants, a restriction intended to discourage impoverished women from childbearing.<sup>28</sup> Our review of the evidence points to the conclusion that the race and gender climate of the time, which politicians discovered and then reinforced, does much to explain the bipartisan popularity of these proposals.

In the run-up to the 1992 national elections, Republican governor Tommy Thompson of Wisconsin and Democratic governor Bill Clinton of Arkansas pursued a kind of social policy arms race that centered on welfare recipients but also engulfed other vulnerable and low-income people. Governor Clinton signed a bill that took driver’s licenses away from teenagers who could

not maintain grade averages of C or better. His state created a policy that reported fathers with unpaid child support of \$1,000 or more to private debt-collection agencies.<sup>29</sup> An African American Democrat, Douglas Wilder of Virginia, accused Clinton of borrowing from the playbook of David Duke of the Ku Klux Klan. Governor Clinton insisted on the wisdom of his approach.<sup>30</sup>

The persistent politics of welfare reform were enabled by the existence and increasing accessibility of waivers the federal government granted states to pursue their own course. In effect, national governmental leaders gave the states permission in advance to exceed or violate the statutory and bureaucratic requirements of the AFDC program. This was a particular manifestation of federalism, which balances between the assigned powers and responsibilities of the national government in Washington, D.C., and the discretionary powers of states.<sup>31</sup> Beginning with President Nixon, a keystone of Republican domestic policy has been a “new federalism” that enlarges state power over federally funded programs at the expense of national control.<sup>32</sup> What Hecllo terms “a micro politics of federalism” came to welfare policy with a wide array of state waivers granted by the administrations of Presidents Reagan, Bush, and Clinton.<sup>33</sup> The waiver process allowed some state officials to expand eligibility slightly for public aid, and to relax income and property requirements for applicants who earned wages or managed to save money. It also gave wide berth to Governors Thompson and Clinton, to anti-welfare innovators such as Republican governors Engler of Michigan and Weld of Massachusetts, and to Democratic governor Florio of New Jersey, who signed “family cap” legislation that he claimed would keep poor women who received AFDC from bearing more children.<sup>34</sup> Waivers allowed these politicians to build political capital with laws that aimed their constituents’ ire ever more at young, poor, unmarried mothers and fathers of color. None of the policies authorized by federal waivers significantly increased the incomes of the parents and children who found themselves in the crosshairs of political rhetoric. But the policies signaled a political toughness that is inseparable in modern American political culture from whiteness and masculinity and has been among the unspoken criteria for national leadership.<sup>35</sup>

Once in power nationally, Clinton followed the pattern he set in Arkansas, making full use of the formerly Republican strategy of weakening the national government by means of a “new federalism.” The New Democrat administration did not slow the pace of granting welfare waivers or raise the bar for their acceptability. Rather, this president, who had himself successfully

surfing the currents of decentralized social policy, permitted local officials to continue pursuing this strategy (as disruptive as it might be to implementation of the Family Support Act). “We are not in the business of turning down waiver requests,” said Mary Jo Bane, the Harvard professor of public policy who served as assistant secretary of health and human services in the Clinton administration. “We are in the business of helping states do what they want to do.”<sup>36</sup> At its inception, AFDC (originally ADC) had been a cooperative federalism affair. Clients or potential clients had long had different experiences depending on the state, county, or even the particular office to which they applied. But the trend toward centralization, on the argument that national standards were more fair and less discriminatory on the basis of race and gender than localized administration, was strong in the middle twentieth century. The waiver system effectively turned the tide back toward the local. It made FSA more like fifty distinct welfare programs than a single national one. In 1996, on the eve of congressional passage of welfare reform, forty-three states were operating their welfare programs under waivers from the national government. Some states operated under multiple waivers simultaneously.<sup>37</sup>

### *Winning Office by Ending Welfare*

Welfare and welfare reform continued to be politically central as Democrats and Republicans prepared for the 1992 presidential race. As a governor in this era of neofederalism, Bill Clinton was more strongly poised to gain from this issue than was the sitting Republican president. The intellectual underpinnings of his strategy came from sources such as public policy professor David Ellwood’s book *Poor Support*, and more sweeping treatments of contemporary politics by journalists such as Thomas Edsall, Mary Edsall, and E. J. Dionne. Ellwood, whose work appeared in 1988, offered little optimism or hope for antipoverty policy despite some positive data then available on the Massachusetts E.T. program and despite the emergent FSA (on its way to passage as Ellwood finished writing). *Poor Support* was a liberal lament for the supposed weaknesses of antipoverty policy and the low-income communities it served. The book twinned a plea for more resources so that government could attach more poor people to the waged labor market with the idea of ending assistance after two years if recipients failed to follow the path outlined for them. Social scientists Kathryn J. Edin and H. Luke Shaefer remembered Ellwood’s book twenty-five years after its publication as a “mani-



festos” for “replacing welfare, not just reforming it.”<sup>38</sup> *Poor Support* lacked a background understanding of gender: Ellwood did not discuss parenting as a role low-income mothers or the society as a whole might value for itself.<sup>39</sup> Nor did he place great value on the ways in which women were disadvantaged in gaining education or decent jobs, or the barriers that stand in the way of their attempts to form functional, long-term relationships. He did not consider the ways in which the family fortunes of low-income men, especially men of color, were shaped by incarceration and criminal justice.<sup>40</sup>

Thomas Edsall, Mary Edsall, and E. J. Dionne were journalists whose impact was far greater among mainstream politicians in the 1990s than that of virtually any academics. In *Chain Reaction*, Edsall and Edsall sought to explain why scores of ordinary (white) voters had become alienated from the Democratic Party. These voters were raised in Democratic households but left or considered leaving the party because they believed it no longer represented their interests. Edsall and Edsall argued that Democratic governmental efforts to reverse the wrongs of racism, such as affirmative action, distorted the party’s agenda and left it vulnerable to losing such voters. They argued that the Democratic Party should “become a forum for a tough-minded exploration of issues of individual conduct, family structure, patterns of socialization, and other so-called moral/cultural matters,” including welfare receipt by the “underclass.”<sup>41</sup> They did not argue that Democrats should redirect attention from the race-inflected negatives and focus instead on economics or class, but rather that the party should become a locus “for exploring how [signs of African American misbehavior] interact with larger structural questions of labor markets, wage ladders, [and] deindustrialization.”<sup>42</sup>

The Edsalls’ book was enormously influential among Democrats despite being somewhat incoherent. The three apparently distinct variables driving the narrative, “race, rights, and taxes,” were not really separable from one another. Nor could they easily be cleaved from the squishy category of class, no matter how persistently the authors suggested that Democrats had betrayed New Deal–style class politics in the era of “rights,” that is, in the pursuit especially of racial and gender justice. Gender as a variable was a decidedly bit player in the drama Edsall and Edsall described of electoral transformation; it was treated as completely distinct from, rather than overlapping with, race and had little explanatory power in their analysis. Edsall and Edsall wrote, for example, of affirmative action and civil rights enforcement as overwhelmingly matters of race.<sup>43</sup> They considered gender, age, and disability

as sources of discrimination and governmental antidiscrimination enforcement actions in less than one page of text. Each of these variables was treated as distinct from the others, and from race, and none was treated as an appropriate source of “bottom-up” remedial action by a government formed by a post–New Deal Democratic Party.<sup>44</sup> Despite its relevance to people’s well-being on the job, Edsall and Edsall failed to understand affirmative action as a matter of economic class or the distribution of wealth. Welfare, of course, was viewed paradigmatically as an issue of race and was treated as such by Edsall and Edsall.<sup>45</sup> For particular historical and economic reasons, a disproportionate percentage of recipients were African American or Latina. The public sign of the program was the symbolically rich, derided figure of the underage African American unmarried mother.<sup>46</sup> While the Edsalls interlocked welfare with race, they did not comprehend that welfare was equally a matter of gender, sexuality, nationality, and disability—or that, as an economic mainstay of low-income families and public wage of last resort, welfare was a vital matter of class and economics.

Similar to Thomas Edsall and Mary Edsall, E. J. Dionne reviewed the political history of the 1960s through the 1980s to suggest that Democrats muffle their interests in racial and gender justice. They should instead, according to Dionne, favor a program the author identified as purely economic. “While Left and Right argued about racial quotas,” Dionne wrote, “the average take-home pay of *all* Americans stagnated. While Michael Dukakis and George Bush discussed Willie Horton and the Pledge of Allegiance, the savings and loan industry moved inexorably toward collapse. . . . While veterans of the 60’s continued to debate the meaning of the Vietnam war, Communism collapsed and a new world . . . was born.”<sup>47</sup> Although the book’s title was *Why Americans Hate Politics*, its main project was to explain why some Americans hated Democrats—and to do so in a way that faulted organized Democratic constituencies and the politicians who appeased them rather than racist, sexist, jingoistic, or homophobic voters.<sup>48</sup> This argument could not accommodate the economic dimensions of government benefit programs, which sustained children and parents, placed a floor below all wages, and removed important expenditures (e.g., for health care) from family budgets. Dionne lacked a strategy for making Americans love their neighbors as themselves—or even to love themselves enough to provide a cushion of economic support in case of truly bad circumstances. Instead, he implicitly advised Democratic leaders to commit sins of omission regarding the country’s historical and continued failings regarding race and gender.

Bill Clinton's first presidential campaign tracked closely with the analyses offered by the Edsalls, Dionne, and Ellwood.<sup>49</sup> In a fall 1991 article spelling out what would become the Clinton policy strategy, Clinton's pollster, Stanley Greenberg, synthesized from the Edsalls and Dionne a call for the "genuine identification of Democrats with the middle class"—with "the middle class" read as white, male, employed, and upwardly aspirational. In social policy, including welfare, Greenberg explained, "that means defending and enlarging social insurance initiatives that reach the lower and middle classes rather than constructing safety nets that protect only the poor. Safety nets, however fiscally appealing, represent bad politics and a moral trap that ultimately separates the poor, as well as the Democrats, from a majority coalition."<sup>50</sup>

Clinton and his advisors accepted the idea that economics were separable from the things "Americans hate." Their famous slogan for the campaign, "the economy, stupid," distanced the party from social issues and civil rights priorities. Designating as "economic" those matters that concerned white working- and middle-class men's income, savings, and security, the Clinton campaign defined as noneconomic the questions that concerned other people's self-sovereignty, equality, and livelihoods.<sup>51</sup> It was politically alluring for New Democrats, overwhelmingly white, to try to distance the party from "race, rights, and taxes" toward the goal of building a middle-class majority.

The specter of 1988 haunted the Clinton campaign four years later: If New Democrats generally were keen to distinguish themselves from Michael Dukakis, the team that surrounded Bill Clinton was even more eager to distinguish its candidate from Reverend Jesse Jackson. Jackson was the first major African American candidate for the presidency. His success in 1988 among lower-income white and nonwhite people might have paved the way to a unified politics of race, rights, and economics.<sup>52</sup> But such a politics would not have been "New" Democratic or favored Bill Clinton. Candidate Clinton accepted an invitation to speak before Jackson's organization, the Rainbow Coalition. He used the opportunity to wage cultural politics, as it were, in reverse. In other words, he did not follow the most ambitious suggestions of the Edsalls and Dionne, to shift the Democrats' social justice focus to the macroeconomy. Instead, he maintained focus on "race, rights, and taxes"—but by sounding familiar Republican pejorative themes rather than long-standing Democratic supportive ones. At the Rainbow Coalition meeting, Clinton singled out for opprobrium an African American woman rapper named Sister Souljah (Lisa Williamson), one of a small group who attempted to add women's voices to the contemporary popular music that

most appealed to young people of color. After the Los Angeles riots over police brutality and the killing of Rodney King, Sister Souljah said that African Americans might respond by killing whites instead of killing one another. Clinton used Sister Souljah's appearance at the Rainbow Coalition event as an opportunity to denounce her and by extension the Los Angeles protesters and Reverend Jackson's organization, itself.<sup>53</sup> Earlier in 1992, Clinton had pursued a similar symbolic politics when he returned home to Arkansas from the campaign trail personally to oversee the execution of Ricky Ray Rector, an intellectually disabled African American prisoner.<sup>54</sup>

The Clinton campaign's rhetoric and proposals about welfare were kin to the Sister Souljah and Ricky Ray Rector episodes. Clinton's welfare plans also drew on Ellwood's prescriptions in *Poor Support*. From early on in the presidential campaign, Clinton underlined the fatherhood-centered side of personal responsibility politics, trumpeting policies in Arkansas that reported child support debts to private collection agencies and shifted the legal presumption in paternity cases so that it would be easier to hold men financially liable for supporting the children they fathered.<sup>55</sup> But New Democratic welfare policies privileged even more a chiding and disciplinary agenda for low-income mothers. The paradigmatic New Democratic group, the Democratic Leadership Council (DLC), circulated a welfare plan that included requiring parents who received welfare (overwhelmingly mothers) to perform waged work after two years of assistance; shifting the priority of AFDC to job placement and away from the emphasis under FSA on education and training (despite researchers' warning of a likely relationship between low investments in training and poor outcomes for participants); increasing benefits only for the wage-working poor; and supporting a public messaging campaign against teenage and nonmarital pregnancy.<sup>56</sup> The Clinton campaign circulated proposals for national health insurance, a heightened minimum wage, and increased supports for workers who earned too little, as well as for time-limiting welfare *and* public employment for those who could not find jobs.<sup>57</sup> However, as Ellwood later remembered, the most popular proposal appeared to be the one to remove mothers from welfare after two years. Bill Clinton responded to the popular response by repeating the phrase "two years and you're off" ever more frequently as he sought the presidency.<sup>58</sup> Bruce Reed, former policy director of the DLC, encapsulated the personal responsibility agenda Bill Clinton fashioned in Arkansas and the mood among members of his audience with a line he wrote for the candidate, in which he promised that as president, Clinton would "end welfare as we know it."<sup>59</sup>

New Democratic rhetoric, welfare policy informed by Ellwood, and political strategy informed by texts such as *Chain Reaction* and *Why Americans Hate Politics* were the tools Bill Clinton used to win the Democratic nomination and, ultimately, the presidency. The candidate's language was often ostensibly welcoming and supportive, including to many women voters. But it drew gendered and racialized lines between good and bad citizens—and between good and bad mothers and fathers—those whom the Democratic Party would represent wholeheartedly and those whom it would not. Clinton accepted his party's nomination “in the name of all those who do the work and pay the taxes, raise the kids, and play by the rules, in the name of the hardworking Americans who make up our forgotten middle class.”<sup>60</sup> He signaled appropriate masculine and feminine behavior in paeans to his mother, grandfather, and spouse (to whom he made oblique amends for his already widely rumored sexual betrayals). He promised gender equality in health care and, despite a record of support for abortion restrictions, spoke clearly for legal abortion. Reprising policies he endorsed in Arkansas, Clinton chided fathers who failed to pay child support while also speaking for “an America where family values live in our actions, not just in our speeches. An America that includes every family,” including single-parent families.<sup>61</sup>

In his convention speech and in the Democratic platform, Clinton and his advisors summarized New Democratic politics by dubbing their approach a “new covenant” between citizens and government, which promised “more empowerment and less entitlement.”<sup>62</sup> Regarding public assistance, Clinton did not reconcile his anti-welfare policy proposals with his support for those who “raise the kids.” He gestured toward the themes that had surfaced during the primary campaign, pledging to help create “an America where we end welfare as we know it. We will say to those on welfare: You will have, and you deserve, the opportunity, through training and education [such as was already provided under FSA], through child care and medical coverage, to liberate yourself. But then, when you can, you must work, because welfare should be a second chance, not a way of life.”<sup>63</sup>

The Clinton presidential campaign of 1992 set the stage for welfare reform via the Personal Responsibility and Work Opportunity Reconciliation Act. Welfare reform was one of many proposals in the Democratic platform and statements from the campaign. But it was paradigmatic of the campaign's promise to take the United States from safety net “entitlement” to market-based “empowerment.” The pledge to “end” public assistance for parents and children was a key demonstration of the new Democratic approach

to government. It represented what Clinton Democrats termed a “third way” between traditional Democratic domestic spending and Republican cuts in social provision.<sup>64</sup>

The “third way” also struck a middle path between historic Democratic solidarity with the most vulnerable people and a new Democratic umpiring of their claims. Much as Clinton had in scolding Sister Souljah and executing Ricky Ray Rector, welfare reform played on race-based fear and loathing, as well as popular anxieties about changing gender hierarchy and roles. Clinton’s campaign pledge to “end welfare as we know it” was a dog whistle to the white middle class Clinton hoped would form his majority. The phrase simultaneously nodded to white racial politics and attested that Democrats would not be captive to the equality politics of people of color or the safety net politics of people in need. Given the success of disciplinary, moralistic anti-welfare rhetoric in ushering Clinton to the presidency, it is difficult to dispute political scientist Hugh Hecl’s conclusion that, “in terms of framing assumptions for Washington’s later debate on welfare policy, by the end of the 1992 election the AFDC welfare system was in effect dead.”<sup>65</sup>

## *Chapter 4*

### The New Democratic War on Welfare

The New Democrats represented by Bill Clinton and the Democratic Leadership Council were ascendant in the 1990s. However, they were not the only important subgroup within the Democratic Party. Many antiracist, feminist, and other progressive Democrats were repelled by Clinton's race-baiting tactics on the campaign trail and looked askance at the rhetoric of the "new covenant," which promised to impose new responsibilities on poor people without necessarily offering improved treatment in return. This chapter follows the debates over welfare among Democrats, and between Democrats and Republicans, during Bill Clinton's first term. We chart the policy proposals that developed at the start of Clinton's presidency in 1993 and follow them through the president's decision to sign the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in the summer of 1996. We analyze the administration's own welfare reform legislation, which was proffered to Congress in the summer of 1994. We also follow developments among congressional Democrats in response to Republican initiatives on welfare reform following the seismic "Contract with America" election in 1994.

This history reveals the lack of consensus over welfare reform in the early 1990s, especially within the Democratic Party. It illuminates serious divisions over gender, race, and economics. We argue that gender, in particular, in the expansive, intersectional way we understand it, explains the shape of the debates that occurred over welfare reform in this period.

These debates came to define the Democratic Party. It was the intellectual victory of the Clinton administration's prescriptions for ending welfare—family patriarchy and the work ethic—that framed the new welfare policy,

even after the Republicans took over legislative stewardship. It was the political victory of the administration's racialized and gendered assumptions about why low-income families might need welfare that fed bipartisan efforts to condition public assistance on obedience to public discipline. This skewing of regnant political ideas was long-lasting and widely influential, not only in welfare policy per se but in virtually every area of safety net social policy. Ultimately, too, the creation of a bipartisan legislative majority for disciplinary welfare reform fed the impression that support for welfare reform reflected overwhelming consensus and erased the history of contention that is manifest in the documentary evidence.

Despite the calculated retreat of Bill Clinton's campaign and administration from what many took as their party's cherished legacy regarding social justice, dissent from other Democrats was initially muted. The president enjoyed a honeymoon within his own party that lasted for approximately six months. Many early controversies that might have cracked the Democratic coalition did not, such as the administration's abandonment of LGBT rights in the military with its "don't ask, don't tell" compromise, and its flight from its own nominee, Lani Guinier, an African American female attorney, whom a Republican journalist dubbed a "quota queen" after the president nominated her as assistant attorney general for civil rights.<sup>1</sup> Relieved to have a Democrat in the White House after twelve years of Reaganism, many Democrats were prepared to keep their powder dry, at least for a time. Many gave the benefit of the doubt to their new president in the hope that the promises of his campaign would be realized. The catchphrase for the Clinton campaign, "the economy, stupid," suggested that by marginalizing policies aimed at racial equity, and foregrounding those seen as economic, the Democratic Party could consolidate support from the middle class and so grow its coalition.<sup>2</sup> Progressive feminists and people of color in the Democratic Party swallowed hard, hoping that the benefits of Clinton initiatives for the middle class would trickle down to those who would otherwise be left behind. From the outset, however, Clinton rhetoric and proposals pitted the "deserving" middle class—people who "played by the rules"—against the supposedly "undeserving" poor—people who did not always play by every rule and who, according to New Democrats, needed to take responsibility for their own economic adversity.

Expanded access to health care was the great white whale the Democrats pursued on behalf of the middle class. Political support for the administra-



tion's health care effort emerged from the idea that benefits understood as universal would aid all strata while mobilizing support from the broadest possible public. Although the Clinton administration never proposed a truly universal health plan with care guaranteed to all, its effort to transform health care in the United States was ambitious. It might, indeed, have improved routine medical access for middle-class and poor people. However, the administration proposal collapsed under the crescendo of business and conservative opposition, as well as from the limitations of the New Democratic philosophy. Committed as they were to navigating a "third way" in social policy,<sup>3</sup> administration officials rejected at the outset the kind of health care proposal that U.S. leaders had contemplated repeatedly in the past and that the Progressive Caucus in the U.S. House of Representatives advocated in response to the White House initiative—a genuinely universal or single-payer approach.<sup>4</sup>

As presented by progressives in the early 1990s, under single-payer health care, government would not necessarily have direct administrative responsibility for providing care but would play the central role in gathering the financial resources necessary for the system—through national health insurance or Medicare for all, for example. The key principle of a single-payer system is that every citizen should be served irrespective of wealth, poverty, employment status, or other personal characteristics. Instead of this relatively easy-to-understand approach, the Clinton administration pursued a market-oriented policy bricolage, a mix of public and private elements that simultaneously offended business with an employer mandate, frightened some consumers with talk of managed care, and disappointed progressives by falling short of providing universal coverage.

The Clinton plan may have been doomed from the beginning. In an early study of the Clinton approach, sociologist Theda Skocpol emphasized the contradictions that imperiled it. Avoiding the question of whether the administration should have pursued a simpler policy that had a better chance of lowering costs, Skocpol suggested that such a policy never would have happened. This was because of the constraints administration officials faced and those they placed on themselves, in particular their skittishness about taxation and their decision to make deficit reduction their fiscal priority.<sup>5</sup> Deficit reduction was a key principle for New Democrats and their cousins in Congress, the so-called Blue Dogs: it appealed to Wall Street, countered stereotypes of the Democrats as the party of big spending and big government, and reduced the resources available for have-nots. But cutting

spending enough to reduce the deficit would also make it nearly impossible for Clinton to make good on his promise that the lives of “hardworking Americans” would improve significantly under his leadership.<sup>6</sup>

Adding to the confusing implications of the Clinton health policy, even as he pursued deficit-reduction austerity, President Clinton periodically deployed grandiose, New Deal-style rhetoric to underscore the significance of his initiative. For example, the president likened the administration health reform to the popular old-age pension system known as Social Security, promising “every American . . . a health security card that will guarantee a comprehensive package of benefits . . . that can never be taken away.”<sup>7</sup> What was this if not a social welfare right tied to a guarantee of federal spending? However, Clinton tempered his New Deal-ish plea for health security with a New Democratic call for “discipline, whether we’re reducing the deficit . . . or rewarding work over idleness.”<sup>8</sup> In the end, as Skocpol put it, “instead of renewing and extending the federal government’s capacity to ensure security for all Americans, the Clinton plan helped to trigger an extraordinary electoral and ideological backlash against federal social provision in general.”<sup>9</sup>

### ***Beginning of the “End”***

Although health care was a great preoccupation of the Clinton administration and congressional Democrats, welfare never entirely receded from their thinking. Less than a month after taking office, the president faced questions at a National Governors Association meeting about his continuing commitment to ending welfare. He promised to establish a task force on the issue, which would study it and produce draft legislation.<sup>10</sup> Bruce Reed, the campaign aide who had authored the line “end welfare as we know it,” and a domestic policy advisor in the White House, helped make this a reality. By June 1993, Reed was cochair of the Working Group on Welfare Reform, Family Support, and Independence with *Poor Support* author David Ellwood. They were joined by Harvard professor Mary Jo Bane, who had collaborated with Ellwood on the research Daniel Patrick Moynihan utilized in the speeches that helped establish the rationale for the Family Support Act.<sup>11</sup> The working group was to fulfill the welfare mandate from the campaign—a mandate that pushed toward punitive, anti-entitlement, cost-cutting measures and away from improving benefits and protecting rights. But both approaches did have a seat at the table, at least initially. Proponents of punitive and anti-

entitlement reforms called for provisions under headings that included “Dramatically Improve Child Support Enforcement,” as well as for the introduction of time limits on program participation. Advocates of more generous reforms searched, under the rubric “Make Work Pay,” for ways to encourage full-time labor force attachment among low-income mothers and enhance supports for that attachment. These task force members aimed to frame legislation that offered educational and social service supports to people who took paid jobs and lost public assistance, and to provide public employment to people who could not gain private-sector jobs.<sup>12</sup>

Those who wonder why Democratic president Clinton ultimately signed the welfare reform law in 1996 would be forgiven for believing he did so because there was consensus among Democrats in the period about the wisdom of the law’s main features.<sup>13</sup> But there was in fact no consensus on welfare reform among Democrats in the 1990s. Historical evidence reveals instead a rising response by progressive Democrats to the administration’s somewhat offstage movement toward overhauling federal welfare policy. Liberals, antipoverty feminists, and those who represented large numbers of low-income people and people of color began expressing concern about the likely direction of the administration’s welfare reform soon after Clinton took office. As the White House convened its welfare working group in the summer of 1993, for example, Representative Patsy Mink prepared a congressional conference on gender and welfare reform. Mink recruited Representative Maxine Waters, who hailed from a low-income neighborhood in Los Angeles, and Representative Lynn Woolsey, a former welfare recipient who had just won election in 1992, to cosponsor the event with her. The rationale for the gathering, which filled the Cannon Caucus Room for eight hours on an October Saturday, was Mink’s concern “that the welfare debate will be defined by White House initiatives aimed at forcing women off welfare after fixed periods and/or into low wage work without social supports and opportunities for economic advancement.”<sup>14</sup> The leading feminist think tank in Washington, the Institute for Women’s Policy Research (IWPR), served as co-organizer of the conference.

Even within the Clinton White House, welfare reform was controversial. Like Representatives Mink, Waters, and Woolsey, more liberal members of the administration were alarmed by the tenor of some conversations about welfare among their colleagues during the president’s first year in office. Peter Edelman, who served early in the administration as counselor to secretary of Health and Human Services (HHS) Donna Shalala and later as that

agency's assistant secretary for planning and evaluation, remembered that the HHS officials who attended meetings of the welfare working group were surprised that Bruce Reed seemed genuinely to believe that "two years and you're off" was a reasonable approach to public assistance.<sup>15</sup> "Clinton had made this proposal about time limits in the campaign," Edelman recalled. In Edelman's view, "that was not a hard time limit proposal, connected to a job being available. The implication was that jobs would be created. Well, there wasn't money around to create jobs [because deficit reduction and keeping taxes relatively low were priorities] so the understanding was that that meant any proposal that he made was going to be 'if you can't find a job you can continue to receive cash assistance,' but that there would be more encouragement for people to go to work, certainly it would be more work oriented. Most of us were in favor of that. [Bruce Reed] said early on in the meetings, 'What's wrong with having hard time limits?' and [the HHS] people were just aghast. He said, 'What's wrong with having hard time limits? What's wrong with having a definite time beyond which you could no longer receive cash assistance for your family?'"<sup>16</sup>

From the middle of 1993 forward, there was never a time when Democrats as a whole joined together behind the Clinton administration's public approach to welfare reform. The conference Representative Mink sponsored in October 1993 was perhaps the most important gathering at which people specifically expressed concern about the gender dimensions of the administration's approach. Although the White House working group had yet to produce a draft welfare bill, advocates for women and welfare recipients expressed serious reservations based on what they had heard thus far. They wanted to shift the public dialogue from what was wrong with welfare mothers to how racialized gender inequality enforced poverty and economic insecurity among single mothers and their children. They presented data and analyses they felt were being excluded from the debate and articulated a general perspective of concern for low-income women that they believed had been missing from the president's statements during and since the campaign. The presenters included Representative Mink herself; Representative Woolsey; conference cosponsor Heidi Hartmann of IWPR; activist Marian Kramer of the National Welfare Rights Union; historians Linda Gordon and Rickie Solinger; social work professor Mimi Abramovitz; economist Teresa Amott; sociologist Roberta Spalter-Roth; theorist Nancy Fraser; lawyers Martha Davis, of the NOW-Legal Defense and Education Fund (NOW-LDEF), and Paula Roberts, of the Center for Law and Social Policy;

and sociologist Richard Cloward, a veteran ally of low-income activists including members of the National Welfare Rights Organization in the 1960s and 1970s.<sup>17</sup> Conference attendees also heard from David Ellwood, cochair of the administration's welfare working group and author of the two-year time limit idea.

The remarks of scholars, activists, advocates, and officials who participated in the conference were later published as a special issue of the academic journal *Social Justice*, guest-edited by political scientist Gwendolyn Mink. Reflecting on the gathering, Gwendolyn Mink explained why they had been moved to action: "Missing from the proposals floated by the Clinton administration to 'end welfare as we know it,'" she wrote, "were consideration of the economic realities that force single mothers to turn to welfare, concern for the consequences of punitive reforms for women and children, and an examination of the myths that lay behind popular calls to move welfare mothers into the labor force." The success of the conference, she argued, "lay in the ability of presenters to "[shift] the emphasis from welfare to poverty" and therefore "[illuminate] the structural bases of the single mother's need for welfare."<sup>18</sup>

Opponents of the administration's approach to welfare continued to express their dissenting perspectives after the conference. Their efforts demonstrate a range of opinions within the Democratic Party about poverty, waged work, governmental enforcement of parental roles, and women's marital and reproductive autonomy. They illuminate the ways in which diversity on these issues structured national politics. In October 1993, seventy-seven conservative Democrats wrote to President Clinton urging him to include a two-year time limit in any draft policy.<sup>19</sup> In late November, eighty-eight House Democrats, including Mink, Waters, and Woolsey, along with liberal lions such as Representative John Lewis (D-Georgia) and future House Speaker Nancy Pelosi (D-California)—as well as Independent Representative Bernie Sanders (Vermont)—sent their own letter of concern to the White House.<sup>20</sup> Without referencing specifics of the emergent administration policy, they pressed the president to turn toward "policy initiatives that provide thoughtful, practical solutions to the economic and social problems facing America, including real welfare reform."<sup>21</sup> Their recommendations followed those of the Coalition on Human Needs, a grouping of over one hundred organizations concerned with antipoverty policy. Like the leaders of that coalition, the eighty-eight House Democrats advocated policies that would make work more remunerative, make unemployment less terrifying, and

provide basic supports, such as “quality child care” and universally available health insurance, for individuals regardless of their labor market status.<sup>22</sup> In media coverage of the letter, Representative Mink went further than this, describing the two-year time limit idea as “arbitrary and very, very harsh.”<sup>23</sup> The *Washington Post* summarized the position of the eighty-eight Democrats as “urging that the welfare plan not become a device for squeezing the poor.”<sup>24</sup>

One aspect of welfare reform that did enjoy something close to consensus among Democrats from early on was the desire to attenuate poverty in part through increased paternal child support.<sup>25</sup> When advocates and legislators underlined the importance to them of child support, they were repeating arguments made in the run-up to passage of the Family Support Act (FSA) in 1988. For the most part, they acted as though that statute had not already transformed the national child support system, heightening governmental interest in women’s and children’s dependence on men’s income, enforcing norms of masculinity and paternity, and opening the door to new forms of surveillance and punishment of low-income men.<sup>26</sup>

While virtually all Democrats endorsed “child support assurance,” this slogan hid differences of philosophy and emphasis. For some liberal and feminist Democrats, “child support assurance” was a kind of linguistic ruse; their intention was to assure all low-income children adequate financial resources irrespective of whether the funds came from the children’s fathers or from the national government. They would have proposed no further crackdowns on noncustodial parents than had already been authorized by the Family Support Act. But others used the phrase, “child support assurance,” as the cornerstone of a heightened responsibility politics aimed at noncustodial parents. A proposal circulated in Washington during the summer of 1993 by the Women’s Legal Defense Fund combined the two approaches. Described as a “pragmatic blueprint” for reforming child support, the Women’s Legal Defense Fund and its partners advocated combining “aggressive enforcement” with “assurance” that mothers and children would receive financial aid from government sources if they were unable to recover income from the fathers.<sup>27</sup> The somewhat nuanced approach of these mainstream feminists and their allies was lost on many in Washington. The editors of the *Washington Post* argued, for example, that “the welfare system ought to emphasize paternal alongside maternal responsibility,” in other words, that it ought to crack down on so-called deadbeat dads while also demanding more remunerative labor from custodial moms.<sup>28</sup>

### *The Clinton Plan—and Its Discontents*

The fears of Congresswoman Mink, IWPR's Heidi Hartmann, and many feminist scholars of women, poverty, and welfare were borne out when the White House presented its draft welfare reform legislation in June 1994.<sup>29</sup> On the eve of the announcement, Bruce Reed assured the president that there was a "powerful consensus (with exceptions on the extreme right and left) for the basic elements" of the plan, including the ideas, or slogans: "No More Something for Nothing" and "The Toughest Child Support Laws Ever Proposed."<sup>30</sup> The administration plan was quintessentially New Democratic. It crystallized the responsibility politics Bill Clinton had developed as a governor and national candidate. It signaled the willingness of Democrats to court white, middle-class constituents by feeding popular anti-welfare biases with race-coded, mother-punishing, conditional poor support. In retrospect, it may be tempting to see the Clinton administration's 1994 policy offer as innocuous or moderate, because in certain ways it represented a less dramatic change than did the welfare reform law enacted in 1996.<sup>31</sup> At the time, however, many Democrats, scholars, and advocates for women, low-income people, and people of color considered the Clinton administration approach extreme. Contrary to Bruce Reed's analysis, there was no overwhelming Democratic support for the fundamentals of the president's plan.

The administration's draft "Work and Responsibility" bill followed closely on the proposals that had circulated in its Welfare Reform Task Force. Had the legislation passed Congress, AFDC would have remained an ostensible entitlement for families that met the income and other eligibility criteria. But the reformed program would have done little to improve the labor market mothers faced, or, at least in the short term, reduce their economic insecurity. (One theory behind the law was that it would diminish mothers' economic insecurity over the longer term by attaching them more firmly to the mainstream labor market.) It would have codified discrimination between low-income mothers and other women in terms of their access to reproductive rights and rights of intimate association.<sup>32</sup>

The specifics of the Clinton administration welfare proposal reveal more similarities than differences with the proposals of congressional Republicans in the early 1990s. Under the White House bill, a public assistance client faced a two-year time limit for welfare support over her lifetime. After two years, the client could receive aid only via waged work that the recipient would find herself or that would be located or provided by the state government.

The client would be paid only for the hours worked. An important difference between this bill and PRWORA was that it imposed an affirmative duty on state governments to provide waged work for custodial parents (usually mothers) who reached their two-year limit. A mother with a child under age one would not be subject to the work mandate. The mother's eligibility time bomb would not start ticking until the child was one year old—unless the mother was receiving AFDC assistance at the time the child was conceived, in which case she would be granted only twelve weeks of aid before the eligibility countdown began.<sup>33</sup> This latter provision was consistent with the “family cap” initiatives in several states, which Congress later protected in PRWORA. The administration wrote the teenage pregnancy panic of the late 1980s and 1990s into its bill, by proposing that the youngest parents be the first ones held to its mandates and offered employment by the states. However, the antipoverty advocate Mark Greenberg wrote that “there [was] no evidence that states will be able to run very successful employment programs for the youngest AFDC parents.”<sup>34</sup> The White House took for itself the role of demanding patriarch, promising “tough sanctions” of custodial parents who did not follow the rules, “new penalties” for fathers who were unable or unwilling to pay child support, and universal paternity tests to link mothers and fathers to one another irrespective of their preferences.<sup>35</sup> Militating somewhat against the economic fragility that their proposals would have intensified, the White House assumed that all recipients would have health insurance, which they would not lose when they lost cash aid. The White House also promised that child care would be available for the mothers who were working under the bill's mandates.<sup>36</sup>

The White House bill failed in Congress for several reasons. One theory from the period is that the failure was due to a delay in introducing the bill that occurred in part because the administration was consumed with other priorities and in part because of back-stairs maneuvers with congressional leaders such as Daniel Patrick Moynihan. Senator Moynihan was then chair of the powerful Senate Finance Committee. His outspoken willingness to slow the White House agenda apparently came as a surprise to top administration officials, who failed fully to court or persuade the Congress's self-proclaimed social policy expert.<sup>37</sup> But dissent from progressive Democrats was also among the reasons why the initiative failed. It was, in David Ellwood's phrase, “derailed on the Hill” by other Democrats.<sup>38</sup>

On the same day that Bill Clinton presented his welfare plan to the public, forty Democratic members of the House of Representatives, including



Patsy Mink, John Lewis, and Nancy Pelosi, plus Independent Bernie Sanders, sent a letter of protest. They informed the president that they “strongly opposed” time limits for the receipt of cash aid, “dismantling the safety net” by removing AFDC as a last resort for families in need, and “financing welfare reform on the backs of the poor,” by which they meant cutting benefits to legal immigrants to enable the government to promise child care and other services without endangering the administration’s commitment to deficit reduction.<sup>39</sup> Representative Robert Matsui (D-California), a member of the Ways and Means Committee, did not sign the letter. But he led the charge against the Clinton plan in its first congressional vetting, four days of hearings in the House during which “members rained insults on each other, their witnesses and President Clinton’s proposal.”<sup>40</sup> Matsui accused David Ellwood of supporting welfare cuts without proof that they would change people’s fortunes for the better. He called Ellwood out implicitly for racial, gendered, class-based, and age-based biases when he referred to the welfare system as a “check-writing machine”—a claim, Matsui argued, that the former public policy professor would not make about the old-age benefit program Social Security, whose recipients were disproportionately white.<sup>41</sup>

Progressive feminists went beyond critiquing the White House approach and offered their own welfare reform principles and policies. Representative Mink, for example, started from the premise that mothers of preschool-aged children should be able to care for their children at home if they so wished.<sup>42</sup> However, she added, “if people want to work—*There must be opportunities to work*” and to receive an education, including a college-level education, supported with financial aid, child care, transportation, and job placement help upon graduation.<sup>43</sup> A reasonable public assistance cutoff for Representative Mink was at the moment when all of a parent’s children were old enough to attend school: then the parent would receive no additional support unless she was in education or training, or performing market work.<sup>44</sup> Mink crafted her own counter-welfare reform bill, the Job Start for America Act. In testimony before the House Committee on Education and Labor, she argued: “The current effort to reform welfare begins by assuming that work for wages is the end goal of reform. I disagree strongly. There is value to society in a mother’s care for her small children. Being on welfare does not negate that value.”<sup>45</sup> Hundreds of women academics denounced the Clinton administration’s willingness, through its endorsement of time limits, to “[shred] precisely that portion of our social safety net on which poor women and children,” including those fleeing domestic violence, “rely.”<sup>46</sup>

### *Contracts with America*

Despite the efforts of New Democrats to occupy a middle ground between what they characterized as the traditional liberalism of their party and the fiscal, racial, and gender conservatism of their opponents, Democrats suffered a historic defeat in the congressional elections of 1994.<sup>47</sup> For the first time in forty years, Republicans won enough seats in the House and Senate to form majorities in both legislative chambers. Although the first two years of Clinton's presidency were distinguished by policy moves that hugged the Democratic center-right—from deficit reduction, to supporting ratification of NAFTA, to don't-ask-don't-tell, to promarket health provision, to welfare reform—voters in swing districts and moderate-to-conservative states did not seem to believe that Democrats were on their side. It is impossible to know what might have happened had Clinton Democrats aligned their policies with, rather than against, core Democratic Party constituencies, such as labor, women, and people of color. But we can speculate that confronted by the choice between New Democratic “Republican lite” and actual Republicans, voters chose the latter. In so doing, they cast their lot with the fiercer, meaner, more misogynist and racist version of anti-welfarism trumpeted by the GOP.<sup>48</sup>

Stereotypes of people with low incomes and of welfare recipients were central to the platform on which the Republican Party won the right to form congressional majorities in both Houses. The multipoint agenda that Representative Newt Gingrich and others drafted for the 1994 congressional elections was dubbed the “Contract with America.” It covered a range of issues, including increased prison construction, term limits for elected officials, and limits on the access of people who had been harmed by consumer products to legal redress via tort law. The through-line of many of these proposals was a distinction between those who deserved greater help, such as small business owners (who were promised tax credits) and relatively well-off, married wage earners (who were promised relief from the so-called marriage penalty), and those whose behavior the government needed to reform by withdrawing the help on which they relied.<sup>49</sup> While Republican legislators embraced tax expenditures aimed at middle- and upper-income earners, such as the child tax credit, their leader, House Speaker Newt Gingrich, suggested removing low-income children from their homes and placing them instead in orphanages when their mothers were young and unmarried.<sup>50</sup>

The Republican electoral victory changed the tenor, but not the overall shape, of the welfare reform debate in Washington. The “Contract with America” articulated the politics of gender, race, and poverty more baldly and unambiguously than ever. But the contract’s proposals did not break new ground. They compiled many right-wing demands that had been floated by Gingrich and others before. Further, although the particulars were different, the basic elements of the “Contract with America” approach to welfare reform resembled those that had gained currency in New Democratic circles and in the Clinton White House. Bruce Reed’s promise to upend what he termed a “something for nothing” politics and candidate Bill Clinton’s pledge that “two years and you’re off” had both conceded the argument to GOP anti-welfare politicians who vowed to impose rigid time limits, work requirements, and other rules to enforce “personal responsibility.”

For Democrats, the Republican electoral victory of 1994 did not resolve disagreements over how and for whom welfare should be reformed. The rhetoric and proposals of some Democrats shifted into a harsher register to keep step with what they understood as popular opinion. But some Democratic critics of the White House welfare proposal remained opposed to any welfare policy—Republican or New Democratic—that they believed was inspired by race and gender stereotypes or likely to reinforce race and gender subordination, poverty, and inequality. Democrats and Republicans battled across party lines in the aftermath of the “Contract with America,” to be sure, but Democrats also battled one another in a house divided.

Splits among Democrats had everything to do with their different understandings of gender, race, and the roots of poverty. Most Democrats, even opponents of punitive welfare reform, did not see welfare as a women’s issue. A typical congressional progressive argued that jobs at decent wages were the predicate to a just and successful welfare policy. Few acknowledged the significance of support for caregiving by custodial parents, mostly mothers, to the well-being of poor families or the self-sovereignty of women. But all Democrats who opposed restrictive welfare reforms disputed the New Democratic and Republican portrait of welfare as “a way of life” rather than a safety net, as a moral hazard for laziness rather than a fallback for single parents when the dual demands of child-raising and wage-earning came into conflict. They marshaled data from diverse researchers, from IWPR to the Congressional Research Service, to document the challenges of sustained, full-time, low-wage labor market participation for single mothers. They spotlighted testimony from welfare rights activists to illuminate

the lived reality of low-income single mothers and explain their need for welfare.

