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Lucy A. Williams

Northeastern University Law School

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Cover Page Footnote

Associate Professor, Northeastern University Law School; A.B. 1969, Baylor University; J.D. 1974, University of Chicago. The author expresses her appreciation to Joel Handler, Jean Hardisty, Charlotte Ryan, and Lucie White for commenting on earlier drafts, to her colleague Judith Olans Brown for her precise and thoughtful editing, and to Sally Adams, Kate Berkman, Marielena Hincapie, Kate Hogan, Beverly Richard and Karen Yau for their research assistance.

RACE, RAT BITES AND UNFIT MOTHERS: HOW MEDIA DISCOURSE INFORMS WELFARE LEGISLATION DEBATE

By Lucy A. Williams*

I. Introduction

The newspaper image was graphic:

A Boston mother was yesterday charged with abusing her four-year old son by plunging his hands into boiling water and then locking him in his room for weeks without treatment. Police found Ernesto Ventura at the weekend lying on a mattress soaked with his own blood and urine, his hands virtually burned to the bone by scalding water. . . . Clarabel Ventura, who is pregnant and has five other children, was arraigned on charges of child abuse, mayhem, and assault and battery.¹

Another article described Ventura as a crack-addicted, neglectful mother who sold her food stamps and her washing machine (reportedly purchased with lottery winnings) to buy drugs, and who "sent her children out in the projects alone after midnight, knocking on doors to beg for food, cigarettes and money."² Pregnant with her seventh child, she was living in a rent-subsidized apartment, and receiving AFDC, Food Stamps, and benefits from the Women, Infants and Children program.³

Several days later, the *Boston Globe* devoted a multipage article to this family, headlined "Finding Four Generations Sustained by Welfare; Family of Abuse Suspect has Dozens on Public Aid."⁴ Ventura's mother, Eulalia Rivera, who came from a village in Pu-

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1. *Burned Boy Locked Up for Weeks*, THE GLASGOW HERALD, Feb. 15, 1994, at 4; see also Charles M. Sennott, *Abuse Case Stirs Alarm*, BOSTON GLOBE, Feb. 14, 1994, at 19.

2. Charles M. Sennott, *Abuse Suspect Fought Drugs, Other Woes*, BOSTON GLOBE, Feb. 16, 1994, at 18.

3. *Id.*

4. Charles M. Sennott, *Finding Four Generations Sustained by Welfare*, BOSTON GLOBE, Feb. 20, 1994, at 1.

erto Rico in 1968 to a Boston housing project, had seventeen children, "virtually none of [whom] has a full-time job."⁵ The reporter visiting the Rivera home wrote that three of Rivera's sons were watching a soap opera while two school-aged grandchildren watched MTV, that one of the sons answered a question about where the fathers of Ventura's children were with "Oh, wow, I have no idea," and that one of the daughters "spoke the lexicon of the permanent welfare class, serving up an alphabet soup of funding sources and agencies like DSS, AFDC, SSI, SSDI, WIC and EAEDC."⁶

The article points to the family's lack of personal responsibility: one son says that Ventura should not be blamed because the Department of Social Services "was supposed to be there for her If they had been there to help her this would not have happened."⁷ Ms. Rivera is quoted as saying "Why do you want to know so much? What does our family have to do with what happened to Clarabel? It has nothing to do with it."⁸

Many of the seventy-four grandchildren were "beginning to apply for welfare themselves," and some of the fifteen great-grandchildren had "already entered the state's welfare rolls." Officials estimated that taxpayers could spend \$750,000 to \$1 million on public assistance for this one family.⁹

5. *Id.*

6. *Id.* at 46.

