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. 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. 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." 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.⁴ 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. 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."6

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."

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.8 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."9

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 lowincome 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."10

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.11

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. 12 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.¹³ "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. 14

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.¹⁵ 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."16 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.¹⁷ 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.¹⁸

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.¹⁹

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.²⁰

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."21 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.²² 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.²³ 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.²⁴

The president also proposed improving PRWORA with respect to immigrant eligibility for food stamps, Medicaid, and SSI (Supplemental Security Income). 25 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.26

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.²⁷ 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?" ²⁸

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.²⁹

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 twentytwo months. It also gave states incentive bonuses to accomplish adoption, in effect discouraging reunification of the child's original family.³⁰ 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?"31 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.32

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.33 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.³⁴ 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.35 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." 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. 37

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.³⁸

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.³⁹ 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.⁴⁰ 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.⁴¹

Representative Johnson's bill received a full hearing in the House of Representatives, where it passed with a hefty 328 bipartisan votes in November 1999.42 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."43 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.44

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!"45

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." 46

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.⁴⁷

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. 48 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.⁴⁹ And Democrats, too, embraced the father-centric approach to ending low-income single mothers' need for welfare. The Democratic proponents of fatherhood-enhancing social policy included Senator Barack Obama, who signed on in 2006 as the original cosponsor of Evan Bayh's Responsible Fatherhood and Healthy Family Act of 2007.50

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 1999.⁵¹ 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?"