At congressional hearings on the Republicans' Personal Responsibility Act (H.R. 4) early in 1995, welfare rights activist Cheri Honkala of the Kensington Welfare Rights Union in Philadelphia offered a progressive, feminist interpretation of the importance of welfare and the reasons why single mothers were often unable to navigate the labor market. Countering Newt Gingrich's and Bill Clinton's depictions of women who received public aid while raising children, Honkala discussed the place of family violence and immiserating labor conditions in her own decision to apply for welfare. Based on her own and her colleagues' experiences with low-wage jobs, Honkala predicted that driving people from the aid rolls in favor of waged work would create more poverty: "Without sick days and reliable health care, child care and transportation," Honkala told legislators, women who lost welfare under the president's or the Republican majority's proposal would "end up missing work and risk losing their jobs."<sup>51</sup> In contrast, Health and Human Services secretary Donna Shalala defended the White House approach in her testimony before the House Committee on Ways and Means. In response, Representative Mink wrote the secretary that she was "stunned to hear you" claim that the Clinton plan "could also [like the GOP welfare plan] end up putting children in orphanages." She continued: "I cannot understand any plan which makes . . . failure to work [potentially] the basis for losing custody of one's children."<sup>52</sup>

Following these early skirmishes after the "Contract with America" election, the Democratic caucus in Congress briefly attempted unity against the common antagonist of the Republican welfare reform bill. But the roots of this unification were short and planted in rocky soil; Democrats coalesced but did not hold together. House Democratic leaders offered what they presented as a shared plan, built on the principles of requiring "individuals to accept their own responsibility" and states to "ensure that each individual has the necessary services and opportunities to become self-sufficient."<sup>53</sup> Representatives Richard Gephardt, the former House majority leader, and senior House member George Miller of California tried presenting the Democratic approach as even more work-oriented than the Republican one. Asked directly whether Democrats were committed to preserving the entitlement nature of public assistance, they fudged, no doubt in part because President Clinton had already mused that this was a point about which he might be willing to negotiate.<sup>54</sup> In a show of unity for unity's sake, the whole

Democratic caucus in the House voted for an alternative to the Republicans' first try at welfare reform legislation, the Personal Responsibility Act, which eliminated the entitlement to aid for struggling parents and children.<sup>55</sup> The Democratic alternative was drafted by conservative, or Blue Dog, Democrats; its primary sponsor, Representative Nathan Deal, was soon to become a Republican. The legislation included permission to states to impose family caps and to eliminate benefits for teenage parents.<sup>56</sup> The House members who voted for the proposal knew it would fail to pass in a party-line vote. They nonetheless supported it to express dissent from the "Contract with America." The bill would have allowed states freedom from some of the national requirements that PRWORA ultimately imposed but would have permitted state governments to drop recipients from supported work (to say nothing of cash aid) after just two years.<sup>57</sup>

President Clinton attempted to straddle the line between antipoverty Democratic traditions and the fierce anti-welfarism of the Gingrich majority. But in the early months after the "Contract with America" election, even President Clinton retreated from the precipice of collaboration with congressional Republicans. He wrote to Speaker Gingrich that welfare reform could yet be a bipartisan achievement, but not with a law that was "weak on work," that is, lacking in funding or requirements for child care and other employment supports, and "very tough on children."<sup>58</sup>

### ***"A War Against Poor Women Is a War Against All Women"***

At the height of their agreement with one another, Democrats still disagreed on matters of gender and policy. Representative Mink spoke for many feminists and advocates for women based in Washington, D.C., when she took to the House floor to inveigh against a policy process in which "the voices of the women and children . . . have not been heard."<sup>59</sup> She offered her own alternative welfare bill in March 1995, the Family Stability and Work Act. This legislation would have retained the public assistance entitlement and benefits for legal immigrants, imposed no time limit for the receipt of benefits or family cap, and continued Medicaid, food stamps, and child care for a significant period for those who left welfare but continued to struggle.<sup>60</sup> Mink's bill had seventy-five cosponsors when she introduced it. It ultimately garnered ninety-six votes (ninety-five Democrats plus Bernie Sanders), disproportionately from white women and people of color in the House.<sup>61</sup>

Grassroots welfare rights activists, social justice advocates in mainstream women's organizations, and feminist academics mobilized intensively to pressure the president to veto the 1995 Republican bill. Staff of the National Organization for Women were in the lead on this effort. NOW had begun emphasizing welfare in 1994, including the issue on the agenda of its March for Women's Lives, which focused on domestic violence. Members of the national headquarters staff continued to lobby, organize, and protest on welfare reform. A coalition of women's groups joined with NOW. The American Association of University Women, the National Association of Business and Professional Women, and national leaders of the YWCA, among others, went so far as to meet with White House chief of staff Leon Panetta and staff of the White House Office on Women to dissuade the Clinton administration from signing the Republican welfare bill. However, even among the feminists represented by these groups, there were differences of opinion that may have weakened their impact: former NOW-LDEF legal director Martha Davis reported at the time that efforts earlier in the 1990s to raise money from the NOW mailing list for her organization's attempt to hire an economic justice litigator had produced "hate mail" about welfare recipients that included many of the derisive stereotypes that underlay the rhetoric of most Republican lawmakers and some in the Clinton White House. Davis could not say whether these views had become more harsh after Republicans took the majority in both houses of Congress because a decision was made to stop "doing direct mail on that issue."<sup>62</sup>

In addition to familiar women's organizations, the welfare debate sparked the creation of a new group, the Women's Committee of 100, committed to the proposition that "a war against poor women is a war against all women." Founded in 1995, the Women's Committee of 100 brought together seven hundred feminist scholars, writers, artists, and icons (including former U.S. House member Bella Abzug, *Ms.* magazine cofounder Gloria Steinem, writers Betty Friedan and Barbara Ehrenreich, and United Farm Workers founder Dolores Huerta)—and a few congresswomen—to articulate principles for a just welfare policy and then campaign for Democratic resistance to the anti-welfare juggernaut.<sup>63</sup> The authors of this book were both members of the Women's Committee of 100; one of us was the committee's cochair. Together with our colleagues, we lobbied members of Congress, including self-described feminists and liberals. We shared with them the latest research, including historical spadework that illuminated the gendered origins of twentieth-century welfare policy, and social science studies showing how mothers'

economic security in a strong safety net can help them escape intimate violence. We explained that we considered welfare reform to be a critical feminist issue because the intersectional misogyny heaped on poor single mothers by anti-welfare policy *is* misogyny, and as such demands resistance from all women, not only those directly stigmatized and subordinated by the policy. We argued that the proposed welfare reform offended reproductive justice, as it was designed to discourage or punish childbearing by low-income women—through provisions like the family cap, for example. (Several of the legislators wondered why being ardently supportive of abortion rights was not enough to establish their feminist bona fides.) We threatened that women would punish Democrats at the polls if they gave up on public assistance for mothers raising children in poverty. The legislators, including some who ultimately voted against PRWORA, did not take the threat too seriously. In one illuminating moment, a Women’s Committee of 100 delegation sat with Representative Pat Schroeder (D-Colorado), an ally, who was soon to retire. Schroeder seemed on the edge of despair: why was it only our tiny delegation fighting for mothers’ economic rights when self-proclaimed champions of “men’s rights” were able to fill football stadiums in her district?<sup>64</sup>

Despite overwhelming support among House Democrats for the Blue Dog welfare reform alternative, party leaders could not sustain the appearance of unity. Within the Clinton administration, senior officials of the Department of Health and Human Services feared that the White House was seeking a compromise with the Republican legislative majority that would harm families and betray what they believed to be bedrock Democratic principles. Peter Edelman remembered that he and colleagues at HHS lobbied members of Congress on a “freelance” basis and did their “best to see that a bill the President would be willing to sign would never get to his desk.”<sup>65</sup> In the later part of 1995, the Clinton administration objected publicly to portions of the GOP bill that slashed funding for school meals and eliminated teenage parents’ eligibility for support. But Democrats were no more unified in opposition to the Republican bill than they had been in opposition to the plan the White House introduced prior to the Republican congressional victories of 1994. Indeed, even as top officials considered a veto of the Republican bill, the White House endorsed the “toughest possible child support enforcement” and failed to protest the bill’s end of the public assistance entitlement.<sup>66</sup> On Capitol Hill, some Democrats wanted to split the difference, vowing to provide “vouchers for diapers” for families facing time limits and calling for continuing supports for children even as the new law

would punish their mothers. For example, a few women members of the House and Senate pushed the conference committee on the welfare bill to retain an entitlement to child welfare programs but *not* an entitlement to cash aid for their parents. Meanwhile, the Congressional Caucus for Women's Issues, which included both Republican and Democratic congresswomen, accepted the family cap as a state option, although not as a mandate imposed on the states.<sup>67</sup>

Most Democrats in Congress cheered when President Clinton vetoed H.R. 4 in January 1996, but the veto did not foretell Democratic agreement about welfare. The president rejected the bill's sweeping cuts in school nutrition and the food stamp program, as well as the fundamental changes it would have enacted in the cash assistance program for impoverished parents and children.<sup>68</sup> But the veto might not have occurred if feminists, progressives, and representatives of communities of color had not waged a concerted campaign to produce it. Early in November 1995, as a House-Senate conference committee worked to reconcile differences in the welfare bills passed by the two chambers, Representative Mink circulated a letter to her Democratic colleagues in the House. She reminded them that they had all voted for a Democratic alternative to the Republicans' Personal Responsibility Act—the Blue Dog alternative. "I believe we did so," she wrote, "because with all our differences, the one thing that it did hold on to was the entitlement provision."<sup>69</sup> In this letter, Mink did not ask her colleagues to pressure Clinton to veto the proposal. She asked them to "stipulate that if the President does veto the welfare conference bill . . . you will stand with him to sustain his veto."<sup>70</sup> The NOW Legal Defense and Education Fund aided Mink's effort by coordinating calls to House members from women's and civil rights organizations, advocates for low-income families, and domestic violence victim/survivor groups. The call-in effort targeted in particular the fifty supporters of the Violence Against Women Act who had not yet signed the Mink letter.<sup>71</sup> The goal was to gain one hundred and forty-six signatories, enough to sustain a veto in the House.<sup>72</sup> At the same time, Mink and a smaller group of House colleagues wrote to the president urging a veto of "any welfare reform bill which eliminates the guaranteed safety net for our nation's children and families in poverty." They asked Clinton to "do what is moral and just—stand by [the party's] commitment to our nation's children."<sup>73</sup> Mink also coordinated a press conference at which House Democrats released the veto letter and openly pressured the White House to reject compromise legislation that was shortly to emerge from the congressional conference committee.<sup>74</sup>



### *The War on Poor Women Wins*

New Democratic thinking and strategy made conflict among Democrats inevitable in the two years following the “Contract with America” election. After the party lost so much ground in Congress in 1994, Clinton strategist Dick Morris suggested that the guiding philosophy of the administration should be to “present a Democratic way of achieving” the Gingrich agenda. Morris counseled “triangulation,” deliberately distinguishing the White House from both major parties with policies that were “not just in between the old positions of the two parties but above them as well. Identify a new course,” he remembered advising, “that accommodates the needs the Republicans address but does it in a way that is uniquely yours.”<sup>75</sup>

Gender and racial assumptions, and one-way impositions of responsibility on people who were struggling economically, formed the critical distinction between Clintonism and traditional liberal Democratic politics, and allowed the president’s political strategy to float “above them.” This political strategy was consonant with New Democratic thinking and other policies President Clinton pursued. Given all this, the stars would have had to align in a very particular way to prevent Bill Clinton from eventually signing a version of the Republican welfare bill. But it was unthinkable that feminists, antiracist legislators, and representatives of poor and working-class people in the Democratic Party would participate in a Clintonian consensus around the bipartisan overhaul of welfare policy.

The last legislative effort to find a substitute for the Republican majority’s bill, the bipartisan Tanner-Castle substitute, might be described as PRWORA lite. It included a time limit, major cuts in benefits to legal immigrants, and a virtual withdrawal of federal supervision over state public aid programs. The bill softened the impact of these moves on impoverished families somewhat by making vouchers available to children whose parents lost help when they hit their five-year lifetime benefit limit.<sup>76</sup> The Tanner-Castle initiative failed.

The politics surrounding the final passage of PRWORA were contingent but overdetermined. The *Washington Post* editorial page claimed that the president had “dug himself such a deep hole through a series of policy feints and rhetorical gambits” that he was losing the ability to resist a bad bill. “There was once a chance of sensible welfare reform that would try to encourage work without endangering needed help to the poor,” the editors argued. “That time, alas, is past.”<sup>77</sup> In the retrospective view of HHS official

Peter Edelman, “there had been a quiescent period where nothing much happened in early ’96.” The slow process of bipartisan and bicameral compromise, coupled with Republican insistence on major Medicaid cuts,<sup>78</sup> suggested, if only briefly, that welfare reform might stall. Liberals hoping for a bill so bad the president would not sign it, such as Edelman, thought, “*Oh, maybe it’s going okay here.*”<sup>79</sup> Then you get in June, the 104 freshmen and sophomore members write this letter to Gingrich in which they say, ‘You’ve got to decouple the Medicaid and the welfare because we’ve got to send him a bill that he can sign. We can’t get reelected if we don’t show that we’ve done something.’” In the end, Edelman recalled, Gingrich acquiesced and “essentially Clinton is saying to the House, ‘Go ahead and stay Republican and I’ll keep on being President. It’s a deal.’”<sup>80</sup>

Legislators, and particularly congressional Democrats, received protest letters about the emergent final welfare bill from a wide range of groups, including the Children’s Defense Fund,<sup>81</sup> Catholic Charities USA,<sup>82</sup> the AFL-CIO,<sup>83</sup> the National Asian Pacific American Legal Consortium,<sup>84</sup> and the National Association of Counties.<sup>85</sup> Bill Clinton knew well that the legislation divided Democrats, who split 98 to 98 when the House voted on the final measure, the Conference Report.<sup>86</sup> He knew the bill repelled many core Democratic constituencies, including those with voices in his own administration. But he announced on July 31 that he would sign it. Three weeks later, PRWORA became law.<sup>87</sup>

## Chapter 5

### Welfare Ends

In February 2002, low-income activists held an unofficial hearing on Capitol Hill to spotlight shortcomings of PRWORA's Temporary Assistance for Needy Families (TANF) program. The hearing was convened by GROWL, or Grassroots Organizing for Welfare Leadership, a project of the Center for Third World Organizing in Oakland, California, and brought together welfare rights organizations from around the country.<sup>1</sup> Members of the GROWL coalition included the Brooklyn-based activist organization Make the Road by Walking; the Georgia Citizens Coalition on Hunger; the Miami Workers Center; Montana People's Action/Indian People's Action; the Chinese Progressive Association; and Single Parents of America.<sup>2</sup> The GROWL coalition sponsored testimony by ten women who had experience with the new public assistance system established by the historic welfare reform enacted six years before.

After opening remarks by Congressional Progressive Caucus chair Dennis Kucinich (D-Ohio), the activists spoke about "domestic violence, racial discrimination and poverty in the wake of the 1996 reforms."<sup>3</sup> Kabzvag Vaj, a member of the Hmong community in Madison, Wisconsin, testified about the suicides she observed among Southeast Asian immigrants who faced poverty without reliable public aid.<sup>4</sup> Inocencia Nolasco from Brooklyn chronicled the intersecting ways in which disability, linguistic barriers, and immigration status created her need for benefits, while the new welfare law obstructed her access to benefits precisely because she was an immigrant.<sup>5</sup> And Mary Caferro, of the organization Working for Equality and Economic Liberation, in Helena, Montana, reminded the audience that marriage was not the solution to low-income women's problems, especially when the

marriages were characterized by violence. “I am not married,” she testified, “because I choose the safety of my family over economic stability”: “I was married to my ex-husband for thirteen years,” she added. “We had four children, and he made a good income but was very abusive and an alcoholic. . . . I stayed in the marriage, afraid that I wouldn’t have the support to leave, and putting what I thought were my children’s needs in front of my own safety. . . . When things escalated and it became unsafe for my children too, I found the strength to leave him. I saved my family’s life. That is why I am not married.”<sup>6</sup>

The groups that coalesced in GROWL called for “fair treatment within the welfare system,” irrespective of immigration status, primary language, disability, or race. They asked legislators to reconsider the marital and gender agendas of the 1996 law, including its support for pilot programs promoting marriage and “discrimination on the basis of marital status.”<sup>7</sup>

This people’s hearing capped a half decade of welfare policy critique by the subjects of the 1996 welfare law. Grassroots groups such as Philadelphia’s Kensington Welfare Rights Union and the national Welfare Made a Difference Campaign, along with feminist policy networks such as the NOW–Legal Defense and Education Fund’s BOB (Building Opportunities Beyond Welfare) Coalition, began articulating critiques of the new welfare law during the late 1990s as they endured or witnessed TANF in action. Some high-level members of the Clinton administration also voiced unhappiness with the new welfare law even as the president and his allies in Congress celebrated it.

From the beginning of Bill Clinton’s administration, discord had characterized the welfare policy debate on the Democratic side of the aisle in Congress, and in the administration itself. Senior officials of the Department of Health and Human Services (HHS) argued for Clinton to veto the legislation that emerged from the majority-Republican Congress in 1996; when he signed PRWORA into law, some resigned in protest. David Ellwood, the intellectual parent of the welfare plan Clinton forwarded during the 1992 campaign, had resigned in the year prior to the president’s signing of the bill. Wendell Primus, the deputy assistant secretary for human services policy at HHS, resigned in August 1996. Assistant secretary for children and families Mary Jo Bane, formerly Ellwood’s colleague at the Kennedy School of Government at Harvard, resigned in September 1996, as did acting assistant secretary for planning and evaluation Peter Edelman.<sup>8</sup> In March 1997, Edelman published in the *Atlantic* a long, angry assessment of welfare reform

as “the worst thing Bill Clinton has done.” “How bad, then, is it?” Edelman asked, regarding PRWORA. “Very bad.”<sup>9</sup>

Despite mobilization by recipients and allies in opposition to PRWORA and notwithstanding discord within policy circles in anticipation of the law’s effects, many Democrats hailed the end of welfare as a great bipartisan achievement. Splits in the Democratic coalition over welfare reform did not heal with welfare’s end: some liberals worked to mitigate the law’s predicted negative effects, while many New Democrats sought to sharpen mechanisms to regulate the poor.

The gendered intersections of race and poverty continued to shape welfare politics even after AFDC was replaced by Temporary Assistance for Needy Families. As the new welfare regime took hold, recipients and activists foregrounded the lived experience of intersectional subordination and inequality under the new law, as was evident in the “Grassroots Policy Briefing” sponsored by GROWL. Among policy makers, gender stereotypes and biases formed lenses through which many observed the effects of the new welfare law and strategized improvements. Especially virulent were biases in favor of the patriarchal family form as the surest path out of poverty.

Conservatives predictably embraced proposals to strengthen male family headship by regulating poor mothers’ intimate decisions and relationships. But patriarchal assumptions were also present in liberal discourse. For example, in his critique of Bill Clinton’s “worst thing,” Peter Edelman underscored the importance of male breadwinners to the well-being of low-income women and children, endorsing “tough child-support enforcement” against irresponsible low-income men, even to the point of suggesting that the child support provisions of PRWORA might have passed as separate legislation with his blessing. Edelman also suggested that PRWORA may have erred in targeting employment and training resources to custodial parents, mostly impoverished women: “By allocating to long-term welfare recipients [i.e., mothers with multiple employment barriers] such a large share of the limited resources available for jobs and training,” Edelman wrote, “we may be draining funds and attention from others who deserve to be a higher priority. Inner-city young men come particularly to mind.”<sup>10</sup>

As the bitter contest over the 1996 welfare law receded into the past for policy makers at the national level, the debate occurred in new forms and new places. States became the locus of welfare policy ferment, as each state navigated the various federal requirements attached to TANF block grants and took advantage of the new liberties allowed to states in their efforts to

shape the work and intimate lives of TANF recipients. At the federal level, the Clinton administration and Democrats in Congress turned their attention to implementation questions: How might the federal government augment state efforts to prepare hard-to-employ recipients to move into the labor market? How might it encourage states to promote marriage among the poor? Should churches be allowed to promote godliness in work programs they sponsored with TANF funds? And what about the Family Violence Option: should the federal government encourage states to temper time limits with exemptions for battered women? Implementation opened a slew of questions, but none pointed to undoing the major tenets of the new welfare law.

This chapter analyzes the politics of welfare in the years immediately following the overhaul that gave us TANF. We begin on the day President Bill Clinton signed the law, August 22, 1996. We distill dissent and debate over the terms of the new welfare program during the late 1990s. And we chart efforts to improve on welfare reform by restructuring poor families.

### *Democrats Celebrate Bill Clinton's "Worst Thing"*

On August 22, 1996, protesters gathered across from the north front of the White House for a rally organized by the Children's Defense Fund, the National Organization for Women, and the Feminist Majority Foundation. In addition to affiliates of those groups, the people who showed up were representatives of national antipoverty organizations, Reverend Jesse Jackson's Rainbow Coalition, and the more progressive labor unions. The president did not acknowledge their last-gasp expression of dissent. Although he had vetoed the earliest, harshest version of the new welfare law, he hailed the final measure as a bipartisan achievement as he signed the Personal Responsibility and Work Opportunity Reconciliation Act in the Rose Garden, out of earshot of progressive protest.<sup>11</sup>

One week after signing PRWORA, President Clinton accepted his party's nomination for a second term. His campaign for reelection was far easier than had been his initial run in 1992. Indeed, as Edelman observed in his reflection on "the worst thing Bill Clinton has done," there may not have been a political imperative to sign PRWORA into law, because the president had the advantage of incumbency and led Republican nominee Bob Dole by twenty points in some polls.<sup>12</sup> But when Clinton stood before his party and a national television audience to accept the nomination, he highlighted welfare reform as a major legacy of his first term. So did the leadership of the

Democratic Party in the national platform they released at the convention.<sup>13</sup> “The welfare reform law I signed last week,” Clinton said, “gives America a chance” for its people to succeed in the mainstream world of market work.<sup>14</sup>

For Clinton and fellow New Democrats gearing up for the 1996 presidential campaign, welfare reform helped answer the Republican cultural politics of what Thomas Edsall and Mary Edsall had termed “race, rights, and taxes”—a politics that exploited wedge issues such as crime, welfare, and immigration to recruit voters whose economic self-interest might logically have directed them toward the Democrats.<sup>15</sup> New Democrats continued to prioritize distancing the party from the same “old” Democratic policies that the Republicans had disparaged for twenty years, policies that allegedly had made welfare “a way of life.” Welfare reform was also the ideal example of the strategy of presidential advisor Dick Morris, which called for “triangulation,” or issue-positioning as close to Republicans as to Democrats, and which informed the whole Clinton reelection campaign.

Following this strategy, Clinton engaged in a racially coded politics of crime and punishment, as well as of immigration control. Accepting his party’s renomination, he celebrated the 1994 crime bill (the Violent Crime Control and Law Enforcement Act), reminding voters that his presidency was on the side of law and order. Among the statute’s key achievements, according to Clinton, was that it “made three-strikes-and-you’re-out the law of the land.”<sup>16</sup> The 1996 Democratic platform credited Democrats for extending the death penalty to sixty different crimes, putting one hundred thousand additional police on the streets, and adding \$8 billion for new prison construction.<sup>17</sup> Preceding candidate Donald Trump by twenty years, Clinton Democrats went on to fuse crime control with immigration control. The platform raised the specter of “criminal aliens” rushing the border and boasted that the Clinton administration had increased the number of U.S. Border Patrol agents by 40 percent.<sup>18</sup>

The platform trumpeted the party’s new social contract with the poor, “making work and responsibility the law of the land.” But it also offered occasional kindness, such as support for the local provision of in-kind vouchers for children whose mothers had exhausted their TANF time limit. A series of awkward juxtapositions revealed the durability of some “old” Democratic commitments even as the national leadership pushed for new values. Many of these juxtapositions also reflected divisions among women that privileged middle-class feminists at the expense of women whose well-being was most damaged by inequality: low-income mothers, especially

single mothers of color. For example, alongside an avowal of allegiance to reproductive choice, the platform circumscribed choices available to teens when it urged sending “the strongest possible signal to young people that it is wrong to get pregnant or father a child until they are married.” A similarly uncomfortable juxtaposition inhabited the crime bill. The very law that spread the criminalization and incarceration of black and brown men also created remedies and services for victims/survivors of domestic and sexual violence. Tucked within the 1994 crime law, the Violence Against Women Act was hailed by many feminists as the signal achievement of the Congress elected in the “Year of the Woman,” the 1992 election cycle that doubled the number of women in the U.S. Senate and increased the number of women in the U.S. House from twenty-eight to forty-seven.<sup>19</sup>

Even the new welfare law juxtaposed feminist gestures alongside newly impoverishing strictures placed on poor mothers. The PRWORA’s Family Violence Option permitted, but did not require, state policies exempting recipients who were victims of intimate violence from some of the law’s more onerous burdens. Noting that “the new bill passed by Congress is far from perfect,” the 1996 Democratic platform challenged all states “to exempt battered women from time limits and other restrictions”—but stopped short of calling for national policy to accomplish this goal.<sup>20</sup>

Despite apparent concern for poor mothers when they were victims of domestic violence, the 1996 Democratic campaign primarily pitched its women’s agenda to the middle-class “soccer mom.” As a trope or symbol, the typically white, suburban, married “soccer mom” was the obverse of the disdained poor single mother. Avoiding policy commitments to benefit all women, starting with the most economically vulnerable, the Clinton camp entered its second term with a gender gap built from promises to these “soccer moms” of “v-chips” and “values” to train their children to the straight and narrow—and not from pledges to secure universal child care, paid family leave, or recognition of women’s caregiving.

### *Whose Family Values?*

As President Clinton began his second term, he continued to celebrate the landmark welfare legislation that was a key legacy of his first term. In his first State of the Union message, he challenged business and policy makers to advance the goals enshrined in the 1996 law: “Now each and every one of us has to fulfill our responsibility, indeed, our moral obligation, to make sure



that people who now must work, can work.”<sup>21</sup> Focusing on the employment prospects of the newly time-limited mother on welfare, the president outlined a plan for giving money to private businesses (in the form of tax credits and incentives), employment placement companies, and individual states in trade for their willingness to hire former welfare recipients. “Turn those welfare checks into private sector paychecks,” he implored state leaders.<sup>22</sup> Setting an example, on March 8, 1997, the president issued a memorandum directing the heads of federal departments and agencies to hire people off the welfare rolls.<sup>23</sup> The broader effort to enlist local public and private cooperation in moving caregivers off of welfare and into labor market jobs took root in the budget deal of 1997, which assigned \$3 billion over four years to welfare-to-work initiatives by states and businesses.<sup>24</sup>

The president also proposed improving PRWORA with respect to immigrant eligibility for food stamps, Medicaid, and SSI (Supplemental Security Income).<sup>25</sup> This was a response to grassroots advocacy as well as to continuing dismay among liberal Democrats about the hardships wrought by PRWORA. The proposals ultimately passed as part of the 1997 omnibus balanced budget deal with the Republican Congress. Policy changes allowed documented immigrants access to food stamps, SSI, and Medicaid if they had resided in the United States prior to August 22, 1996, the date PRWORA became law. Notwithstanding these important fixes, immigrants with documentation were still worse off after than they had been before Bill Clinton took office. Those who settled in the United States after August 22, 1996, continued to be subject to a five-year ban on eligibility for federal means-tested assistance, including TANF, unless they belonged to certain categorical groups such as refugees and asylees, and members of the military or veterans and their families.<sup>26</sup>

Democrats with feminist and antipoverty commitments were not placated by Clinton’s welfare law adjustments. They believed that the changes did not go far enough to correct the provisions of PRWORA that impeded or denied documented immigrants access to safety net programs. Neither, they believed, did the administration’s fixes address fundamental problems in the new TANF program, especially the terms of the work requirements heralded by New Democrats and Republicans. Representative Patsy Mink was one of four House members who introduced amendments to treat people who participated in “workfare” under the Temporary Assistance for Needy Families program as workers. The concern was that workfare indentured people to work off their benefits rather than earn remuneration for their

labor. In addition to losing wage protections under the Fair Labor Standards Act, recipients assigned to workfare would lose the civil rights guarantees under Title VII of the Civil Rights Act, workplace safeguards provided by the Occupational Safety and Health Act, and wage-based income support from the Earned Income Tax Credit, Unemployment Insurance, and Social Security.<sup>27</sup> When TANF came before Congress as part of the bipartisan budget deal, Representative Mink asked, “Who is going to stand up and apologize for the slavery that is incorporated in this budget reconciliation bill? . . . How can one experience the dignity of work if they are treated differently than every other employee, not paid a wage, not protected by labor laws, and relegated to a position most vulnerable to discrimination and abuse?”<sup>28</sup>

Most of the issues that concerned Democratic dissenters about “workfare” employment were not addressed one way or the other in the final budget act the president signed. But legislation in 1997 explicitly made the Earned Income Tax Credit *unavailable* to TANF recipients in publicly provided jobs. The Clinton administration assured employers that they would not need to pay Unemployment Insurance or Social Security taxes if they accepted the president’s challenge and hired parents from the welfare rolls—ensuring as well that participants in the program would not have social insurance to fall back on if they became unemployed. Nor would they build a stake in the Social Security system that supports insured workers in retirement or disability, and their minor children in the event of a covered worker’s death or impairment.<sup>29</sup>

### ***Fathers Count***

The debate over poverty and welfare reform shifted gears after the Clinton administration’s welfare-to-work initiative in 1997. While progressives like Mink in the House and Paul Wellstone (D-Minnesota) in the Senate continued to call for substantial changes, such as liberalizing TANF restrictions on participants’ access to vocational and postsecondary education, the rhetoric about gender and family structure from others in Congress and the White House largely drowned them out. Turning public attention to the implicitly defective behavior of low-income single mothers, especially single mothers of color, not a few Democrats joined Republicans in bipartisan homage to the traditional patriarchal family. Even some progressive Democrats supported carrots to incentivize patriarchal “family formation.”

Democratic and Republican discourse linking the structure of families to their economic well-being was not confined to debates about TANF. For example, the Adoption and Safe Families Act (ASFA) under consideration in 1997 was premised on the idea that mothers who temporarily lost custody of children when they lost access to welfare (or for other reasons) might not deserve to be mothers at all. The ASFA, which ultimately passed with Bill Clinton's signature, speeded the termination of parental rights when parents, usually mothers, lost their children to foster care for fifteen out of twenty-two months. It also gave states incentive bonuses to accomplish adoption, in effect discouraging reunification of the child's original family.<sup>30</sup> Congresswoman Mink's was a rare voice denouncing the policy and tying it to the likely fate of low-income mothers under PRWORA. "First you take their money away," she said in concluding her remarks on the floor of the House of Representatives. "Then you force them into desperate conditions of poverty. Then you deem them unfit to raise their children and you remove them from the home and place them in foster homes. Then after eighteen months you put the children up for adoption. Whose family values do we stand for?"<sup>31</sup> In contrast to the bubbling interest in engineering poor people's family structure, continuing efforts to remove obstacles to education for TANF recipients or to repeal the cuts in food stamps for food-insecure immigrants made little headway.<sup>32</sup>

Further efforts to repair or offset the damage many thought had been done by PRWORA were sidetracked by the overwhelming attention paid to the Clinton-Lewinsky scandal. The president's relationship with intern Monica Lewinsky became a media and political sensation in January 1998 and monopolized public attention for more than a year, thanks to the Republicans' attempt to impeach the president for getting caught in a dalliance and then lying about it.<sup>33</sup> Even after the Senate acquitted the president of "high crimes and misdemeanors" in February 1999, neither White House officials nor others in Washington had much appetite for contentious domestic policy initiatives.<sup>34</sup> One lost effort was an administration proposal to expand child care provision and access, especially to low-income families, by \$20 billion over five years.<sup>35</sup> But notwithstanding the sex scandal, patriarchal moralism continued to percolate in the domestic policy of the Clinton administration and in both parties in Congress. Especially pronounced was the drumbeat for married, father-headed families, a drumbeat to which most Republicans and many Democrats marched.

The idea that social provision could be privatized, that low-income men could be made to bear the burden of reducing women's and children's poverty so that government would not have to, drove policies that might appear to be in tension with one another but were in fact related. Policy makers privileged fathers as primary family wage earners who needed help to succeed in the labor market and whose wages were the ultimate solution to the problem of poverty. At the same time, legislators and members of Bill Clinton's administration singled out low-income fathers for opprobrium and possible prosecution. Supporting fathers, the administration and some congressional Democrats sought specifically to set aside training or educational grants for low-income fathers of children on welfare—if the fathers signed “personal responsibility contracts committing them to work and child support.”<sup>36</sup> Disciplining fathers, the administration launched a Fatherhood Initiative to improve paternity establishment rates, thus subjecting more men to criminal sanctions should they default on child support obligations.<sup>37</sup>

The promotion of fathers' breadwinning potential and responsibility closely tracked the promotion of marriage among families on TANF. In the late 1990s, most marriage promotion by government was hortatory—save for a few PRWORA provisions that provided incentives to states to make marriage a goal, such as the “illegitimacy bonus” for the states that did the best job reducing rates of unmarried childbirth. The Clinton administration joined the promarriage chorus when it assigned “high performance bonuses” to states that increased rates of married parenthood the most.<sup>38</sup>

In Congress, the patriarchal nature of welfare reform only became more patent in the legislative initiative Fathers Count. Republicans led the way on this initiative. However, it had the support of the administration and key Democrats, including Ways and Means Committee member Benjamin Cardin (D-Maryland), who would play a key role in the TANF reauthorization debate of 2001–2. Various fatherhood bills would have amended the Welfare-to-Work program, diverting or dedicating funds to noncustodial fathers of TANF children to improve their success at getting and staying married, and at gaining and keeping employment. The chief congressional sponsor of Fathers Count legislation was Representative Nancy Johnson, a Republican from Connecticut.<sup>39</sup> Similar bills were introduced by liberal Democrat Jesse Jackson Jr. in the House, and by New Democrat Evan Bayh (D-Indiana) in the U.S. Senate.<sup>40</sup> The House version of the bill enjoyed support from the generally liberal Children's Defense Fund, Center on Budget and Policy Priorities, and Center for Law and Social Policy.<sup>41</sup>

Representative Johnson's bill received a full hearing in the House of Representatives, where it passed with a hefty 328 bipartisan votes in November 1999.<sup>42</sup> The bill established fatherhood grant programs "expressly designed to: 1) promote marriage . . . 2) promote successful parenting . . . and 3) help fathers and their families avoid or leave cash welfare."<sup>43</sup> Seventy-five percent of the funds were reserved for nongovernmental and even sectarian agencies, which the American Civil Liberties Union (ACLU) warned could proselytize to participants with governmental imprimatur. The Fathers Count Act would have made funds available to private groups that focused on fatherhood and which tended to be antifeminist. It would have heightened child support enforcement beyond the level authorized by PRWORA.<sup>44</sup>

Congresswoman Mink worried about the negative impact on women of the legislative fatherhood movement. She cautioned that the Fathers Count bill would cause disparate harm to the mothers who would be excluded from its benefits and force mothers in violent relationships to stay in those relationships. In a statement on the floor of the House upon introducing her own amendments to the bill, Mink argued: "I have nothing against fathers. I have lived with one for the last 49 years. However, we need to provide assistance to custodial parents in order to make them self-sustainable. . . . We must break this chain of poverty. But the only way we can is to ensure that the custodial parents have the skills and training to support themselves and their families. . . . As drafted, the Fathers Count Act has the potential for increasing domestic violence . . . telling women that the way to get out of poverty is find a husband!"<sup>45</sup>

Measures like the Johnson bill explicitly offered fathers incentives to enter poor mothers' families, while redirecting resources—and choices—away from mothers. The Johnson bill assigned funds to projects that teach fathers about their visitation and access rights; promoted forgiveness of child support arrearages owed by men who become residential fathers; enhanced fathers' earning power through job training and "career-advancing education"; and tracked nonmarital fathers into various social services that encourage marriage. These incentives to fathers impose substantial pressures on mothers, for it is mothers, not fathers, who must obey TANF rules and suffer the consequences of time limits. Fathers would get the "carrots," to borrow language from Charles Murray, while mothers get the "sticks."<sup>46</sup>

Just fifty Democrats voted against Republican Nancy Johnson's Fathers Count bill in the House of Representatives. This was a powerful indication of how thorough the bipartisan consensus was that fathers should pay for

mothers' families—and how deeply many policy makers held shared assumptions about gender, family, market work, and the supposed deficits of nonwhite and poor people. The unbending but lonely opposition to the fatherhood bill included the National Organization for Women, the NOW–Legal Defense and Education Fund, and the ACLU.<sup>47</sup>

Despite overwhelming approval in the U.S. House of Representatives, the Fathers Count bill did not become law. Still, this bipartisan initiative to foreground fathers' responsibility for family well-being sank deep roots. As we explore in greater detail in the following chapters, the two sides of the "fathers count" argument—the one that privileged men and fathers, and the one that chided them, or worse, for failing a normative standard of male performance—won rhetorical support from both parties' presidential candidates during the 2000 presidential campaign. Republican control of the White House beginning in 2001 intensified the patriarchalism of welfare policy discourse, with a heavy emphasis on heterosexual marriage. Robert Rector of the Heritage Foundation, for example, urged Congress to dedicate \$1 billion per year in TANF funds for marriage promotion activities; to offer incentives and rewards to parents who marry; and to create an affirmative action program in public housing for married couples.<sup>48</sup> Another leading Republican voice for married fatherhood was Wade Horn, the Bush administration's assistant secretary of Health and Human Services for welfare, who touted proposals such as rewarding women "at risk of bearing a child out of wedlock" with annual payments of \$1,000 for five years if they bear their first child within marriage and stay married.<sup>49</sup> And Democrats, too, embraced the father-centric approach to ending low-income mothers' need for welfare. The Democratic proponents of fatherhood-enhancing social policy included Senator Barack Obama, who signed on in 2006 as the original co-sponsor of Evan Bayh's Responsible Fatherhood and Healthy Family Act of 2007.<sup>50</sup>

By the end of the Clinton presidency, many welfare reformers gloated that "welfare reform worked." According to this view, declining caseloads proved the success of the 1996 welfare law in reducing "dependency." Indeed, the national caseload did contract by 45.7 percent between 1995 and 1999.<sup>51</sup> But a number of disturbing trends were associated with caseload decline, from program practices that discouraged mothers from enrolling in TANF in the first place, to sanctions that drove some mothers from the program, to racial disparities in who was moving off the rolls into jobs, to the isolation

of former welfare participants in low-wage, insecure employment. For enthusiasts of the 1996 welfare overhaul, however, the only important trend was the reduction in welfare rolls.

Not content to bask in their self-congratulatory glow, 1990s welfare reformers greeted the 2000s with a call to do more. As it became clear that ending welfare did not end poverty, those who had been proponents of the 1996 welfare law redoubled their efforts to conquer poverty through patriarchal family formation. To these reformers, the persistent poverty of many single mothers could be explained only by their lack of a father's income in the residential family. Patriarchal syllogism—that families with a father's wage are better off, therefore poor single mothers' families need fathers—encouraged welfare reformers to ignore gender inequalities that are webbed throughout the economy, ensuring poor mothers' low returns from the labor market. Patriarchal syllogism instead fixed bipartisan attention on the question “how can we get poor mothers to associate financially and familially with the fathers of their children?”

## Chapter 6

### Rethinking TANF as if Mothers Matter

The welfare reform law passed by a majority-Republican Congress and signed by a Democratic president was set to expire on October 1, 2002. As this deadline approached, familiar mantras about wage work and marriage guided both Republican and Democratic approaches. Antiracist, antipoverty feminists countered with arguments from both theory and practice—from ideas about equality and from the experiences of poverty and welfare. A grassroots movement for welfare rights rose in many parts of the United States and allied with feminist policy wonks who sought justice in and through a strengthened safety net. At rallies, briefings, and congressional hearings, mothers with firsthand experience in the new welfare system, along with allies from universities and think tanks, testified to TANF's deficits, including: "diversion" programs that work to keep mothers from enrolling in TANF in the first place; "family caps" that deny support to children born after their mothers begin receiving aid; sanctions that punish whole families for a mother's failure to comply with the rules of welfare reform; pressure to marry; and arguably compulsory child neglect in a system that demands work outside the home without guaranteeing child care. Feminist social justice advocates worked to explain TANF's shortcomings to policy makers and potential allies and then to elaborate correctives that would enhance the well-being and dignity of mothers and their children.

One important effort to articulate a different picture of the world than the one that was woven into the TANF program began in October 1999. Its architects, a group that included the authors of this book, were veterans of the fractious politics of the middle 1990s. Meeting under the banner of the Women's Committee of 100/Project 2002, feminist scholars, writers, and



other professionals had a relatively long-term goal of preparing for the coming debate over congressional reauthorization of the 1996 law due in 2002. But their first goal was to articulate the fundamentals of a new public philosophy and policy. While politicians in both parties viewed declining welfare participation under TANF as a sign of the program's success, members of the Women's Committee of 100 and other social justice feminists saw the decline as the inevitable effect of the program's stringent and discouraging rules. While politicians designed two-parent "family formation" incentives as the next step in welfare reform, the Women's Committee of 100 and allies decried efforts to condition the well-being of mothers and children on the presence of a male breadwinner in the family. The Women's Committee of 100 spelled out an alternative next step in welfare reform, which asked policy makers to redesign policy to advance poor mothers' economic security and equality while allowing them to choose a mix of endeavors, from caregiving to education to labor market employment.

The Women's Committee of 100 was allied with those Democrats who continued to dissent from the supposed welfare consensus. Thanks in part to the work of political scientist Gwendolyn Mink and her mother, Congresswoman Patsy Takemoto Mink, the efforts of feminist scholars and dissident politicians ran alongside one another and blended together. The positions articulated by the Women's Committee of 100 ultimately helped generate H.R. 3113, the major effort in Congress to rewrite TANF along race- and class-conscious feminist lines.<sup>1</sup>

Members of the Women's Committee of 100 began discussing TANF reauthorization in 1999, with an eye to conditioning the program's continuation on fundamental changes. We saw TANF as degrading and oppressive to low-income single mothers—disproportionately women of color—caught in the vise of meeting strict work requirements while also shouldering full-time responsibility for their children. We were determined to stanch the flood of racialized misogyny the TANF law codified and required, and eager to restore the support for single parents' caregiving work provided by the old welfare system, although without the old system's prescribed gender roles. Further, we understood TANF to be inseparable from other perils to women's reproductive rights and to all people's autonomy in their sexual, romantic, and parenting activities. And we believed that if they were preserved in a reauthorized TANF statute, the spurious, even fabulist, premises of mid-1990s welfare reform would bedevil future policy efforts to support low-income wage workers and caregivers. The racialized and mother-hating specter of

the “welfare queen” would continue to stalk every corner of the domestic state.

The Women’s Committee of 100 offered what it titled “An Immodest Proposal” (reproduced in the Appendix), which broadened the emerging conversation about TANF reauthorization to propose replacing the program with more reliable income support. In place of a maximum five years of assistance for impoverished parents and children, we called for a caregivers’ allowance, or “guaranteed income for caregivers of minor children and other dependent family members requiring sustained care.”<sup>2</sup> This allowance was modeled on the Survivors Insurance portion of the Social Security system, which provides an income to the minor children of deceased workers who are covered by Social Security, as well as to surviving spouses while they are raising those children. Recipients of Survivors Insurance, typically single mothers and their children, receive benefits that are automatic rather than discretionary and are federally rather than locally administered. As such, the availability of Survivors Insurance does not depend on the fiscal whims of individual states and benefit levels do not fluctuate with election cycles. In addition to being reliable and regular, Survivors Insurance is also far more generous than welfare ever has been. Unlike welfare recipients, survivors are not subject to regulation, surveillance, and sanctions in exchange for benefits.