7. *Id.*

8. *Id.* A sidebar described each of the adult children, fourteen of whom were receiving Aid to Families with Dependent Children or disability benefits under either Supplemental Security Income or Social Security Disability Income programs. Their described disabilities included "anxiety attacks" and "nervous condition." Of the other three children, one was killed and two are out of touch with the family. *Id.*

9. *Id.* at 1. The *Boston Herald* ran a similar article the day after the story broke, entitled "Welfare Gone Wrong." Noting that Ventura was pregnant with her seventh child, the reporter surmised "[i]t is unknown whether this baby was fathered by one of the four men with whom she already has had children, or yet a fifth man." Implicitly questioning Ms. Ventura's morals, it explicitly painted her as a stereotypical welfare mother: "alcohol and/or cocaine addicted, living in hell-holes with a handful of babies; women abandoned by one man, then another, by their families long ago. Women, abused and neglected themselves, who hit 14 or 16 and began creating abused and neglected carbon-copies of themselves." Bill Hutchinson, *Welfare Gone Wrong*, BOSTON HERALD, Feb. 15, 1994, at 5-6. Although the Ventura story is a story of alleged child abuse, the Herald ran next to this column a story on the Massachusetts legislature's rejection of the governor's proposal to cut-off AFDC after 60 days. *Caseloads, Costs of Benefits Soaring*, BOSTON HERALD, Feb. 15, 1994, at 7; see also Howie Carr, *Ventura Family Tree Sinks Roots in Rich Welfare Soil*, BOSTON HERALD, Feb. 21, 1994, at 8. ("But it's not just the Venturas, that poster family for Norplant. Every day there's a different welfare horror story.")

Two days after the Ventura story appeared in the Boston newspapers, the Massachusetts Senate approved a floor amendment terminating most AFDC benefits after two years.¹⁰ No one proposed that additional funds be appropriated for child-protective services or drug rehabilitation. Instead, welfare was assumed to be the source of the alleged child abuse and, therefore, denial or reduction of subsistence benefits the solution.¹¹ Months later, in an editorial criticizing the legislature for failing to enact the governor's proposal of a welfare cut-off after only sixty days of benefits, the *Boston Globe* referred derogatorily to "Clarabel Ventura-style welfare," and saw no need to explain the reference.¹² She had become the quintessential image of a welfare recipient.

The Ventura story is much more than an anecdote of an over-reactive political response to a news story that created an enormous outcry from readers and policymakers alike. It is the story of the media's creation of an image—which is not false or exclusive, but is dissembling in its uniqueness—and the public's selective gravitation to that image in order to validate its own race and gender perceptions.

The goal of this article is not to justify or explain the Ventura family.¹³ Rather, it is to expose and critique the media images¹⁴ of poor women and children that drive legislative debate in AFDC public policy issues. Part II discusses the media image and its cen-

10. See *infra* text accompanying notes 140-153.

11. The *Boston Globe's* coverage of the Senate action contained an article on the Ventura case. David Armstrong & Doris Sue Wong, *State Cuts Ties With Agency Over Scalding*, BOSTON GLOBE, Feb. 17, 1994, at 1. Several weeks later, Jeff Jacoby, in *A Blunt, Ugly Truth: There is a Connection Between Abuse and Welfare*, BOSTON GLOBE, March 8, 1994, at 15, devoted an entire editorial to the premise that the receipt of welfare benefits leads to abuse. See *infra* note 156.

12. Jeff Jacoby, *Obstructionists Fuel the Welfare Revolt*, BOSTON GLOBE, July 26, 1994, at 13; see also Howie Carr, *Don't Get Fooled Again — More of Same from Bill*, BOSTON HERALD, Dec. 16, 1994, at 6 (referring to the assumption that women receiving welfare have more children to get higher benefits, "You're lower class if you can't afford *not* to have another kid. (Right, Claribel?)").

13. See *infra* Part IV for discussion of need to fully contextualize the media image of Ventura. See also Marie Ashe, *Bad Mothers and Welfare Reform in Massachusetts: The Case of Clarabel Ventura*, in MEDIA REPRESENTATIONS OF WOMEN (Martha Fineman & Martha McCluskey, eds., forthcoming 1995). See generally Lucie White, *No Exit: Rethinking "Welfare Dependency" From a Different Ground*, 81 GEO. L. J. 1961 (1993). In fact, it was reported that it had been family members who had contacted the Department of Social Services about the child, when they had been unable to get Ventura to seek medical care for him. They said she refused because she was afraid that the state would remove her children from her, and that social workers would not believe her story that he had plunged his hands into a pot of hot water that she had mixed with Drano to unclog a tub drain. Charles M. Sennott, *Kin Says Burns Accident*, BOSTON GLOBE, Feb. 17, 1994, at 15.

trality in shaping social perceptions of welfare. Part III explores the impact of media images on law-making by focusing on three statutory time periods: 1935, when the AFDC program was initially enacted as part of the Social Security Act; 1967, when the first mandatory work requirements were added to the AFDC statute; and the present, when states are implementing widely divergent categorical eligibility requirements that restrict AFDC benefits in an attempt to change behavior. Part IV critiques the media image and elucidates its contribution to erroneous welfare policy.