Members of the Women’s Committee of 100, who included professors of social work, philosophy, history, and political science, drew on our own research to formulate a proposal that recognized the time and energy it takes to care for family and community members. “Women perform the bulk of caring work for children, elders, and dependent persons,” “An Immodest Proposal” reminded, “both within their own homes and as paid employees. Our economic system both undervalues caregiving work when it is performed in the labor market and penalizes caregivers when they work outside the labor market.”<sup>3</sup> “When poor caregivers meet these hardships, they face destitution,” the proposal continued. “When middle class caregivers encounter them, they become vulnerable to poverty for the first time.”<sup>4</sup> Pointing to the burdens of poverty that disproportionately befall women of color, we insisted that because “poverty in the United States is not color-blind,” poverty policy must resolve to end the racialized gender distribution of poverty and inequality.<sup>5</sup>

“An Immodest Proposal” demanded respect for the work (mostly) women perform when they care for their families. It also recognized the participa-

tion of many women in waged work, including low-income single mothers propelled into the labor market by welfare policy. We opposed the grievously poor compensation many waged workers receive and the parallel withdrawal of public support to parents who cannot opt out of unwaged caregiving. “To replace TANF,” we wrote, “we propose a set of policies that will allow women to choose between performing caregiving themselves or purchasing high-quality services for those who depend upon them for care.”<sup>6</sup> We sought to improve waged work as well as the treatment of unwaged parents, emphasizing policy options such as shortening the standard work week, ensuring affirmative action to reduce sexual and racial disparities in access to decent jobs, widening the availability of higher education, and creating a universal system of unemployment insurance.

During the course of 2000, the Women’s Committee of 100 circulated “An Immodest Proposal,” made it accessible on our website, and developed specific ideas for TANF reauthorization based on its principles. In the spring of 2000, the Welfare Made a Difference Campaign articulated TANF reform ideas that put the two groups in conversation. The NOW-LDEFBOB (Building Opportunities Beyond Welfare) Coalition gathered evidence, anecdotes, and policy recommendations that further enriched the landscape of legislative possibility.

But TANF reform was a backburner issue during the national elections of 2000, as both parties proclaimed that welfare reform had been a success.<sup>7</sup> Occasionally, elements of the anti-welfare project grabbed attention in presidential politics, as when candidate Al Gore supported continuing, even expanding, funds for overtly religious organizations to provide welfare-to-work programs and rehabilitative services under the TANF program.<sup>8</sup> Triangulating Republican George W. Bush’s faith-based vision for social services,<sup>9</sup> the Democratic presidential campaign derided the “hollow secularism” of fellow Democrats who opposed allowing religious groups to use public funds for welfare services. Gore, still in the throes of “New Democratic” antiliberalism, seemed little concerned that religious grantees under what was known as “charitable choice” might refuse to hire LGBT people, or people of faiths different from their own, or women who became mothers without the sacrament of marriage—or that their untested, moralistic programs might cause participants harm.<sup>10</sup>

Notwithstanding support for the 1996 welfare paradigm at the highest echelons of both political parties, enforcement of that paradigm sparked a resurgence of welfare rights activism around the country.<sup>11</sup> One of the more

visible groups was the Kensington Welfare Rights Union (KWRU) in Philadelphia, a coalition of poor and homeless people founded in 1991. KWRU gained a local reputation for persistent attention to the otherwise hidden congeries of poor people and substandard housing in major cities. Under the leadership of a charismatic welfare recipient named Cheri Honkala, KWRU successfully squatted in publicly owned buildings to gain shelter for its members, and used the power of the group to make mass demands on behalf of people who were threatened with the loss of their benefits.<sup>12</sup>

KWRU organized and led the first major march on the Republican National Convention of 2000, in Philadelphia. The unsanctioned March for Economic Human Rights brought between fifteen hundred and two thousand people within striking distance of the arena where the Republicans gathered. According to the *Philadelphia Inquirer*, the city's major newspaper, the demonstration "streamed for 3 1/2 miles [and] included welfare-rights activists with children on their shoulders, disabled people in wheelchairs, mock plutocrats in top hats and tuxedos, anti-death-penalty crusaders, tattooed teenagers and younger protesters pierced in every facial orifice, and a few anarchists with their faces covered by black bandannas." One described the group's message: "In the richest country in the world, we ought to be able to put an end to poverty and homelessness."<sup>13</sup> Honkala drew on the rhetoric of Latin American movements against totalitarianism in referring to impoverished Philadelphians as "people who have Disappeared in America and whose well-being is no longer part of the political agenda of either political party."<sup>14</sup>

### ***Reform Through Reauthorization?***

Soon after George W. Bush entered the White House, the legislative debate over TANF reauthorization sharpened on all sides. Antipoverty advocates and other progressives who had opposed the 1996 welfare law continued their policy conversations about TANF reauthorization, as well as occasional protest actions to draw attention to ongoing miseries of life under welfare reform. Masculinist and feminist ambitions for progressive TANF reauthorization diverged at key junctures, particularly when it came to the value of caregiving and to recognizing TANF as a racialized and gendered policy construct. In some ways the reauthorization debate was more challenging for progressive advocates than the fight against PRWORA had been. Where resistance to welfare reform in the mid-1990s had united progressives against PRWORA, reauthorization invited critics to design specific changes and to

weight those changes toward specific goals. Cracks in the anti-PRWORA coalition emerged as some liberals struggled to turn welfare into a support system for low-wage workers, while antipoverty feminists built on our intersectional analysis to seek a policy that simultaneously valued caregiving and individual autonomy, while ensuring fair wages and just conditions in the labor market.

In the halls of Congress, the mainstream debate began and ended with bipartisan self-congratulations for welfare reform's supposed success. In between rounds of celebration, mainstream partisans fought over specific new provisions designed to sustain or advance welfare reform's "success." Most Democrats and Republicans did not want to change the law fundamentally, but each side did seek to ratchet up the emphases of the 1996 law—with Republicans calling for more discipline, while Democrats fashioned more incentives. For Republicans following the agenda of self-described "compassionate conservative" George W. Bush, TANF fixes also involved expanding the role of faith-based groups in welfare service delivery, promoting marriage and fatherhood more vigorously, and strengthening work requirements. For many Democrats, TANF reauthorization was an opportunity to improve work supports and access to education, while reaffirming the work-ethical and promarital messages of the 1996 law.

Proponents of TANF policy tweaks and champions of fundamental policy change, alike, benefited from the availability by 2001 of empirical evidence on TANF's impacts and consequences. The key fact to which boosters of the policy pointed was the drop in the numbers receiving assistance: by 2001, TANF caseloads had declined by nearly half since the high under the old AFDC program.<sup>15</sup> Countering welfare tropes, demographic data also demonstrated that the families who continued to receive the benefit were, in the main, neither large nor were they headed by teenage mothers; the average size of a family that received this government help was three (two children and, typically, a mother). The parent's average age was thirty-two.<sup>16</sup> A summary of local studies of people who had left welfare found that the top two reasons people stopped receiving benefits were employment and violations of the rules.<sup>17</sup> This indicated that a significant portion of the closed TANF cases were ones in which the families continued to need assistance. Of those who worked for wages after their aid was discontinued, the average hourly compensation was between \$5.50 and \$8.80 per hour, leaving what the authors of a Congressional Research Service report termed a "significant number" below the poverty threshold, still needing Medicaid for health care

and food stamps to meet basic needs.<sup>18</sup> In self-reports, approximately half of former welfare recipients told researchers that “food did not last or they did not have money for more food at some time in the past year, either often or sometimes.”<sup>19</sup>

Conservative Republicans read their data to underscore the need for more systematic marriage promotion and for greater enforcement of the work ethic. Although the 1996 welfare statute declared marriage “the foundation of a successful society,” conservative critics argued that neither the national nor state governments had invested enough resources in attempting to change the marital lives of impoverished Americans. Robert Rector from the Heritage Foundation think tank led the way in arguing that welfare—the TANF program—hurt families by promoting destructive “norms and values,” rather than helping them by alleviating desperation. He argued further that “illegitimacy [was] . . . passed, like a virus, between generations”; that mothers who received TANF were “sit[ting] idly on the rolls” and should be pressured more to combine wage work with caregiving; and that Congress could comfortably cut the TANF appropriation by 10 percent.<sup>20</sup> Presenting their agenda in moral terms, conservatives such as Rector sought to strengthen elements of the TANF program as levers for enforcing the work ethic and marital family values among the poor. Work requirements served both as work-ethical discipline and as punishment for single mothers who failed to assimilate marital norms.

Republican heteromartial moralism was present in the White House as well as in Congress. President Bush arrived in Washington with a record of using welfare policy to transmit certain values associated with (Christian) “faith.” As governor of Texas, George W. Bush had developed such a strategy for social service delivery; as president, one of his earliest executive orders created a White House Office of Faith-Based and Community Initiatives. A second expanded the so-called charitable choice provision of PRWORA, which allowed sectarian groups to provide services to poor people with public money. The expansion permitted a similar *mélange* of the public, private, and religious under the auspices of other government programs, in addition to those targeted at TANF participants.<sup>21</sup> By April 2001, President Bush had promised \$200 million over five years to community and religious groups to promote fatherhood and heterosexual marriage. As the TANF debate came to a head in the winter of 2002, Bush proposed \$300 million per year for states to design and implement programs that would reduce nonmarital births and increase the percentage of children in married-couple families.<sup>22</sup>

In the Democratic mainstream, the intellectual and policy legacies of the Clinton administration and Gore campaign tempered opposition to core Republican goals. Embedded in the decision of most Democrats to support welfare reform in the 1990s had been an embrace of the claims that marriage and labor market participation were single mothers' primary alternatives to poverty. Ending "welfare as we know it" had meant disengaging governmental support for the caregiving work of lone parents, instead directing such parents to seek economic survival through either marital coupling or wage earning. In the mainstream Democratic view, caregiving might count, but only as fully privatized marital work. And while government did have a role to play in reducing poverty, that effort should emphasize helping single mothers help themselves through the labor market, not mitigating needs when full-time, living wages are not achievable.

The narrowing of debate about poverty and gendered norms among Democrats had become stark. While some Democrats raised their voices against heightened work requirements, most did not refuse work requirements themselves; meanwhile, most Democrats also endorsed the idea of using at least a portion of public antipoverty funds for marriage promotion, or "family formation," instead of for poverty reduction. Wendell Primus, who had resigned from the Clinton administration in protest of PRWORA, helped lubricate liberal triangulation of the marriage agenda when he declared that "progressives should [not] be scared of this issue" because "we also believe in marriage and two-parent families."<sup>23</sup> The Center for Law and Social Policy (CLASP), a liberal advocacy organization, created a Couples and Marriage Policy Resource Center under the direction of policy analyst Theodora Ooms, who developed CLASP's "marriage plus" agenda.<sup>24</sup> In congressional testimony, C. Eugene Steuerle, a senior fellow of a liberal-leaning think tank, the Urban Institute, admitted that there was no research to support the idea that tweaks in antipoverty programs could reverse long-term trends in marital or sexual behavior. But "independently from whether [they would] significantly affect behavior in a narrow sense," he believed the government should pursue them.<sup>25</sup>

### ***Can a Feminist Bill Become Law?***

Against this tide, Congresswoman Mink drafted her proposal for TANF reauthorization. In close consultation with Gwendolyn Mink and leaders of feminist antipoverty groups such as NOW-LDEF, the Welfare Made a

Difference Campaign, and the Women's Committee of 100, Representative Mink formulated a bill intended to root out the racialized misogyny of the original TANF legislation, along with the law's impairments of mothers' rights and opportunities.<sup>26</sup> By the end of July 2001, the bill was nearly ready to be introduced. Representative Mink wrote to her colleagues in the House asking them to cosponsor it. She drew on the data on welfare "leavers" to argue that TANF had failed to alleviate family poverty or provide paths to economic security. Mink told her colleagues she intended to rewrite TANF's "purposes"—the preface enumerating justifications for the program—which had made single motherhood, teenage pregnancy, and nonmarital births the key social problems to be solved. She proposed "redefining [the TANF program's] foremost purposes as 1) providing assistance to families in need so that children can be raised in their own homes and 2) reducing poverty."<sup>27</sup> The most philosophically sweeping change in the bill was a new stipulation that mothers' caregiving work for their own disabled, sick, or pre-school-aged children should count as a "work activity" and thus satisfy TANF's work requirements.<sup>28</sup> This would restore to parental caregiving a status similar to the one it had in the "mothers' pension" that had been codified in the original Aid to Dependent Children provision of the Social Security Act of 1935. Mink's bill also counted education, from elementary through postsecondary, as a work activity, along with efforts to address certain barriers to employment, such as domestic violence, disability, or substance abuse.<sup>29</sup>

The Mink bill, H.R. 3113, was comprehensive legislation that mirrored in scope the TANF program it was intended to reform. The programmatic changes outlined in H.R. 3113 were less ambitious than those recommended by the Women's Committee of 100; Representative Mink chose to build on the structure of the existing TANF program rather than trying to eliminate it and substitute a caregivers' allowance similar to the ones that some European countries provide. But the Mink bill rested on the same philosophical foundation as the Women's Committee of 100's "Immodest Proposal," the idea that citizenship links the duties of individuals to a positive governmental obligation to ensure a minimally decent family life irrespective of parents' earnings or marital status. Rescuing caregiving from the oblivion of the unseen and unvalued, both the Women's Committee of 100 and Congresswoman Mink defined the differential treatment of women based on their parenting choices and family arrangements as discrimination against mothers.<sup>30</sup> Financial cuts and welfare rules that set custodial parents up to fail were a manifestation of state-sanctioned misogyny and matriphobia,



because the adult recipients of TANF are overwhelmingly women who perform the most paradigmatic role our culture has assigned to adult women.<sup>31</sup>

H.R. 3113 opened with twenty “findings” that drew on the available data on TANF recipients and former recipients.<sup>32</sup> The numbers rebutted claims that welfare reform had succeeded, showing that a reduction in caseloads did not track with a reduction in poverty and need. Arguing that TANF was “nothing less than disastrous for many welfare recipients,”<sup>33</sup> H.R. 3113’s findings emphasized the poverty of former TANF parents, racial discrimination, the treatment of legal immigrants, and domestic violence. Some of the evidence pointed to disparities in the impacts of TANF, patterns of differential treatment on the basis of race or nationality. The bill’s findings noted, for example, that states with higher portions of African Americans receiving TANF are more likely to impose “family caps” that penalize childbearing and “full-family sanctions” that take away children’s, as well as parents’, benefits when parents break welfare rules.<sup>34</sup> The findings also noted that most children of immigrants are U.S. citizens and therefore are eligible for benefits if their families are poor—a fact most immigrants do not know and most local welfare personnel are not keen to share. Finally, H.R. 3113’s findings included data demonstrating that over one-half of all women who had received public assistance had experienced domestic or sexual violence as adults—a problem the Family Violence Option of PRWORA, which was optional to the states and marginal to the overall purposes of the law, was hardly equipped to meet.<sup>35</sup> Reasoning from these findings, the Mink bill prohibited full family sanctions; eliminated both the five-year ban and deeming requirements against documented immigrants’ TANF eligibility; and required all states to address domestic and sexual violence, as well as mental illness, disability, and substance abuse, and to waive program requirements that penalize individuals addressing these barriers.

Clearly a feminist approach to TANF reform and a model of reproductive justice policy making, the Mink bill asserted the personhood rights of poor mothers, including reproductive and parental rights. Toward this end, the bill repealed the family cap and added a penalty for states that persisted in using it to deny full TANF benefits. The bill also removed sanctions against mothers who refused to cooperate with paternity establishment and child support enforcement rules. It eliminated invasive restrictions on unmarried teen parents, such as TANF’s requirement that unmarried (but not married) teen mothers live in adult-supervised settings and that they attend school.

Among the explicit purposes of H.R. 3113 was support for family caregivers of children. This support entailed counting care for a child under age six, or for sick or disabled children of any age, as a work activity in fulfillment of TANF work obligations.<sup>36</sup> It also entailed reducing the required hours per week of work outside the home for family caregivers where quality, affordable, accessible after-school or summer care is not available for children of all ages. And it entailed restoring the guarantee to child care that had been included in prior welfare reforms but that the 1996 law had cancelled; the proposed statute “required states to notify individuals of their rights with respect to childcare and the implications for TANF work requirements.”<sup>37</sup> These measures were informed by the belief that parents’ efforts to raise children were inherently worthy and deserved public support. This resembled the “maternalist” politics many women advocates had pursued early in the twentieth century. However, H.R. 3113 was not simply neomaternalist: running through the bill alongside provisions for parents (mothers) to raise children in their own homes were provisions that would link parents with the waged labor market and improve their economic opportunities.

Under H.R. 3113, waged work was largely voluntary and was enabled by education, training, and supportive services. The bill nominally preserved the five-year maximum for receipt of TANF benefits, but it stopped the clock in most cases. Parents of young and disabled children were not subject to the time limit, for example. More important, the clock did not run for as long as participants followed the program’s rules: raising children or working in the labor market or pursuing education or addressing barriers.

Representative Mink and the researchers with whom she consulted knew from data on state-level programs implemented before PRWORA that large numbers of mothers who received public aid voluntarily pursued education, training, and employment when these were offered on reasonable terms.<sup>38</sup> H.R. 3113 was written to provide such reasonable terms and therefore to allow women to find jobs or careers—while maintaining a system of support for parents who could not make the waged labor market work for their families. Unlike PRWORA (but like the Family Support Act of 1988, the major welfare reform that preceded it), Mink’s bill contained an individual entitlement to child care so that *no* parent would be compelled to work under the welfare program without someplace for her children to spend the day.<sup>39</sup> The TANF program allowed participants to spend only one year, at most, in education and training. Mink wanted to allow as much education and training as TANF parents needed, whether their immediate needs were for literacy

training, qualifying for GEDs, English-language instruction, or postsecondary education for careers that would pay a genuine living wage.<sup>40</sup> “The failure of TANF to count post-secondary education as a work activity is its biggest hypocrisy,” Representative Mink argued, given the evidence that women needed significant amounts of education in order to gain jobs with livable wages.<sup>41</sup>

H.R. 3113 challenged the basic assumptions of the Personal Responsibility and Work Opportunity Reconciliation Act, as had Democrats who opposed the welfare reform statute in the first place. By 2001, social justice feminists had gained some traction in welfare discourse and applied steady pressure to rethink welfare policy from poor single mothers’ point of view. Inspired by grassroots articulations of TANF’s treatment of poor families and informed by scholarly research, the Mink TANF reform bill represented a more feminist position than most Democrats in Congress had expressed in the middle 1990s and a far more feminist position than all but a few held in the early 2000s. Mink and her allies tried to wrest welfare policy from the masculinist moralism that found solutions to mothers’ and children’s poverty not in the empowerment, support, and remuneration of women but in the presence and earnings of men.

Once it was introduced, H.R. 3113 gained greater political traction than veterans of welfare reform under Bill Clinton might have predicted. By posing fundamental questions about the purposes of welfare and offering a fundamental retooling of TANF, Mink and her colleagues reprised and deepened the debate that had been so fierce in the 1990s. H.R. 3113 became the feminist progressive alternative to the approach taken by the Bush White House and the Republican majority in the House of Representatives. The Congressional Black Caucus, Hispanic Caucus, and Progressive Caucus all rallied around H.R. 3113.<sup>42</sup> The original cosponsors of the bill were feminist women, disproportionately feminists of color such as Representatives Barbara Lee and Hilda Solis, plus a mix of white women, men of color, and white male progressives, such as Representatives Dennis Kucinich and Fortney “Pete” Stark. By December, the bill had fifty cosponsors. By March 2002, H.R. 3113 had picked up support from liberal Democrats such as Representative George Miller and Independent Bernie Sanders, bringing the number to eighty-two. By the end of April 2002, the bill had 93 cosponsors.<sup>43</sup>

Ninety-one organizations endorsed the bill, from the American Civil Liberties Union to the YWCA. Endorsers included many women’s groups, such as the National Organization for Women and the Coalition of Labor

Union Women, and many welfare rights groups, such as Welfare Made a Difference, Mothers on the Move, and the Welfare Rights Organizing Coalition.<sup>44</sup> A nationwide survey of voters found that a majority supported the Mink bill's idea that the key goal of TANF should be "moving people out of poverty," rather than, as in PRWORA, lowering the number receiving aid. Majorities, even of self-described conservatives and Republicans, wanted to enable more recipients to access education and training. Overall majorities thought that a good policy would count education and training as "work" and stop the clock toward the five-year time limit if participants followed all the program's rules.<sup>45</sup>

H.R. 3113, the feminist legislative vehicle for TANF reauthorization, faced an extraordinarily steep climb in a Washington in which mainstream liberal advocates and researchers mused openly about increasing governmental support for *men's* workforce training to address women's poverty, and endorsed incentives to train poor people's intimate choices on creating male-headed families. So, even though 44 percent of the Democratic Caucus co-sponsored the bill and notwithstanding widespread support from an antipoverty and feminist groups, the Democratic Party leadership in Congress ultimately chose to offer a much more conservative bill as the party's official alternative to Republican ideas for welfare reauthorization. The Democratic substitute did not notice, and so did not attempt to correct, the sex and gender scripts of the TANF program. Nor did it address the racial disparities in welfare experiences and impacts. And while it did seek opportunities for welfare mothers to prepare for jobs with family-sustaining wages, it did not acknowledge, let alone impute value to, the caregiving work parents perform raising children.

### *"Working Toward Independence"*

The bill for TANF reauthorization that ultimately passed the House of Representatives was the Republican majority's version of proposals outlined by the Bush White House. In February 2002, the White House issued a report titled "Working Toward Independence," setting forth its plan to improve TANF. The report reviewed certain supposedly positive outcomes associated with the 1996 welfare law—primarily, the finding that fewer people were on the welfare rolls. It went on to enumerate proposals to promote waged work, marriage, and sexual abstinence by unmarried women and announced a more unforgiving approach to child support enforcement. The White House

proposal also called for changes in the food stamp program, outlining a work requirement for receipt of benefits along with a partial restoration of eligibility for legal immigrants.<sup>46</sup>

In step with the Bush White House, Republicans in the House offered H.R. 4737, mandating TANF recipients' "universal engagement" with labor market work. It required states to place 70 percent of their TANF participants in work activities by 2007 (as compared to 50 percent under the 1996 law) and increased the hours of work required of each participant. It balanced these mandates somewhat with a modest increase in funding for child care.<sup>47</sup> In keeping with the drumbeat for stronger levers to control the intimate lives of poor women, the Republican House bill also added marriage and fatherhood promotion to the purposes of TANF and carved out programmatic spending to achieve these goals.<sup>48</sup> It left out changes advocated by recipients and social justice feminists, such as requiring states to support family or sexual violence survivors, recognizing caregiving work as work, and stopping the time limit clock for families that were in compliance with program rules.<sup>49</sup>

The reauthorization debate reached the floor of the House of Representatives in May 2002. When the Democratic leadership chose not to bring the Mink TANF bill, H.R. 3113, up for consideration, Representative Mink tried to offer pieces of her larger bill as a series of individual amendments to the GOP bill, but the Rules Committee permitted only a limited number of amendments to be offered. The Democratic substitute to the Republican bill was introduced by Ben Cardin (D-Maryland), the ranking member of the House Ways and Means Committee subcommittee that had jurisdiction over the TANF program. Representative Mink and members of the Congressional Black Caucus refused to support Cardin's substitute. Gwendolyn Mink wrote dispiritedly to Jacqueline Payne of NOW-LDEF: "this week's effort at a tri-caucus protest [among the Black, Hispanic, and Progressive Caucuses] ha[s] turned into a p[atry]+black caucus final march. eddie bernice [Johnson, D-Texas], maxine [Waters, D-California], major [Owens, D-New York] and p went to [Democratic majority leader Richard] gephardt last night. he told them (essentially) that it's more important to hold onto the new dems than to accommodate progressives/people of color."<sup>50</sup>

The battle between the Cardin substitute and the Republican bill inspired passionate debate.<sup>51</sup> But it did not represent the same kind of philosophical contest that a debate between House Republicans and supporters of the Mink bill would have. The Cardin bill would have made no change in the time

limits or work requirements placed on states or individual caregivers, preferring the 1996 work participation targets to the heightened requirements the Republicans sought in 2002; would have raised the maximum allowable period for educational pursuits from twelve to twenty-four months; would have strengthened the expectation that states would screen TANF applicants for family violence histories and other barriers to employment but maintained the optional status of TANF's family violence provision; would have restored benefit eligibility to legal immigrants but maintained the deeming of sponsors' income to brake eligibility; would have retained the family cap as a permissible state option; would have increased child care funding above the Republican level but without restoring it as an entitlement for TANF participants; would have improved the procedural protections for participants at risk of sanctions; and would have created a "family formation fund" to promote the formation of two-parent families, reduce teen pregnancy, and help noncustodial parents be involved with their children.<sup>52</sup> On May 16, House majorities defeated the Democratic substitute and passed the Republican bill, with mostly party-line votes on each.<sup>53</sup>

In the U.S. Senate, where the Democrats had the slimmest of majorities, there was no full complement to the Mink bill for TANF reauthorization. Senators Paul Wellstone (D-Minnesota) and Jon Corzine (D-New Jersey) showed interest in aspects of the Mink bill but shied from embracing it as a whole.<sup>54</sup> Multiple Democratic bills emerged in the Senate to challenge various aspects of the House GOP plan and to add new elements, such as support for clients to develop financial literacy, to the TANF program. Only one of these, the Building Secure and Healthy Families Act, introduced by Senator Patty Murray, raised the issue of valuing familial caregiving by limiting work requirements for single custodial parents and counting as work parental care for a child with a serious health condition.<sup>55</sup> The uniqueness of the Murray bill on this point attested to the distance many Democrats had traveled from the New Deal's Aid to Families with Dependent Children Program, the whole point of which was to support familial caregiving, to the New Democrats' TANF, which disdained poor mothers' caregiving for their own children.<sup>56</sup>

Although it was not as wide ranging, the Senate debate among Democrats over welfare reauthorization recalled their divisions in the middle 1990s. The chair of the Senate Finance Committee until Republicans retook the Senate in the 2002 elections was Max Baucus (D-Montana), who had voted for welfare reform in 1996. The Finance Committee had controlling

jurisdiction over TANF reauthorization but was not the only interested party. Before the committee had finished drafting a bill, a group of Democrats wrote to him and the ranking Republican, Charles Grassley of Iowa, to outline what they believed should be in any legislation. The group, which included Senators Edward Kennedy, Hillary Rodham Clinton, Paul Wellstone, and Patty Murray, asked for a larger TANF block grant; a weekly work requirement for participants of thirty hours (as in then-current law); permission to count as “work” a parent’s participation in training, educational programs, and rehabilitative or social service programs, at least for a period of time; an \$11 billion commitment over five years for child care to match the growing need; a state option to serve legal immigrants with federal funds; and a requirement that funds allocated for abstinence education only be used for “medically-accurate information to reduce health risks and teen pregnancy.”<sup>57</sup> Senators Evan Bayh and Thomas Carper, both Democrats of the “new” variety, pushed the Democratically controlled Finance Committee in a more Republican direction. They publicly endorsed the increase in work hours from the House Republican bill without insisting on billions more for child care.<sup>58</sup>

The Senate Finance Committee produced a bill that was closer to the White House approach than to the approach of the Kennedy group or to the House Democratic substitute and was a far cry from the Mink bill. Baucus aimed to blaze a centrist path but did not gather a centrist majority. The Finance Committee bill retained House Republicans’ tough “universal [work] engagement” language, increasing workforce participation rates for states from 50 percent in 2002 to 70 percent in 2007. But the bill also nodded to some of the demands of liberal TANF critics, without fully absorbing them. The bill made modest increases in child care funding, for example, but nothing close to the \$11 billion asked by Kennedy and the others. The bill increased the degree to which people with “barriers to employment” would be allowed to address those barriers before being required to perform market work or be cut off from aid—and increased expectations that states would screen people for such barriers, including for experiences of domestic violence. The bill added procedural protections for recipients facing sanctions but did not remove the possibility of “full-family sanctions” that would totally impoverish a family.<sup>59</sup>

On issues related to gender and women’s roles, the Senate Finance Committee bill was deeply in retrograde, demonstrating again the narrowed Democratic debate.<sup>60</sup> While it included the language about “medically

accurate” information from the Kennedy group letter to Baucus and Grassley, it also accommodated much of the gender agenda that at one time was associated with the “moral majority” wing of the Republican Party. This included “healthy marriage promotion” programs, up to 75 percent of whose costs would be paid by the federal government, publicly subsidized (although medically accurate) abstinence education, and a variety of initiatives to promote “responsible fatherhood,” including by directing employment and training resources specifically to male workers. The Finance Committee approved some of the key child support provisions from the House Republican bill, which made it easier to suspend the passports of men who were behind in payments and engage the IRS in garnishing their tax refunds. It did not make the Family Violence Option mandatory for states.<sup>61</sup>

The Democratic caucus in the Senate was not far from the Finance Committee on these issues. Senator Murray’s Building Secure and Healthy Families Act of 2002, which relaxed work requirements for certain caregivers and exempted from the time limit families caring for a seriously ill or disabled child or dependent adult, was the sole Democratic bill in the Senate to challenge the TANF paradigm. And even Murray did not try to turn the Family Violence Option into a mandate or counter the deafening calls to promote fathers’ role and punish fathers’ failures.<sup>62</sup> Indeed, the fatherhood bandwagon had momentum, even on the Democratic side of the aisle: after the Finance Committee had drafted its bill, Senators Clinton, Bob Graham, and Joseph Lieberman asked Chairman Baucus to focus even more on “male responsibility and employment.” The senators wrote: “Increasing employment among low-income men is important in its own right, but it will also contribute to stronger families and better outcomes for children. In addition, increasing male employment increases the ability of non-custodial parents to pay child support.”<sup>63</sup>

The Democratic Party was divided over assorted TANF specifics, although only to a limited degree over its gendered framework. The divisions, along with pressures from outside groups, ultimately thwarted a Senate consensus on how to reauthorize TANF in 2002. Perhaps all sides decided that they preferred to have welfare as an issue in their reelection campaigns rather than to have a compromise bill. This was, according to political scientist Hugh Hecl, the general pattern in welfare history, a rule whose primary modern exception had been passage of PRWORA of 1996.<sup>64</sup>

If welfare reauthorization was not settled in 2002, the process allowed much senatorial activism to bubble up. In addition to the Baucus bill from



the Finance Committee, and Senator Murray's "Healthy Families" effort, Senators Wellstone and Corzine submitted the "Chance to Succeed" bill, Bayh and Carper turned their ideas into a bill, Senator Feingold offered a "Fair Treatment and Due Process Protection" bill, and Senator Jeff Bingaman (D–New Mexico) signed on to three different pieces of legislation, each amending and reauthorizing a different portion of welfare law.<sup>65</sup>

Given the Democrats' bare majority in the Senate, the looming election that would tip the balance toward the GOP, and the focus of many senators on discrete pieces of TANF rather than on the framework as a whole, no welfare reauthorization bill passed the Senate in 2002. And so, officially, if not actually, the welfare reform law expired on September 30, 2002. Congress prolonged the TANF program through a short-term continuing resolution that left funding levels and requirements unchanged. When the short-term extension expired, the stalemate continued. Congress ultimately passed ten continuing resolutions, which enabled states and localities to keep their TANF programs afloat, until finally agreeing to Republican terms for reauthorization in February 2006. As enacted, TANF reauthorization made work requirements more onerous, made "marriage promotion" a patriarchalist boondoggle, and gave states latitude to redirect TANF funds from cash assistance for people to services by public and private, secular and sectarian, organizations.<sup>66</sup>

Two progressive voices permanently exited the welfare debate in the fall of 2002. Just days before the anticlimactic agreement deferring legislative action on TANF until after the election, Representative Patsy Mink passed away in Honolulu, of viral pneumonia developed from chicken pox. The *New York Times* remembered her "as articulate and strong-willed, and willing to fight for causes large and small."<sup>67</sup> Less than a month later, on October 25, 2002, Paul Wellstone, the only senator with roots in antipoverty organizing—a friend of the Mink bill, though not a sponsor—died in a plane crash in Minnesota.<sup>68</sup>

## Chapter 7

### Patriarchal Consensus

#### Gender and Poverty Under Bush and Obama

As part of his bid to become president of the United States, Senator Barack Obama gave a memorable address about fatherhood. At a Baptist church on the South Side of Chicago on Father's Day, Obama chastised fathers, especially African American fathers, who were "acting like boys instead of men." Acknowledging an important role for government in enabling children's well-being, the candidate insisted, "we also need families"—procreative, two-parent, heterosexual families caring for biological progeny—"to raise our children. We need fathers to realize that responsibility does not end at conception. We need them to realize that what makes you a man is not the ability to have a child—it's the courage to raise one."<sup>1</sup>

Obama had less to say about mothers than he did about fathers. He acknowledged those who did "a heroic job" while living apart from their children's fathers. But he argued that maternal dedication and hard work, which could of course be supplemented by the efforts of friends, relatives, or caregiving by paid professionals, was not enough. Single mothers, he said, "need support," and not in the form of cash grants such as were more widely available prior to welfare reform under Bill Clinton than they were afterward. "Their children need another parent," a male parent, whose supposedly distinctive role he paused to "recognize and honor."<sup>2</sup>

Consistent with the honoring and chastising, candidate Obama's policy prescriptions involved both privileges for fathers and controls on them. "We should be making it easier for fathers who make responsible choices," he proposed, "and harder for those who avoid them." His policy ideas included giving low-income or unemployed fathers who paid child support special job

and training opportunities, “and a larger Earned Income Tax Credit that can help them pay the bills.”<sup>3</sup> He did not outline a program of cash aid or employment for mothers so they could pay their own and their children’s bills, the kind of program that Representative Patsy Mink endorsed and that was outlined in the Women’s Committee of 100’s “Immodest Proposal” in the context of TANF reauthorization. Senator Obama did endorse programs that provide pre- and postnatal care for mothers and children, but did so on the grounds that these initiatives “increase father involvement, women’s employment and children’s readiness for school.”<sup>4</sup> He did not mention their impact on women’s health and well-being, or on their caregiving work as mothers.

One portion of Obama’s speech in effect blamed single motherhood and absent fatherhood for violent crime, addiction, and incarceration. Speaking as a married African American man who was the father of two daughters, Obama associated single motherhood with negative outcomes for children. Himself raised by a single mother with no involvement from his biological father, Obama combed the data to show that single motherhood correlates with numerous social ills—higher poverty than in two-parent homes, more child misbehavior, less schooling, and a heightened likelihood of crime and imprisonment. He did not spell out the specific causal links between fathers’ absence and children’s shortcomings or eventual imprisonment. As was so often true in political and social science discourse, the correlations themselves stood for an argument about cause: if a family lacks a father and is poor, then it is fathers’ absence that produces poverty and the bad behavior associated with it, not the withdrawal of welfare support, or the lack of an entitlement to child care, or gratuitously low women’s wages, or racial segregation in housing, or bias in criminal justice, or excessive rents in poor neighborhoods.<sup>5</sup> “How many times in the last year has this city lost a child at the hands of another child?” Obama asked. “How many in this generation are we willing to lose to poverty or violence or addiction?” Only fathers, he suggested, could come to the rescue.

By privileging fathers and prescribing their household economic dominance as a cure for poverty, Obama’s rhetoric was literally patriarchal. If such words made him sound like a moralistic Republican conservative, this was not accidental. His electoral strategy built in part on the kind of “Sister Souljah moments” that had fueled Bill Clinton’s candidacy in 1992.<sup>6</sup> Clinton had proved his bona fides as a “New Democrat” and change agent by insulting African Americans who protested police violence and by embracing the death penalty.<sup>7</sup> Obama demonstrated to whites and certain middle- and

working-class African Americans that he was assimilated to the political mainstream—by renouncing his own pastor’s social critique in an address on race, and by lecturing African Americans about fatherhood. But Obama’s message was not simply a Republican one: gender conservatism and anti-feminism helped him win Democratic primaries in 2008 because Obama’s lines about mothers’ failures and fathers’ value had already become incantations of Democratic Party insiders. This was as true of intellectuals who attempted from Washington and New York to define the consensus wisdom of the party as it was of candidates and officeholders.

Welfare reform was a product of patriarchal mantras and a source of them. The woman-blaming, racist, and father-disciplining architecture of Obama’s address reprised the architecture of the Moynihan Report, itself a distillation of leading Democrats’ thinking at the height of the party’s political strength under President Lyndon Johnson.<sup>8</sup> The reemergence of Moynihan’s arguments from the margins where antiracist feminists thought they belonged had helped set the Democrats on the road to welfare reform in the late 1980s and 1990s. And welfare reform breathed extraordinary new life into the old shibboleths. Although apostates continued to exist, the liturgy of the party narrowed even more after the TANF reauthorization debates of 2001–2 than it had in prior years. By deflecting the feminist initiatives discussed in the previous chapter, “An Immodest Proposal” and Representative Mink’s H.R. 3113, leading Democrats nearly succeeded in exiling race- and class-conscious feminism from mainstream political discourse.

This chapter explores the patriarchalist path traveled by the Democratic Party and Barack Obama in the early twenty-first century. We once again emphasize the centrality of gender—robust, complex, intersectional gender—in the history and politics of public policy. Our immersion in feminist ideas allows us to appreciate a central dimension of antipoverty policy that has too often been unremarked or underappreciated. In fact, documentary evidence has led us to conclude that the mansion of failure that was the Democratic Party’s response to inequality and impoverishment in the George W. Bush and Obama years stood on a foundation of gender.

We also conclude that the great weak point of the party’s approach to gender was its leaders’ failure to appreciate the differential ways in which gender is experienced by people of different economic classes, racial backgrounds, linguistic and national origins, physical abilities, and so on. Candidate Obama’s speech was only one data point in a pattern of gendered politics that directly and indirectly left people poor, and that perpetuated the subju-

gation of low-income, nonwhite women and men. Obama and other Democrats argued that the private patriarchal family was the solution to social ills, even as they also tried to defend the welfare state from dismantling by patriarchalist Republicans. A set of interests and ideas best termed *intersectional sexism* aroused Democratic enthusiasm for curing poverty by managing poor mothers' lives. The gender subordination and inequality imposed by this strategy were relegated to a kind of political "snooze" mode, an alarm that can waken, but not if deliberately ignored.

Welfare rights activism rose and fell in tandem with the rise and fall of vehement Democratic debate around TANF. The GROWL coalition, the Kensington Welfare Rights Union, and others who mobilized at the turn of the twenty-first century to reform the new welfare system lost some of their steam once it became clear that Democrats would stick with the established welfare framework. The rounds of continuing resolutions Congress passed to sustain the TANF program enervated activists. Foundation money flowed to other issues and organizations. Social workers and legal aid lawyers worked valiantly to help families navigate the new system, but they and their clients rarely organized to change the map of antipoverty policy. Even in places where support from professionals was the strongest, most poor people navigated the welfare system on their own, and most lacked avenues to influence policy.<sup>9</sup> Political elites rarely solicited their insights.

In fairness, progressives during the George W. Bush years were otherwise occupied: busy critiquing infringements of civil liberties, wars waged on fabricated evidence, and threats to the reproductive rights even of wealthy white women. In electoral politics, liberal Democrats fixed their gaze on middle-class swing voters and the issues that might win them back, sidelining poor people as well as a robust critique of economic inequality. On the eve of the financial and housing crash in 2008, liberal Democrats doubled down as champions of the middle class—"regular" guys with mortgages, not "group-identified," whose wives work because they "have to."<sup>10</sup> Following Obama's historic victory in 2008, many liberals pointed to his message of moderation that won over key elements of the middle class as a source of his success. Even after emergence of the Occupy movement in 2011, liberals and progressives rarely focused on poverty. Nor did they face racial justice imperatives head-on, missing the urgency of the mass incarceration and violent policing crises until it was upon them.<sup>11</sup> And even after #blacklivesmatter and related movements shone spotlights on racial inequality, they failed to address intersecting mobilizations of misogyny, discrimination, and

patriarchalism that were omnipresent in bipartisan social policy, from President Bill Clinton through President Barack Obama.

### ***Restoring Faith***

Congress and President Bush finally reauthorized TANF as part of the Deficit Reduction Act of 2005. The “final interim” rules that turned the legislation into practical policy were published in 2006. This resolution of the welfare policy logjam occurred against a background of moralistic, gendered, and often religiously sectarian politics. At the center of the Venn diagram that described the overlap between gender and poverty in these years were three policy arenas: “faith-based” provision of publicly funded social services; fatherhood promotion as a mechanism of both discipline and privilege; and child support enforcement as a proposed cure-all for the troubles of low-income families headed by mothers.

None of these prescriptions was new to the era of President George W. Bush. Child support and a form of fatherhood promotion were central to mainstream Democratic, as well as Republican, thinking, starting in the late 1980s.<sup>12</sup> Both Al Gore and George W. Bush claimed to value “faith-based” policy during their presidential contest in 2000. Bush as governor of Texas had done more than any other statewide leader (under PRWORA’s “charitable choice” provision) to grant public monies to private agencies with explicitly religious and moralistic agendas. Philosophical beliefs aside, this made excellent political sense for Governor Bush: he could court allies among grant recipients and sway voters who shared their agendas. However, this was not the most reliable way to provide high-quality services to families with low incomes. A study published in 2002 concluded: “After five years of aggressively implementing the Bush-led Faith-Based Initiative in Texas, positive results have proven impossible to document or measure. Evidence points instead to a system that is unregulated, prone to favoritism and comingling of funds [between allowable and unallowable activities], and even dangerous to the very people it is supposed to serve.”<sup>13</sup>

In Texas, “charitable choice” reportedly meant not only that religiously based philanthropic and social service agencies could compete for public grants; they received preferences in bidding and a release from regulatory controls that otherwise restricted the flow of money to unproven, laxly administered, or harmful programs. In Texas, specific concerns included that “faith-based” funding allowed programs “with a history of regulatory viola-

tions” to receive funds; that they “endangered people in need and lowered standards of client health, safety and quality of care”; and that the state administration had created a policy environment in which courts ordered people seeking services “to attend unlicensed faith-based providers.”<sup>14</sup> Even legislators who had initially supported their state’s embrace of “charitable choice” retreated after five years of experience with the program and sought to reimpose standards on the institutions and services to which the Texas government exposed its population.

Despite the concerns raised in Texas, President George W. Bush pursued national “charitable choice” and overt public support for religiously based organizations. In his first executive order, President Bush established Centers for Faith-Based and Community Initiatives throughout the federal government in coordination with the new White House Office of Faith-Based and Community Initiatives.<sup>15</sup> Under the order, the Department of Health and Human Services was assigned special responsibility to promote implementation of “charitable choice,” making sectarian social service delivery an administration priority. The Department of Justice and the Department of Labor were charged with coordinating efforts to eliminate regulatory, contracting, or other barriers to the provision of public social services by religious organizations.<sup>16</sup> Of particular concern to the White House was protecting religious groups’ right to discriminate in employment, a goal they pursued in part by shifting attention from discrimination against secular citizens to discrimination against sectarian groups. The purposes of the Office of Faith-Based and Community Initiatives included: “Pursuing legislative efforts to extend charitable choice provisions that prevent *discrimination against faith-based organizations*, protect the religious freedom of beneficiaries, and preserve religious hiring rights of faith-based charities.”<sup>17</sup> In an internal document obtained by the *Washington Post*, the staff of the Salvation Army wrote that the Bush administration was actively helping them resist municipal and state-level antidiscrimination laws that covered sexual and gender minorities—and that the Salvation Army’s leadership, in turn, had pledged full support to the White House “faith-based” initiative.<sup>18</sup>

President Bush declared that sectarian groups were at the heart of his approach to combating poverty. In the period between his election as a “compassionate conservative” and the elephantine growth of the homeland security state after September 11, 2001, this was a keystone of Republican statecraft. In a major address on poverty at Notre Dame University, the president argued that the federal government “must ‘do more to take the side of

charities and community healers, and support their work.”<sup>19</sup> He referenced the 1996 welfare reform law, commending it for having initiated a second War on Poverty comparable in significance to the 1960s version. But Bush insisted that, because poverty remained, PRWORA needed supplementation—and that an expanded program of faith-based grants was the way to supplement it.

Even after September 11, Bush continued to direct federal money and power toward explicitly religious and moralistic organizations. In a way, “faith-based” policy of this kind complemented the homeland security state, which assumed Brobdingnagian dimensions in the fifteen years after the attack on the World Trade Center. In domestic as well as foreign policy, agents of the U.S. government became ever more comfortable with dividing the world into good and bad “guys,” Christian and non-Christian values. In war and welfare, heterosexual masculinity served as a reigning ethic (even when it informed the actions of female soldiers). Although legislation to expand “charitable choice” beyond TANF failed in Congress, the White House continued to pursue the policy via executive orders. In 2003, a report found that directing funds to sectarian sources had “become a priority in Department of Health and Human Services programming.” The administration issued regulations that made it possible for religious groups to access funds from a \$20 billion federal pot, from TANF block grants, and from programming under the umbrella of the Substance Abuse and Mental Health Services Administration and Community Services Block Grant. TANF and the related Welfare-to-Work program provided the most to religiously based service providers—in the form of program funds diverted from cash grants, or from secular educational supports, child care, or employment training.<sup>20</sup>

### *Fathers Count*

A governmental emphasis on fathers and fatherhood was part of the same gendered moralism represented by “charitable choice” in both its Democratic and its Republican iterations. As we have seen, this emphasis predated the George W. Bush administration and was part and parcel of the conservative agenda for welfare reform reauthorization in 2001–2. In the early twenty-first century, it was a part of the intellectual subsoil of Washington, D.C., that ground in which policy ideas either withered or thrived. Scholars affiliated with the Social Policy Action Network, for example, supported by the influential Annie E. Casey Foundation, reviewed state and local initiatives already



underway to develop “Seven Core Learnings” about programs to enhance fatherhood “especially among low-income, unwed men.”<sup>21</sup> Their findings missed most of the most severe economic and carceral circumstances facing poor parents, as well as the discrimination they faced. Enhancing fatherhood was considered apart from, if not alternative to, transforming the educational system in low-income communities; making literacy, college preparation, or higher education free for parents; making the TANF Family Violence Option<sup>22</sup> mandatory on states; or ensuring that teenagers could access free abortion and a full panoply of birth control technologies. The Social Policy Action Network report on fatherhood promotion profiled, among others, a Texas program called PAPA, which added information about the costs of fatherhood (but not about the availability of abortion or the risk of HIV/AIDS) to middle school and high school curricula.<sup>23</sup> It ignored militarized policing and overincarceration in nonwhite and poor communities but promoted carceral-style boot camps for economically impoverished fathers. Its authors offered the optimistic prediction that “by promoting marriage and two-parent family formation, states can save a fortune in social services and correctional expenses later on.”<sup>24</sup>

Fatherhood politics had become bipartisan well before Obama made his Father’s Day campaign speech. As with other aspects of the political and intellectual surround of welfare reform, not all Democrats participated in this bipartisanship. But many did. Wendell Primus, for example, a longtime Washington social policy expert—described as a “liberal lion” in a piece about his later work as senior advisor to Speaker Nancy Pelosi<sup>25</sup>—argued that fatherhood promotion should hold a major place in antipoverty policy. Primus had served as a senior political appointee in the Department of Health and Human Services under President Bill Clinton until Clinton’s decision to sign PRWORA prompted Primus to resign in protest. In a 2001 briefing paper Primus coauthored with conservative researcher Ron Haskins, Primus issued a full-throated call to direct assistance to poor fathers, while marrying off poor mothers. Primus and Haskins argued that “states should be encouraged or required to help low-income fathers increase their employment and earnings.”<sup>26</sup> Although they cautioned that single motherhood had not been proved to *cause* poverty, they built a patriarchal argument from assorted correlations between single motherhood and adverse child outcomes. Therefore, they maintained, publicly funded marriage promotion “would be a good way to reduce child poverty and to promote child and adult well-being more generally.”<sup>27</sup>

Neither Democrats nor Republicans who favored fatherhood promotion as antipoverty policy were able to reconcile their assumptions with those of advocates for victims of domestic violence. This was not surprising: a feminist interpretation of domestic violence would include the notion that any policy that enhanced the economic power of men over women was also likely to enhance abusers' ability to mistreat their partners. Even rhetorical promotion of patriarchal family relations (fathers' family "headship" and mothers' "dependency") might make it harder for victims to imagine leaving and therefore expose them to more violence. One of the best policies to help those who had experienced violence was a generous cash welfare program for single parents, with supportive services they could access at will.

A study by Legal Momentum (as NOW-LDEF was renamed in 2004) and the National Resource Center on Domestic Violence, published a few years after reauthorization, found that 96 percent of professionals surveyed thought that when TANF works well, it provides important resources for victims.<sup>28</sup> But only 14 percent of respondents said that TANF works well in their states, while 43 percent observed that fewer than half of family violence victims were able to access TANF benefits. Respondents also expressed concern about TANF's inattention to safety issues in the course of child support enforcement. And a large segment pointed out problems arising from caseworkers' demands on clients for documentation; delays in receiving benefits; sloppy handling of confidential information; and state failures to recuse from time limits and work requirements people who disclosed family violence. Overwhelming majorities of respondents recommended employment services that help women earn more money, greater access to child care, emergency aid for people fleeing their homes, and higher benefits—but not more fatherhood promotion or increased contact with abusive men.<sup>29</sup>

One egregious example of the bipartisan unwillingness to comprehend the feminist and violence-sensitive perspective was an attempt at rapprochement between fatherhood policy activists and antiviolenace advocates, led by the Ford Foundation. The Center on Fathers, Families, and Public Policy, whose board was chaired by Wendell Primus (then of the Center on Budget and Policy Priorities), and which was a policy arm of the Ford Foundation, convened two meetings in Madison, Wisconsin. The report on these meetings chronicled the "barriers to collaboration" between fatherhood promoters and feminist antiviolenace advocates. It made no recommendations for antipoverty policies that would better protect women or support the underfunded feminist domestic violence infrastructure. It concluded with only

a weak endorsement of the idea that fatherhood programs, themselves, should address the issue of violence.<sup>30</sup>

After the reelection of President George W. Bush in 2004, fatherhood, child support enforcement, and faith-based grants became ever more central to domestic public policy. This was the immediate backdrop to the reauthorization of TANF, which finally occurred in 2005–6. One locus of pro-fatherhood advocacy, which had the full support of the administration, was the National Fatherhood Institute (NFI): former officials of the Reagan and earlier Bush presidencies had founded NFI in 1994. By the middle of George W. Bush's time in office, NFI had become an important advocacy group, which received public monies to support fatherhood and heteronormative marriage. There was no comparable effort to value and promote the contributions of mothers. "Celebrating fatherhood is something our whole society should be doing," First Lady Laura Bush said at a gala awards celebration for NFI.<sup>31</sup>

### ***Contesting TANF***

Although they were persistently marginalized in Washington, D.C., welfare recipients and advocates for their well-being participated in the debates over TANF reauthorization in the George W. Bush era. Two of the more visible national projects were Welfare Made a Difference and Welfare Warriors. The former began as a project of the Community Food Resource Center in New York City and was founded in 2000 to participate in the reauthorization debate. It sought to educate a national audience of legislators and members of the general public about the "value of a reliable, adequate, and non-punitive welfare system."<sup>32</sup> The Welfare Made a Difference National campaign told the stories of individuals who had used public aid to escape abuse, raise healthy children, complete their educations, and create satisfying lives and careers. Participants protested limitations in the TANF rules on access to education and profiled onetime recipients such as Massachusetts state senator Diane Wilkerson, who completed her schooling and raised her children while receiving benefits.<sup>33</sup> In 2003, the group worked with cosponsors Americans for Democratic Action, NOW-LDEF, the National Organization for Women, the National Council of Women's Organizations, Bread for the World, and the Women's Committee of 100 to mount "Shirt off Our Backs Day" at Upper Senate Park across from the Russell Senate office building. The display of T-shirts (as well as photographs and written testimonials) was part

of a plea to members of Congress that they “Do No Harm” in TANF reauthorization, and be mindful that further cuts in economic support for single mothers and their children would effectively, the activists argued, rip the shirts from their backs.<sup>34</sup>

Welfare Warriors was an organization of welfare mothers pursuing group self-help and welfare rights, based on the principle that “Motherhood IS Work.” Its leader was a Milwaukee, Wisconsin, TANF client named Pat Gowens. Welfare Warriors began, according to the group’s website, with the founding of a newspaper for welfare recipients in Milwaukee in 1986. In the early 2000s, the group was still publishing its paper, *Welfare Mothers’ Voice*, which had come to serve public assistance recipients across the United States. The paper also covered grassroots disability activism and participated in debates over gender, sexuality, and social policy around the world.<sup>35</sup> Welfare Warriors wrote a song about TANF reauthorization in 2001, which the group revised for the debate in 2005.<sup>36</sup> “Stop TANF in 2005” (to the tune of, “Walking in a Winter Wonderland”), began: “Congress meets . . . Make them listen / To the voices of the victims / The mamas know best why TANF is a mess / Stop TANF in two thousand and five.” Its final verse revealed the anticorporate dimension of the group’s philosophy: “We know why the welfare bill passed / Why the Congress put the moms last / The bosses want more cash / Off families they can trash / Stop TANF in two thousand and Five.”<sup>37</sup> Following the Christmas carol theme, they also shared with the activist community the anthem, “The Twelve Days of Welfare”: “On the twelfth day of welfare the system gave to me . . . No child care service / Crooks in charge of welfare / Ten angry talk shows / ‘Motivation’ meetings / Phony baloney job search / Maximus<sup>38</sup> and Workfare / One termination / No ben-e-fits / A five hour wait / No call back, No fo-od stamps and A [case]worker that never did work.”<sup>39</sup>

### ***Reauthorization Without Reform***

Ending years of inconclusive continuing resolutions, TANF was reauthorized as part of the omnibus Deficit Reduction Act (DRA) passed in 2005 and signed by President Bush in February 2006. The statute encapsulated several of the priorities of the Bush White House and of Republicans in Congress. The DRA passed on a close party-line vote and was followed by a remarkable “Signing Statement” in which the president voided a section of the law that mandated “consultation with a legislative agent,” that is, with Con-

gress, as “a precondition to execution” of its welfare provisions.<sup>40</sup> With this as background, the administration issued “final interim” rules for the newly reformed TANF program quickly and with minimal input from the interested organizations that would usually weigh in on executive regulations that implemented major changes and affected large numbers of people. The regulations published in June included important details about how the Department of Health and Human Services would henceforth administer TANF.<sup>41</sup>

This reform of welfare reform reprised the gendered dimensions of PRWORA and TANF and carried them further. From an intersectional feminist perspective, this moment of policy reform may be seen as a kind of *reductio ad absurdum* of policy toward poor mothers, the statutory purposes of which did not include reducing poverty, sexism, or racism. Like PRWORA, the amendments that became law in 2006 privileged the two goals of enhancing poor people’s participation in the formal labor force and making their personal lives conform more closely to what were imagined as conventional marital patterns and gender roles. The renewed emphasis on labor-force participation continued to efface and disparage public assistance for caregiving parents; the whole point of public aid from the early through the late twentieth century had been to offer mothers a refuge (howsoever inadequate) from full-time waged labor when they were raising children without a second parent’s or partner’s contribution. The elements of the reauthorization package that touched on marriage and traditional gender roles arrived on the heels of eleven state ballot initiatives against same-sex marriage, which Republican strategists had promoted in order to enhance the “values vote” in 2004.<sup>42</sup> Middle-class, heterosexually identified people were marrying later, and less consistently, than at any time since World War II.<sup>43</sup> Like a funhouse mirror, welfare policy reflected tensions about gender and sexuality that were present throughout the culture, enhancing and distorting them in the process.

The strictures contained in welfare reauthorization were aimed at the states, leaders of which would in turn be responsible for applying them to TANF clients. The law did not change the number of hours people were required to work. However, it demanded that the states meet a target of having 50 percent of their TANF recipients in the workforce by October 2006 (90 percent for two-parent families). It included new requirements for counting, surveilling, and verifying work activity duration, backed up by a financial penalty of up to 5 percent of a state’s TANF block grant for failure to meet these requirements.<sup>44</sup> These aspects of the statute made the programs more

cumbersome and complex to administer—belying the promise from the debate over welfare reform in the middle 1990s that states would be liberated to serve as laboratories of innovation. The administration's "final interim rules" exacerbated the burdens on state and local governments by defining what counted as work for TANF participants and dividing the category into "core" and "non-core" activities. The former included unsubsidized employment and various unpaid work, such as providing child care for another welfare mother. Unpaid work would be compensated only via the welfare grant itself: TANF aid, plus the cash value of food stamps, divided by the federal minimum wage would produce the number of hours required or "remunerated" by TANF participation. Only TANF clients' performance of "core" activities would count toward the work participation target states were required to meet.<sup>45</sup>

One particularly revealing portion of the law was its treatment of participants' access to education. This illuminated the enormous distance policy had traveled in a short span of historical time: the Family Support Act of 1988 (FSA) was a serious welfare reform, even, in the view of some contemporary observers, a draconian one.<sup>46</sup> It was built on the principle that mothers who could do so were expected to participate in the labor force. To enable employment, Senator Daniel Patrick Moynihan and other architects of FSA permitted participants to access educational programs appropriate to their vocational goals, including secondary school, vocational training, community college, and even four-year B.A. programs at renowned colleges.<sup>47</sup> Full-time education or training was one way a parent could meet the FSA work requirement. By contrast, TANF reauthorization counted as work only twelve months or fewer of vocational education. Participants in such programs were counted within an overall maximum of 30 percent of a state's caseload allowed to pursue education at a time. Mothers who sought to complete GEDs, or gain other education related to their goals, were *not* counted as working unless they were under twenty years of age.<sup>48</sup> TANF mothers who sought extensive training in potentially lucrative fields, or postsecondary degrees that might expand their intellectual and professional horizons, were not considered to be working.

Despite the rhetoric about families that surrounded reauthorization, the law failed to support families in several critical ways. The statute made an additional \$200 million per year available in child care funding for the years 2006–10 (when TANF would need to be reauthorized once more). This was, researchers concluded, less than would be needed to maintain the level of

child care subsidy that existed prior to 2006, given the predictable rate of inflation in child care costs. It was less than the amount necessary to provide child care aid to the additional parents who would be required to participate in certified work activities under the new rules. The funding was reliant on matching by the states; unlike child care under the Family Support Act, it was not an entitlement that parents were sure to receive but a capped grant to be distributed to states.<sup>49</sup> In a classic piece of think tank understatement, students of social policy at the Center on Budget and Policy Priorities (CBPP) and Center for Law and Social Policy (CLASP) predicted that the new rules, plus the below-inflation-rate increase in the child care grant, might “create difficult choices for states that want to continue serving both TANF families and other low-income working families.”<sup>50</sup> In other words, politicians would need either to seek higher child care budgets from reluctant state legislatures or cut impoverished families adrift in an unaffordable child care marketplace.

The work participation mandate under TANF reauthorization captured parents who had previously been largely exempt from welfare work requirements. Even families headed by teenage mothers were to be counted in the total caseload against which states would be held to the 50 percent (or 90 percent) participation standard.<sup>51</sup> TANF reauthorization made no specific accommodation for parents with disabilities, who were also counted in the group against which the work participation target would be assessed. This amounted to a major shift, given that a large (and, as overall caseloads dropped, ever-larger) portion of the population receiving TANF aid was disabled.<sup>52</sup> At the same time, the statute acknowledged that TANF, like all federal government programs, was subject to the requirements of Section 504 of the Rehabilitation Act of 1973 (which promised equal access to federal government programs and resources irrespective of dis/ability) and the Americans with Disabilities Act (which applied to private as well as public institutions).<sup>53</sup> “There were many ways in which [the Bush administration] could have promulgated rules that would have made it easier for states to serve families with barriers and to comply with their obligations under . . . ADA and Section 504,” analysts concluded. But the administration did not utilize any of those ways.<sup>54</sup>

TANF reauthorization participated in the gender and sexual politics of the era in which it became law. It privileged heterosexuality and masculinity in their ideal or archetypal forms but did not grant benefits unequivocally to heterosexual couples or individual men. The new requirement that states place 90 percent of two-parent families in approved work activities, for

example, was likely to drive bureaucrats and politicians to keep two-parent families off their caseloads—even as the Bush administration was singing the praises of fatherhood and married childrearing.<sup>55</sup> This nearly impossible to reach target may have deprived two-parent families of benefits. But it served the ideological association of masculinity with mainstream labor force participation and the myth that the way for women to escape poverty was to marry men. Similarly, the child support policies written into TANF reauthorization were slightly more punitive than the original version of the program had been, for example, lowering the amount of money in owed child support that would trigger the invalidation of a father's passport.<sup>56</sup> In theory, TANF reauthorization allowed states to improve the incomes of single-mother families with child support awards: states could reserve a greater amount of child support money for them than had previously been permitted, instead of using the money to reimburse the state for its TANF costs.<sup>57</sup> (The permission to help custodial parents in this way was undercut by a major drop in the amount allocated for child support enforcement. This budget shortfall made it difficult for states to collect child support money and disinclined them to give up the funds they collected.)<sup>58</sup> Some of these policies penalized fathers or had the potential to aid mothers. But they affirmed masculinist principles, such as the idea that male income was the most appropriate source of financial support for children, and that a mother's dependency on a male partner was beneficent while her dependency on welfare made her *ipso facto* a bad citizen.

In addition to all the above, TANF reauthorization created a new funding stream of \$150 million per year in grants to promote "Healthy Marriage" and "Responsible Fatherhood." These grants were to be distributed by the Department of Health and Human Services to state and local governments, nonprofit agencies, and profit-making companies.<sup>59</sup> Supportable activities included "public advertising campaigns on the value of marriage," "education in high schools on the value of marriage," and "divorce reduction programs."<sup>60</sup> The law permitted states to use money earmarked for TANF to cover state contributions to the "healthy marriage" program.<sup>61</sup> The rhetoric of the program was silent on the barriers couples faced in obtaining and retaining adequate income, barriers heightened by other parts of the statute and regulations. It ignored the effects on marital success and paternal involvement of racism, overpolicing, public underinvestment in educational and employment opportunities, and insufficient, unaffordable child care options.



Welfare Warriors responded with an angry article in *Welfare Mothers' Voice*. Pat Gowens informed readers that Congress and the White House had cut funds for nutrition and health care programs, student financial aid, and child support enforcement. In addition, the political leaders “underfunded necessary childcare,” which Gowens predicted would result in states depriving millions of TANF applicants of benefits. On the other hand, the article noted, Congress made funds available for those the welfare rights leader termed “marriage poverty pimps,” who would “earn living wages to teach us poor folks how to stay with our batterers and abandoners.”<sup>62</sup>

Of the major Washington groups, Legal Momentum was the most reliably indefatigable critic of the sexism and patriarchalism of the reauthorized law. Reports by mainstream liberal-leaning think tanks and advocacy groups indicated alarm at TANF reauthorization. However, their alarm did not sound against the gendered insults and injustices of reauthorization provisions such as punitive heteronormativity regarding “responsible fatherhood,” or heightened support for marriage-promoting programs aimed at creating Ozzie-and-Harriet families on the cheap. Legal Momentum protested to federal officials even before the new TANF regulations were circulated. Its attorneys repeatedly warned the Bush administration that the materials produced about the fatherhood initiative violated women’s civil rights by at least appearing to describe a program for only one gender.<sup>63</sup> Tim Casey of Legal Momentum urged “an immediate investigation of whether . . . responsible Fatherhood programs [were] discriminating against women.” He noted that the Department of Health and Human Services had announced one hundred fatherhood grants. Of these, the Goliath was an award of just under \$1 million to the National Fatherhood Institute, formerly led by Wade Horn, who headed the bureaucratic office that made the grant.<sup>64</sup> NFI planned to use the funds for “capacity-building” in the field of fatherhood promotion and was permitted to circulate its own Request for Proposals and distribute the money as its leaders saw fit. According to Casey, NFI did not clearly state that sex discrimination was illegal, and that mothers must therefore receive the same services fathers did.<sup>65</sup>

### ***Intersectional Patriarchs: Democrats Reach for Consensus***

Spending millions on unproven efforts to make low-income parents marry, and to keep fathers in the lives of mothers, was a Republican idea. However, the rhetoric and proposals of many Democrats fit with the direction TANF

took during the George W. Bush era. The platform on which John Kerry ran for president in 2004, for example, committed his party to “expanding the middle class” and not to eradicating poverty. This would be accomplished in part by “continuing on the path of welfare reform.” Democrats would “expect *increased responsibility from fathers* as well as mothers by tightening child support enforcement and promoting responsible fatherhood.”<sup>66</sup> Kerry’s running mate, Senator John Edwards of North Carolina, had cultivated an enthusiastic following in the Democratic primaries by inveighing against “two Americas,” rich and poor, white and nonwhite. Edwards spoke at the Democratic National Convention about the country’s “moral responsibility” to alleviate poverty. But even he brushed past the extraordinary poverty of single mothers. Without offering specifics, Edwards pledged to “finish the job on welfare reform.” He failed to articulate a plan for people who were not in the labor force full time, while defining Democrats as people who would “say no forever to any American working full-time and living in poverty.”<sup>67</sup>

Following the 2004 election, John Edwards created the Center on Poverty, Work, and Opportunity at the University of North Carolina, from which he planned his political future. At his first major conference, the sparse presence of feminist scholars signaled the foreshortened debate, the narrow limits of the thinkable and sayable among poverty scholars who were taken seriously in policy circles. Economist Isabel Sawhill,<sup>68</sup> of the Brookings Institution, spoke of a social scientific consensus “that children are usually better off growing up in an intact, married household with both of their biological parents.” This consensus may have existed among many beltway policy intellectuals but did not among feminist academics. She recommended public policy to create or sustain “intact families” as a promising way to “reduce child poverty and a lot of other social problems.”<sup>69</sup> Her analysis barely acknowledged feminist critiques of traditional marital norms and of male-dominant households as cradles of inequality and violence (although Sawhill acknowledged that violent homes were an exception to the general rule of two-parent marital childbearing being optimal for children). It discounted the work of adoptive parents, those in same-sex relationships, single parents, and stepparents. Sawhill insisted that children raised by their married biological parents were “no question” economically, socially, and emotionally “better off” than children in other familial arrangements.<sup>70</sup>

The data indicate that the benefits of marriage per se are chimerical, although resource inequalities between married and unmarried families are

profound. The economic benefits of marriage are due to the presence of a male income to supplement mothers' structurally low wages, as well as to government policy that privileges the married form of family. Indeed, among single-parent families, those headed by fathers are far less likely to be poor than single-mother families; they are also far fewer in number than single-mother families.<sup>71</sup> While marriage is one way to mitigate the economic challenges of single motherhood, so, too, would be reliable government programs of familial support such as child care, paid family and medical leaves, early childhood education, universal physical and mental health care, after-school programming, year-round nutritional resources, access to education and training, and, especially, cash assistance.

Among the researchers Edwards gathered, there was no real dissent to Sawhill's point of view. Edwards himself had nothing of substance to say about what he called "the role of family issues in perpetuating and alleviating poverty."<sup>72</sup> Greg Duncan, still an active scholar two decades after publishing dramatic results from the Panel Study of Income Dynamics (which found that receiving public assistance was a normal occurrence for adults in the U.S. and that people overwhelmingly used the benefits as designed, to sustain their families during emergencies),<sup>73</sup> drew on academic research that approached low-income people's marital decision making with greater subtlety than Sawhill did.<sup>74</sup> But rather than problematize the focus on marriage, he suggested that programs that increased family earnings and provided stable child care assistance could help increase marriage rates.<sup>75</sup> It was left to Bush administration conservative and longtime fatherhood advocate Wade Horn to say that policy makers should not confuse a pro-marriage strategy with an antipoverty strategy; he believed in promoting marriage for its own sake. Horn argued that marital child rearing had reduced poverty not because of its intrinsic economic value but because it freed parents to participate more in the labor market. Moreover, he said, very low market earnings were supplemented by an Earned Income Tax Credit that had increased dramatically in value since the Bill Clinton administration, and so families with adults who were in the labor market did far better than those without market wages.<sup>76</sup> The economic advantage of married over unmarried people was not the fruit of marriage itself but of the way our society had chosen to subsidize earnings based on marriage while exposing the unmarried and unpaid to economic precarity, particularly when parenting while single and female.<sup>77</sup>

### *My Brother's Keeper?*

In the run-up to the 2008 elections, the rising generation of Democratic leaders resisted some of the Republican specifics on welfare reform but continued to participate in the discourse and policy of fatherhood promotion. In 2006, Senator Barack Obama cosponsored a fatherhood bill with conservative Democrat Evan Bayh. The proposed law lingered in the Senate Finance Committee through Obama's presidential run. But it helped define fatherhood as what a writer for the *New York Times* called a "signature" issue for him and formed the basis for the speech he ultimately gave on Father's Day 2008.<sup>78</sup> Senate bill 3607, the Bayh-Obama bill "to ensure funding for grants to promote responsible fatherhood and strengthen low-income families," was more internally consistent than the TANF reauthorization law had been; it was fatherhood promotion without as much father discipline as Republicans favored.<sup>79</sup> Obama and Bayh (with help from Vicki Turetsky of CLASP) would, for example, have eliminated the mandate that states place 90 percent of two-parent families in work activities and therefore removed that disincentive to serving married people.<sup>80</sup> However, they reprised the emphasis on paternal child support as a route out of poverty for women and children.<sup>81</sup> They did not question the other party's treatment of child support as a morally better source of mothers' income than government grants. And they never puzzled over the belief, implicit in the policy, that women with partners who could pay child support should be less poor than women without such partners. Obama and Bayh departed from the bipartisan consensus when they included male unemployment and low wages, and parents' incarceration, among the reasons some fathers were not in their children's lives.<sup>82</sup> Their bill required that agencies receiving fatherhood funds consult with domestic violence experts—a departure from the optional family violence provisions that remained in the reformed welfare reform. The senators also authored a new grant program for domestic violence prevention and services for people who had experienced violence.<sup>83</sup>

Like his eventual heir, former president Clinton shared his thoughts on the reauthorized TANF program and on how to move forward. He took PRWORA's tenth anniversary in August 2006 as an opportunity to express authorial pride for TANF rather than ring a tocsin of alarm. He celebrated the child support enforcement his administration pursued against low-income fathers as "the toughest . . . in history."<sup>84</sup> While acknowledging criticism he had received from liberals, as well as resignations in protest of the

1996 law, Clinton nonetheless argued that “welfare reform worked because we all worked together” and “never betrayed our principles.”<sup>85</sup> Regarding the Republican-driven reauthorization, he did not mention the gender-specific fatherhood program, drastic work participation standard for two-parent families, lack of accommodation for adults with disabilities, or insufficient child care funding. However, he did call the Bush administration out for narrowing TANF recipients’ access to education (in the regulations that defined “work activities”). The fix he proposed was a bipartisan coalition to pass additional legislation that would give state governments the option to count higher education as work.<sup>86</sup>

When Senator Barack Obama first ran for president in 2008, many Democrats remained wedded to a bipartisan set of ideas about poverty’s behavioral causes and cures. These ideas shared a privatizing impulse, locating economic security in the efforts of individuals: hard work, self-reliance, and child raising within two-parent, married biological families. A campaign advertisement titled “Dignity” captured then-senator Obama’s embrace of these ideas. Airing for the first time just after his Father’s Day speech in June 2008, the ad described the candidate as someone who “worked his way through college and Harvard Law.” It gave Obama credit for an Illinois statute implementing PRWORA and TANF, enacted while he was in the state senate, which “move[d] people from welfare to work, slashed the rolls by eighty percent.” As president, the advertisement promised, Obama would “reward those that create jobs in America. And never forget the dignity that comes from work.”<sup>87</sup> Liberals and Democrats enthused about the Obama approach, with a writer for the left-of-center *American Prospect* magazine, for example, celebrating a new Democratic “political conversation about fatherhood” that promised a solution to poverty in African American communities. “Ultimately all the money in the world fails to fill the emotional void left by an absent father,” Adam Serwer wrote.<sup>88</sup>

President Obama’s policies were consistent with his campaign commitments to welfare reform and fatherhood promotion. His administration never tried to remove the TANF work requirements or rewrite the heightened standards that were imposed on the states, and therefore on poor people, in the reauthorization of 2005–6. (It did invoke the emergency measures included in the original TANF legislation to extend time limits during the recession and offered states the option of waivers to increase flexibility regarding clients’ work activities.)<sup>89</sup> The Obama White House maintained the signal Bush-era domestic policy initiative, renamed the Office of Faith-Based and

Neighborhood Partnerships, and made “Promoting Responsible Fatherhood and Strong Communities” one of four “key priorities” for that office.<sup>90</sup> In 2009, the president hosted forums around the country on “fatherhood and personal responsibility.”<sup>91</sup> He followed in 2010 with the President’s Fatherhood and Mentoring Initiative, which called for added investment in job training and economic incentives for noncustodial, but not for custodial, parents, as well as “a new and expanded Fatherhood, Marriage and Families Innovation Fund” to “scale up” the “network of support for men” throughout the United States.<sup>92</sup> “Nurturing families come in many forms,” read the administration’s 2010 Father’s Day Proclamation, “and children may be raised by a father and mother, a single father, two fathers, a step-father, a grandfather, or caring guardian.”<sup>93</sup>

The administration continued its emphasis on men and boys through the end of Obama’s second term.<sup>94</sup> In 2014, the White House initiated My Brother’s Keeper, a set of public-private partnerships to promote the educational and career success of men and boys of color, which were shepherded into being following the killing of unarmed African American teenager Trayvon Martin in Florida. Under pressure, the administration made some of the language in its My Brother’s Keeper materials gender neutral and supportive of nonwhite girls. But the project continued to skew male to an overwhelming degree. And, although it skewed male, it did not address the need for criminal justice reform, the gendered and racist causes and effects of mass incarceration, or, indeed, the politics of paternal responsibility that has burdened many low-income fathers with stigma and overwhelming financial obligations.<sup>95</sup> Fathers such as Paul Gayle, a high school graduate from Milwaukee, attended fatherhood classes approved by the White House. Gayle hoped for help to pay for things his baby needed (“he had been buying Pampers one at a time,” Eli Saslow reported in the *Washington Post*). But he got nothing but bromides.<sup>96</sup>

Meanwhile, fathers such as Walter Scott in South Carolina suffered for nonpayment of child support in the context of a bipartisan war against “deadbeat dads” that had started in the late twentieth century and was seemingly stronger than ever in the twenty-first. Scott was one of those low-income African American fathers whose ex-partner relied in part on public assistance. Obama’s fatherhood address during his campaign for president had promised to make things “harder” for such men because they failed to make “responsible choices.” Scott served six months in jail during the year of Obama’s electoral victory, supposedly the postracial apotheosis of

U.S. politics. At the time of Scott's killing by police in 2015, there was a warrant out for the arrest of this fifty-year-old father of four—the latest in a string of warrants, which had caused him to lose jobs but had never resulted in him meeting what the state treated as his child support obligations. When he was stopped for a broken tail light, Scott's family theorized, he probably ran because he was unwilling to rejoin the one-eighth of South Carolina prison inmates jailed for overdue child support.<sup>97</sup>

## *Conclusion*

### Toward Ending the Vulnerabilities of Single Mothers in Poverty

The war on welfare was won long before Donald Trump was elected president in 2016. The celebrated bipartisan welfare overhaul of the mid-1990s began a two-decade-long process of federal disengagement from the well-being of poor people, especially single mothers raising children on their own. By 2016, the welfare system that had once provided a modicum of income support for families in poverty was unrecognizable, in good measure because the federal government had changed the terms of support for individuals and had broadened the flexibility allowed states in spending block-granted welfare money. By 2016, states spent only 25 percent of their block grants on basic assistance, down from 70 percent in 1997; in some states, cash assistance under the Temporary Assistance for Needy Families (TANF) program reached fewer than ten of every one hundred poor families, and at levels too low to boost them out of deep poverty.<sup>1</sup> By the time Donald Trump took office, many states had decided to spend their block grants largely on services rather than cash assistance, on regulating people rather than assuring them a lifeline. Some of these services, such as marriage promotion, were aimed as much at nonpoor heads of families as at poor ones.

The war on welfare succeeded in reducing TANF caseloads and driving poor single mothers to the fringes of the safety net. But the arguments and stereotypes that fueled welfare reform continued to spur anger and organize assaults against government assistance to the poor or near-poor. By the start of the Trump era, the most familiar anti-welfare tropes had receded from primetime political discourse. Indeed, Donald Trump's famously racist and misogynist campaign recruited its electoral college victory mostly without



resort to the demonizing of welfare mothers. But the campaign harvested white, patriarchal resentments that had crystallized over time. In the second decade of the twenty-first century many white voters spoke the language of welfare reform fluently even though the system it described had ceased to exist. The people interviewed by one scholar railed against all government because they associated it with funding for “unwed mothers,” for “fun at night gals on the dole,” and for citizens who only pretended to need welfare state services, such as income-sensitive Head Start for their children or disability benefits for themselves.<sup>2</sup>

Trump’s infant presidency and the Republican congressional majority deployed the framework of welfare reform to assail all forms of social provision by the federal government. Eager to choke off access to the safety net, the ruling party variously proposed capped funding, block grants, and work requirements to shrink government programs such as Medicaid, food stamps, housing, and Supplemental Security Insurance (SSI).<sup>3</sup> As for welfare—TANF—itsself: Republicans aimed to intensify its disciplinary mechanisms, especially work requirements, in ways that would make poverty assistance virtually unattainable or its terms wholly untenable for poor families.

Sadly, Democrats have not offered robust alternatives to the cramped and punitive model elaborated in the 1996 welfare law. The 2016 Democratic Party platform did not mention TANF or single mothers. It defended food stamps (the Supplemental Nutrition Assistance Program, or SNAP) and the crucial antipoverty program, the Earned Income Tax Credit (EITC), without including a plan for reinstating the safety net.<sup>4</sup> While exuberant in their pledge to promote labor market equity—including support for temporary caregiving leave from the labor market—the Democrats paid short shrift to economic vulnerabilities that arise when low-income parents, especially single mothers, cannot make ends meet in the labor market and cannot survive outside it. And while uncompromising in its support of certain women’s rights, including a pledge to restore Medicaid funding for abortions, the platform steered clear of reclaiming a full array of rights for low-income single mothers who need welfare assistance, let alone the right to welfare assistance itself.<sup>5</sup>

Failures in Democratic attention to poverty, income assistance, and poor single mothers might seem odd in a party increasingly boastful of its progressivism, its feminism. But 2016 marked twenty years of Democratic neglect of the most vulnerable women, low-income mothers raising children. It also marked twenty years of ever more strident discourse celebrating

“working” families (parents who work and gain social protections in the mainstream labor market) and the “middle” class (people who enjoy stable, livable incomes through full-time participation in that labor market). For some reason, Democrats in the 1990s determined that they would or could not pursue both economic security for the poor and fairness for the middle class. The Democratic all-in investment in the well-being of the middle class was supported by the prescriptive patriarchal turn in key Democratic assessments of poverty, which placed paternal child support and male-dominant, heterosexual marriage at their center. Even as they fought for intimate liberty in the realms of abortion and LGBT rights, leading Democrats and some feminists overlooked the ways in which welfare policy continues to limit poor mothers’ self-sovereignty through various sexual, reproductive, and familial interventions.<sup>6</sup>

As we complete writing this book, Republicans have redoubled their war on the welfare state, and Democrats have answered with stolid rebuttal. We think Democrats, as well as unaffiliated progressives, should do more than simply defend ongoing social welfare spending. They should challenge the stereotypes and stigmas that are embedded in programs such as TANF; should fight to extend and enforce rights for everyone, regardless of an individual’s or family’s wealth; should give pride of place in their agenda to policies for the most subordinated, marginalized, and unequally treated; and should reconfigure principles of work and desert to reward the value of contributions that have long been associated with inequality, such as caregiving. Here, we take the opportunity to illuminate our prescriptive conclusions by reviewing some of the Democratic disappointments of recent years. We consider the most significant antipoverty measures of Obama’s two terms in office, especially those associated with the stimulus package, along with the political forces that limited their reach. We consider paths not taken, or foreshortened. We end by culling the key lessons of welfare reform, from Clinton through Obama, hoping they resuscitate unvarnished progressive attention to ending poverty, mitigating the economic insecurity of low-income single mothers, and ensuring equality through inclusion, opportunity, and access.

### ***Poverty, Inequality, and Single Mothers Under Obama***

Many people who voted enthusiastically for Barack Obama in 2008 were disappointed to find that poverty and economic inequality did not abate by the end of his presidency. Champions of the Obama administration argued that

continuity in these measures of injustice was due to implacable Republican opposition to change. And indeed, opposition to social policy expansion was strong in the Republican congressional caucus and in semi-outsider groups such as the Tea Party.<sup>7</sup> However, leading Democrats neglected to declare or demand a reset in the rhetoric and policy about poverty. Their neglect sustained the environment in which opponents of social policy expansion could thrive.

The contradictions nestled within Democratic statecraft under President Obama were similar to those that had limited the reach of Clinton's presidency. At moments in his first national campaign, including in his acceptance speech at the Democratic Convention, Obama challenged the ideological tenets of the so-called ownership society, especially limited government, outsize regard for private property, deficit reduction, and the kind of "personal responsibility" demanded by PRWORA. However, Obama did not persist in this critique or in offering an alternative framework for political economy.<sup>8</sup>

The period from 2008 to 2016, the years of the Obama presidency, turned out to be a forsaken opportunity to reframe the politics of gender. Although Barack Obama was himself a transformational figure, his presidency carefully calibrated the degree of change it would pursue. As discussed in the prior chapter, Obama the candidate deployed familiar gendered tropes about poverty, committing to the politics of fatherhood by challenging African American fathers to rise to the ideals of patriarchy and blaming low-income mothers for breeding social ills. He drew from his portfolio, as both a state and a national senator, positions in which he had embraced core elements of 1990s welfare reform: desert through waged work and economic security through father-headed, two-parent family life.<sup>9</sup> As president, Obama never insisted that the country reexamine the gender myths that shaped TANF—of the "deadbeat dad," the marriage-resistant impoverished mother, or the laxity that supposedly defined welfare before Bill Clinton. By tying his administration to the 1990s welfare framework, Obama squelched serious consideration of both the economic and the self-sovereignty needs of familial caregivers.

### *Economic Stimulus*

The economic implosion that had begun in 2008 challenged the new Obama administration to confront questions of distribution, fairness, and the

adequacy of the safety net immediately. With support from Democratic majorities in both houses of Congress, the administration passed a historic package of policies designed as a Keynesian fiscal stimulus, that is, a program to place income in the hands of citizens, which in turn would spur economic growth when they spent the money they received.<sup>10</sup> The stimulus legislation, officially titled the American Recovery and Reinvestment Act (ARRA) of 2009, combined tax credits, tax cuts, and emergency expansions in funding for food stamps (SNAP), the disability-based program SSI, Unemployment Insurance, and TANF. Overall, the policies included in the Recovery Act abated increases in the poverty rate, reduced unemployment, and helped many people not only stay afloat but also continue spending in ways that sustained the consumer market.<sup>11</sup>

When he sent the Recovery Act to Congress, Obama insisted on a moderate tone toward the culprits of the hour, financial institutions that had made predatory loans, Wall Street manipulators who had unethically securitized and sold those loans, and politicians who abetted them. "In a time of crisis," he insisted, "we cannot afford to govern out of anger, or yield to the politics of the moment. . . . Our job is to govern with a sense of responsibility."<sup>12</sup> The president laid blame for the nation's economic straits on a Republican administration that had taken the surplus of the Clinton years and transferred "wealth to the wealthy."<sup>13</sup> But he also aimed judgment at those who could be understood as the prey in predatory lending, families who borrowed money to purchase homes they later discovered they could not afford.

Most provisions of the stimulus legislation were similar to previous policies. The portions of the law that touched the most people were tax cuts and credits, including an increased Child Tax Credit and credit for middle-class families paying college tuition. While fiscally significant, such "tax expenditures" hid government's contributions to family finances and guided family spending by choosing which activities to support. As closet transfers, tax expenditures helped sustain the fiction that most families did not participate in the welfare state.<sup>14</sup> The Recovery Act also aligned the national government with better-off families—those politicians referred to as "working families"—more than with the poor. The tax cuts and credits went mostly to middle-class Americans. And the rhetorical ambiance of stimulus policy favored so-called ordinary families, with homes, mortgages, college tuition to pay, two biological parents, and multiple cars in the garage—people who, it was implied, did not usually need help.<sup>15</sup> Unavoidably, this politics suggested that some people were usually poor and did not deserve additional help during

the recession or afterward. With the eyes of the country upon them, Democrats missed an opportunity to have a national teach-in on poverty and inequality, and on the interactions among race, gender, and economic vulnerability.