II. The Image We See

News stories, while allegedly objective, do not report events in a neutral voice.¹⁵ The choice of words and visual images is necessarily value-laden. Charlotte Ryan in her book, *Prime Time Activism*, has drafted three hypothetical versions of a news story about an infant getting bitten by a rat. The first describes the sixteen-year-old mother who left her child alone with "the door open so my neighbor would hear him if he woke up" for five minutes during the day while she ran out to cash her welfare check. The second describes tenants who have complained about the landlord's failure to exterminate and the landlord's response blaming the tenants for throwing garbage out of the windows into the back alley. The third describes an epidemic of rat bites following a budget cut in rat control and housing inspection programs. All three read as legitimate news stories.¹⁶ Because each contains a different group of images, however, each also defines a different issue, holds a different entity responsible, and requires a different solution. Each also triggers a different public response. The first of these stories points to welfare as the problem.¹⁷

14. This article focuses on mainstream print and television media, and does not attempt to analyze the radio talk-show medium, which is a critical source of welfare imagery playing to a narrow but vociferous audience.

15. CHARLOTTE RYAN, *PRIME TIME ACTIVISM* 53 (1991) ("[The media] is responsive to specific external pressures, more generalized social and political 'norms' and the professional culture and political orientation of its members. . . . 'normalization' of the media presents events and personalities in a favorable light only when they conform to media personnel's perception of what the consumer will 'buy.'"); see also Robert M. Entman, *African-Americans According to TV News*, *MEDIA STUD. J.*, Summer 1994, at 29 [hereinafter Entman, *TV News*]; Harold A. McDougall, *Lawyering and the Public Interest in the 1990s*, 60 *FORDHAM L. REV.* 1, 12-14 (1991).

16. RYAN, *supra* note 15, at 55-57.

17. *Id.* at 57.

A. Media Imaging of Welfare Recipients

The media typically uses versions of the first hypothetical in writing about welfare recipients: irresponsible mothers whose values have been eroded by the welfare system. This mother is usually African-American (and increasingly Latina¹⁸). She has many children, is not a “productive”¹⁹ member of the labor force, and does not share the ideals of mainstream Americans. Variations on this theme include unmarried teen pregnancy, drug use, child abuse or neglect and failure to ensure children’s attendance at school or adequate medical care.²⁰

The pervasiveness and resiliency of the image is striking.²¹ Its repetition hardens perceptions, rendering corrective caveats effectively useless.²² The mainstream media’s failure to present a clear and unmistakable counter-image, or to present the entire story of

18. Although this article largely focuses on the intersection of gender and race from a white/African-American perspective due to the centrality of that dynamic during much of the time period analyzed, the issue and impact of Hispanic poverty and the rise of Latinas on the AFDC rolls is a significant factor in the current welfare debate, particularly in certain geographical locations that have a high concentration of Hispanic poor. See STAFF OF HOUSE COMMITTEE ON WAYS AND MEANS, 103D CONG., 2D SESS., OVERVIEW OF ENTITLEMENT PROGRAMS, 1994 GREEN BOOK 402 (Comm. Print 1994) [hereinafter 1994 GREEN BOOK]. For a more detailed discussion of Hispanic poverty demographics, see PATRICIA A. MONTGOMERY, BUREAU OF THE CENSUS, U.S. DEPT. OF COMMERCE, THE HISPANIC POPULATION IN THE UNITED STATES: MARCH 1993, SERIES P-20, NO. 475 (1993).

19. The concept of productivity is highly relative. As I do not share the view that the image is non-productive, I put this word in quotes.

20. These themes are all manifest for example, in the Ventura story, *supra* notes 1-12 and accompanying text, and in the Chicago 19 story, *infra* notes 24-38 and accompanying text.