The Recovery Act contained important temporary modifications of TANF, including the addition of a new stream of TANF spending authorized for two years. This TANF Emergency Contingency Fund provided up to \$5 billion with which state governments could defray as much as 80 percent of their costs for cash assistance, short-term aid for clients, and subsidized employment. Under the regular TANF program, states had to satisfy federal requirements to receive block grants, including meeting targeted work participation rates. Under the Emergency Contingency Fund, states were “held harmless” temporarily for increases in their caseloads, but other regular program rules remained intact. Some states even tightened program rules, in the end dumping families from the rolls: for example, between May and September 2010, Arizona’s retroactive time limits, along with targeted reductions in child-only cases, removed fifteen thousand families from the TANF program. In other states, job search diversion programs and subsidized jobs blocked cash assistance claims, if cash assistance even was offered. South Carolina officials, for example, reported that they utilized Emergency Contingency Fund dollars to “keep our TANF cash assistance caseloads down. Ever since we started this program,” they reported, “our TANF caseload has been going down, even though our food stamp caseload is still increasing,” indicating a continued rise in desperation.<sup>16</sup> In fact, it was SNAP that kept many families out of deep poverty during the recession—although the dollar value of SNAP was very low relative to the poverty line and the support families received was for food only and did not cover other necessities.<sup>17</sup>

The American Recovery and Reinvestment Act was an effective economic stimulus and stabilizer, if not an improvement in antipoverty policy. Staff of the Economic Policy Institute concluded that it “arrested the economy’s sharp decline and spurred reasonably robust growth during the first year of the recovery.”<sup>18</sup> It slowed the pace of monthly job losses and pulled the economy out of a very deep hole.<sup>19</sup> Economic growth stalled briefly when the two years of stimulus funding were over, and annual growth in the Gross Domestic Product in the immediate postrecession years topped out at 2.6 percent, reached in 2015.<sup>20</sup> Beginning in January 2011, a Republican-controlled Congress imposed new spending cuts that were the opposite of

fiscal stimulus and allowed the flexibility temporarily allowed in relief programs under the Recovery Act to expire.<sup>21</sup> Although to little avail, the Obama White House did counter GOP plans to starve the welfare state with a 2011 budget proposal that would have channeled \$166 billion to continue several Recovery Act initiatives, including income-targeted tax credits, expanded Medicaid coverage, higher food stamp (SNAP) benefits, a one-time payment for SSI and Social Security recipients, and renewal of the TANF Emergency Contingency Fund.<sup>22</sup>

The end of stimulus spending for antipoverty programs was devastating for many of their recipients, whose fortunes did not improve significantly when the worst of the recession was over. The TANF Emergency Contingency Fund had disappeared before the first midterm elections of the Obama years: it was defunded at the end of September 2010. This action left thirty-six state employment programs, and roughly 235,000 jobs for low-income adults, without federal support.<sup>23</sup> Members of Congress extended the SNAP increase from the stimulus act until late in 2013. When they allowed benefits to drop back down to prerecession levels, food aid for roughly forty-seven million people declined by an average of 7 percent per person. Childless adults, on whom a three-month-long time limit for receiving SNAP had been imposed in PRWORA, saw the limit suspended in the Recovery Act. But the Republican Congress restored it and again took away their food aid.<sup>24</sup>

### *Welfare Politics*

As he shepherded the economy toward recovery, President Obama also pursued thoroughgoing overhaul of a vast sector of the economy, the health care industry. The centerpiece of his presidency, the Affordable Care Act (ACA) promised to improve access and coverage for millions of people through a combination of regulations, subsidies, and tax cuts and credits, as well as an expansion of Medicaid. While the ACA was a far-reaching reform, reducing the year-round uninsured rate to 9.1 percent in 2015, it also contained old saws from welfare reform. One section of the new law established a grant program for home visits to mothers of young children in “at risk” (poor) communities. The health law offered funds to improve poor mothers’ parenting, reduce crime, and promote economic self-sufficiency, among other nonhealth aims.<sup>25</sup>

The very idea of health care reform, even a reform that left the for-profit insurance system intact, spurred the rapid-fire development of a new politi-

cal movement, the Tea Party. Fueling this were claims such as those by radio host Rush Limbaugh, who called Obamacare (ACA) “a civil rights bill,” a form of “reparations,” or effort to have whites recompense African Americans for centuries of expropriation.<sup>26</sup> Resurrecting tired themes from anti-welfare discourse, the Tea Party–associated “9/12 Project,” which claimed to restore the principles and values of the Founders, included among its nine principles: “I work hard for what I have and I will share it with who I want to. Government cannot force me to be charitable.”<sup>27</sup> Scholars Vanessa Williamson, Theda Skocpol, and John Coggin found that Massachusetts Tea Party enthusiasts defined themselves “first and foremost” as workers (although nearly a third were retirees), and against those they characterized as “people who don’t work.”<sup>28</sup>

Assumptions that shaped welfare policy in the 1990s retained salience in the discourse of the 2010s. In fact, welfare tropes and stigmas played a key role in politics during President Obama’s quest for a second term. During his campaign for the Republican presidential nomination, former House Speaker Newt Gingrich mobilized welfare demons when he called Obama a “food stamp president.”<sup>29</sup> Gingrich suggested that the United States under its first African American leader was becoming an “entitlement society,” with citizens increasingly dependent on government aid.<sup>30</sup> In his general election campaign, candidate Mitt Romney ran a series of television advertisements that drew even more explicitly on the never-repudiated gendered and racialized myths of welfare reform. Romney attempted to blame the Obama administration for weakening TANF controls on the poor. In an advertisement titled “Right Choice,” an image of President Clinton signing PRWORA was contrasted with an Obama who supposedly “gut[ted] welfare reform.” In the language of the ad, “Obama’s plan” for welfare was tantamount to two ideas: “You wouldn’t have to work” and “you wouldn’t have to train for a job.”<sup>31</sup> Despite efforts to shame the Romney campaign for race-baiting, the Republicans ran two more ads along the same lines. According to a legal scholar who studied the issue closely, Romney also pledged at his rallies to “put work back in welfare.”<sup>32</sup> Democrats responded with familiar me-tooism, tying their party more firmly to the waged work ethic. Rather than weakening work mandates, they insisted, President Obama had compelled “states to move 20% more people from welfare to work.”<sup>33</sup>

The contretemps over welfare in 2012 was the by-product of an effort by the Obama administration to improve TANF administration for state governments. In February 2011, the White House directed executive agencies to

solicit from the states requests for help that would make it easier for them to administer federal programs. Utah and Nevada, under Republican governors, and California, Connecticut, and Minnesota, under Democrats, sought relief from the strict definitions of “work activities” that had been written into the regulations implementing TANF reauthorization in 2006. These regulations made it difficult for local administrators to find placements for their clients—especially those with “barriers” (disabilities)—that counted as work.<sup>34</sup> The Obama administration offered states the opportunity to apply for waivers from the narrow definition of “work activities.” This waiver opportunity was what the Romney campaign characterized as “gut[ting] welfare reform” and undercutting its work mandate.

Even after Obama won reelection, the Republican majority in the House of Representatives kept the issue alive. The Democratic Party’s fealty to welfare reform did not dispel Republican hectoring on the waiver issue. Neither did the fact that the tradition of welfare waivers had begun during the presidency of their own Ronald Reagan; or that conservative philosophy emphasized states’ rights; or even that Republican state governments were asking for help. In March 2013, the House of Representatives voted 246–181 (with eighteen Democratic votes and three Republican dissents) in favor of the Preserving Work Requirements for Welfare Programs Act, to block the administration’s waiver proffer.<sup>35</sup>

Echoes of the twenty-year-old welfare reform debate were heard repeatedly in the later Obama years. In 2015, some Republicans sought to impose work requirements on low-income recipients of Medicaid, or at least allow states to do so through waivers.<sup>36</sup> They did this as a coordinated response to ACA, which began roughly simultaneously in several Republican-dominated states.<sup>37</sup> The Obama administration blocked the proposed work requirements for Medicaid. But it did not renounce work requirements in other public assistance programs, such as TANF and public housing. Faced with long waiting lists for housing aid, the Obama administration included in its fiscal year 2014 budget a clause that would have widened the ability of local housing authorities to mandate waged work for their tenants.<sup>38</sup>

By the end of the Obama presidency, attacks on the idea that social provision could ever be justified appeared even in the so-called liberal media. In 2013, National Public Radio’s *Planet Money* and *This American Life* produced a multipart series on SSI that suggested many recipients did not deserve aid. They reported accurately that program rolls rose significantly after welfare reform. But the journalists inaccurately treated this as a sign



of fraud.<sup>39</sup> In the spring and early summer of 2017, as we embarked on the Trump era, the *Washington Post* published a pair of articles that summoned unfair assumptions about fraud and pathological dependency among those who turn to disability assistance: “Disabled, or Just Desperate? Rural Americans Turn to Disability as Jobs Dry Up” appeared in March 2017, followed in June by “Generations, Disabled: A Family on the Fringes Prays for the ‘Right Diagnoses.’”<sup>40</sup>

Republicans leveled similar charges of fraud at the contributory Social Security Disability Insurance (SSDI) program as well as at the smaller, means-tested SSI.<sup>41</sup> On the first day of the new Congress in 2015, Republicans in the House of Representatives committed themselves to allowing the national disability insurance fund to empty rather than allocating funds from the Social Security trust fund to what Representative Sam Johnson of Texas called “the fraud-plagued disability program.”<sup>42</sup> In his policy agenda for the poor, released in October 2016, Speaker Paul Ryan called for requiring labor market work, or preparation for work, in exchange for participation in all federal safety net programs. This would include SSI, which he wants to transform from cash assistance for the disabled poor to a work-preparation service program.<sup>43</sup>

### *Impoverished Thought*

The spectacular economic collapse that began in 2008 invited reconsideration of basic relationships—between state and society, capitalism and democracy, money and politics. However, renewed attention to inequalities by many liberal, left, and Democratic activists failed to spur a full rethinking of poverty, gender, and race, or about the stereotypes that stitched them together into the disdained figure of the welfare mother. Throughout the Great Recession, politicians and many inside-the-Beltway researchers continued to claim that welfare reform had succeeded, leaving no need for fundamental revision. Although the early twenty-first century had witnessed a cornucopia of critical writing on poverty by researchers in sociology, law, history, social work, and public policy studies, the sheer scale of economic displacement and vulnerability beginning in 2008 seemed to sideline intersectionalities and the vulnerability of low-income caregivers in social justice discourse—even as the vulnerabilities of everyman came into full view.<sup>44</sup> While groups such as the Institute for Women’s Policy Research and Legal Momentum continued to produce incisive research and policy proposals on

gender, work, and poverty, their efforts seemed to occur in separate and non-contiguous realms from the ones that both policy makers and on-the-ground activists fighting the “1%” took seriously.

In national policy, attention to the intersecting vulnerabilities of gender, race and poverty, which frequently collect at the nexus of caregiving within families, receded, even slid backward, during the recession years.<sup>45</sup> The liberal Democratic president was a bold advocate for women’s equality in some respects: for example, he chose as the first measure he would sign into law the Lily Ledbetter Fair Pay Act of 2009. Where women claimed access to and fairness in a traditionally men’s world—as in “equal pay for equal work”—President Obama and other leaders of the Democratic Party proved their feminist mettle. But they could not see past the labor market to envision a framework for women’s economic security in a traditionally *women’s* world, where inequality ruled and reproduced. Social justice feminists thought they had made ideological inroads in 2001–2, when they brought caregiving into mainstream view as Congress embarked on TANF reauthorization. By 2009, however, the idea that caregiving was a necessary element of any plan to redress economic vulnerability was treated as off-the-wall, even laughable.

The lasting and limiting grip of 1990s-style welfare thought was never more apparent than in a 2015 “Consensus Plan for Reducing Poverty,” published by two leading D.C.-based think tanks from opposite ends of the political establishment.<sup>46</sup> The organizations that produced the report were the conservative American Enterprise Institute and centrist Brookings Institution. Calling their own work “the most comprehensive and balanced analysis available anywhere,”<sup>47</sup> they gathered a working group that included David Ellwood, author of the plan that grew into Bill Clinton’s welfare reform and an official during Clinton’s first term.<sup>48</sup> Their report referenced bipartisan support for PRWORA as a sign of broad agreement on the values that should shape antipoverty policy.<sup>49</sup> It quoted an old speech by President Clinton, which promised Americans economic rewards for themselves and their posterity if they “work[ed] hard and play[ed] by the rules.”<sup>50</sup> But the authors ignored the fact that welfare reform did not deliver on this promise, as it demanded hard work (in fact, a double day of waged work and caregiving) and rule following without ensuring TANF participants economic advancement or even stability. The report embraced the menacing edge of welfare reform discourse: “The converse of” rewarding responsibility, it read, “is that if you fail to be responsible—if you don’t work hard or don’t play by the rules, then you aren’t entitled to a reward.”<sup>51</sup> The idea of entitlement was enlisted to suggest

that citizens who bear children out of wedlock or cannot get out of poverty before they reach TANF time limits might be “entitled” to the kinds of experiences chronicled in studies of poverty in late twentieth- and early twenty-first-century America—financial instability, losing children to foster care and adoption, and making ends meet by whatever means necessary (including staying with abusive partners, having sex for money, or selling one’s blood plasma for cash).<sup>52</sup> Poor people who fail to follow the rules, or whom the rules fail, perhaps deserve their heightened risks of addiction, mental illness, jail, homelessness, and early death.<sup>53</sup>

A supposed consensus about gender and reproductive norms was perhaps even more pronounced in Washington policy rhetoric at the end of the Obama era than was the supposed consensus about the work-or-starve ethic.<sup>54</sup> The American Enterprise Institute/Brookings Institution report stated without qualification that “family structure,” meaning children being raised by their mothers alone, caused poverty. “Therefore,” it continued, “if single mothers got married, household income would be likely to rise and poverty to fall.”<sup>55</sup> This canard of welfare reform discourse had turned the moral maxim of the 1996 PRWORA, that “marriage [was] the foundation of a successful society,” into a humanitarian principle: governments could supposedly help the impoverished by encouraging their marriages.

### ***Onward***

The history and politics of welfare reform illustrate myriad ways in which gender, especially racialized gender, shapes public policy, and vice versa. Assumptions about the ideal roles of women and men in heterosexual relationships structured every welfare reform in the modern United States. These assumptions were often so ubiquitous, so taken for granted, that reform advocates did not even articulate them.<sup>56</sup> The rhetoric politicians mobilized to reform welfare reveals the degree to which gender structures Americans’ definitions of such fundamental concepts as citizen, state, work, dignity, liberty, privacy, equality, and desert. This deep effect of gender applies as fully on the masculine end of the gender spectrum as on the feminine end (and it reveals the power of binary gender by refusing to acknowledge any genders in between these two ends of the spectrum).<sup>57</sup>

Some of the most punishing recent policies have centered on men and masculinity: thanks to an unquestioned norm of male family headship and female economic dependence, welfare reform enthusiasts have endorsed

privileges for impoverished husbands and fathers that they have not endorsed for wives and mothers. But poor men who do not “play by the rules” are criminals, not patriarchs. Child support enforcement, which drives many men into debt and into jail, has become a critical point of overlap between welfare reform and the post-civil rights era crises of repressive policing and mass incarceration. From Bill Clinton’s criticism of “deadbeat dads” to Barack Obama’s My Brother’s Keeper initiative, Democrats have joined Republicans in a focus on low-income African American men. While their policy rhetoric has been masculinist and patriarchal, it has delivered little to impoverished men other than heightened surveillance and punishment.<sup>58</sup>

Welfare reform teaches that the old model in feminist policy studies, of a “two-channel” state with relatively good benefits for men and bad ones for women, is woefully inadequate.<sup>59</sup> Not only are men sometimes on the down side of social provision, but many other social forces interact with gender. The state comes to seem more like a modern cable package—with dozens of channels, even if there’s nothing good on any of them—than a two-channel affair. As the example of child support enforcement reveals, gender is simultaneous with other kinds of social ordering: policy makers talk about punishing men who are irresponsible in their parenting and labor market behavior. When they speak of “men,” however, they are informed by stereotypes of poor men, especially poor men of color; we imagine everyone in Washington knows without saying aloud that poor men of color will bear the brunt of policies that have the ostensible goal of making men as a whole behave better. Similarly, welfare reform discourse that calls TANF a success because the program compels mothers to prioritize waged labor over caring for children relies on the unstated assumption that the mothers are poor and nonwhite. Can we imagine public celebration for a policy that made support for “ordinary” mothers (implicitly white and nonpoor) conditional on working in low-wage jobs with unpredictable schedules when their children were very young, ill, or disabled—with no government guarantee of child care?

One of the salient challenges posed by welfare reform is the matrix of political thought and ideology that translates poor single mothers’ need for welfare into their need for the discipline of wage work and marriage. Measured by caseload reduction, welfare reform’s “success” has strengthened the control of this matrix on public policy discourse about poverty. Yet, ideas about single mothers, poverty, and the need for welfare never have been monolithic. Public intellectuals, scholarly researchers, and even some policy

makers persistently have contested the TANF framework, as well as the stereotypes and stigmas that uphold it. We heard some of these voices of dissent up close: As members of the Women's Committee of 100 network, we joined a community of colleagues who sounded the alarm about welfare reform in the middle 1990s. We endorsed "An Immodest Proposal," in favor of humane social policy, issued by the Women's Committee of 100 just prior to what we believed would be the first major reauthorization of PRWORA. And we participated in the lobbying effort on behalf of Representative Patsy Mink's H.R. 3113, legislation that endeavored to restore familial caregiving to the status of work in national welfare law.

As we have argued throughout this book, the trajectory of public policy is shaped by the people who are at the table when it is made. We have learned from activists in the movement for disability rights who demand, "nothing about us, without us" because they believe that policies made for them by nondisabled people are likely to cause more harm than good. The story of welfare reform has mostly been one of exclusion, of policy made "about" low-income parents, "without" them. But the subjects of welfare reform repeatedly forced their way onto the historical stage. They made a difference. Even when the people whose welfare was being reformed were unable to bend policy in their direction, they registered dissent that gives the lie to the propaganda of consensus.

Our research underlines the importance of the feminist theoretical concept of "intersectionality" and the gain in perspective that comes from applying it to public policy. Kimberle Crenshaw coined this term in the late 1980s to describe something U.S. law and politics had thus far missed: African American women's distinctive experiences of discrimination, and their need for remedies beyond those designed for "women" (presumptively white) and "African Americans" (presumptively male).<sup>60</sup> What Crenshaw said about African American women applies as well to poor women, other women of color, lesbian and trans women, and women who experience subordination based on their native language, legal citizenship, parenting status, disabilities, and many other factors.

If policy makers hope to advance equality through legislation affecting women, advocates and legislators must guard against assuming that progress for the undifferentiated category "woman" serves the lived reality of all women. Any remedy for women's economic inequality and insecurity that does not begin with the jeopardies lived by low-income single mothers

invariably would injure such women, deterring equality. In the same vein, any defense of women's rights that does not foreground the rights abuses endured by TANF recipients and would-be recipients who have lost access to aid would leave the most vulnerable women at the margins, hindering justice. Likewise, any design for poverty assistance for low-income single mothers that does not center the diverse experiences of African American, Latina, Asian/Pacific, Native American, LGBTQ, and disabled mothers will damage their self-sovereignty and subvert their economic security.

If ending, or even mitigating, single mothers' poverty is the measure, welfare reform has been a proven policy and political failure. Democrats who endorsed PRWORA and reinforced its assumptions in ensuing years may have believed that they were saving their party from an overidentification with people whose poverty made them morally suspect. Instead, the variously tacit and overt participation of Democratic politicians in the racist and misogynist welfare reform discourse actually undermined their ability to defend other forms of social welfare spending when Republicans took aim. Politicians who accepted the terms of welfare reform undercut their claims in behalf of health care, child care, and government in general. They inadvertently helped erode support for the whole enterprise of using government to socialize risks and ensure basic security, that is, the modern understanding of state and citizenship.<sup>61</sup>

As we have shown, welfare reform grew from a variety of social and political forces that were powerful in the late twentieth century. After 1996, TANF and PRWORA were themselves forces that shaped and constrained American politics. Although many Democrats dissented before and after the law's passage, in the twenty years that followed, party leaders never renounced it or the crude, hoary myths that underlay it. They did not correct the imputation written into the law that familial caregiving was not a noble or serious endeavor. Nor did they make good on the promise that people who "played by the rules" would have economic and educational opportunities, and safe, reliable care for their children during the workday. What we have called the snooze-mode politics of intersectional sexism gave rise to welfare reform. But PRWORA itself continued to foster and almost to define these politics, unto the start of the Trump years.

Two decades of brutally subordinating welfare reform are enough. We hope that the critiques and suggestions knitted through our policy history will confirm the need for a new framework in welfare policy. We conclude that researchers and policy advocates interested in feminist social justice

must start with an intersectional feminist agenda for equality. Any such agenda builds from a robust understanding of economic vulnerability and social inequality to craft ideas and strategies that join people across our distinctive social locations and experiences. It also must make the most unequal and the least well off the centerpiece of analysis, universalizing, when necessary, from the bottom up instead of generalizing based on the profiles of women who have the privilege to be heard. We must aspire to self-sovereignty—freedom—and economic security for all.

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## *Appendix*

### An Immodest Proposal

#### Rewarding Women's Work to End Poverty

March 23, 2000

Women's Committee of 100/Project 2002

In 2002 the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) will expire, and Temporary Assistance to Needy Families (TANF), the policy it authorizes, will come up for abolition, renewal, or replacement.

In anticipation of the debate that will ensue, the Women's Committee of 100/Project 2002 calls for a broadened perspective on women's poverty, including attention to the special economic vulnerability arising from the caregiving responsibilities that women often assume.

#### ***General Principles***

Women perform the bulk of caring work for children, elders, and dependent persons, both within their own homes and as paid employees. Our economic system undervalues caregiving work when it is performed in the labor market and penalizes caregivers when they work outside the labor market caring for dependents. Although caregiving in families is indispensable to the welfare of families, communities, and the economy, research clearly shows that this work exposes women to poverty and other forms of economic inequality. Caregivers' poverty deepens as they encounter additional hardships and disadvantages. These include:

- Low wages
- Discrimination based on gender, race, age, disability, and being the sole adult responsible for dependents
- Having a history of sexual abuse and/or encountering domestic abuse
- Lacking adequate education or skilled training.

When poor caregivers meet these hardships, they face destitution; when middle-class caregivers encounter them, they become vulnerable to poverty for the first time. This is why today poverty in this nation—and globally—assumes the face of a woman with children or other dependents.

If caregivers' poverty has a woman's face, that face also often belongs to a woman of color. Poverty in the United States is not color-blind. The debate preceding the 1996 welfare law made the color of poverty the fault of the poor. We insist that the color of poverty is the consequence of racism and related forms of discrimination. Accordingly, our proposal proceeds from the recognition that race affects the material basis for caregiving, privileging some women at the expense of others. We call for policies that address the shared vulnerabilities of women of all races, beginning with the particular vulnerabilities of the poorest caregivers, especially poor women of color.

### ***Ending Poverty, Not Ending Welfare***

*As a crucial first step toward ending poverty as we know it, we call for social policies that recognize and reward the work of caring for dependents.*

TANF, like its predecessor, AFDC, provides minimal assistance to those who are impoverished and have dependents in their care, but the arbitrary and punitive aspects of such policies prevent them from granting the type of recognition we have in mind.

We call for an end to:

- mandatory work outside the home as a condition of assistance
- arbitrary time limits
- child exclusion policies (“family cap”)

To replace TANF, we propose a set of policies that will allow women to choose between performing caregiving themselves or purchasing high-quality

services for those who depend upon them for care. Such policies should ensure that caregivers—whether they are caring for family members or non-family members—receive just compensation and provisions for respite, old-age, health insurance and other basic needs.

AFDC and TANF have given special, but inadequate, attention to poor families, especially those with a single adult responsible for dependent children. We, too, are especially concerned with this group of highly vulnerable caregivers, but propose that support should be extended more broadly for all caregiving work.

### *A Caregiver's Allowance*

*We call for the replacement of TANF with a guaranteed income for caregivers of minor children and other dependent family members requiring sustained care.*

This program would work like survivor's insurance (OASI), in that it would provide cash payments for family caregiving that would be administered according to national standards and would be disbursed at the national level on a regular, automatic and guaranteed basis. As with survivors' insurance (and social security) the caregivers' allowance would not authorize or condone government intrusion into the personal or family lives of recipients, including often racist intrusion into women's reproductive decisions. Those not now eligible for TANF would also receive a cash payment in recognition of their caregiving work, but the amount of compensation would be adjusted based on the total household income.

- The caregiver alone would decide how to spend the grant. For example, s/he could purchase surrogate caregiving services (child, elder, or other dependent care) and pursue paid employment, education, or training. Or, s/he could perform the carework herself. Or s/he could devise a combination of carework and other pursuits.
- As with survivor's insurance, there would be no employment requirements and no oversight, and the allowance would be available to any primary caregiver, regardless of gender.
- Each caregiver would determine for her/himself the balance of caregiving and other employment that is manageable and desirable.

- The value of a caregiver's allowance and the time spent doing caregiving work for dependents should be counted in an individual's work history for social security purposes.
- As an interim measure, the child tax credit should be expanded into a refundable Caregiver Tax Credit for all caregivers with dependents who need sustained care.

To enable individuals to make meaningful decisions about care, we further advocate the creation of high-quality, universally available, caregiving services, including child care for infants, toddlers, preschoolers, and school-age children and elder care and non-custodial care for incapacitated dependents. All such programs should be federally funded and meet federally defined minimum standards that include adequate training, compensation and benefits for workers as well as mechanisms for input from parents, guardians, and those responsible for the individuals under care.

### ***Transforming Wage-Work***

*Ending women's poverty also requires transforming the labor market—by valuing the work that women currently perform for wages, enforcing anti-discrimination law, and offering the opportunities and training for better-paying jobs.*

Crucial for this transformation are an overall improvement in labor standards, including:

- A shortened standard work week. This should be available to both women and men so that both can meet their responsibilities for family caregiving.
- Effective protection of the right to unionize.
- A living wage—achieved through an automatically indexed minimum wage. This should be a universal right. The minimum wage should be set high enough so that a single adult earns enough to bring a family of three above the poverty line.
- Application of the principle of comparable worth, or equal pay for work of equal value. This is necessary to undo the low wages in female-dominated occupations.
- Affirmative action law must continue to combat gender, race, age and ability discrimination and open up higher-paying positions.

- Universal access to higher education and skill-building training programs that lead to economic opportunity and enhance earning power. These should be developed to prepare women for existing and future occupations. Education and training should be free and students should be provided stipends, along with substitute caregiving services.
- A reformed unemployment insurance system. This should cover all workers, including the part-time, very low-waged, and intermittent. All jobs should provide paid family and medical leave. Legislation ensuring paid family leave should be phrased in such a way that it acknowledges caregiving responsibilities as a legitimate constraint on the types of demands an employer can make on an employee (for example, requiring overtime as a condition of employment).

### ***Related Programs***

*We envision additional social programs to enhance the quality of life of women and their families and to ensure that caregiving takes place in safety and with dignity.*

- Broadly defined disability insurance/supports should protect those who cannot be employed, are not caregivers, or are not retired.
- Universal health care should be a right.
- Victims of domestic abuse require 24-hour emergency assistance and temporary shelter and priority in subsidized housing.
- Child support responsibilities of non-custodial parents should be strongly enforced, but only at the request of custodial parents.
- The government should develop affordable housing in economically and racially integrated communities and provide adequate public transportation, including customized service to remote, especially rural, areas, and late-night service to accommodate night-shift workers.

We will not count it as a victory if the status of American women is improved at the expense of women from abroad, whose economic and social disadvantages are even greater, compelling them to relinquish their own caregiving responsibilities in order to find work—often in low-paying service occupations—here in the U.S. We therefore call for the recognition and

promotion of policies that justly compensate the work of caregiving and improved labor standards for women across the globe.

\* \* \*

The Women's Committee of 100 is a group of feminist academics, professionals, and activists who are concerned with the relationship between women, economic survival, and the work of caregiving. We have developed this statement in light of our research and our continuing commitment to ending women's poverty.

*For the WC 100/Project 2002*

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## Notes

### Preface

1. Peter Meunnig, Rishi Caleyachetty, Zohn Rosen, and Andrew Korotzer, "More Money, Fewer Lives: The Cost Effectiveness of Welfare Reform in the United States," *American Journal of Public Health* 105/2 (February 2015): 324–28. Also see Elizabeth T. Wilde, Zohn Rosen, Kenneth Couch, and Peter Meunnig, "Impact of Welfare Reform on Mortality: An Evaluation of the Connecticut Jobs First Program; A Randomized Controlled Trial," *American Journal of Public Health* 104/3 (March 2014): 534–38; and Peter Meunnig, Zohn Rosen, and Elizabeth T. Wilde, "Welfare Programs That Target Workforce Participation May Negatively Impact Mortality," *Health Affairs* 32/6 (2013) 1072–77. An exception to the general rule of ignoring these results in the media is Michelle Chen, "Is Welfare Reform Causing Earlier Deaths?" *Nation* blog—Mental Health/Food Insecurity, February 17, 2015, <https://www.thenation.com/article/welfare-reform-causing-earlier-deaths/> (accessed November 2, 2017).

2. Matthew Mientka, "'Welfare-to-Work' Program Linked to Higher Deaths," *Medical Daily*, June 15, 2013, <http://www.medicaldaily.com/welfare-work-program-linked-higher-deaths-246835> (accessed April 14, 2015). Also see Meunnig, Rosen, Zohn, and Wilde, "Welfare Programs That Target Workforce Participation May Negatively Affect Mortality."

3. Legal Momentum, "The TANF Misery Index Climbed to a Record National High in 2012," February 2014, <https://www.scribd.com/document/207968627/TANF-Misery-Index-2014-Update> (accessed November 8, 2017).

4. Liz Schott and Ife Floyd, "How States Use Funds Under the TANF Block Grant," Center on Budget and Policy Priorities, January 5, 2017, <http://www.cbpp.org/research/family-income-support/how-states-use-funds-under-the-tanf-block-grant> (accessed February 1, 2018).

5. Krissy Clark, "Oh My God—We're on Welfare?!" *Slate*, June 2, 2016, [http://www.slate.com/articles/news\\_and\\_politics/moneybox/2016/06/welfare\\_money\\_often\\_isn\\_t\\_spent\\_on\\_welfare.html](http://www.slate.com/articles/news_and_politics/moneybox/2016/06/welfare_money_often_isn_t_spent_on_welfare.html) (accessed November 2, 2017). Clark profiled an Oklahoma program that provided marriage counseling to financially stable couples and reported on a Michigan program funded under TANF that "gives private college scholarships to students from households with incomes as high as \$250,000 or more. In Pennsylvania," she wrote, "welfare dollars go to funding for so-called 'crisis pregnancy centers' that counsel women against abortions." See also Bryce Covert, "Nearly a Billion Dollars Spent on Marriage Promotion Programs Have Achieved Next to Nothing," *Think Progress*, February 11, 2014, <https://thinkprogress.org/nearly-a-billion-dollars-spent-on-marriage-promotion-programs-have-achieved-next-to>

-nothing-e675f0d9b67/ (accessed November 2, 2017); and Matt Breunig, “Promoting Marriage Has Failed and Is Unnecessary to Cut Poverty,” Demos Policy Shop, December 4, 2015, <http://www.demos.org/blog/12/4/15/promoting-marriage-has-failed-and-unnecessary-cut-poverty> (accessed November 2, 2017).

6. Sandra Butler, “TANF Time Limits and Maine Families: Consequences of Withdrawing the Safety Net,” March 2014, Maine Equal Justice Partners, <http://www.mejp.org/sites/default/files/TANF-Time-Limits-Study-March2014.pdf> (accessed October 18, 2017). See also Dorothy Roberts, *Shattered Bonds: The Color of Child Welfare* (New York: Basic Books, 2002).

7. National Women’s Law Center, “National Snapshot: Poverty Among Women and Families, 2016,” <https://nwlc.org/wp-content/uploads/2017/09/Poverty-Snapshot-Factsheet-2017.pdf> (accessed October 17, 2017).

8. Ian Haney-López, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class* (New York: Oxford University Press, 2014).

9. On rhetorical treatments of welfare, see Sanford Schram, *Words of Welfare: The Poverty of Social Science and the Social Science of Poverty* (Minneapolis: University of Minnesota Press, 1995).

10. We chronicle these debates and defections in Chapters 4 through 6.

11. Mary Hawkesworth, “Congressional Enactments of Race-Gender: Toward a Theory of Raced-Gendered Institutions,” *American Political Science Review* 97/4 (November 2003): 529–50.

12. Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, Title I, Sec. 101, Findings. On marriage and women’s autonomous citizenship in feminist thought, see Christine Stansell, *The Feminist Promise: 1792 to the Present* (New York: Modern Library/Random House, 2010); Mary Wollstonecraft, *A Vindication of the Rights of Woman* (New York: Dover Thrift Editions, 1996, orig. 1792); and, among many others, radical and black feminist iterations of this idea in Shulamith Firestone, *The Dialectic of Sex: The Case for Feminist Revolution* (New York: Bantam, 1970); Michele Wallace, *Black Macho and the Myth of the Superwoman* (New York: Dial, 1979); and Combahee River Collective, “Statement (1977),” copyright 1978 by Zillah Eisenstein, <http://circuitous.org/scraps/combahee.html> (accessed November 2, 2017): “Our politics initially sprang from the shared belief that Black women are inherently valuable, that our liberation is a necessity not as an adjunct to somebody else’s because of our need as human persons for autonomy. . . . We reject pedestals, queenhood, and walking ten paces behind. To be recognized as human, levelly human, is enough.”

13. Irwin Garfinkel and Sara McLanahan, *Single Mothers and Their Children: A New American Dilemma* (Washington, D.C.: Urban Institute Press, 1986), was among the first texts by scholars affiliated with a Democratic-leaning think tank to privilege child support as a supposed solution to women’s poverty. Senator Daniel Patrick Moynihan gave child support a prominent role in the welfare reform agenda he encapsulated in the Family Support Act of 1988. See Moynihan, *Family and Nation: The Godkin Lectures* (San Diego: Harcourt Brace Jovanovich, 1986); and Felicia Kornbluh, “Subversive Potential, Coercive Intent: Women, Work and Welfare in the 1990s,” *Social Policy* 21/4 (Spring 1991): 23–39.

14. Frances Robles and Shaila Dewan, “Skip Child Support. Go to Jail. Lose Job. Repeat,” *New York Times*, April 19, 2015, [http://www.nytimes.com/2015/04/20/us/skip-child-support-go-to-jail-lose-job-repeat.html?\\_r=0](http://www.nytimes.com/2015/04/20/us/skip-child-support-go-to-jail-lose-job-repeat.html?_r=0) (accessed June 24, 2016).

15. Bruce D. Meyer and Douglas Holtz-Eakin, eds., *Making Work Pay: The Earned Income Tax Credit and Its Impact on American Families* (New York: Russell Sage Foundation, 2002).



This is also the danger of focusing on the “working poor,” as in David K. Shieler, *The Working Poor: Invisible in America* (New York: Random House, 2004), and Sar Levitan and Isaac Shapiro, *Working but Poor: America’s Contradiction* (Baltimore: Johns Hopkins University Press, 1987).

16. For the complex interconnections between the history of welfare and of home health care, see Eileen Boris and Jennifer Klein, *Caring for America: Home Health Workers in the Shadow of the Welfare State* (Oxford: Oxford University Press, 2012).

17. Related work includes Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, N.J.: Princeton University Press, 2003), on “likely to become a public charge” rationale for immigration denials; Michael Willrich, “Home Slackers: Men, the State, and Welfare in Modern America,” *Journal of American History* 87/2 (September 2000): 460–89, on working-class men as objects of the Progressive Era welfare state; Felicia Kornbluh, “Disability, Antiprofessionalism, and Civil Rights: The National Federation of the Blind and the ‘Right to Organize’ in the 1950s,” *Journal of American History* 97/4 (March 2011): 1023–47, on disability and the U.S. welfare state; Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, N.J.: Princeton University Press, 2009), on sexuality and welfare state formation; and Emma Amador, “Welfare Is Work: Social Welfare, Migration, and Women’s Activism in Puerto Rican Communities after 1917” (Ph.D. diss., University of Michigan–Ann Arbor, 2015), on welfare state formation in the context of U.S. empire.

18. Ed Gillespie and Bob Schellhas, eds., *Contract with America: The Bold Plan by Rep. Newt Gingrich, Rep. Dick Armey and the House Republicans to Change the Nation* (New York: Times Books, 1994).

19. Gwendolyn Mink, “Could We Please Talk About TANF as If Mothers Matter?” Address at the Conference on Welfare Reform, Bryn Mawr College, March 1, 2002, Library of Congress, Manuscript Division, Patsy T. Mink papers, box 2095/F7.

20. Organization of Economic Cooperation and Development (OECD), *Society at a Glance 2016—OECD Social Indicators* (Paris: OECD, 2016), <https://data.oecd.org/inequality/poverty-rate.htm> (accessed November 2, 2017). For the United States as a world leader in incarceration and ties between this and welfare, see Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, N.C.: Duke University Press, 2009, orig. 2004, in French). The U.S. approach of limiting public cash grants and promoting workfare or “labor activation” influenced other wealthy nations in the late twentieth and early twenty-first centuries. See discussion and early data in Joel Handler, *Social Citizenship and Workfare in the United States and Western Europe: The Paradox of Inclusion* (Cambridge: Cambridge University Press, 2004).

21. Quoted in *Patsy Mink: Ahead of the Majority*, a documentary by Kimberlee Bassford, Making Waves Films, distributed by Women Make Movies (2008).

## Chapter 1

1. Representative Patsy T. Mink, “Welfare Reform: The Gender Issue,” *Congressional Record* 140/27 (March 11, 1994), H1311–13.

2. Mary Hawkesworth, “Congressional Enactments of Race-Gender: Toward a Theory of Raced-Gendered Institutions,” *American Political Science Review* 97/4 (November 2003): 529–50.

3. Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193, Title I, Sec. 101, Findings (1).

4. By arguing this, we do not mean to suggest that such issues had never before arisen in U.S. social policy. See discussion in Gwendolyn Mink, *Welfare's End* (Ithaca, N.Y.: Cornell University Press, 1998), especially 69–101, and in chapter 2.

5. Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics," *University of Chicago Legal Forum* 1989/1 (1989): 139–67. For our prior applications of these ideas to studies of social policy, see Gwendolyn Mink, "The Lady and the Tramp," in *Women, the State, and Welfare*, ed. Linda Gordon (Madison: University of Wisconsin Press, 1991), 92–122, and Felicia Kornbluh, "The New Literature on Gender and the Welfare State: The U.S. Case," *Feminist Studies* 22/1 (Spring 1996): 170–97.

6. Laura Briggs, *How All Politics Became Reproductive Politics: From Welfare Reform to Foreclosure to Trump* (Berkeley: University of California Press, 2017); Loretta Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Berkeley: University of California Press, 2017); Mink, *Welfare's End*; Marlene Gerber Fried, ed., *From Abortion to Reproductive Freedom: Transforming a Movement* (Boston, Mass.: South End, 1990); and Felicia Kornbluh, "The Movement for Reproductive Freedom: Is There Something for Everyone?" *off our backs* 21/10 (November 1991): 12–13.

7. P.L. 104-193, Title I, Sec. 101.

8. For classic treatments of gender and citizenship, see Jean Bethke Elshtain, *Public Man, Private Woman: Women in Social and Political Thought* (Princeton, N.J.: Princeton University Press, 1993, orig. 1981), and Carole Pateman, *The Sexual Contract* (Palo Alto, Calif.: Stanford University Press, 1988). On understanding the citizen's racial as well as gendered specificity, see, among others, Crenshaw, "Demarginalizing," and Patricia Williams, *The Alchemy of Race and Rights: The Diary of a Law Professor* (Cambridge, Mass.: Harvard University Press, 1992). For Spanish-speaking and Asian immigrants as among those disadvantaged by PRWORA, see Ellen Reese, *They Say Cutback, We Say Fight Back: Welfare Activism in an Era of Retrenchment* (New York: Russell Sage Foundation/American Sociological Association, 2011), chapter 3, "Challenging Welfare Racism," Kindle edition, loc. 1223–770 of 8073.

9. P.L. 104-193, Title I, Sec. 101.

10. *Ibid.*

11. P.L. 104-193, Title I, Sec. 103 (A) 401. On public policies that attempt to promote or reduce childbearing by certain populations, see Dorothy Roberts, *Killing the Black Body: Race, Reproduction and the Meaning of Liberty* (New York: Vintage, 2014, orig. 1994). We use the term "patriarchal" literally, to refer to policies that privilege fathers and fatherhood and attempt to establish, as a social ideal, families in which fathers exercise power over mothers and children. We underline the "heteromartial" dimension of the policy to clarify the simultaneity of marriage promotion initiatives in the antipoverty realm and the discouragement of marriage for same-sex couples that was an equal feature of mainstream politics in the 1990s.

12. See W. E. B. DuBois and Isabel Eaton, *The Philadelphia Negro: A Social Study* (New York: Schocken Books, 1967, orig. 1899), and the discussion of gender and family life in African American class politics in Kevin K. Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: University of North Carolina Press, 1996).

13. For the report and responses to it, see Lee Rainwater and William L. Yancey, eds., *The Moynihan Report and the Politics of Controversy* (Cambridge, Mass.: MIT Press, 1967). For critical perspectives, see Robert Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (New York: Hill and Wang, 2012), 26–40; Michele Wallace, *Black Macho*

and the Myth of the Superwoman (New York: Dial Press, 1979), 109–16; Herbert Gutman, *The Black Family in Slavery and Freedom* (New York: Vintage, 1977); Daniel Geary, *Beyond Civil Rights: The Moynihan Report and Its Legacy* (Philadelphia: University of Pennsylvania Press, 2015); and Felicia Kornbluh, review of James Patterson, *Freedom Is Not Enough*, *American Historical Review* 117/1 (February 2012): 236–37. For links between the Moynihan Report and the “War on Crime” that led to mass incarceration, see Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, Mass.: Harvard University Press, 2016), Kindle edition, loc. 1062–63 and 1086 of 8894.

14. Kornbluh, review of Patterson. We discuss the Moynihan lectures and their reception more fully in Chapter 2.

15. Joan Scott, “Gender: A Useful Category of Historical Analysis” *American Historical Review* 91/5 (1986): 1053–75; Anne Fausto-Sterling, “5 Sexes: Why Male and Female Are Not Enough,” *Sciences*, March/April 1993, 20–24; Kristin Schilt, “Just One of the Guys? How Transmen Make Gender Visible at Work,” *Gender and Society* 20/4 (August 2006): 465–90.

16. For masculinity and the history of U.S. public policy, see Alice Kessler-Harris, *In Pursuit of Equity* (New York: Oxford University Press, 2001).

17. P.L. 104-193, Title I, Sec. 101 (4).

18. Discussed in Mink, *Welfare’s End*, 69–93, and, regarding the 1980s, Felicia Kornbluh, “Subversive Potential, Coercive Intent: Women, Work and Welfare in the 1990s,” *Social Policy* 21/4 (Spring 1991): 23–39. See U.S. House of Representatives, Committee on Ways and Means, *Green Book: Background Material and Data on Programs Within the Jurisdiction of the Committee on Ways and Means*, “Child Support Enforcement Legislative History” (Washington, D.C.: Government Printing Office, 2012), <http://greenbook.waysandmeans.house.gov/2012-green-book/child-support-enforcement-cover-page/legislative-history> (accessed August 1, 2017).

19. 19 P.L. 104-193, Title I, Sec. 101 (7). By critiquing the way PRWORA mobilized stereotypes, we do not of course mean to endorse the sexual or physical abuse of young women.

20. Kornbluh first encountered the concept of moral panic in Jeffrey Weeks, *Sexuality and Its Discontents: Meanings, Myths, and Modern Sexualities* (London: Routledge and Kegan Paul, 1985), 44–53.

21. Rosalind Pollock Petchesky, *Abortion and Woman’s Choice: The State, Sexuality, and Reproductive Freedom* (Boston: Northeastern University Press, 1990, orig. 1984); Kristin Luker, *Dubious Conceptions: The Politics of Teenage Pregnancy* (Cambridge, Mass.: Harvard University Press, 1996); and Rickie Solinger, *Wake Up, Little Susie: Single Pregnancy and Race Before Roe v. Wade* (New York: Routledge, 1992). On age generally as a category of historical and legal analysis, see Stephen Robertson, *Sexual Crimes Against Children: Sexual Violence and Legal Culture in New York City, 1880–1950* (Chapel Hill: University of North Carolina Press, 2007); and Hendrik Hartog, *Someday All This Will Be Yours: A History of Inheritance and Old Age* (Cambridge, Mass.: Harvard University Press, 2012).

22. Luker, *Dubious Conceptions*, is astute on these points.

23. A similar argument, not shaped by gender analysis, appears in Joel Handler and Yeheskel Hasenfeld, *Blame Welfare, Ignore Poverty and Inequality* (Cambridge: Cambridge University Press, 2007).

24. As we discuss in later chapters, a lifetime limit on an individual’s receipt of benefits was part of Clinton’s original welfare proposal to Congress in 1994; although it was only the legislation two years later (drafted by congressional Republicans and signed by Clinton) that

announced an end to entitlement, the White House proposal, itself, went a long way toward this end.

25. For the assurance as well as its limitations, see, among other texts, Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare* (New York: Free Press, 1994).

26. *King v. Smith* (392 U.S. 309) (1968). Justice Douglas offered a concurrence.

27. Ross and Solinger remind their readers that the sexual autonomy for which Mrs. Smith spoke in the case was an aspect of reproductive justice—as much as were legal claims about rights to parent or to avoid or end a pregnancy. Ross and Solinger, *Reproductive Justice*, 41. Rickie Solinger critiques the court's decision in "The First Welfare Case: Money, Sex, Marriage and White Supremacy in *Selma, 1966: A Reproductive Justice Analysis*," *Journal of Women's History* 22/3 (Fall 2010): 13–38.

28. This was similar to the argument made in *Levy v. Louisiana* (391 U.S. 68) (1968), in which a Supreme Court majority found that state statutory distinctions between "legitimate" and "illegitimate" children violated the equal protection clause because their only justification was invidious discrimination—as the court later found in a string of LGBT rights case beginning with *Romer v. Evans* (517 U.S. 620) (1996).

29. See discussion of the statutory approach to poor people's rights in Elizabeth Bussiere, *(Dis)Entitling the Poor: The Warren Court, Welfare Rights, and the American Political Tradition* (University Park: Pennsylvania State Press, 1997); Martha Davis, *Brutal Need: Lawyers and the Welfare Rights Movement 1960–1973* (New Haven, Conn.: Yale University Press, 1992), 60–69; and Michael B. Katz, *The Undeserving Poor: From the War on Poverty to the War on Welfare* (New York: Pantheon Books, 1989), 107–8.

30. *Shapiro v. Thompson* (394 U.S. 618) (1969); *Goldberg v. Kelly* (397 U.S. 254) (1970).

31. P.L. 104-193, Title I, Sec. 103 (A) 401 (b).

32. See the evidence cited in Kornbluh, "Subversive Potential, Coercive Intent"; and see Kathryn Edin and Maria Kafalkas, *Promises I Can Keep: Why Poor Women Put Motherhood Before Marriage* (Berkeley: University of California Press, 2005).

33. See the exploration of the terms of women's citizenship in Nancy Fraser, *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis* (New York: Verso, 2013).

34. This argument appears in Michael B. Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York: Metropolitan Books, 2001). However, the authors arrived at the point before reading his work.

35. Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (New York: Oxford University Press, 1976), 332–33; Katz, *Price*, 1–4.

36. Charles Reich, "The New Property," *Yale Law Journal* 73/5 (1964): 733–87.

37. There are limited exceptions to the general rule of strict time limits, for example for recipients certified as family violence survivors in the states that have chosen to implement the Family Violence Option within their TANF programs.

38. For a ground-level view of sanctions and the limited ability of welfare clients to fight them legally, see Vicki Lens, *Poor Justice: How the Poor Fare in the Courts* (New York: Oxford University Press, 2015). For racial disparities in sanctioning, see Joe Soss, Richard C. Fording, and Sanford F. Schram, *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race* (Chicago: University of Chicago Press, 2011), 248–57.

39. Patsy T. Mink, handwritten notes on welfare reform principles, Library of Congress, Manuscript Division, Patsy T. Mink papers, box 1257/F2.

40. Ibid. For an earlier argument about legally sanctioned inequality between families on the basis of their poverty, see Jacobus tenBroek, “California’s Dual System of Family Law,” *Stanford Law Review* 16/2 (1964): 257–317, and reprinted in Joel Handler, ed., *Family Law and the Poor* (Westport, Conn.: Greenwood, 1964).

41. On the national government’s assertion of authority over state governments regarding public assistance administration, see Karen Tani, “Welfare and Rights Before the Movement: Rights as a Language of the State,” *Yale Law Journal* 122/2 (2012): 314–83.

42. Conformity hearings were never perfect tools; national bureaucrats did not want to deny individual states the federal portion of their AFDC budgets, both for political reasons and because they wanted the funds to go to people who needed them. But the threat of conformity hearings and funding denials appear to have shaped the decision making of state officials and prevented them from engaging in some discriminatory actions. See discussion in Tani, “Welfare and Rights.”

43. A hardship exception for up to 20 percent of the caseload supplied the only flexibility to states in enforcing the five-year federal time limit.

44. Soss, Fording, and Schram, *Disciplining the Poor*, 14–15, 112–52, and especially 126–27.

45. For a case study of the old approach to the “worthy” versus “unworthy” poor, see Susan Traverso, *Welfare Politics in Boston, 1910–1940* (Amherst: University of Massachusetts Press, 2003), 27–51. On the imperfect dismantling of the pre-Social Security Act approach to poor relief, see discussion of Aid to the Blind in Felicia Kornbluh, “Disability, Anti-Professionalism, and Civil Rights: The Blind and the ‘Right to Organize’ in the 1950s,” *Journal of American History* 97/4 (March 2011): 1023–47; and Ellen Reese, *Backlash Against Welfare Mothers: Past, Present, and Future* (Berkeley: University of California Press, 2005).

46. Felicia Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America* (Philadelphia: University of Pennsylvania Press, 2007), 42–43. For general treatments of welfare politics after the New Deal, see Reese, *Backlash Against Welfare Mothers*; and Karen Tani, *States of Dependency: Welfare, Rights, and American Governance, 1935–1972* (Cambridge: Cambridge University Press, 2016).

47. The move from cash to vouchers was consistent with the general orientation of the 1962 amendments toward “rehabilitation,” treating poor parents as disabled and attempting to reform them so that they would become self-supporting in the mainstream labor market. John F. Kennedy, “Special Message to Congress on Public Welfare Programs” (February 1, 1962) and Gwendolyn Mink and Rickie Solinger, “The 1960s,” in *Welfare: A Documentary History of U.S. Policy and Politics*, ed. Gwendolyn Mink and Rickie Solinger (New York: New York University Press, 2003), 212–15, 195–96.

48. Kornbluh, *Battle for Welfare Rights*, 132–36.

49. Krissy Clark, “Oh My God—We’re on Welfare?!” *Slate*, June 2, 2016, [http://www.slate.com/articles/news\\_and\\_politics/moneybox/2016/06/\\_welfare\\_money\\_ofen\\_isn\\_t\\_spent\\_on\\_welfare.html](http://www.slate.com/articles/news_and_politics/moneybox/2016/06/_welfare_money_ofen_isn_t_spent_on_welfare.html) (accessed July 25, 2017).

50. P.L. 104-193, Title I, Sec. 103 (A) 404 (a), General Rules (I).

51. P.L. 104-193, Title I, Sec. 404 (d) Authority to Use Portion of Grant for Other Purposes (1) and (2).

52. A key measure here, and in the paragraphs that follow, is the “TANF to poverty ratio,” a comparison of the TANF caseload to the population in poverty that is slightly imprecise

because the two data sets do not entirely match up—but is the best researchers have. Kornbluh communication with Liz Schott, August 20, 2015. “Chart Book: TANF at 20,” Center on Budget and Policy Priorities, August 5, 2016, <https://www.cbpp.org/research/family-income-support/chart-book-tanf-at-20> (accessed August 4, 2017); Congressional Budget Office, *Temporary Assistance for Needy Families: Spending and Policy Options* (Washington, D.C., January 2015), 11.

53. LaDonna Pavetti, “LaDonna Pavetti Testifies Before the House Ways and Means Committee, Subcommittee on Human Resources,” Center on Budget and Policy Priorities, April 30, 2015, <https://www.cbpp.org/family-income-support/testimony-of-ladonna-pavetti-ph-d-vice-president-family-income-support-policy> (accessed August 2, 2017).

54. Ife Floyd, LaDonna Pavetti, and Liz Schott, “TANF Reaching Few Poor Families,” Center on Budget and Policy Priorities, March 30, 2017, <https://www.cbpp.org/research/family-income-support/tanf-reaching-few-poor-families> (accessed August 1, 2017).

55. Ife Floyd, LaDonna Pavetti, and Liz Schott, “TANF Continues to Weaken as a Safety Net,” June 16, 2015, Center on Budget and Policy Priorities, appendix B, table 1, 13–14. Prior to PRWORA, the benefits-to-poverty ratio in California was over 96 percent. Vermont, which calculated eligibility slightly differently than the national government did, had a welfare-to-poverty ratio over 100 percent.

56. Floyd, Pavetti, and Schott, “TANF Continues to Weaken,” 5.

57. Floyd, Pavetti, and Schott, “TANF Reaching Few.”

58. Floyd, Pavetti, and Schott, “TANF Continues to Weaken,” 7–8. Also see Kathryn Edin and H. Luke Shaefer, *\$2.00 a Day: Living on Almost Nothing in America* (Boston: Houghton Mifflin Harcourt, 2015).

59. Floyd, Pavetti, and Schott, “TANF Reaching Few.”

60. P.L. 109-171, 120 Stat. 4 (2006); George W. Bush, “Statement on Signing the Deficit Reduction Act of 2005,” February 8, 2006. Online by Gerhard Peters and John T. Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=65104> (accessed September 20, 2016).

61. Congressional Budget Office, *Temporary Assistance for Needy Families*.

62. Floyd, Pavetti, and Schott, “TANF Continues to Weaken.” Also see Liz Schott, LaDonna Pavetti, and Ife Floyd, “How States Use Federal and State Funds Under the TANF Block Grant,” Center on Budget and Policy Priorities, April 8, 2015, <https://www.cbpp.org/research/family-income-support/how-states-use-federal-and-state-funds-under-the-tanf-block-grant> (accessed October 20, 2017).

63. The origins and implications of the policy are explored in Center for Reproductive Rights and Justice, UC-Berkeley School of Law, “Bringing Families Out of ‘Cap’itivity: The Path Toward Abolishing Welfare Family Caps,” August 2016, [https://www.law.berkeley.edu/wp-content/uploads/2015/04/2016-Caps\\_FA2.pdf](https://www.law.berkeley.edu/wp-content/uploads/2015/04/2016-Caps_FA2.pdf) (accessed August 1, 2017). For related theoretical issues and constitutional history, see Khiara Bridges, *The Poverty of Privacy Rights* (Palo Alto, Calif.: Stanford University Press, 2017).

64. P.L. 104-193, Title I, A, 403 (a) (2)

65. P.L. 104-193, Title IX, Sec. 912.

66. P.L. 104-193, Title I, Part A, Sec. 402 (7) (i–iii).

67. Ellen Bassuk et al., “Why Does Family Homelessness Occur? A Case-Control Study,” *American Journal of Public Health* 78/7 (1988): 783–88; Jody Raphael, *Saving Bernice* (Boston:

Northeastern University Press, 2000); and Jody Raphael, *Freeing Tammy* (Boston: Northeastern University Press, 2007).

68. A more positive interpretation appears in Wendy Pollack and Martha F. Davis, “The Family Violence Option of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996: Interpretation and Implementation,” *Clearinghouse Review*, March–April 1997: 1079–100.

69. Reese, *They Say Cutback*, 1761–70 of 8073.

70. “The 1996 reforms changed almost every aspect of non-citizen eligibility for welfare benefits.” Michael Fix and Ron Haskins, “Report—Welfare Benefits for Non-Citizens,” Brookings Institution, February 2, 2002, <https://www.brookings.edu/research/welfare-benefits-for-non-citizens> (accessed August 1, 2017).

71. Meredith Barton and Deborah Chandler, “The Personal Responsibility and Work Opportunity Act of 1996: Poison Pills for Legal Immigrants,” *Richmond Journal of Law and the Public Interest* 1/2 (1997), <https://scholarship.richmond.edu/pilr/vol1/iss2/3/> (accessed January 31, 2018).

72. *Plyler v. Doe* (457 U.S. 202) (1982).

73. Juan F. Perea, *Immigrants Out! The New Nativism and the Anti-Immigrant Impulse in the United States* (New York: New York University Press, 1997), 96–99; “California Proposition 187, Illegal Aliens Ineligible for Public Benefits (1994),” [http://www.Ballotpedia.org/California\\_Proposition\\_187\\_Illegal\\_Aliens\\_Ineligible\\_for\\_Public\\_Benefits](http://www.Ballotpedia.org/California_Proposition_187_Illegal_Aliens_Ineligible_for_Public_Benefits) (accessed July 20, 2015); statement of Rep. Newt Gingrich, “Illegal Immigrants Public Schools Debate,” September 25, 1996, C-Span, <https://www.wc-span.org/video/?75439-1/illegal-immigrants-public-schools-debate> (accessed October 20, 2017).

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83. For the history of food stamps and controversies about expansions in the program in the 1960s and 1970s, see Felicia Kornbluh, “Food as a Civil Right: Hunger, Work, and Welfare in the South after the Civil Rights Act,” *Labor: Studies in Working-Class History of the Americas* 12/1–2 (May 2015): 135–58; and, generally, Nick Kotz, *Let Them Eat Promises: The Politics of Hunger in America* (Garden City, N.Y.: Anchor Books/Doubleday, 1971).

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85. Stacy Dean and Dottie Rosenbaum, “SNAP Benefits Will Be Cut for Nearly All Participants in November 2013,” August 2, 2013, [www.cbpp.org/research/snap-benefits-will-be-cut-for-nearly-all-participants-in-november-2013](http://www.cbpp.org/research/snap-benefits-will-be-cut-for-nearly-all-participants-in-november-2013) (accessed August 3, 2015); Lee, “SNAP Works,” and “Policy Basics.”

86. P.L. 109-171, Deficit Reduction Act of 2005, Title VII, Subtitle A, “TANF.”

87. Katz, *Undeserving Poor*.

88. In this way, PRWORA was in some tension with a disability civil rights movement that emphasized access to productive labor as a human right. This argument will be explored in Felicia Kornbluh and Audra Jennings, *Rethinking the Disability Rights Movement in the United States*, Routledge, forthcoming.

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91. White House, Office of the Press Secretary, “Off-Camera Briefing of the FY18 Budget by Office of Management and Budget Director Mick Mulvaney,” May 22, 2017, <https://www.whitehouse.gov/the-press-office/2017/05/22/camera-briefing-fy18-budge-omb-director-mulvaney> (accessed May 26, 2017).



92. U.S. Census Bureau, *Income and Poverty in the United States: 2016* (Washington, D.C., September 2017), <https://www.census.gov/library/publications/2017/demo/p60-259.html> (accessed January 31, 2018); National Women's Law Center, *National Snapshot: Poverty Among Women and Families, 2016* (Washington, D.C., 2017), <https://nwlc.org/wp-content/uploads/2017/09/Poverty-Snapshot-Factsheet-2017.pdf> (accessed October 24, 2017).

## Chapter 2

1. David Zucchino, *Myth of the Welfare Queen: A Pulitzer Prize-Winning Journalist's Portrait of Women on the Line* (New York: Scribner, 1997). For similar data, see Kathryn Edin and Laura Lein, *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work* (New York: Russell Sage Foundation, 1997).

2. Demetra Smith Nightingale and Kelly S. Mikelson, "An Overview of Research Related to Wisconsin Works (W-2)" (Washington, D.C.: Urban Institute, March 2000), 1–6. The governor of Wisconsin at the time, Tommy Thompson, and the head of the welfare department, Jason Turner, became leaders in the Republican welfare reform push of the 2000s: see Jason DeParle, "Cutting Welfare Rolls but Raising Questions," *New York Times*, May 7, 1997, <http://www.nytimes.com/1997/05/07/us/cutting-welfare-rolls-but-raising-questions.html> (accessed June 7, 2016).

3. In Vermont, Legal Aid director Christopher Curtis litigated the issue of cutting benefits for those supposedly "double-dipping" by receiving both SSI and TANF benefits. He lost in the state appellate courts. An effort by antipoverty and disability rights groups to reverse the policy also failed in the spring 2016 state legislative session. Curtis and Felicia Kornbluh, testimony before the Legislative Women's Caucus, Montpelier, Vermont, February 3, 2016.

4. Zucchino, *Myth of the Welfare Queen*, 313–44.

5. Felicia Kornbluh, "Disability, Anti-Professionalism, and Civil Rights: The National Federation of the Blind and the 'Right to Organize' in the 1950s," *Journal of American History* 97/4 (March 2011): 1023–47; Felicia Kornbluh, *Battle for Welfare Rights* (Philadelphia: University of Pennsylvania Press, 2007); and Annelise Orleck, *Storming Caesar's Palace* (Boston: Beacon, 2005). On welfare clients' activism just prior to and after PRWORA, see Mimi Abramovitz, *Under Attack, Fighting Back: Women and Welfare in the United States* (New York: Monthly Review Press, 1996), 130–41; Diane Dujon, "Out of the Frying Pan: Reflections of a Former Welfare Recipient," in *For Crying Out Loud: Women's Poverty in the United States*, ed. Diane Dujon and Ann Withorn (Boston: South End, 1996), 9–12; and Ellen Reese, *They Say Cutback, We Say Fight Back: Welfare Activism in an Era of Retrenchment* (New York: American Sociological Association/Russell Sage Foundation, 2011), 22–69.

6. For summaries of the history, see Felicia Kornbluh and Karen Tani, "Siting the Legal History of Poverty: Below, Above, and Amidst," in *A Companion to American Legal History*, ed. Sally E. Hadden and Alfred L. Brophy (Sussex: Blackwell/Wiley, 2013), 329–48; Mimi Abramovitz, *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to the Present* (Boston: South End, 1988); and, although not explicitly gendered, Michael B. Katz, *In the Shadow of the Poorhouse* (New York: Basic Books, 1986).

7. Alice Kessler-Harris, "Designing Women and Old Fools: The Construction of the Social Security Amendments of 1939," in *U.S. History as Women's History: New Feminist Essays*, ed. Linda K. Kerber, Alice Kessler-Harris, and Kathryn Kish Sklar (Chapel Hill: University of

North Carolina Press, 1995), 87–106; and Social Security Administration, “1939 Amendments,” archived material, <http://www.ssa.gov/history/1939amends.html> (accessed August 13, 2015). For further discussion of masculinist and pronormative marriage bias in the first decades of the Social Security Act, see Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th-Century America* (Oxford: Oxford University Press, 2001); and Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, N.J.: Princeton University Press, 2009).

8. The exclusions, and their gendered consequences as well as consequences for racial hierarchy, are explored in Linda Gordon, *Pitied but Not Entitled* (New York: Free Press, 1994), 253–306; Jill Quadagno, *The Color of Welfare* (New York: Oxford University Press, 1994), 187–97; and Ira Katznelson, *When Affirmative Action Was White* (New York: W. W. Norton, 2005), 35–52.

9. Kessler-Harris, “Designing Women and Old Fools.”

10. Headnote, in *Welfare: A Documentary History of U.S. Policy and Politics*, ed. Gwendolyn Mink and Rickie Solinger (New York: New York University Press, 2003), 89–93. One charge leveled against the New York City welfare department was that it was a haven of militant unionism. For the history of the organizing that did in fact occur within the New York City Welfare Department, see Daniel Walkowitz, *Working with Class* (Chapel Hill: University of North Carolina Press, 1999), 221–30.

11. Child care funding under the federal Lanham Act ended in February 1946. New York City and the state of California continued public child care programs in the postwar years, but they were always inadequate to meet the need. Sonya Michel, *Children’s Interests/Mothers’ Rights: The Shaping of America’s Child Care Policy* (New Haven, Conn.: Yale University Press, 1999), 193–94; and Natalie Fousekis, *Demanding Child Care: Women’s Activism and the Politics of Welfare 1940–1971* (Urbana: University of Illinois Press, 2011). On employment during World War II, see Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States* (New York: Oxford University Press, 1982), 217–323; Ruth Milkman, *Gender at Work: The Dynamics of Job Segregation by Sex During World War II* (Chicago: University of Illinois Press, 1987); and Susan M. Hartmann, *The Home Front and Beyond: American Women in the 1940s* (Boston: Twayne, 1982).

12. A. J. Liebling, “Horsefeathers Swathed in Mink (1947),” collected in his *The Press* (New York: Ballantine, 1961), 79–89, reprinted in Mink and Solinger, *Welfare*, 125.

13. Liebling, “Horsefeathers Swathed in Mink (1947),” 129.

14. Eva Bertram, *The Workfare State: Public Assistance Politics from the New Deal to the New Democrats* (Philadelphia: University of Pennsylvania Press, 2015), finds evidence from the post-New Deal decades of federal officials’ efforts to shape the programs and keep southern states from denying benefits to nonwhite mothers and children: “The agency’s institutional leverage was limited, however,” she writes, “and its primary response was to issue new regulations and guidance. . . . [Its] Handbook of Public Assistance was eventually over five inches thick with federal guidance” (25). See also Karen Tani, “Welfare and Rights Before the Movement: Rights as a Language of the State,” *Yale Law Journal* 122/314 (2012): 346–83. For the Fleming Ruling of the early 1960s that forbade exclusions on the basis of sexual behavior, see Ellen Reese, *Backlash Against Welfare Mothers: Past and Present* (Berkeley: University of California Press, 2005), 46.

15. Although especially significant after World War II, disability has been part of U.S. antipoverty policy and thinking since the beginning of the republic. See Sarah F. Rose, *No Right*

to Be Idle: *The Invention of Disability, 1840s–1930s* (Chapel Hill: University of North Carolina Press, 2017); Susan Schweik, *Ugly Laws: Disability in Public* (New York: New York University Press, 2009); and, on disability as a category of exclusion throughout U.S. law, see Barbara Welke, *Law and the Borders of Belonging in the Long Nineteenth-Century United States* (Cambridge: Cambridge University Press, 2010). Kornbluh learned much about this from discussions with Laurie Block, founder and curator of the Disability History Museum, <http://www.disabilitymuseum.org/dhm/index.html> (accessed August 30, 2017).

16. Audra Jennings and Felicia Kornbluh, *Rethinking the Disability Rights Movement* (Routledge, forthcoming), argue that disabled people's activism led to the transformation of national disability policy after World War II—and shaped policy and civil rights struggles more than is generally acknowledged. For disability during and after World War II, see Audra Jennings, *Out of the Horrors of War: Disability Politics in World War II America* (Philadelphia: University of Pennsylvania Press, 2016). For an overview of policy, see Edward Berkowitz, *Disabled Policy: America's Programs for the Handicapped* (Cambridge: Cambridge University Press, 1987). For the problematics of cure, see Eli Clare, *Brilliant Imperfection: Grappling with Cure* (Durham, N.C.: Duke University Press, 2017).

17. For post–New Deal social work, particularly the rehabilitative aspiration captured through the concept of the “multi-problem family” needing social welfare intervention, see Andrew J. F. Morris, *The Limits of Voluntarism: Charity and Welfare from the New Deal Through the Great Society* (Cambridge: Cambridge University Press, 2011), 117–47.

18. Kornbluh, “Disability, Anti-Professionalism, and Civil Rights”; Floyd Matson, *Walking Alone and Marching Together: A History of the Organized Blind Movement in the United States, 1940–1990* (Baltimore: National Federation of the Blind, 1990); and Floyd Matson and Jacobus tenBroek, *Hope Deferred: Public Welfare and the Blind* (Berkeley: University of California Press, 1959). These proposed reforms would return in the welfare rights movement of the 1960s–70s and in the agendas of pro-welfare reformers through the 1980s.

19. Mink and Solinger, *Welfare*, 193–94; Jennifer Mittelstadt, *From Welfare to Workfare: The Unintended Consequences of Liberal Reform 1945–1965* (Chapel Hill: University of North Carolina Press, 2005), 46; and Abramovitz, *Regulating the Lives of Women*, 322, 337. Lisa Levenstein, “Hard Choices at 1801 Vine: Poor Women's Legal Actions Against Men in Post–World War II Philadelphia,” *Feminist Studies* 29/1 (Spring 2003): 141–63, offers a close look at individual women's choices in the face of this provision.

20. M. Elaine Burgess and Daniel O. Price, *An American Dependency Challenge* (1963), in Mink and Solinger, *Welfare*, 193.

21. Abramovitz, *Regulating the Lives of Women*, 322–23.

22. On social work professionalization, see Elizabeth Lunbeck, *The Psychiatric Persuasion: Knowledge, Gender, and Power in Modern America* (Princeton, N.J.: Princeton University Press, 1994).

23. Mink and Solinger, *Welfare*, 145.

24. Representative Burr Harrison, “Remarks on the Floor of the U.S. House,” reprinted in “Fraud and Waste in Public Welfare Programs: Debate in Congress (1951),” in Mink and Solinger, *Welfare*, 148.

25. Harrison, “Fraud and Waste in Public Welfare Programs,” 153.

26. Kornbluh, “Disability, Anti-Professionalism, and Civil Rights”; Berkowitz, *Disabled Policy*, 68–73.

27. Mink and Solinger, *Welfare*, 146.

28. On changes in AFDC, see Mink and Solinger, *Welfare*, 146; and Mittelstadt, *From Welfare to Workfare*, 164. On SSDI, see Berkowitz, *Disabled Policy*, 73–78; and Deborah Stone, *The Disabled State* (Philadelphia: Temple University Press, 1984), 68–89.

29. See Cybelle Fox, *Three Worlds of Relief: Race, Immigration, and the American Welfare State from the Progressive Era to the New Deal* (Princeton, N.J.: Princeton University Press, 2012), for extended treatment of race, migration, and welfare. For the earlier U.S. links among poverty, welfare, and migration, see Kunal Parker, *Making Foreigners: Immigration and Citizenship Law in America, 1600–2000* (Cambridge: Cambridge University Press, 2015); and Hidetaka Hirota, *Expelling the Poor: Atlantic Seaboard States and the Nineteenth-Century Origins of American Immigration Policy* (Oxford: Oxford University Press, 2017).

30. Michigan had a Democratic governor from 1949 to 1961. Data from Winifred Bell, *Aid to Dependent Children* (New York: Columbia University Press, 1965); and Premilla Nadasen, Jennifer Mittelstadt, and Marisa Chappell, *Welfare in the United States: A History with Documents, 1935–1996* (New York: Routledge, 2009), 29–30. This was also discussed in Michael Brown, *Race, Money, and the American Welfare State* (Ithaca, N.Y.: Cornell University Press, 1999), 102–12; James Patterson, *America's Struggle Against Poverty, 1900–1980* (Cambridge, Mass.: Harvard University Press, 1981), 85–86; and Linda Gordon, "Aid to Dependent Children: The Legal History," Social Welfare History Archives, <http://www.socialwelfarehistory.com/public-welfare/aid-to-dependent-children-the-legal-history/> (accessed August 31, 2015).

31. Reese, *Backlash Against Welfare Mothers*, 42.

32. James Cobb, "Somebody Done Nailed Us on the Cross: Federal Farm and Welfare Policy and the Civil Rights Movement in the Mississippi Delta," *Journal of American History* 77/3 (December 1990): 912–36; and Howard Zinn, *SNCC: The New Abolitionists* (Boston: Beacon, 1964), 88.

33. Felicia Kornbluh, "Food as a Civil Right: Hunger, Work, and Welfare in the South after the Civil Rights Act," *Labor: Studies in Working-Class History of the Americas* 12/1–2 (2015): 135–58.

34. Discussed paradigmatically in Bell, *Aid to Dependent Children*. See also Lisa Levenstein, "From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960–1961," *Journal of Women's History* 11/4 (2000): 10–23.

35. Rickie Solinger, "The First Welfare Case: Money Sex, Marriage, and White Supremacy in Selma, 1966: A Reproductive Justice Analysis," *Journal of Women's History* 22/3 (2010): 13–31.

36. James Wooten, "47 More Negroes Held in Carolina," *New York Times*, November 13, 1968, 30, and "Hearing Before the U.S. Commission on Civil Rights, Montgomery, Alabama, April–May 1968, 207–99," in Mink and Solinger, *Welfare*, 284, 299. Evidence from the Mississippi Delta appears in Kornbluh, "Food as a Civil Right," 148–53.

37. The policy was known as the "Flemming Ruling" after the secretary. "Letter to State Agencies Administering Approved Public Assistance Plans," Bureau of Public Assistance (1961), in Mink and Solinger, *Welfare*, 204–5, and Mink and Solinger, *Welfare*, 195. See also Reese, *Backlash Against Welfare Mothers*, 46; *King v. Smith* (392 U.S. 309) (1968); and Martha Davis, *Brutal Need: Lawyers and Welfare Rights Movement, 1960–1973* (New Haven, Conn.: Yale University Press, 1993), 60–68, 72, 136, and 142.

38. Mittelstadt, *From Welfare to Workfare*, makes this point and discusses the slippery slope from here to policy makers seeing waged work as a form of rehabilitation for (effectively disabled) poor women. See details of the amendments in Wilbur J. Cohen and Robert M. Ball,

“Public Welfare Amendments of 1962 and Proposals for Health Insurance for the Aged,” *Social Security Bulletin*, October 1962, 3–15, <https://www.ssa.gov/policy/docs/ssb/v25n10/v25n10p3.pdf> (accessed August 30, 2017).

39. John F. Kennedy, “Special Message to Congress on Public Welfare Programs” (1962), in Mink and Solinger, *Welfare*, 212–13.

40. Mink and Solinger, *Welfare*, 197–98; and see discussion of the Work Incentive Program in Kornbluh, *Battle for Welfare Rights*, 96–100.

41. Kornbluh, *Battle for Welfare Rights*, 96.

42. President Kennedy in 1962, for example, called for “more effective location of [deserting] parents.” Mink and Solinger, *Welfare*, 213.

43. Headnote, Mink and Solinger, *Welfare*, 195–96.

44. See discussion in Chapter 1. Robert Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (New York: Hill and Wang, 2012) discusses the Moynihan Report and the limited imagination of the Democratic Party in particular around issues of “family.”

45. For the history of cross identity organizing in California, see Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941–1978* (New York: Oxford University Press, 2010); Shana Bernstein, *Bridges of Reform: Interracial Civil Rights Activism in Twentieth-Century Los Angeles* (New York: Oxford University Press, 2011); and Kornbluh, *Battle for Welfare Rights*, 28–31.

46. Kornbluh, “Food as a Civil Right,” 135–58.

47. Davis, *Brutal Need*, 84–85.

48. Kornbluh, “Food as a Civil Right”; Kornbluh and Tani, “Siting the Legal History of Poverty,” 330; and Solinger, “First Welfare Case.”

49. Kornbluh, “Is Work the Only Thing That Pays? The Guaranteed Income and Other Alternative Anti-Poverty Policies in Historical Perspective,” *Northwestern Journal of Law and Social Policy* 4/1 (Winter 2009): 61–84; and Brian Steensland, *The Failed Welfare Revolution: America’s Struggle over Guaranteed Income Policy* (Princeton, NJ: Princeton University Press, 2008).

50. Kornbluh, *Battle for Welfare Rights*, 153–56.

51. Regular conferences of the North American Basic Income Guarantee Network and Basic Income Earth Network share information on experiments in this vein. See <http://basicincome.org> (accessed August 31, 2017) for a gateway into this world of research and advocacy.

52. Felicia Kornbluh, “Who Shot FAP? The Nixon Welfare Plan and the Transformation of American Politics,” *The Sixties: A Journal of History, Politics, and Culture* 1/2 (December 2008): 125–50.

53. Davis, *Brutal Need*, 99–118, argues for the significance of this language as an indicator of the almost-welfare-right the court began to establish at the turn of the 1970s, under the pressure of people who were affected by welfare policies and their allies.

54. On welfare/feminist overlaps, see Wini Breines, *The Trouble Between Us* (New York: Oxford University Press, 2006); Ann Valk, *Radical Sisters: Second-Wave Feminism and Black Liberation in Washington, D.C.* (Champaign: University of Illinois Press, 2008), 38–59; and Marjorie Spruill, *Divided We Stand: The Battle over Women’s Rights and Family Values That Polarized American Politics* (New York: Bloomsbury, 2017), 27–28, 58, 138, 221.

55. The observations on these texts are our own. For a different set of insightful readings, see Alice O’Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in*

*Twentieth-Century U.S. History* (Princeton, N.J.: Princeton University Press, 2001), 237–41, 265–83; and Michael B. Katz, *The Undeserving Poor* (New York: Pantheon Books, 1989).

56. Daniel Patrick Moynihan, *The Politics of a Guaranteed Income* (New York: Random House, 1973).

57. *Ibid.* For his retreat from the Democratic liberalism of the 1960s and blaming activists of that era, see also Daniel Patrick Moynihan, *Maximum Feasible Misunderstanding* (New York: Free Press, 1969), 128–66.

58. “Questions Submitted by Senator Daniel Patrick Moynihan to HEW Secretary Joseph Califano (1978),” in Mink and Solinger, *Welfare*, 438; Glen G. Cain and Douglas A. Wissoker, “Do Income Maintenance Programs Break Up Marriages? A Reevaluation of SIME-DIME,” *Focus* 10/4 (1987–88), <https://www.wi.rp.wisc.edu/publications/focus/pdfs/foc104a.pdf> (accessed September 19, 2017); and discussions in Katz, *Undeserving Poor*, and O’Connor, *Poverty Knowledge*. Kornbluh’s personal communication with Karl Widerquist at the North American Basic Income Guarantee (NABIG) congress in Winnipeg, Manitoba, May 13, 2016, was also illuminating on this history.

59. David Calnitsky, “When Poverty Disappears: Work, Social Stigma, and Violence in the Manitoba Mincome Experiment,” NABIG congress, May 13, 2016. Also see David Calnitsky, “More Normal Than Welfare: The Mincome Experiment, Stigma, and Community Experience,” *Canadian Review of Sociology* 53/1 (2016): 26–71.

60. The Carter Program for Better Jobs and Income was even more limited in scope and unsuccessful politically than the Nixon proposal. See Kornbluh, “Who Shot FAP?” and “Is Work the Only Thing That Pays?”; Alice O’Connor, “The False Dawn of Poor-Law Reform: Nixon, Carter, and the Quest for a Guaranteed Income,” *Journal of Policy History* 10/1 (February 1998): 99–129; and Steensland, *Failed Welfare Revolution*. See also Evelyn L. Forget, “The Town with No Poverty: Using Health Administration Data to Revisit Outcomes of a Canadian Guaranteed Annual Income Field Experiment,” working paper, University of Manitoba, February 2011; and James Surowiecki, “The Case for Free Money,” *New Yorker*, June 20, 2016, 25.

61. For the Carter administration’s response, see “Questions Submitted by Senator Daniel Patrick Moynihan to HEW Secretary Joseph Califano (1978),” 439: “It may be that what we observe in a brief income maintenance experiment is an increase in dissolutions among problem-ridden marriages, followed by remarriages with a higher likelihood of success.” Also see Cain and Wissoker, “Do Income Maintenance Programs Break Up Marriages?”

62. Panel Study of Income Dynamics (PSID), <https://psidonline.isr.umich.edu/> (accessed September 7, 2015); Katz, *Undeserving Poor*, 119–20.

63. Greg J. Duncan et al., *Years of Poverty, Years of Plenty: The Changing Economic Fortunes of American Workers and Families* (Ann Arbor: University of Michigan Press, 1984), 72–74. The predecessor programs of SSI were Aid to the Blind, Old Age Assistance, and Aid to the Permanently and Totally Disabled.

64. Such families were not, in the long sweep of U.S. history, “traditional.” See Stephanie Coontz, *The Way We Never Were* (New York: Basic Books, 1992), 79–86, 91–92.

65. “Questions Submitted by Senator Daniel Patrick Moynihan to HEW Secretary Joseph Califano (1978),” 438–39.

66. For critiques, see Felicia Kornbluh, “Feminism: Still Hazy After All These Years,” *Tikkun* 6/1 (January/February 1991): 23–26+; and Felicia Kornbluh, “Subversive Potential, Coercive Intent: Women, Work and Welfare in the 1990s,” *Social Policy* 21/4 (Spring 1991): 23–39. And see discussion of these texts in Marisa Chappell, *The War on Welfare: Family,*

*Poverty and Politics in Modern America* (Philadelphia: University of Pennsylvania Press, 2011); Katz, *Undeserving Poor*; and O'Connor, *Poverty Knowledge*.

67. Gilder's record before *Wealth and Poverty* was an antifeminist one, and one that developed over time regarding the pseudomoralistic argument against welfare as a way to save African Americans. George F. Gilder, *Sexual Suicide* (New York: Quadrangle, 1973), George F. Gilder, *Visible Man: A True Story of Post-Racist America* (New York: Basic Books, 1978), and George F. Gilder, *Wealth and Poverty* (New York: Basic Books, 1981). Also see Charles Murray, *Losing Ground: American Social Policy, 1950–1980* (New York: Basic Books, 1984); and Lawrence Mead, *Beyond Entitlement: The Social Obligations of Citizenship* (New York: Free Press, 1986). Reagan found the issue of welfare during his 1966 gubernatorial race against Edmond G. (Pat) Brown. On the 1966 campaign, see Robert Dallek, *The Right Moment: Reagan's First Victory* (New York: Oxford University Press, 2000), 237–53.

68. Daniel Patrick Moynihan, *Family and Nation: The Godkin Lectures* (New York: Harcourt Brace Jovanovich, 1986), 138–39.

69. "Who speaks for the center, on issues of profound national concern?" the editors asked. "No one, until last night." Editors, "Senator Moynihan and the Children," *New York Times*, April 9, 1985, <http://www.nytimes.com/1985/04/09/opinion/senator-moynihan-and-the-children.html> (accessed October 26, 2017). See also David Rosenbaum, "Moynihan Re-assessing Problems of Families," *New York Times*, April 17, 1985, <http://www.nytimes.com/1985/04/07/us/moynihan-re-assessing-problems-of-families.html> (accessed October 26, 2017).

70. Moynihan, *Family and Nation*; Mary Jo Bane and David T. Ellwood, "Slipping into and Out of Poverty: The Dynamics of Spells," National Bureau of Economic Research, Cambridge, Mass., 1983, <http://www.nber.org/papers/w1199> (accessed September 20, 2017); and David T. Ellwood, *Poor Support* (New York: Basic Books, 1988).

71. Bane and Ellwood, "Slipping into and Out of Poverty"; Ellwood, *Poor Support*, 236–42; and Mary Jo Bane and David T. Ellwood, *Welfare Realities: From Rhetoric to Reform* (Cambridge: Harvard University Press, 1994).

72. One bit of slippage occurred in the third of three chapters on family, in which Ellwood identified child support collections as "an obvious starting point" to addressing the supposed crisis facing America. *Poor Support*, 155–59.

73. William Julius Wilson, "The Black Underclass," *Wilson Quarterly* 8/2 (1984): 88–99; William Julius Wilson, "Cycles of Deprivation and the Underclass Debate," *Social Service Review* 59/4 (1985): 541–59; and William Julius Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy* (Chicago: University of Chicago Press, 1987). Also see Nicholas Lemann, "The Origins of the Underclass Part I," *Atlantic Monthly* 257 (June 1986): 31–61; Nicholas Lemann, "The Origins of the Underclass Part II," *Atlantic Monthly* 258 (July 1986): 54–68; and Nicholas Lemann, *The Promised Land: The Great Black Migration and How It Changed America* (New York: Knopf, 1991). The period saw a profusion of journalistic writing on views such as Wilson's, often far less subtle than his own work. See Mortimer B. Zuckerman, "The Black Underclass," *U.S. News and World Report*, April 14, 1986, 78; Mickey Kaus, "The Work Ethic State," *New Republic*, July 7, 1986, 22–33; and Ken Auletta, *The Underclass* (New York: Random House, 1982).

74. Wilson, *Truly Disadvantaged*, 82–92, 95–106.

75. Clinton headed the National Governors Association in 1986–87 and had before that been the head of the organization's welfare committee. Peter Edelman interview, by Russell Riley, Ed Berkowitz, and Kent Germany, May 24–25, 2004, William J. Clinton Presidential



History Project, Miller Center, University of Virginia, 128 (transcript copyright 2014, Miller Center Foundation and Pryor Center for Arkansas Oral and Visual History), <http://millercenter.org/president/clinton/oralhistory> (accessed October 15, 2015); and Jonah Edelman, “The Politics of Welfare Reform and the Family Support Act of 1988” (M.A. thesis, Oxford University, 1994) and Jonah Edelman, “The Passage of the Family Support Act,” Ph.D. diss., Balliol College, Oxford University, 1995.

76. Committee on Finance, U.S. Senate, *Family Security Act of 1988: Report* (Washington, D.C.: U.S. Government Printing Office, 1988), 100–377; and Kornbluh, “Subversive Potential, Coercive Intent.” Summaries of the law appear in the Institute for Research on Poverty’s periodical *Focus*, <https://www.irp.wisc.edu/publications/focus/pdfs/foc14e.pdf> (accessed January 31, 2018); Michael B. Katz, *Price of Citizenship*, 71–76; Edelman, “Politics of Welfare Reform,” and Edelman, “Passage of the Family Support Act.”

77. Kornbluh, “Class Dismissed! Welfare Recipients Fight to Stay in College,” *In These Times* October 5, 1997, 18–20.

78. Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).

### Chapter 3

1. Barbara Ehrenreich, “A Step Back to the Workhouse?” reprinted in *Welfare: A Documentary History of U.S. Policy and Politics*, ed. Gwendolyn Mink and Rickie Solinger (New York: New York University Press, 2003), 504–6; Mimi Abramovitz, “Why Welfare Reform Is a Sham,” *Nation*, September 26, 1988, reprinted in Mink and Solinger, *Welfare*, 518–19; and Felicia Kornbluh, “Subversive Potential, Coercive Intent: Women, Work and Welfare in the 1990s,” *Social Policy* 21/4 (Spring 1991): 23–39.

2. Ronald Reagan, “Remarks on Signing the Family Support Act of 1988, October 13, 1988,” from *Public Papers of the Presidents of the United States: Ronald Reagan*, book 2, 1988–89 (Washington, D.C.: Government Printing Office, 1991), reprinted in Mink and Solinger, *Welfare*, 533.