21. See Renu Nahata, *Too Many Kids and Too Much Money: Persistent Media Myths About Welfare*, EXTRA!, July/Aug. 1992, at 18 (documenting news coverage that perpetuates the image of the average welfare recipient as a “black, unwed, unemployed, teenage mother of several children, living in the inner city”); Maud Lavin, *Welfare, Women and the Media*, EXTRA!, Mar./Apr. 1988, at 5 (citing to, among other articles, a *Washington Post* column dated Jan. 23, 1986, which disparaged female-headed households by describing young African-Americans “whose sexual recklessness produces oceans of misery’ but who ‘feel little of the kind of guilt that changes behavior.’”) [hereinafter Lavin, EXTRA!]; Veena Cabrerros-Sud, *News Flash: Poor Mothers on Crime Spree!*, EXTRA!, Nov./Dec. 1993, at 12 (citing media coverage on issue of welfare fraud, and particularly noting ABC PrimeTime Live of Sept. 17, 1994, which featured mostly African-American and Latino inner-city “cheats” even though the fraud investigator stated that “by far the majority [of welfare defrauders] are non-minorities” and “come from middle-class families”); see also Martha Fineman, *Images of Mothers in Poverty Discourses*, 1991 DUKE L.J. 274, 282, 286, 288 (1991) (discussing examples of media stereotypes and inferences drawn therefrom)[hereinafter Fineman, *Images*].

22. Nahata, *supra* note 21, at 19.

welfare, only encourages and legitimizes an equally uni-dimensional, biased response from society.²³

For example, two weeks before the Ventura story broke, the Chicago media had given similarly one-dimensional treatment to an equally divisive story. During a drug raid, Chicago police found nineteen African-American children "living in squalor in a filthy, bug-infested apartment, eating dog food and sleeping on the floor, barely clothed,"²⁴ while an adult male in the apartment was alone in a king-size bed. Wide ranging news articles and television newscasts described "urine- and excrement-filled diapers . . . compressed in the corner with dirty laundry and empty candy wrappers,"²⁵ foul odors of spoiled food, a pigsty, rat droppings, a pantry "lightly stocked with cans of corn, Kool-Aid packages and large containers of lard,"²⁶ one child "playing on a filthy mattress with two cigarette lighters"²⁷ and children "sharing a bone with a dog."²⁸ A police officer stated that one four-year old who had cerebral palsy had "cigarette burns all over him."²⁹ Eighteen were children of five sisters, two of whom had been convicted of drug offenses³⁰ and one of whom gave birth to another child the same day that the police arrived. That infant tested positive for cocaine.³¹ Three of the children had recently been expelled from school because they had not received the necessary immunizations.³² Another officer said that "[t]he only remorse (the adults) showed was they didn't want to be arrested."³³ The public guard-

23. MARK PEFFLEY, ET AL., RACIAL STEREOTYPES AND POLITICAL ATTITUDES IN CONTEMPORARY WHITE SOCIETY 15 (1995) (unpublished manuscript on file with author); Robert Entman, *Television, Democratic Theory and the Visual Construction of Poverty*, in RESEARCH IN POLITICAL SOCIOLOGY, VOL. 7 (Philo Wasburn, ed.) (forthcoming 1995) [hereinafter Entman, *Democratic Theory*].

24. *Six Adults in Chicago Charged With Neglecting Nineteen Kids* (CNN Television Broadcast, Feb. 2, 1994).

25. Megan Garvey, *19 Children Found Living in Squalor in Chicago Apartment*, WASH. POST, Feb. 3, 1994, at A3.

26. *Id.*

27. *Whose Kids Are These?* (ABC television broadcast, Feb. 11, 1994).

28. Richard Roeper, *19 Kids Mistreated? Our Mistake; Never Mind*, CHI. SUN-TIMES, Feb. 7, 1994, at 11.

29. *Chicago Apartment Raid Reveals 19 Abused Children* (ABC television broadcast, Feb. 2, 1994).