3. For a consideration of mothers’ efforts to combine waged work and parenting, see Roberta Spalter-Roth, Heidi Hartmann, and Linda Andrews, “Combining Work and Welfare: An Alternative Anti-Poverty Strategy,” report to the Ford Foundation, Institute for Women’s Policy Research (1992).

4. Reagan, “Remarks on Signing the Family Support Act of 1988, October 13, 1988,” 534. When it emerged from the Senate Finance Committee (on which Moynihan served), the bill included under its JOBS program alone \$500 million in 1989, \$650 million in 1990, \$800 million in 1991, and \$1 billion in each year following. The program was an entitlement. Committee on Finance, U.S. Senate, *Family Security Act of 1988*, 100th Cong., 2nd sess. (Washington, D.C.: Government Printing Office, 1988), 3–4. See also “The Family Support Act: Official Summary, 1988,” from U.S. House, *Official Summary of H.R. 1720, the Family Support Act*, 100th Cong. 2nd sess., 1988, H. Rept. 100-98, reprinted in Mink and Solinger, *Welfare*, 526–28.

5. U.S. House, *Official Summary of H.R. 1720, the Family Support Act*, 525–26.

6. Reagan, “Remarks on Signing the Family Support Act of 1988, October 13, 1988,” 534. On Clinton’s long engagement with the issue, see Bill Clinton, *My Life* (New York: Knopf, 2004), 329, 720.

7. Clinton testimony on FSA, 1990, in Mink and Solinger, *Welfare*, 541.



8. This referred to the era before 1939, before the Social Security Act amendments of that year removed the overwhelming majority of white widows, those whose husbands had full-time mainstream work, from the ADC rolls and placed them on the Old Age and Survivors Insurance rolls instead. See Discussion in Chapter 2.

9. Clinton testimony, 541.

10. Greg J. Duncan, et al., *Years of Poverty, Years of Plenty: The Changing Economic Fortunes of American Workers and Families* (Ann Arbor: University of Michigan Press, 1984), 75. By the more expansive definition of the “persistent welfare dependent” utilized by the PSID researchers, those who received over half of their income from means-tested government benefits in eight years out of a decade, the group amounted to 2 percent of the U.S. population.

11. Clinton testimony, 541.

12. *Ibid.*, 542.

13. This apparent paradox is central to the analysis in Hugh Heclo, “The Politics of Welfare Reform,” *The New World of Welfare*, ed. Rebecca Blank and Ron Haskins (Washington, D.C.: Brookings Institution Press, 2001), 169–200. We arrived at our conclusions prior to reading Heclo’s essay.

14. Michael B. Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York: Metropolitan Books/Henry Holt, 2001), 77–103, discusses governors as anti-welfare reformers but does not mention Clinton in Arkansas.

15. Judith Gueron and Edward Pauly, with Cameran M. Lougy, *From Welfare to Work* (New York: Manpower Demonstration Research Corporation/Russell Sage Foundation, 1991), 15–20. Other voluntary programs included a Louisville, Kentucky, program established under the WIN/WIP program authorized by the 1967 Social Security Act amendments; statewide programs in New Jersey and Maine; and national demonstration programs of supported work opportunities for low-income people who had received AFDC benefits for a significant period of time. All these programs began, and began to be evaluated, in the late 1970s or early 1980s.

16. Stephen Freedman, Daniel Friedlander, Winston Lin, and Amanda Schweder, “The GAIN Evaluation: Five-Year Impacts on Employment, Earnings, and AFDC Receipt,” Manpower Demonstration Research Corporation, July 1996, <http://www.mdrc.org>, [https://www.mdrc.org/sites/default/files/full\\_561.pdf](https://www.mdrc.org/sites/default/files/full_561.pdf) (accessed April 14, 2016).

17. Gueron and Pauly with Lougy, *From Welfare to Work*, 44–45 (comparing voluntary with mandatory programs), 54, 84–91; Randy Albeda and Chris Tilly, *Glass Ceilings and Bottomless Pits: Women’s Work, Women’s Poverty* (Boston: South End, 1997), 119–20; Richard Kusserow, “Working Toward Jobs: The Massachusetts Employment and Training (ET) Choices Program,” U.S. Department of Health and Human Services, Office of Inspector General and Office of Evaluation and Inspections, May 1990; David H. Greenberg, Victoria Deitch, and Gayle Hamilton, “Welfare-to-Work Program Benefits and Costs,” Manpower Demonstration Research Corporation, February 2009, <https://www.mdrc.org/publication/welfare-work-program-benefits-and-costs> (accessed April 7, 2016); and Spencer Rich, “Dukakis Jobs Program Called Ineffective in Cutting Welfare Rolls,” *Washington Post*, May 6, 1990, <https://www.washingtonpost.com/archive/politics/1990/05/06/dukakis-jobs-program-called-ineffective-in-cutting-welfare-rolls/819c20b3-d698-4c4a-9ef6-efad36075a6c> (accessed April 14, 2016).

18. “Transcript of the Second Debate Between Bush and Dukakis: Contention over Crime and Taxes,” *New York Times*, October 14, 1988, <http://www.nytimes.com/1988/10/14/us/the-presidential-debate-transcript-of-the-second-debate-between-bush-and-dukakis.html?pagewanted=all> (accessed April 14, 2016).

19. Hecló, "Politics of Welfare Reform," 186, shares this interpretation.

20. On masculinity and heteronormativity in U.S. political culture, see Kevin Murphy, *Political Manhood: Red Bloods, Mollycoddles, and the Politics of Progressive Era Reform* (New York: Columbia University Press, 2008), especially 209.

21. This is our analysis based on sources cited above and data from (but differing in the conclusions of) Al From, *The New Democrats and the Return to Power* (New York: St. Martin's, 2013).

22. Kornbluh, "Subversive Potential, Coercive Intent."

23. Martin Tolchin, "Moynihan Seeking to Stand System on Its Head," *New York Times*, June 13, 1988, <http://www.nytimes.com/1988/06/13/us/washington-talk-welfare-revision-moynihan-seeking-to-stand-system-on-its-head.html> (accessed April 15, 2016).

24. Hecló, "Politics of Welfare Reform," 185–86.

25. General Accounting Office, "Mother-Only Families: Low Earnings Will Keep Many Children in Poverty (1991)," in Mink and Solinger, *Welfare*, 540–41.

26. *Ibid.*, 550.

27. Gueron and Pauly with Lougy, *From Welfare to Work*, 35.

28. Gwendolyn Mink and Rickie Solinger, headnote to Ronald Brownstein, "Tough Love Comes to Politics," in Mink and Solinger, *Welfare*, 551; *Sojourner A. v. New Jersey Department of Human Services*, 177 NJ 318 (2003); and Jamelle Bouie, "The Most Discriminatory Law in the Land," *Slate.com*, June 2014, [http://www.slate.com/articles/news\\_and\\_politics/politics/2014/06/the\\_maximum\\_family\\_grant\\_and\\_family\\_caps\\_a\\_racist\\_law\\_that\\_punishes\\_the.html](http://www.slate.com/articles/news_and_politics/politics/2014/06/the_maximum_family_grant_and_family_caps_a_racist_law_that_punishes_the.html) (accessed October 8, 2015).

29. Brownstein, "Tough Love Comes to Politics," 552.

30. *Ibid.*, 552–53.

31. Lawrence M. Friedman, *A History of American Law*, 3rd ed. (New York: Simon and Schuster, 2005), 509, 514; and Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985), 64–83. Hendrik Hartog emphasizes the degree to which family law has remained more of a state and local matter than have other areas of U.S. law in *Man and Wife in America: A History* (Cambridge, Mass.: Harvard University Press, 2000), 14–15, 34.

32. Joan Hoff, *Nixon Reconsidered* (New York: Basic Books, 1994), 66–70.

33. Hecló, "Politics of Welfare Reform," 183. See also M. Katz, *Price of Citizenship*, 80–95. We had considered waivers in the context of federalism and "new federalism" prior to reading Hecló and Katz.

34. Rebekah J. Smith, "Family Caps in Welfare Reform: Their Coercive Effects and Damaging Consequences," *Harvard Journal of Law and Gender* 29 (2006): 169–80; and Melinda Henneberger, "Rethinking Welfare: Deterring New Births—a Special Report; State Aid Is Capped, but to What Effect?" *New York Times*, April 11, 1995, <http://www.nytimes.com/1995/04/11/us/rethinking-welfare-deterring-new-births-special-report-state-aid-capped-but-what.html?pagewanted=all> (accessed April 14, 2016).

35. Jackson Katz, *Leading Men: Presidential Campaigns and the Politics of Manhood* (Northampton: Interlink, 2012); Michael S. Kimmel, *Manhood in America: A Cultural History* (New York: Free Press, 1996); R. W. Connell, *Masculinities* (Berkeley: University of California Press, 2005); and Murphy, *Political Manhood*.

36. Bane quoted in M. Katz, *Price of Citizenship*, 90.

37. M. Katz, *Price of Citizenship*, 91.

38. Kathryn J. Edin and H. Luke Shaefer, *\$2.00 a Day: Living on Almost Nothing in America* (Boston: Houghton Mifflin Harcourt, 2015), 157.

39. David Ellwood, *Poor Support: Poverty in the American Family* (New York: Basic Books, 1988), 135–37. Ellwood's call for part-time work for single mothers does not treat caregiving as a form of work. He does not recognize women's dependency on male partners or husbands as a problematic alternative to their reliance on government aid.

40. Ellwood's section "Crime, Drugs, and the Underground Economy" does not discuss mass incarceration or police brutality as substantial barriers to social mobility (*Poor Support*, 208). His section "Ghetto Poverty" describes differences along racial lines in unemployment and education statistics from the 1960s to the 1970s (195–211). However, he argues that "racism cannot be blamed for the apparently worsening situation of many inner-city residents since the 1960s and early 1970s, for virtually no contemporary observer would deny that there have been significant achievements in reducing barriers to opportunity" (210).

41. Thomas Byrne Edsall, with Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: W. W. Norton, 1991), 16.

42. *Ibid.*, 16. For contemporary treatments of these themes that did not center race or suggest that Democrats revivify their New Deal-era successes by castigating the behavior of nonwhites, see Kevin Phillips, *The Politics of Rich and Poor: Wealth and the American Electorate in the Reagan Aftermath* (New York: Random House, 1990), and Kevin Phillips, *Boiling Point: Democrats, Republicans, and the Decline of Middle-Class Prosperity* (New York: Harper Perennial, 1993).

43. Edsall with Edsall, *Chain Reaction*, 122–29, 186.

44. *Ibid.*, 128.

45. *Ibid.*, 5. They claim that among the "social costs of the liberal agenda" was "the number of households on welfare" (15).

46. For these historical reasons, see Chapter 2 and Alice Kessler-Harris, "Designing Women and Old Fools: The Construction of the Social Security Amendments of 1939," in *U.S. History as Women's History*, ed. Linda K. Kerber and Alice Kessler-Harris (Chapel Hill: University of North Carolina Press, 1995), 87–106. On media representations, see Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy* (Chicago: University of Chicago Press, 1999). For race and welfare generally, see Jill Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty* (New York: Oxford University Press, 1994); Sanford Schram and Joe Soss, eds., *Race and the Politics of Welfare Reform* (Ann Arbor: University of Michigan Press, 2003); and Michael K. Brown, *Race, Money, and the American Welfare State* (Ithaca, N.Y.: Cornell University Press, 1999).

47. E. J. Dionne, *Why Americans Hate Politics* (New York: Simon and Schuster, 1991), 331–32. Dionne revisited these themes in "Why Americans Hate Politics: A Reprise," *Brookings Review* 18/1 (Winter 2000): 8–11.

48. See Felicia Kornbluh's treatment of this argument in "Political Arithmetic and Racial Division in the Democratic Party," *Social Policy* 26/3 (Spring 1996): 49–60. See also Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: W. W. Norton, 2005).

49. Stanley Greenberg elaborates on this strategy in *Middle-Class Dreams: The Politics and Power of the New American Majority* (New York: Times Books, 1995).

50. Stanley Greenberg, "From Crisis to Working Majority," *American Prospect*, Fall 1991, <http://prospect.org/article/crisis-working-majority> (accessed September 30, 2017).

51. For the slogan, see the campaign documentary *The War Room*, directed by Chris Hegedus and D. A. Pennebaker (October Films, December 1993).

52. Kornbluh worked for Reverend Jackson in 1991–92. For primary documents from the campaign, see Frank Clemente, *Keep Hope Alive: Jesse Jackson's 1988 Presidential Campaign* (Boston: South End/Keep Hope Alive PAC, 1989).

53. Kornbluh, "Political Arithmetic and Racial Division." In the annals of American politics, this event has mostly been celebrated. The trope of the "Sister Souljah Moment" came into use in the 1990s to denote a moment of courage by a candidate who was willing to alienate important constituencies within his or her own party for reasons of principle. Matt Latimer, "Why There Are No More Sister Souljah Moments," *Politico*, June 24, 2015, <http://www.politico.com/magazine/story/2015/06/why-there-are-no-more-sister-souljah-moments-119386> (accessed March 29, 2016).

54. Kornbluh, "Political Arithmetic and Racial Division"; Peter Applebome, "The 1992 Campaign: Death Penalty; Arkansas Execution Raises Questions on Governor's Politics," *New York Times*, January 25, 1992, <http://www.nytimes.com/1992/01/25/us/1992-campaign-death-penalty-arkansas-execution-raises-questions-governor-s.html> (accessed March 29, 2016); and Marshall Frady, "Death in Arkansas," *New Yorker*, February 22, 1993, <http://www.newyorker.com/magazine/1993/02/22/death-in-arkansas> (accessed March 29, 2016).

55. Brownstein, "Tough Love Comes to Politics," 553.

56. Hecllo, "Politics of Welfare Reform," 186.

57. *Ibid.*, 187–88.

58. David Ellwood remembered of the campaign: "The president's famous promise to 'end welfare as we know it' was the most potent sound bite on welfare. It came up so often that we referred to it as EWAKI. Yet while implying that welfare is a massive failure and conveying seriousness of purpose about reform, EWAKI only vaguely suggests that we can replace the current system with something better. Even more destructive was the phrase, 'two years and you're off.' Our pollsters told us that 'two' was the single most memorable number of the 1992 campaign. The problem, of course, is that 'two years and you're off' seems to imply no help at all after two years. That is never what was intended." David Ellwood, "Welfare Reform as I Knew It: When Bad Things Happen to Good Policies," *American Prospect*, May–June 1996, <http://prospect.org/article/welfare-reform-i-knew-it-when-bad-things-happen-good-policies> (accessed March 29, 2016).

59. Katz, *Prize of Citizenship*, 322; and Mink, *Welfare's End* (Ithaca, NY: Cornell University Press, 1998).

60. William J. Clinton: "Address Accepting the Presidential Nomination at the Democratic National Convention in New York," July 16, 1992. Online by Gerhard Peters and John T. Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=25958> (accessed October 23, 2015).

61. The Democratic platform of 1992 had a more judgmental tone than did the nominee's address: "Governments don't raise children, people do. People who bring children into this world have a responsibility to care for them and give them values, motivation and discipline. Children should not have children. We need a national crackdown on deadbeat parents, an effective system of child support enforcement nationwide, and a systematic effort to establish paternity for every child." "Democratic Party Platform of 1992," July 13, 1992, Gerhard Peters and John T. Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=29610> (accessed October 23, 2015).

62. Governor Bill Clinton, “Address Accepting the Presidential Nomination.” The platform used the phrases “new covenant” and “third way” interchangeably to describe the approach. See discussion of “third way” in note 64, below. “Democratic Party Platform of 1992” July 13, 1992, Gerhard Peters and John T. Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=29640> (accessed October 23, 2015). The effort to rebrand the Democratic Party was ubiquitous in the political rhetoric of 1992. Clinton’s address featured the lines: “We offer our people a new choice based on old values. We offer opportunity. We demand responsibility. . . . The choice we offer is not conservative or liberal. In many ways, it is not even Republican or Democratic. It is different. It is new.”

63. Clinton, “Address Accepting the Democratic Nomination.” The language of the platform was nearly identical to this. It read: “Welfare should be a second chance, not a way of life. . . . We will offer people on welfare a new social contract. We’ll invest in education and job training, and provide the child care and health care they need to go to work and achieve long-term self-sufficiency. We will give them the help they need to make the transition from welfare to work, and require people who can work to go to work within two years in available jobs either in the private sector or in community service to meet unmet needs. This will restore the covenant that welfare was meant to be: a promise of temporary help for people who have fallen on hard times.”

64. Although “third way” became a shorthand reference for Clintonite or procorporate policies within the Democratic Party, this was an odd linguistic appropriation. A “third” or “middle way” referred in decades prior to the 1990s to the social democratic policies of Sweden and other European countries that had removed health care and other social needs from the profit-making marketplace. They were understood to have found a path between market capitalism and Communism in its brutalist tradition. The origin of the idea in English lies with Marquis Childs, *Sweden: The Middle Way* (New Haven, Conn.: Yale University Press, 1936).

65. Heclo, “Politics of Welfare Reform,” 188–89.

## Chapter 4

1. On LGBT rights, see Urvashi Vaid, *Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation* (New York: Anchor Books, 1995). On Guinier, see Clint Bolick, “Clinton’s Quota Queens,” *Wall Street Journal*, April 30, 1993, A12, and Lani Guinier, *The Tyranny of the Majority: Fundamental Fairness in Representative Democracy* (New York: Free Press, 1994) and Lani Guinier, *Lift Every Voice: Turning a Civil Rights Setback into a Strong New Vision of Social Justice* (New York: Simon and Schuster, 1998).

2. As per the suggestion of sociologist Theda Skocpol in “Targeting Within Universalism,” in *The Urban Underclass*, ed. Christopher Jencks and Paul E. Peterson (Washington, D.C.: Brookings Institution Press, 1991), 411–36.

3. As discussed in Chapter 3, note 64, this locution represented a reversal in meaning: Clinton Democrats used “third way” to differentiate themselves from liberalism, whereas the “third way” English-speaking intellectuals explored from the 1930s to the 1990s was social democratic and would have pursued a national, universal health care system.

4. See discussions in Paul Starr, *The Social Transformation of American Medicine* (New York: Basic Books, 1983); Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America’s Public-Private Welfare State* (Princeton, N.J.: Princeton University Press, 2003); Beatrix Hoffman, *The Wages of Sickness: The Politics of Health Insurance in Progressive America* (Chapel Hill: University of North Carolina Press, 2001); and Beatrix Hoffman, *Health Care for*

*Some: Rights and Rationing in the United States Since 1930* (Chicago: University of Chicago Press, 2012).

5. Clinton administration labor secretary Robert Reich, too, emphasizes the constraining power of these New Democratic commitments. See Robert Reich, *Locked in the Cabinet* (New York: W. W. Norton, 1997), 64. See also Bob Woodward *The Agenda: Inside the Clinton White House* (New York: Simon and Schuster, 1994) 132–33, for discussion of Reich's dissent to the administration's focus on deficit reduction.

6. Theda Skocpol, *Boomerang: Health Care Reform and the Turn Against Government* (New York: W. W. Norton, 1996), 14. Skocpol argues that it was likely no course administration officials chose, given the externally imposed and self-imposed constraints, would have "resulted in success—if by success we mean an extension of coverage to many currently uninsured citizens along with the institution of effective cost controls in U.S. health care" (178).

7. President Bill Clinton, "Address on Health Care," September 22, 1993, transcript at <http://millercenter.org/president/speeches/speech-3926> (accessed October 23, 2015). Clinton made "security" the first of six principles that shaped his administration's approach.

8. *Ibid.*

9. Skocpol, *Boomerang*, 18.

10. Max Boot, "Welfare Reform Is Still on Track, Clinton Aide Says," *Christian Science Monitor*, February 26, 1993, <http://www.csmonitor.com/1993/0226/26012.html> (accessed November 5, 2015).

11. David Ellwood and Mary Jo Bane published some of their research findings in *Welfare Realities: From Rhetoric to Reform* (Cambridge, Mass.: Harvard University Press, 1994). For Moynihan's treatment of the evidence, see Daniel Patrick Moynihan, *Family and Nation* (San Diego: Harcourt Brace Jovanovich, 1986). For an account of Bruce Reed's coining of the phrase "end welfare as we know it," see Jason Deparle, "From Pledge to Plan: The Campaign to End Welfare—a Special Report; The Clinton Welfare Bill; A Long, Stormy Journey," *New York Times*, July 15, 1994, <http://www.nytimes.com/1994/07/15/us/pledge-plan-campaign-end-welfare-special-report-clinton-welfare-bill-long-stormy.html> (accessed April 20, 2016). For membership of the administration's welfare policy group, see Domestic Policy Council, Bruce Reed, and Welfare Reform Series, "Welfare Reform Working Group," Clinton Digital Library, <https://clinton.presidentiallibraries.us/items/show/32016> (accessed October 4, 2017).

12. Domestic Policy Council, Reed, and Welfare Reform Series, "Welfare Reform Working Group."

13. Eric Foner, in *Give Me Liberty* (New York: W. W. Norton, 2017), 1078, overstates the Democratic consensus on the other side when he claims Clinton "ignor[ed] the protests of most Democrats" to sign the bill. R. Kent Weaver, *Ending Welfare as We Know It* (Washington, D.C.: Brookings Institution Press, 2000), does not ignore disagreements among Democrats but pays little attention to the feminists and congressional liberals we discuss. Eva Bertram, *The Workfare State: Public Assistance Politics from the New Deal to the New Democrats* (Philadelphia: University of Pennsylvania Press, 2015), discusses debates among Democrats. However, she argues generally that Democrats were responsible for creating what she calls "the workfare state."

14. Letter from Representative Patsy Takemoto Mink to Honorable Lynn Woolsey, June 22, 1993, Library of Congress, Manuscript Division, Patsy T. Mink papers, box 2096/F7 and box 1373/F5.

15. The officials, according to Edelman, were Ann Rosewater and Michael Wald. Felicia Kornbluh was supervised by Rosewater years before on the staff of the U.S. House Select Committee on Children, Youth, and Families. Peter Edelman interview, by Russell Riley, Ed Berkowitz, and Kent Germany, May 24–25, 2004, William J. Clinton Presidential History Project, Miller Center, University of Virginia, 128 (transcript copyright 2014, Miller Center Foundation and Pryor Center for Arkansas Oral and Visual History), <http://millercenter.org/president/clinton/oralhistory> (accessed October 15, 2015). See also Peter Edelman, “The Worst Thing Bill Clinton Has Done,” *Atlantic*, March 1997, <http://www.theatlantic.com/magazine/archive/1997/03/the-worst-thing-bill-clinton-has-done/376797/> (accessed April 14, 2016). Weaver, *Ending Welfare*, 233–35, discusses the deliberations of the working group and its cochairs.

16. Edelman interview, 128.

17. Institute for Women’s Policy Research (IWPR), “Women and Welfare Reform: Women’s Poverty, Women’s Opportunities, and Women’s Welfare Conference Proceedings” (March 1994), transcript of a conference sponsored by IWPR, chaired by Representative Patsy Takemoto Mink and cochaired by Representatives Maxine Waters, Lynn Woolsey, and Ed Pastor; Gwendolyn Mink, ed., *Women and Welfare Reform*, conference proceedings republished as a special issue of *Social Justice* 21/1 (1994).

18. Gwendolyn Mink, “Preface to *Women and Welfare Reform*,” *Social Justice* 21/1 (1994), 1–2.

19. Jason DeParle, “Difficult Math of Welfare Reform—History Suggests Clinton’s Bold Hopes Will Bow to Realities,” *New York Times*, December 6, 1993, A22.

20. In between the two Democratic letters, an overwhelming majority of House Republicans (160 or 175 members) endorsed a welfare reform bill that withdrew benefits for custodial parents after two years, sanctioned women who failed to establish the paternity of their children’s fathers, and cut support to most immigrants—much as PRWORA later would do. Jeffrey L. Katz, “Welfare Overhaul Forces Ready to Start Without Clinton,” *Congressional Quarterly*, April 2, 1994, 801, Mink papers, box 1257/F1.

21. Letter from Representative Patsy Mink, Representative Bernard Sanders, and eighty-six other members of Congress to President William J. Clinton, November 24, 1993, Mink papers, box 1255/F3. Also see “Mink Memorandum to Executive Committee, Congressional Caucus for Women’s Issues,” November 18, 1993, seeking support for the letter, Mink papers, box 1255/F6; and DeParle, “Difficult Math of Welfare Reform.”

22. Letter from Representative Patsy Mink, Representative Bernard Sanders, et al.; and Coalition on Human Needs, “Welfare Reform Task Force Principles,” June 1993, Mink papers, box 1374/F5.

23. Jennifer Dixon, “Urban Democrats Enter Battle over Welfare Reform,” December 3, 1993, Associated Press Newswire, Gwendolyn Mink files.

24. Editorial, “. . . And the Dads Issue,” *Washington Post*, December 6, 1993, A22.

25. See discussion of child support and the Family Support Act in Chapter 3, and see the work of the influential think tank researchers Irwin Garfinkel and Sara McLanahan, *Single Mothers and Their Children: A New American Dilemma* (Washington, D.C.: Urban Institute, 1986). David Ellwood wrote, in a book published in 1994, of child support as a “supplementary benefit” for welfare recipients, less likely to cause or sustain “dependency” than even such benefits as child care or receipt of medical care: “Because it comes without the need



of going through the welfare system and because it has no stigma associated to it [because policy makers chose not to heap stigma on its recipients], child support could in principle be empowering in a way that welfare never could. . . . What is unknown . . . is whether a more stable and reliable source of outside [paternal] income serves as a base that welfare mothers could supplement with their own earnings." David Ellwood, "Understanding Dependency," in Ellwood and Bane, *Welfare Realities*, 105.

26. Felicia Kornbluh, "Subversive Potential, Coercive Intent: Women, Work and Welfare in the 1990s," *Social Policy* 21/4 (Spring 1991): 23–39; and Gwendolyn Mink, *Welfare's End* (Ithaca, N.Y.: Cornell University Press, 1998), 69–102.

27. Marcia Greenberger and Nancy Duff Campbell, Washington Insider Briefing, National Women's Law Center, August 9, 1993, and attached paper, Ayuda, Clinica Legal Latina, Center for Law and Social Policy, Children's Defense Fund, National Women's Law Center, U.S. Catholic Conference, and Women's Legal Defense Fund, "A Vision of Child Support Reform," (June 1993), Gwendolyn Mink files.

28. Editorial, ". . . And the Dad's Issue."

29. Domestic Policy Council, Bruce Reed, and Welfare Reform Series, "Event/Announcement-Kansas City, June 14, 1994," Clinton Digital Library, <http://clinton.presidentiallibraries.us/items/show/31603> (accessed November 19, 2015).

30. Memorandum from Bruce Reed to President Bill Clinton, May 30, 1994, "The Politics of Welfare Reform," Domestic Policy Council, Bruce Reed, and Welfare Reform Series, "Memos to the President (5/30/1994)," Clinton Digital Library, <http://clinton.presidentiallibraries.us/items/show/31822> (accessed November 19, 2015). Reed's memorandum included a report from presidential pollster Stanley Greenberg, finding that "Perot voters [in particular were] eager for reforms." Memorandum from Joe Goode and Stan Greenberg, Greenberg Research, Incorporated, to Welfare Reform Group, May 20, 1994, in "Memos to the President." For contemporary analysis of the politics behind the proposal, see Jason DeParle, "The Clinton Welfare Bill Begins Trek in Congress," *New York Times*, July 15, 1994, A1, A18+. Also see Hugh Heclo, "The Politics of Welfare Reform," in *The New World of Welfare*, ed. Rebecca M. Blank and Ron Haskins (Washington, D.C.: Brookings Institution, 2001), 190.

31. This was Ellwood's view, for example, in "Welfare Reform as I Knew It: When Bad Things Happen to Good Policies," *American Prospect*, May–June 1996, <http://prospect.org/article/welfare-reform-i-knew-it-when-bad-things-happen-good-policies> (accessed September 21, 2017).

32. For discussion and legal precedents on these rights, see Mink, *Welfare's End*.

33. Mark Greenberg, "Understanding the Clinton Welfare Bill: Two Years and Work," Washington, D.C.: Center on Law and Social Policy, July 1994, Mink papers, box 2101/F1; and Weaver, *Ending Welfare*, 244. Greenberg notes that a client could "earn back" one month of public assistance eligibility if she spent four months in the paid labor market neither receiving welfare nor working in a government-supported job.

34. Greenberg, "Understanding the Clinton Welfare Bill," iv.

35. [White House Working Group, summary of welfare reform plan, 1994], Mink papers, box 1255/F5; and Weaver, *Ending Welfare*, 244.

36. [White House Working Group, summary of welfare reform plan, 1994], Mink papers, box 1255/F5.

37. Memorandum from Bruce Reed to President Bill Clinton, May 30, 1994, "The Politics of Welfare Reform." For reflections from that period, see Daniel Patrick Moynihan, *Miles to*



*Go: A Personal History of Social Policy* (Cambridge, Mass.: Harvard University Press, 1996). See discussion of Moynihan and health care, welfare reform, and relations with the Clinton administration prior to the Republican congressional takeover of 1994 in Skocpol, *Boomerang*, 101; Weaver, *Ending Welfare*, 238, 240; and Todd S. Purdum, “The Newest Moynihan,” *New York Times*, August 7, 1994, <http://www.nytimes.com/1994/08/07/magazine/the-newest-moynihan.html?pagewanted=all> (accessed September 20, 2017). Ellwood does not mention Moynihan as a cause of delay but does discuss the issue of delay in “Welfare Reform as I Knew It.”

38. Ellwood, “Welfare Reform as I Knew It.” Ellwood does not discuss any of the race- or gender-based sources of Democratic congressional opposition to the White House proposal.

39. Letter on welfare reform, from forty-one House members to President Clinton, June 14, 1994, Mink papers, box 1382/F8.

40. Jason DeParle, “Skirmish on Welfare Plan Highlights the Chasm Between Right and Left,” *New York Times*, July 31, 1994, 22. The description is DeParle’s. Representative Matsui had his own welfare reform proposal, which emphasized waged work and child support but did not contain a time limit. Draft Matsui welfare reform proposal, May 13, 1994, Mink papers, box 1257/F3.

41. DeParle, “Skirmish on Welfare Plan Highlights the Chasm Between Right and Left.”

42. Weaver’s close study of welfare reform policy making makes only brief mention of the Mink approach (and none of the feminist analysis utilized by Mink and others). Weaver, *Ending Welfare*, 288.

43. Representative Patsy Mink, “Welfare Reform Principles,” handwritten list [1994], Gwendolyn Mink files. She added the annotation: “poor family is no different than a rich family.” Mink’s welfare reform talking points can be found in Mink papers, various, especially box 2103/F6.

44. Mink, “Welfare Reform Principles.”

45. Representative Patsy Mink, statement on H.R. 4498, “The Job Start for America Act,” before the U.S. House Committee on Education and Labor, August 2, 1994, Mink papers, box 1257/F6 and box 2103/F1. Also see Mink letter to constituent in Kahului, Hawaii, August 24, 1994, Mink papers, box 1255/F3 (clarifying that participants in the Job Start program would receive assistance until their income reached 300 percent of the federal poverty line); summary, “The Job Start for America Act,” May 20, 1994, Mink papers, box 1382/F8; Representative Patsy Mink, “Welfare Reform: The Gender Issue,” *Congressional Record* 140/27, March 11, 1994, Mink papers, box 1382/F8; and Representative Patsy Mink, “Mink Welfare Substitute,” n.d., Mink papers, box 1257/F2. Representatives Lynn Woolsey and Nita Lowey also had alternative proposals.

46. Linda Gordon, Frances Fox Piven, and Louise Trubek, introduction, “Women Academics Concerned About Welfare,” newspaper advertisement, ca. 1994, Mink papers, box 1374/F8.

47. Clinton’s 1992 campaign used the rhetoric of a “third way.” Bill Clinton’s political strategist for 1996, Dick Morris, spoke of “triangulation”: While advising the president, Morris remembered, “I blurted out the strategy I proposed in a single word: triangulate. I found myself shaping my fingers into a triangle, with my thumbs joined at the base and my forefingers raised to meet a point at the top. ‘Triangulate, create a third position, not just in between the old positions of the two parties but above them as well. Identify a new course that accommodates the needs the Republicans address but does it in a way that is uniquely

you, I counseled.” Dick Morris, *Behind the Oval Office: Winning the Presidency in the Nineties* (New York: Random House, 1997), 80.

48. Hecló makes a related argument about the White House welfare plan itself, that it represented a too little, too late, approach to welfare reform-ism, in that it reached Capitol Hill seven months after Republicans had introduced their own reform bill. Hecló, “The Politics of Welfare Reform,” 190–91.

49. Republican National Committee, *Contract with America* (New York: Three Rivers, 1994); Representative Newt Gingrich, Representative Dick Armey, and the House Republicans, *Contract with America*, ed. Ed Gillespie and Bob Schelhas (New York: Times Books, 1994); and Newt Gingrich, *Quotations from Speaker Newt: The Little Red, White, and Blue Book of the Republican Revolution*, ed. Amy D. Bernstein and Peter W. Bernstein (New York: Workman, 1995).

50. Journalist James Fallows pointed out that Gingrich voiced his idea of placing children in orphanages after promulgation of the Contract with America. James Fallows, “Washington and the Contract with America,” book review, *Atlantic Monthly*, 1994, <http://www.theatlantic.com/past/docs/unbound/jfnpr/jfreview.htm> (accessed April 28, 2016). For some of the ideological background to the Republican congressional majority’s philosophy, see Gertrude Himmelfarb, “The Victorians Get a Bad Rap,” *New York Times*, January 9, 1995, A15. Thanks to Frank Zelko for reminding us of Himmelfarb’s role in this debate.

51. Prepared testimony of Cheri Honkala, Philadelphia, Pennsylvania, January 18, 1995, Mink papers, box 1377/F2. For more on Honkala, see David Zucchino, *Myth of the Welfare Queen: A Pulitzer Prize-Winning Journalist’s Portrait of Women on the Line* (New York: Scribner, 1997).

52. Letter from Representative Patsy Mink to Secretary Donna Shalala, Department of Health and Human Services, January 11, 1995, Mink papers, box 1374/F10.

53. N.a., “Work, Not Welfare: Democratic Welfare Reform,” February 10, 1995, Mink papers, box 1370/F10. Also see n.a., “Talking Points for Democratic Welfare Reform Proposal,” n.d., Mink papers, box 1382/F6.

54. Peter Gosselin, “House Democrats Attack GOP Welfare Proposal,” *Boston Globe*, February 11, 1995, 5; and Robert Pear, “Democrats Call Republicans Too Lenient on Welfare,” *New York Times*, February 11, 1995, Mink papers, box 1370/F10. Pear quoted Moynihan as saying: “You cannot abandon children. . . . The White House had better be a lot clearer in this regard.”

55. Democratic Caucus Welfare Reform Task Force, cochairs Representative Richard Neal and Representative Lynn Woolsey, “Welfare Reform in the 104th Congress,” Mink papers, box 2098/F3, 3: “When [the Personal Responsibility and Work Opportunity Reconciliation Act] came to the floor on March 23, 1995, Rep. Nathan Deal offered a strong welfare reform substitute that was supported unanimously by House Democrats.” During floor debate of the Republican bill (H.R. 1214), Representative Mink mentioned the House Democratic consensus in support of preserving the welfare entitlement in a statement on H.R. 1250, the Mink substitute to H.R. 1214, March 23, 1995, Mink papers, box 1378/F7. Also see Asian-Pacific/Black/Hispanic Caucuses, “Possible Questions from the Press, Press Conference, Vote on H.R. 2621,” December 14, 1995, Mink papers, box 1376/F1.

56. Weaver, *Ending Welfare*, 288.

57. Representatives Deal, Stenholm, Tanner, Clement, and Lincoln, summary, “Individual Responsibility Act of 1995,” n.d., Mink papers, box 1382/F6. Under the heading of “indi-

vidual responsibility,” the Blue Dogs framed an agenda for gender relations, including permitting family caps, requiring teenage mothers to live with their parents, increasing the surveillance of noncustodial parents, and imposing financial responsibility for low-income children on their grandparents. The proposal was described in a positive light in Democratic Caucus Welfare Reform Task Force, “Welfare Reform in the 104th Congress,” Mink papers, box 2098/F3.

58. Letter from President Bill Clinton to Speaker of the House Newt Gingrich, March 20, 1995, Mink papers, box 1377/F2.

59. “Welfare Reform” (special orders), *Congressional Record* 141/2, 104th Cong., 1st sess., Mink papers, box 1378/F5. See also, “Letters from the Women’s Legal Defense Fund, NOW Legal Defense and Education Fund, and Wider Opportunities for Women, to Dear Representative,” March 13–14, 1995, Mink papers, box 1376/F4. The same file contains a score of letters from labor unions, representatives of the liberal mainline Protestant denominations, and professional organizations such as the National Association of Social Workers, all urging members of Congress to vote against the Republican majority’s “Personal Responsibility Act.” And see National Council of Women’s Organizations, “National Women’s Pledge on Welfare Reform: Principles for Eliminating Poverty,” February 9, 1995, and statement of Heidi Hartmann, Institute for Women’s Policy Research, press conference on the National Women’s Pledge, February 13, 1995, Mink papers, box 1379/F7.

60. Representative Patsy Mink, statement on H.R. 1250, substitute to H.R. 1214 in the United States House of Representatives, March 23, 1995, Mink papers, box 1378/F7. See also [Democratic Study Group Summary], Mink substitute, n.d., Mink papers, box 1377/F2; n.a. [Mink’s office], summary, Mink welfare substitute, n.d., Mink papers, box 1378/F9; and talking points, “The Family Stability and Work Opportunities Act,” introduced by Representative Patsy Mink, n.d., Mink papers, box 1378/F9.

61. Mink statement on H.R. 1250, box 1378/F7; and letter from Representative Patsy Mink to Representative Gary Ackerman, March 28, 1995, with list of members who voted for the bill attached, Mink papers, box 1377/F3.

62. Felicia Kornbluh, “Feminists and the Welfare Debate: Too Little? Too Late?” *Dollars and Sense* 208 (November–December 1996), 24–25, 39–40; and Felicia Kornbluh, “Welfare and the Women’s Vanguard,” *In These Times* 20/2 (December 11, 1995): 39–40.

63. Women’s Committee of 100, “Women’s Pledge on Welfare Reform: Eliminating Poverty for Women and Their Children,” May 1995; WC100 Letter to President Clinton, December 1995, Mink papers, box 1379/F7.

64. Kornbluh, “Welfare and the Women’s Vanguard.”

65. Edelman interview, 134.

66. [Clinton White House staff], “Welfare Reform Talking Points: Tough on Work, Not Tough on Kids,” October 1995, with fax cover page, “from: Kevin Burke, HHS, to Melissa \_\_\_\_\_, staff of Representative Patsy Mink,” Mink papers, box 1377/F5.

67. The letter also called for “effective” child support enforcement. [Staff of Democratic Representative Jane Harman and Republican Representative Connie Morella], “Attention: Women’s Caucus—Welfare Reform L[egislative] A[ides]s,” with attached draft letter to conferees, October 4, 1995, Mink papers, box 1377/F5. Representative Mink did not sign.

68. Bill Clinton vetoed a budget bill that contained major welfare reforms, as well as serious cuts in the Medicare and Medicaid health care programs. Democratic Caucus Welfare Reform Task Force, “Welfare Reform in the 104th Congress,” Mink papers, box 2098/F3, 7;

Edelman interview, 134–35; and Hecló, “The Politics of Welfare Reform,” 193. Hecló does *not* capture the role of congressional Democrats and advocates outside the White House and Capitol Hill in creating the political context in which the president chose to veto the Personal Responsibility Act. Edelman mentioned that anti-PRA advocates within HHS considered mobilizing outside groups to pressure the president.

69. Letter from Representative Patsy Mink, to Democratic colleagues, November 7, 1995, Mink papers, box 1379/F4.

70. *Ibid.*

71. [Pat Reuss, senior policy analyst], “Memorandum from NOW Legal Defense and Education Fund, to Women’s and Civil Rights Orgs/Advocates for Poor Families/Members of VAW Task Force,” November 10, 1995, Mink papers, box 1379/F4.

72. *Ibid.*; and letter from Representative Patsy Mink to Representative Barney Frank, November 9, 1995, Mink papers, box 1379/F4: “I now have 102 members—and need only 43 more.”

73. Letter from Representative Patsy Mink, Representative Patricia Schroeder, and 116 others (115 Democrats plus Sanders), to President William Clinton, November 9, 1995, with updated list of signatories, November 16, 1995, Mink papers, box 1376/F1.

74. Representative Patsy Mink, “News Release,” November 14, 1995: “Congresswoman Mink Releases Joint Letter Urging President to Veto Welfare Bill,” Mink papers, box 1379/F4, with statements by Representative Lynn Woolsey, Representative Maxine Waters, and others; Representative Patsy Mink news release, “Attention: Editors and News Directors, Press Conference: Welfare Reform,” November 14, 1995, Mink papers, box 1376/F1.

75. Morris, *Beyond the Oval Office*, 37, 80. Daniel Patrick Moynihan characterized Clinton’s form of governance similarly when he criticized the White House for acting as though they believed they would be best off if they retreated from domestic policy leadership and essentially said to the Republicans in Congress, “All right, you’re so smart, you fix it.” Quoted in Weaver, *Ending Welfare*, 300.

76. Democratic Caucus Welfare Reform Task Force, “Welfare Reform in the 104th Congress,” Mink papers, box 2098/F3, 8–9.

77. Editors, “Mr. Clinton’s Welfare Moves,” *Washington Post*, February 3, 1996, A18.

78. This was, Edelman said, because governors were very eager to block-grant (and cut state funding for) Medicaid. Edelman interview, 134. Gwendolyn Mink and Eileen Boris, “Welfare Reforms Don’t Value Mothers,” February 23, 1996, *Montgomery Advertiser*, typescript (n.p.), Mink papers, box 2100/F4, also mentions the role of governors in framing the bill that sat in the House of Representatives for much of 1996.

79. Even in the spring of 1996, however, the depth of the Democratic leadership’s investment in this issue (and willingness to compromise) was revealed in a campaign-oriented brief on welfare reform: n.a., “President Clinton: Ending Welfare as We Know It,” DNC Talking Points, May 21, 1996 [on stationery that reads, “Win in ’96”], Mink papers, box 2099/F3: The piece began with a discussion of waivers “so that individual states can develop innovative new ways to turn welfare into a hand-up instead of a handout.” The DNC piece claimed, too, that “President Clinton’s 1997 Balanced Budget End[ed] the Aid to Families with Dependent Children (AFDC) Program” and imposed a five-year limit on the receipt of aid.

80. Edelman interview, 135. Hecló made much the same point about the unusual politics here: In the spring and summer of 1996, he found “converging electoral interest between a Democratic president seeking a second term and congressional Republican leaders struggling

to retain control of Congress after only two years at the helm. For one of the rare moments in modern American politics, politicians' reelection calculus made it better to have welfare reform as a law than as an issue." Hecla, "The Politics of Welfare Reform," 193.

81. Children's Defense Fund, "Why the Conference Welfare Agreement Is Worse Than the Senate Bill," August 1, 1996, Mink papers, box 1372/F5.

82. "Letter from Fred Kammer, FJ, President, Catholic Charities USA, to Dear Representative," July 17, 1996, Mink papers, box 1375/F3.

83. "Legislative Alert! From Peggy Taylor, Director, Department of Legislation, AFL-CIO, July 18, 1996, to Dear Representative," Mink papers, box 1376/F7.

84. "Letter from Karen Narasaki, Executive Director, National Asian Pacific Legal Consortium, to Dear Representative," July 30, 1996, Mink papers, box 1376/F7.

85. "Letter from Douglas Bovin, President, National Association of Counties, July 12, 1996, to Dear Member of Congress," Mink papers, box 1372/F3.

86. U.S. House of Representatives, roll no. 383, July 31, 1996, <http://clerk.house.gov/evs/1996/roll383.xml> (accessed October 4, 2017).

87. Bill Clinton, *My Life* (New York: Knopf, 2004), 720; and "Statement by the President, the Briefing Room, the White House," July 31, 1996, Mink papers, box 1375/F3. The version of the statement circulated by the White House Press Office included the exchanges with media representatives that followed Clinton's statement, including questions about Democratic dissent, civil rights groups' reactions, Moynihan, and the refutation of a Democratic Party commitment that had been initiated in the 1930s. There were no questions specifically about women or gender.

## Chapter 5

1. Center for Third World Organizing founder Gary Delgado was a veteran of welfare rights and other low-income activism. He started his career as an organizer for the National Welfare Rights Organization and was an early staff member of the Association of Community Organizations for Reform Now (ACORN), which existed from 1970 to 2010. See his book *Organizing the Movement: The Roots and Growth of ACORN* (Philadelphia: Temple University Press, 1986); and Felicia Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America* (Philadelphia: University of Pennsylvania Press, 2007), xi.

2. "Memo to: Legislative Aides, from: Irene Juaniza, GROWL, re: Resource Packet for Welfare Reauthorization, Date: 2/6/02," GROWL packet, and "Hundreds Pack Capitol Hill Welfare Briefing to Hear Moms Tell Their Stories," press release, for release February 6, 2002, GROWL packet, Gwendolyn Mink files on 2001–2 TANF reauthorization.

3. "Hundreds Pack Capitol Hill Welfare Briefing to Hear Moms Tell Their Stories."

4. Kabzvag Vaj, CAAAV [Coalition Against Asian American Violence]–Organizing Asian Communities, Madison, Wisconsin, Testimony, GROWL Grassroots policy briefing, panel 1: "Does Race Matter with Welfare? Toward a New Civil Rights," February 5, 2002, Gwendolyn Mink files on 2001–2 TANF reauthorization.

5. Inocencia Nolasco, Make the Road by Walking, Brooklyn, New York, testimony, GROWL Grassroots policy briefing, panel 1: "Does Race Matter with Welfare? Toward a New Civil Rights," February 5, 2002, Gwendolyn Mink files on 2001–2 TANF reauthorization.

6. Mary Caferro, Working for Equality and Economic Liberation, Helena, Montana, testimony, GROWL Grassroots policy briefing, panel 2: "The Poverty of Forced Marriage: Strengthen All Families," February 5, 2002, Gwendolyn Mink files on 2001–2 TANF reauthorization.

7. GROWL, "What Do We Want?" n.d. [February 5, 2002], Gwendolyn Mink files on 2001–2 TANF reauthorization.

8. David Ellwood, "Welfare Reform as I Knew It: When Bad Things Happen to Good Policies," *American Prospect*, May–June 1996, <http://www.prospect.org> (accessed January 14, 2016) and David Ellwood, "Was Welfare Reform Worthwhile?" *American Prospect*, July–August 1996, <http://www.prospect.org> (accessed January 14, 2016); Barbara Vobejda and Judith Havemann, "2 HHS Officials Quit over Welfare Changes," *Washington Post*, September 12, 1996, A01; Alison Mitchell, "Two Clinton Aides Resign to Protest New Welfare Law," *New York Times*, September 12, 1996, <http://www.nytimes.com/1996/09/12/two-clinton-aides-resign-to-protest-new-welfare-law.html> (accessed January 6, 2016).

9. Peter Edelman, "The Worst Thing Bill Clinton Has Done," *Atlantic* 279/3 (March 1997), <http://www.theatlantic.com/magazine/archive/1997/03/the-worst-thing-bill-clinton-has-done/376797> (accessed January 6, 2016).

10. Edelman, "Worst Thing Bill Clinton Has Done."

11. Felicia Kornbluh, "Feminists and the Welfare Debate: Too Little? Too Late?" *Dollars and Sense* 208 (November–December 1996): 24–25, 39–40; Barbara Vobejda, "Clinton Signs Welfare Bill amid Division," *Washington Post*, August 23, 1996, A01; and Francis X. Clines, "Clinton Signs Bill Cutting Welfare: States Win New Role," *New York Times*, August 23, 1996, <http://www.nytimes.com/1996/08/23/us/clinton-signs-bill-cutting-welfare-states-in-new-role.html?pagewanted=all> (accessed January 6, 2016).

12. Edelman, "Worst Thing." See also Eva Bertram, *The Workfare State: Public Assistance Politics from the New Deal to the New Democrats* (Philadelphia: University of Pennsylvania Press, 2015), 204; and Robert Pear, "Political Rifts over Bill Clinton's Welfare Law Resurface as Aid Shrinks," *New York Times*, May 20, 2016, <http://www.nytimes.com/2016/05/21/us/politics/welfare-arizona-bill-hillary-clinton.html> (accessed May 25, 2016). For the counterargument, see Dick Morris, *Behind the Oval Office* (New York: Random House, 1997), 299–300, 304; and the memorandum from Joe Goode and Stan Greenberg, Greenberg Research, Incorporated, to Welfare Reform Group, May 20, 1994, in memorandum from Bruce Reed to President Bill Clinton, May 30, 1994, "The Politics of Welfare Reform," Domestic Policy Council, Bruce Reed, and Welfare Reform Series, "Memos to the President (5/30/1994)," Clinton Digital Library, <http://clinton.presidentiallibraries.us/items/show/31822> (accessed November 19, 2015).

13. Democratic Party, platform, "Today's Democratic Party: Meeting America's Challenges, Protecting America's Values," August 26, 1996, published online by Gerhard Peters and John T. Woolly, American Presidency Project, University of California–Santa Barbara, <http://www.presidency.ucsb.edu/ws/index.php?pid=29611> (accessed May 27, 2016).

14. President Bill Clinton, "Speech Accepting the Democratic Nomination for President," August 29, 1996, transcript by the Public Broadcasting Service, [http://www.pbs.org/newshour/bb/politics-july-dec96-clinton\\_08-29/](http://www.pbs.org/newshour/bb/politics-july-dec96-clinton_08-29/) (accessed January 11, 2016).

15. Thomas Byrne Edsall, with Mary D. Edsall, *Chain Reaction: the Impact of Race, Rights, and Taxes on American Politics* (New York: W. W. Norton, 1991). A similar argument from the left appeared years later in Thomas Frank, *What's the Matter with Kansas? How Conservatives Won the Heart of America* (New York: Metropolitan Books, 2004).

16. President Bill Clinton, "Speech Accepting the Democratic Nomination."

17. Democratic Party, platform, "Today's Democratic Party," August 26, 1996.

18. Matt Welch, "When the Entire Democratic Party Was Like Donald Trump," Reason.com, August 26, 2015, <https://reason.com/blog/2015/08/26/when-the-entire-democratic-party>

-was-lik (accessed January 12, 2016); and “Democratic Party Platform,” adopted August 26, 1996, Chicago, <http://www.presidency.ucsb.edu/ws/?pid=29611> (accessed January 11, 2016).

19. “Democratic Party Platform,” adopted August 26, 1996; Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355, P.L. 103-322; and Betty Friedan “Betty Friedan Reflects on 1992, the Year of the Woman,” *New Republic*, February 4, 2014, orig. October 5, 1992, <https://newrepublic.com/article/116464/betty-friedan-our-party-october-5-1992> (accessed May 26, 2016).

20. “Democratic Party Platform,” Adopted August 26, 1996.

21. Transcript, President Bill Clinton, State of the Union address (February 4, 1997), <http://www.cnn.com/2005/allpolitics/01/31/sotu.clinton.1997> (accessed May 27, 2016).

22. Transcript, President Bill Clinton, State of the Union address.

23. Office of Personnel Management, “Welfare-to-Work,” <https://archive.opm.gov/wtw/html/welfare.htm>.

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64. Hugh Hecl, “The Politics of Welfare Reform,” in *The New World of Welfare*, ed. Rebecca Blank and Ron Haskins (Washington, D.C.: Brookings Institution Press, 2001), 169–200.

65. Hutson and Patel, “Side-by-Side Comparison”; and Patel, Savner, Greenberg, and Hutson, “Side-by-Side Comparison.”

66. For more details and analysis of the amended TANF program, see Chapter 7. U.S. House of Representatives, Committee on Ways and Means, “Chapter 7—Temporary Assistance for Needy Families,” in *Green Book: Background Material and Data on the Programs within the Jurisdiction of the Committee on Ways and Means* (Washington, D.C., Government Printing Office, 2011); National Governors’ Association, Center for Best Practices, “Issue Brief—Waiting for Reauthorization: State Experiences in Welfare Reform Since 2001,” August 24, 2005, <http://www.nga.org/CEMS/home/nga-center-for-best-practices/center-publications/page>

-ehsw-publications/col2-content/main-content-list/waiting-for-reauthorization-state.html (accessed February 19, 2016); and Coalition on Human Needs, “TANF Reauthorization Remains Unfinished,” October 11, 2002, [http://www.chn.org/human\\_needs\\_report/tanf-reauthorization-remains-unfinished/#.VscnoyDzl](http://www.chn.org/human_needs_report/tanf-reauthorization-remains-unfinished/#.VscnoyDzl) (accessed February 19, 2016).

67. Elissa Gootman, “Patsy Mink, Veteran Hawaii Congresswoman, Dies at 74,” *New York Times*, September 30, 2002, <http://www.nytimes.com/2002/09/30/us/patsy-mink-veteran-hawaii-congresswoman-dies-at-74.html> (accessed February 19, 2016).

68. David Stout, “Minnesota Senator Is Among 8 Dead in Crash,” *New York Times*, October 25, 2002, <http://www.nytimes.com/2002/10/25/politics/minnesota-senator-is-among-8-dead-in-crash.html> (accessed October 5, 2017). Senator Al Franken writes movingly about the effect of Wellstone’s death, and his legacy, in Al Franken, *Giant of the Senate* (New York: Hachette/Twelve Books, 2017), esp. 46–49.

## Chapter 7

1. Father’s Day speech by Senator Barack Obama (D-Illinois), June 15, 2008, to Apostolic Church of God, Chicago, Illinois, as released by his campaign, politico.com, <http://www.politico.com/story/2008/06/text-of-obamas-fatherhood-speech-011094?o=4> (accessed July 21, 2016). On official fatherhood program materials, the Obama administration would later use the phrase “what makes you a father is not the ability to have a child.” U.S. Office of Faith-Based and Neighborhood Partnerships, “Promoting Responsible Fatherhood and Strong Communities,” <https://www.whitehouse.gov/administration/eop/obnbp/policy/fatherhood> (accessed July 21, 2016).

2. Barack Obama, Father’s Day speech.

3. Ibid.

4. Ibid.

5. Sociologist Matthew Desmond chronicles the shortcomings of urban housing markets, including too-high rents and racial segregation, in *Evicted: Poverty and Profit in the American City* (New York: Crown, 2016). Also see Douglas Massey and Nancy Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, Mass.: Harvard University Press, 1993). For an argument about the weaknesses of an antipoverty strategy that privileges fatherhood or marriage, and not women’s educational, housing, or employment needs, see Kathryn Edin and Maria Kefalas, *Promises I Can Keep: Why Poor Women Put Motherhood Before Marriage* (Berkeley: University of California Press, 2011, orig. 2005), 214.

6. Scholar of religion and African American studies Eddie S. Glaude Jr. has criticized Obama for chiding African Americans in moralistic terms and called Obama’s My Brother’s Keeper initiative for men and boys of color “a Band-Aid for a gunshot wound.” Eddie S. Glaude Jr., *Democracy in Black: How Race Still Enslaves the American Soul* (New York: Crown, 2016), 7. Glaude does not criticize Obama for being sexist or for his failure to acknowledge mothers.

7. Marshall Frady, “Annals of Law and Politics: Death in Arkansas,” *New Yorker*, February 22, 1993, 105.

8. Historian James Patterson made these links explicit: in his book on the Moynihan Report, he reported that Obama’s speech encouraged “some reformers [to] dare to believe that something like the national action of which Moynihan dreamed might someday come to pass.” James Patterson, *Freedom Is Not Enough: The Moynihan Report and America’s Struggle*



over *Black Family Life from LBJ to Obama* (New York: Basic Books, 2010), vi. For the Moynihan Report as an intellectual touchstone of the mainstream Democratic Party, see Robert Self, *All in the Family: The Realignment of American Democracy Since the 1960s* (New York: Hill and Wang, 2012).

9. See the ground-level views of TANF and other public assistance programs in Vicki Lens, *Poor Justice: How the Poor Fare in Court* (Oxford: Oxford University Press, 2015), chapters 2 and 6. Lens's observations occurred in New York City and its suburbs. The clients whose legal proceedings she observed were active enough to bring hearings but still not connected to sustained collective politics or protest.

10. On the Democrats' middle-class strategy, see Charles Schumer, *Positively American: Winning Back the Middle Class Majority One Family at a Time* (New York: Rodale Books, 2007).

11. Mainstream policy professionals and policy intellectuals did not take up these issues even though they were present in the discourse of some activists and critical intellectuals. Angela Davis, *Are Prisons Obsolete?* (New York: Seven Stories, 2003), acknowledges her debt to scholarly and activist work on mass incarceration going back at least to the 1998 conference *Critical Resistance: Beyond the Prison-Industrial Complex*.

12. See, for example, the work of the researchers Irwin Garfinkel and Sara McLanahan, *Single Mothers and Their Children: A New American Dilemma* (Washington, D.C.: Urban Institute Press, 1986).

13. Texas Freedom Network Education Fund, "The Texas Faith-Based Initiative at Five Years: Warning Signs as President Bush Expands Texas-Style Program to National Level," October 10, 2002, Gwendolyn Mink files on faith-based.

14. *Ibid.*

15. George W. Bush: "Executive Order 13199—Establishment of White House Office of Faith-Based and Community Initiatives," January 29, 2001, Gerhard Peters and John T. Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=61481> (accessed October 5, 2017); "Executive Order 13198—Agency Responsibilities with Respect to Faith-Based and Community Initiatives," January 29, 2001, Peters and Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=45708> (accessed October 5, 2017).

16. The politics of these issues were informed by the Supreme Court decision in *Boy Scouts of America v. Dale* (530 U.S. 640) (2000), which held that the Boy Scouts could deny membership to people who identified as gay, despite antidiscrimination laws that covered sexual orientation in certain states with Boy Scouts chapters.

17. Emphasis ours. Executive Office of the President of the United States, "White House Faith-Based and Community Initiative," <http://georgewbush-whitehouse.archives.gov/government/fbci/president-initiative.html> (historical material, accessed August 9, 2016).

18. Dana Milbank, "Charity Cites Bush Help in Fight Against Hiring Gays: Salvation Army Wants Exemption from Laws," *Washington Post*, July 10, 2001, A01.

19. Mike Allen, "President Urges War on Poverty: At Notre Dame, Bush Touts Faith Plan," *Washington Post*, May 21, 2001, A01.

20. Summary of policy briefing, Center on Fathers, Families, and Public Policy, "Public Funding for Religious-Run Services Gaining Ground on Many Fronts," November 2003, posting "From: Irene Weiser, To: poverty@yahoo.com, Subject: [poverty] Public Funding for Religious-Run Services Gaining Ground, December 1, 2003," Gwendolyn Mink files on faith-based. The Center for Fathers, Families, and Public Policy, later renamed the Center for



Family Policy and Practice, was founded in 1995 as “the policy arm of the Ford Foundation’s Strengthening Fragile Families [fatherhood] initiative.” See <https://cffpp.org> (accessed October 6, 2017); and National Responsible Fatherhood Clearinghouse, Administration for Children and Families, U.S. Department of Health and Human Services, “Responsible Fatherhood Toolkit—Resources from the Field,” n.d. [2014?], <https://www.fatherhood.gov/sites/default/files/FatherhoodToolkit.pdf> (accessed October 6, 2017), 9.

21. Kathleen Sylvester and Kathy Reich, “Restoring Fathers to Families and Communities: Six Steps for Policymakers,” Social Policy Action Network, published with the support of the Annie E. Casey Foundation (Baltimore: Social Policy Action Network, 2000).

22. By 2010, forty-one states and the District of Columbia had adopted the Family Violence Option, six states had legislated an alternative that waived some TANF requirements for certified domestic violence victims, and three states had no specific policies regarding violence under TANF. However, there was great variation in the implementation of the Family Violence Option, and therefore in the support available for low-income mothers experiencing intimate violence, across U.S. states and localities. Tim Casey, Jill Davies, Annika Gifford, and Anne Menard, *Not Enough: What TANF Offers Family Violence Victims*, Legal Momentum and the National Resource Center on Domestic Violence, March 2010, <http://vawnet.org/material/not-enough-what-tanf-offers-family-violence-victims> (accessed August 15, 2017).

23. The authors had no data to offer on this or most of the other state and local initiatives it profiled. However, they added that “anecdotal evidence suggests the program has helped lower teen pregnancy rates.” Sylvester and Reich, “Restoring Fathers,” 6.

24. *Ibid.*

25. Mary Ann Akers, “In the Speaker’s Office, a Quiet Liberal Lion: Wendell E. Primus,” *Washington Post*, June 21, 2010, [http://www.washingtonpost.com/wp-dyn-content/article/2010/06/20/AR2010062003442\\_2.html](http://www.washingtonpost.com/wp-dyn-content/article/2010/06/20/AR2010062003442_2.html) (accessed August 11, 2016).

26. Primus and Haskins also suggested that states and localities help low-income men address the problems created by high child support awards relative to their income and the legal trouble this generated for them. Policy makers did not heed their warning on this point. Ron Haskins and Wendell Primus, “Welfare Reform and Poverty,” Policy Brief 4, Welfare Reform and Beyond, Brookings Institution, July 2001, <https://www.brookings.edu/research/welfare-reform-and-poverty/> (accessed January 17, 2017).

27. *Ibid.* The only study they cited of a program that increased marriage rates was of a Minnesota demonstration project that gave low-income families child care (not secured by the PRWORA in 1996 or by mainstream Democratic or Republican reauthorization proposals in the early 2000s) and income supplements.

28. Casey, Davies, Gifford, and Menard, *Not Enough*, 3, 7–8, 10.

29. *Ibid.*, 12–16.

30. Marguerite Roulet, “Fatherhood Programs and Domestic Violence,” Center on Fathers, Families, and Public Policy, Technical Assistance Series, n.d. [2002], filed as “Fatherhood programs and dv-crffpp,” in Gwendolyn Mink files on fatherhood promotion.

31. Roxane Roberts, “Giving Fatherhood Some Pop—at NFI Gala, Laura Bush Touts Role of Dads in Families,” *Washington Post*, April 20, 2005, C01.

32. See the organization’s archived website at <http://www.wmadvocampaign.org/> (accessed October 1, 2016). Note that the archived website is a recreation of the original; the person responsible for it warns that the text on it may not be precisely the same as that on the organization’s active website from the early 2000s.

33. Caitlin Johnson, “When Welfare Works,” Connect for Kids (later SparkAction), September 18, 2000, <http://sparkaction.org/node/222/print> (accessed October 1, 2016); the Welfare Made a Difference film about the value of education for recipients, <http://www.jskurnik.com/WMAD.html> (accessed October 1, 2016); Welfare Made a Difference archived website; and letter from Welfare Made a Difference national campaign, “To Dear Senator \_\_\_\_\_, on TANF Reauthorization in 2004,” document titled “WMAD letter 2-13-03.doc,” in Gwendolyn Mink files on WMAD (Welfare Made a Difference).

34. Welfare Made a Difference National Campaign, “Shirt Off Our Backs Day,” document titled “Shirt off our Backs—announcement.doc,” Gwendolyn Mink files on WMAD. A photograph of the action appears in Gwendolyn Mink and Alice O’Connor, eds., *Poverty in the United States: An Encyclopedia of History, Politics and Policy* (Santa Barbara, Calif.: ABC-CLIO), 2: 819.

35. Welfare Mother’s Voice, “Our Mission” and “How We Came to Be,” <http://www.welfarewarriors.org/> (accessed October 1, 2016). The fall 2005 issue of *Welfare Mother’s Voice* included stories about a protest against budget cuts affecting low-income disabled people by the group ADAPT (Americans Disabled for Attendant Programs Today), offered an homage to Rosa Parks and words of inspiration from Dolores Huerta, and published a Wisconsin TANF client’s chronicle of a day in the welfare office. *Welfare Mother’s Voice*, Fall 2005, [http://www.welfarewarriors.org/MWV\\_Archive/f05](http://www.welfarewarriors.org/MWV_Archive/f05) (accessed October 1, 2016).

36. A Welfare Warriors flyer added: “Congress has repeatedly postponed reauthorization. *To date they have not taken action.* So much for mandatory time limits. Perhaps Congress should be sanctioned?” Welfare Warriors, “Introduction to Fight-Back Carols,” from document titled “WelfareWarriors Fight-Back Carols,” Gwendolyn Mink files on WMAD.

37. Welfare Warriors, “Stop TANF in 2005,” from document titled “WelfareWarriors Fight-Back Carols,” Gwendolyn Mink files on WMAD.

38. Maximus was a private, for-profit company that contracted with many state governments to provide welfare-to-work services under TANF. “Poverty Governance,” a 2011 study summarized, was “reorganized [after PRWORA] to replace centralized state control with decentralized cross-sector collaborations and to serve as a site of profitable investment for corporations such as Lockheed Martin, Maximum, Affiliated Computer Systems (ACS), and Corrections Corporation of America (CCA).” Joe Soss, Richard C. Ford, and Sanford F. Schram, *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race* (Chicago: University of Chicago Press, 2011), 39. Journalist Barbara Ehrenreich sounded the alarm on this trend early, in “Spinning the Poor into Gold—How Corporations Seek to Profit from Welfare Reform,” *Harper’s Magazine*, August 1997: 44–52.

39. Welfare Warriors, “The Twelve Days of Welfare,” from document titled “WelfareWarriors Fight-Back Carols,” Gwendolyn Mink files on WMAD.

40. President George W. Bush, “Statement on Signing the Deficit Reduction Act of 2005,” February 8, 2006, from “Presidential Signing Statements,” Peters and Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/signingstatements.php?year=2006> (accessed October 3, 2016). Bush’s frequent recourse to signing statements to void portions of statutes his administration claimed were unconstitutional—a practice usually associated with the War on Terror but in evidence here in welfare policy—earned rebuke from a Blue Ribbon Panel and the House of Delegates (the decision-making arm) of the American Bar Association (ABA). ABA Task Force on Presidential Signing Statements and the Separation of Powers Doctrine, July 2006, [http://www.abanet.org/lop/signing\\_statements/abafinal\\_signing-statements\\_recommendationreport\\_T-24-06.pdf](http://www.abanet.org/lop/signing_statements/abafinal_signing-statements_recommendationreport_T-24-06.pdf) (accessed October 12, 2017); and “Recommendation,”

adopted by the House of Delegates, August 7–8, 2006. Charlie Savage of the *Boston Globe* won a Pulitzer Prize for the reporting in early 2006 that spurred the ABA investigation.

41. Vicki Turetsky, “Side-by-Side Comparison of Child Support and Fatherhood Program Provisions in Welfare Reauthorization Bills Passed by the Senate Finance Committee and House Human Resources Subcommittee,” Center for Law and Social Policy, June 6, 2005, file titled “Clasp—Billscomparison fatherhood and cse-05,” Gwendolyn Mink files on fatherhood promotion; P.L. 109-171, February 8, 2006, 120 Stat. 135; and Robert Pear, “New Rules Force States to Curb Welfare Rolls,” June 28, 2006, *New York Times*, <http://www.nytimes.com/2006/06/28/washington/28welfare.html> (accessed August 30, 2016).

42. James Dao, “Same-Sex Marriage Issue Key to Some GOP Races,” *New York Times*, [http://www.nytimes.com/2004/11/04/politics/campaign/samesex-marriage-issue-key-to-some-gop-races.html?\\_r=0](http://www.nytimes.com/2004/11/04/politics/campaign/samesex-marriage-issue-key-to-some-gop-races.html?_r=0) (accessed August 31, 2016). Note that all eleven succeeded, as did the Republican strategy.

43. U.S. Census Bureau, “Median Age at First Marriage, 1890–Present,” figure MS-2 (2000), <https://www.census.gov/content/dam/Census/library/visualizations/time-series/demo/families-and-households/ms-2.pdf> (accessed October 9, 2017).

44. P.L. 109-171, February 8, 2006, Title VII, Subtitle A, Sec. 7101–2, 120 Stat. 135; and Mark Greenberg and Sharon Parrott, “Summary of TANF Work Participation Provisions in the Budget Reconciliation Bill,” January 9, 2006, Center on Budget and Policy Priorities and Center for Law and Social Policy, January 9, 2006, “tanf\_workprovisions\_06.pdf,” Gwendolyn Mink files on TANF 2006.

45. Greenberg and Parrott, “Summary of TANF Work Participation Provisions in the Budget Reconciliation Bill”; Pear, “New Rules Force States to Curb Welfare Rolls”; and U.S. Department of Health and Human Services, Administration of Children and Families, Office of Public Affairs, “Fact Sheet—TANF Work Activities,” June 29, 2006, document titled “hhs-TANF work activities 6-29-06.pdf,” Gwendolyn Mink files on TANF 2006.

46. Felicia Kornbluh, “Subversive Potential, Coercive Intent: Women, Work and Welfare in the 1990s,” *Social Policy* 21/4 (Spring 1991): 23–39; and Mimi Abramovitz, “Why Welfare Reform Is a Sham,” *Nation*, September 26, 1988, reprinted in *Welfare: A Documentary History of U.S. Policy and Politics*, ed. Gwendolyn Mink and Rickie Solinger (New York: New York University Press, 2003), 518–19.

47. Felicia Kornbluh, “Class Dismissed! Welfare Recipients Fight to Stay in College,” *In These Times*, October 5, 1997, cover, 18–20.

48. Elizabeth Lower-Basch, Evelyn Ganzglass, Elisa Minoff, Sharon Parrott, and Liz Schott, “Analysis of New Interim Final TANF Rules,” Center on Budget and Policy Priorities and Center for Law and Social Policy, Washington, D.C., n.d. [2006], <https://www.cbpp.org/research/analysis-of-new-interim-final-tanf-rules>, (accessed January 17, 2017); and Pear, “New Rules Force States to Curb Welfare Roles.”

49. P.L. 109-171, February 8, 2006, 120 Stat. 135, Title VII, Subtitle B—Child Care. The law provided just under \$3 billion (\$2,917,000,000) in child care funding for fiscal years 2006–10, in the form of a capped block grant to the states, with no increases for inflation across those years. Also see Greenberg and Parrott, “Summary of TANF Work Participation Provisions in the Budget Reconciliation Bill”; and Lower-Basch, Ganzglass, Minoff, Parrott, and Schott, “Analysis of New Interim Final TANF Rules.”

50. Sharon Parrott, Liz Schott, et al., “Implementing the TANF Changes in the Deficit Reduction Act: A Win-Win for Families and States,” Center on Budget and Policy Priorities

and Center for Law and Social Policy, Washington, D.C., 2nd ed., February 2007, 113, <https://www.cbpp.org/research/implementing-the-tanf-changes-in-the-deficit-reduction-act> (accessed August 15, 2017).

51. Lower-Basch, Ganzglass, Minoff, Parrott, and Schott, “Analysis of New Interim Final TANF Rules.”

52. See, for examples, LaDonna Pavetti and Jacqueline Kauff, “When Five Years Is Not Enough: Identifying and Addressing the Needs of Families Nearing the TANF Time Limit in Ramsey County, Minnesota,” Mathematica Policy Research, March 2006, <https://www.mathematica-mpr.com/our-publications-and-findings/publications/when-five-years-is-not-enough-identifying-and-addressing-the-needs-of-families-nearing-the-tanf-time-limit-in-ramsey-county-minnesota> (accessed October 9, 2017); and Eileen P. Sweeney, “Recent Studies Indicate That Many Parents Who Are Current or Former Welfare Recipients Have Disabilities or Other Medical Conditions,” Center on Budget and Policy Priorities, February 2000, <http://www.cbpp.org/2-29-00wel.htm>. (accessed August 10, 2016).

53. Parrott, Schott, et al., “Implementing the TANF Changes in the Deficit Reduction Act 91–92.

54. Lower-Basch, Ganzglass, Minoff, Parrott, and Schott, “Analysis of New Interim Final TANF Rules,” 19.

55. P.L. 109-171, 120 Stat. 135, Title VII, Subtitle A, Sec. 7102.

56. P.L. 109-171, 120 Stat. 135, Title VII, Subtitle C, Sec. 7903. Also see discussion of this and other proposals prior to congressional reconciliation of the different House and Senate versions of the Deficit Reduction Act in Vicki Turetsky, “Side-by-Side Comparison of Child Support and Fatherhood Program Provisions in Welfare Reauthorization Bills Passed by the Senate Finance Committee and House Human Resources Subcommittee,” Center for Law and Social Policy, Washington, D.C., June 6, 2005, document titled, “clasp—billscomparisonfatherhood and cse-05,” Gwendolyn Mink files on fatherhood promotion.

57. State governments also gained some latitude to disregard child support income when calculating a family’s eligibility for certain means-tested benefits. P.L. 109-171, 120 Stat. 135, Title VII, Subtitle C, generally; Parrott, Schott, et al., “Implementing the TANF Changes in the Deficit Reduction Act” 81–84; and, for the prereconciliation analysis, Turetsky, “Side-by-Side Comparison.”

58. Parrott, Schott, et al., “Implementing the TANF Changes in the Deficit Reduction Act,” 110.

59. P.L. 109-171, 120 Stat. 135, Subtitle A, Sec. 7103; Parrott, Schott, et al., “Implementing the TANF Changes in the Deficit Reduction Act,” 107; Lower-Basch, Ganzglass, Minoff, Parrott, and Schott, “Analysis of New Interim Final TANF Rules,” 33; and “Reauthorization of the Temporary Assistance for Needy Families Program, Interim Final Rule,” 45 CFR Parts 261, et al. (Part IV, Department of Health and Human Services, Administration for Children and Families), *Federal Register* 71/125 (June 29, 2006): 37470–71.

60. P.L. 109-171, 120 Stat. 135, Subtitle A, Sec. 7103.

61. When TANF was created in 1996, each state was required to continue spending at least 80 percent of the amount it had spent on the predecessor program, Aid to Families with Dependent Children. This funding was known in late twentieth- and twenty-first-century social policy argot as the state’s “maintenance-of-effort (MOE)” amount. By 2005, states were spending only a minority of MOE money on cash aid to TANF families. Most of the funds were going to child care assistance and child welfare programs that reached non-TANF as well as

TANF families, and to filling budget holes. Allowing states to use the money for marriage promotion was an extension of the federal government's loose reading of the requirement that states maintain the effort they had once devoted to alleviating the poverty of mothers and children who lacked other means of economic sustenance. Parrott, Schott, et al., "Implementing the TANF Changes in the Deficit Reduction Act," 108–9.

62. Pat Gowens, "Poverty Pimps 'Floating on Ceiling' after \$50 Billion Cut," *Welfare Mothers' Voice*, Winter 2006, archived at [http://www.welfarewarriors.org/mwv\\_archive/w06/w06\\_pimp.htm](http://www.welfarewarriors.org/mwv_archive/w06/w06_pimp.htm) (accessed October 3, 2016).

63. Letter from Tim Casey, senior staff attorney, Legal Momentum, to Daniel Meron, general counsel, Department of Health and Human Services (HHS), Washington, D.C., February 28, 2007, re: discrimination against women in the Responsible Fatherhood Program and, attached, letters from Casey and Rachel Balaban, Sonnenschein, Noth, and Rosenthal, New York, to Mike Leavitt, secretary, HHS, June 20, 2006, and to Paula Stannard, acting general counsel, HHS, August 4, 2006, document titled "Legal Momentum Letter 32007—sexdiscrimination.pdf, Gwendolyn Mink files on fatherhood promotion.

64. Casey to Meron.

65. Ibid.

66. "2004 Democratic Party Platform," July 27, 2004, Peters and Woolley, American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=29613> (accessed September 19, 2016). Italics ours.

67. "Text: Sen. John Edwards Speech to DNC," *Washington Post*, July 28, 2004, <http://www.washingtonpost.com/wp-dyn/articles/A22230-2004Jul28.html> (accessed September 19, 2016). For a contemporaneous reflection on the speech, which suggests that it was less progressive than Edwards's rhetoric had been during the primaries, see David Corn, "Edwards Flattens His 'Two Americas,'" *Nation*, July 29, 2004, <https://www.thenation.com/article/edwards-flattens-his-two-americas/> (accessed September 19, 2016).

68. Felicia Kornbluh worked under Dr. Sawhill's supervision in the summer of 1987 as an intern with the Changing Domestic Priorities project of the Urban Institute.

69. Isabel V. Sawhill, testimony at University of North Carolina Poverty Conference, published in *Employee Rights and Employment Policy Journal* 10/1 (2006): 49. She continued: "If people would just . . . finish school, get a job, and delay childbearing until they are older and, hopefully, married—the poverty rate would plummet" (51–52). Promoting marriage became a centerpiece of Sawhill's work for years to come. See Isabel Sawhill, *Generation Unbound: Drifting into Sex and Parenthood Without Marriage* (Washington, D.C.: Brookings Institution Press, 2014).

70. Ibid.

71. Pew Research Center, *The Rise of Single Fathers: A Ninefold Increase Since 1960*, July 12, 2013, <http://www.pewsocialtrends.org/2013/07/02/the-rise-of-single-fathers/> (accessed August 15, 2017).

72. John Edwards, director, Center on Poverty, Work, and Opportunity, concluding remarks, *Employee Rights and Employment Policy Journal* 10/1 (2006): 203.

73. Greg J. Duncan et al., *Years of Poverty, Years of Plenty* (Ann Arbor: University of Michigan Press, 1984). See discussion of this work in Chapter 3.

74. For example, Edin and Kefalas, *Promises I Can Keep*.

75. Greg J. Duncan testimony, Poverty Conference, *Employee Rights and Employment Policy Journal* 10/1 (2006): 60–68.

76. Wade Horn remarks, *Employee Rights and Employment Policy Journal* 10/1 (2006): 53–55.

77. Eva Bertram, *The Workfare State: Public Assistance Politics from the New Deal to the New Democrats* (Philadelphia: University of Pennsylvania Press, 2015), argues that the evisceration of welfare and enhancement of the Earned Income Tax Credit expressed a shared, bipartisan preference for waged work in the 1990s and decades thereafter. Kathryn J. Edin and H. Luke Shaefer, *\$2 a Day: Living on Almost Nothing in America* (New York: Houghton Mifflin Harcourt, 2015), chronicles the extreme poverty of those outside the labor market in a post-welfare reform society. Neither has a gender analysis.

78. The tie between them was sufficiently strong that Bayh was spoken of during the 2008 campaign as a potential vice presidential running mate for Obama. Carl Hulse, “Indiana Senator Offers Obama Risks and Rewards,” *New York Times*, August 11, 2008, <http://www.nytimes.com/2008/08/12/us/politics/12bayh.html> (accessed September 21, 2016). On the connection between the Senate bill and his campaign rhetoric, see Adam Serwer, “Democrats Find Their Footing on Fatherhood,” *American Prospect*, September 22, 2008, <http://prospect.org/article/democrats-find-their-footing-fatherhood> (accessed September 21, 2016).

79. S. 3607, 109th Cong., 2nd sess., introduced June 29, 2006, <https://www.congress.gov/bills/109th-congress/senate-bill/3607> (accessed August 15, 2017).

80. Turetsky’s role was reported in Serwer, “Democrats Find Their Footing.” She later served in the Obama administration as commissioner of the federal Office of Child Support Enforcement. See Frances Robles and Shaila Dewan, “Skip Child Support. Go to Jail. Lose Job. Repeat,” *New York Times*, April 19, 2015, A1, <http://www.nytimes.com/2015/04/20/us/skip-child-support-go-to-jail-lose-job-repeat.html> (accessed December 1, 2016).

81. The “findings” at the start of the bill evinced the same confusion of correlation with causation that was present in Republican fatherhood discourse, including numerous claims of improved social and educational outcomes as a result of fathers’ presence in their children’s lives—with no comparable assessment of the positive role of mothers. S. 3607, 109th Cong., 2nd sess., Sec. 2.

82. *Ibid.* The bill had nothing to say about the effects of women’s low wages or unemployment, or the impact on children of the incarceration of custodial parents.

83. S. 3607, 109th Cong., 2nd sess., Title I, Sec. 101 (2) (b) and Sec. 102.

84. Bill Clinton, “How We Ended Welfare, Together,” *New York Times*, August 22, 2006, A19.

85. *Ibid.*

86. *Ibid.*

87. Barack Obama, “Dignity,” Election 2008, *New York Times*, May 25, 2012, <http://elections.nytimes.com/2008/president/advertising/ads/6501970—barack-obama-dignity> (accessed September 30, 2016).

88. Serwer, “Democrats Find Their Footing.”

89. We discuss the Obama administration’s offer of TANF waivers to the states in the Conclusion.

90. White House, “Promoting Responsible Fatherhood and Strong Communities,” <https://www.whitehouse.gov/administration/eop/obnp/policy/fatherhood> (accessed July 21, 2016).

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## Conclusion

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45. Feminist legal theorist Martha Fineman has spent a career thinking deeply about caregiving, vulnerability, and the relationships between the two. See, for a sample of her thinking, Martha Fineman, "The Vulnerable Subject: Anchoring Equality in the Human Condition," *Yale Journal of Law and Feminism* 20/1 (2008): 8–40.

46. American Enterprise Institute for Public Policy Research and Brookings Institution Working Group on Poverty and Opportunity, *Opportunity, Responsibility, Security: A Consensus Plan for Reducing Poverty and Restoring the American Dream* (Washington, D.C.: AEI/Brookings, 2015), <https://www.brookings.edu/wp-content/uploads/2016/07/Full-Report.pdf> (accessed October 5, 2016).

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48. David Ellwood, *Poor Support: Poverty in the American Family* (New York: Basic Books, 1988). We discuss Ellwood's work and influence in Chapter 3. None of the scholars was a notable feminist, a critic of racist policing or mass incarceration, an expert on family violence or reproductive justice, or an advocate of fighting poverty by increasing rates of unionization, legislating higher minimum wages, ensuring basic incomes, planning the macroeconomy, or providing adequate caregiver allowances. In addition to Ellwood, the group included Judith Gueron, head of the Manpower Demonstration Research Corporation (MDRC) from 1986 to 2004, while MDRC ran multiple studies of welfare-to-work experiments that demonstrated

the weaknesses of Clinton's approach; Ronald Mincy, an African American professor at the Columbia School of Social Work who had served on the staff of the Clinton welfare reform task force; Jane Waldfogel, also of the Columbia Social Work School, a liberal scholar of children's well-being; and such notable conservatives as Kay Hymowitz of the Manhattan Institute, Stuart Butler of the Brookings Institution (but for thirty-five years prior a leader of the right-wing Heritage Foundation), and Lawrence Mead, the political philosopher who had helped justify the moralistic approach to welfare in the Clinton years.

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50. President Bill Clinton, Labor Day speech, 1993, quoted in *ibid.*, 11.

51. American Enterprise Institute for Public Policy Research and Brookings Institution Working Group on Poverty and Opportunity, *Opportunity, Responsibility, Security*, 11.

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## Acknowledgments

Twenty-five years of scholar-activism related to welfare reform and feminist social justice ground this book. Across the years, we have benefitted from illuminating conversations and alliances with welfare right activists, feminist policy lobbyists, feminist academics and researchers, and a member of Congress.

As chair of the Patsy Takemoto Mink Education Foundation for Low Income Women and Children for the past fifteen years, Wendy Mink also has been privileged to read more than one thousand scholarship applications each year from low-income mothers who aspire to higher education. Their stories of hardship and resilience, of ambition and discipline, and of sacrifice and self-motivation profoundly inspire. Pertinent to this book, their stories reveal the price paid by low-income mothers who seek to thrive in spite of a shredded safety net.

Felicia Kornbluh has learned from and worked with extraordinarily genial academic colleagues, in the context of a public research university that truly values creative teaching and scholarship. These are members of the History Department; affiliated faculty of the Gender, Sexuality, and Women's Studies Program; and members of United Academics, AFT/AAUP, at the University of Vermont. Kornbluh also benefited enormously from conversations with members of the Disability Studies Reading Group at Middlebury College. Beyond the campus, her ideas have been nourished in innumerable ways by collaboration with state-level and regional advocates for the well-being of women, children, and all low-income people. The organizations include the Vermont Commission on Women, Planned Parenthood of Northern New England, Emerge Vermont, Rights and Democracy, the American Federation of Teachers–Vermont, Vermont Workers' Center, Hunger-Free Vermont, and Vermont Legal Aid.

Translating experience and expertise into a book required assistance from many quarters. The generous and erudite staff of the Manuscript Division of the Library of Congress enabled our primary research. We are especially grateful to Margaret McAleer, historian and archivist extraordinaire, who created the Patsy T. Mink papers collection. We also are indebted to Janice Ruth, assistant chief of the Manuscript Division, who managed the library's acquisition of the Mink papers following Patsy Mink's death with sensitivity, as well as probity. Special thanks to Barbara Bair, Manuscript Division historian and curator, whose acumen and foresight made it possible for the Mink papers to find a home at the Library of Congress and whose supportive counsel and friendship helped abate frustrations of the writing process. Thanks, too, to research assistants Dan Brown, Pearl Weggler, Lila Hughes, and Meghan Letizia, all promising scholar-activists in their own right. Without them, the work would have gone more slowly and been far lonelier. In our final push to prepare the manuscript for production, Jayne Mercier of Smith College shared precious expertise of the cyber-technical sort.

Cynthia Harrison, an anonymous reader who made herself known, deserves kudos and gratitude for offering to our project her deep knowledge of welfare policy history, as well as her time. Other anonymous readers provided indispensable feedback. Liz Schott of the Center on Budget and Policy Priorities provided invaluable help in understanding some of the available data. Organizers of the 2015 Gender and Precarity Conference in honor of Dean Joan Smith at the University of Vermont deserve credit for spurring the first writing that became part of this book; some of the book's final thoughts were aired at the session "Disability in the Home" at the 2017 Berkshire Conference on the History of Women, Genders, and Sexualities. Anore Horton persisted as interlocutor on this project even when the ideas and the prose were both tangled.

Finally, we acknowledge the support of the University of Pennsylvania Press and its editor-in-chief, Peter Agree. Thank you, Peter and Penn Press, for the freedom you granted us to produce the book we needed to write.