30. Roeper, *supra* note 28, at 11.

31. Jacqueline Heard & Jerry Thomas, *Families' Troubles Began 40 Years Ago; 19 Children "Doomed from the Start,"* CHI. TRIB., Feb. 5, 1994, at 5 [hereinafter Heard & Thomas, *Troubles*].

32. *Id.*

33. Kevin Johnson & Patricia Edmonds, *19 Kids Found in Squalid Chicago Apartment*, USA TODAY, Feb. 3, 1994, at 3A.

ian assigned to represent the children in the case depicted the mothers as indiscriminate breeders: "It was quite an experience. We have all the mothers matched up with all the children. We have some of the fathers matched up, but still many of the fathers are "whereabouts unknown."³⁴ The nineteen children had a total of seventeen fathers, none of whom was married to the mother.³⁵ The prosecutor argued, and the media reported, that the mothers had these children only to receive additional welfare support.³⁶

Shortly thereafter it was reported that six adults related to the children were receiving \$2,500 a month in public assistance plus another \$2,000 in food stamps, or \$54,000 a year, tax-free.³⁷ Under headlines such as "Welfare is Common Thread in Chicago Neglect Case," the grandmothers and great-grandmothers of the children

34. *Whose Kids Are These?*, *supra* note 27.

35. *Don't Let Absent Dads Dodge Responsibilities*, CHI. SUN-TIMES, Apr. 29, 1994, at 41.

36. Tom Pelton, *Keystone Kids Neglect Case Unraveling; 75 Misdemeanor Counts are Dropped*, CHI. TRIB., Apr. 21, 1994, at 1-N; James P. Pinkerton, *Welfare System Works Too Well*, ST. LOUIS POST-DISPATCH, Apr. 21, 1994, at 7B. Much as with the Ventura story, there are many ways of representing the images of this story. However, the critical contextualization was missing or buried in the media accounts. Witnesses testified that much of the garbage had been thrown there by the police and that the roach problem had been present prior to their tenancy. Leslie Baldacci and Ray Long, *Mom of 4 Says Cops Trashed Apartment*, CHI. SUN-TIMES, Feb. 4, 1994, at 6; Brian Jackson, *Keystone Boy Blames Cops; Police Kicked Trash Around His Home, Judge Told*, CHI. SUN-TIMES, Apr. 20, 1994 at 5. Another witness presented a three-foot long grocery store receipt and testimony that the family had purchased a month's supply of food, including 20 packages of bacon, two 30-pound boxes of chicken wings, a 10-pound bag of rice, milk, toothpaste and shampoo only 12 days prior to the police entry. Pelton, *supra*, at 1-N. Other depictions were that the reason there were so many people in the same apartment was because the oldest sister had taken in her siblings and their families who had been forced to leave their apartment due to fire and that the children were regularly attending school, were not malnourished, and, in fact, exhibited no evidence of physical abuse. Jacqueline Heard & Jerry Thomas, *Welfare is Common Thread in Chicago Neglect Case*, HOUSTON CHRONICLE, Feb. 6, 1994, at A35 [hereinafter Heard & Thomas, *Common Thread*]; *The Horrors Must Stop*, THE HARTFORD COURANT, Feb. 12, 1994, at B8.

37. Pinkerton, *supra* note 36. The Cook County public guardian stated:

What's going on here is you have a welfare system that encourages kids, when they should be out playing hopscotch, to have kids. All of these women had kids when they were 15, 16 years of age. By the time they were 20, 21, they had three or four children. Their lives are over, they understand by that point. They understand that welfare is not a ticket out of the ghetto - in fact, it's a ticket into the deeper ghetto - and then they turn to drugs and start abusing their kids. The last two children were born drug-addicted - and as you pointed out, there was about \$4,400 a month going into that apartment. Just a couple of hundred was reaching the kids and obviously the rest was going up someone's nose or into someone's arm.

Suffer the Children, (ABC television broadcast, Feb. 4, 1994).

were described as producing "large families that have been on welfare for generations."³⁸

The media directly connected this story and its images not only to prevention of child neglect and abuse, but to the national welfare debate proposing AFDC benefit cuts. Months later, as President Clinton was announcing his proposals for welfare reform, ABC World News Tonight ran footage of "the Chicago 19" as the backdrop to the news story, with text linking the receipt of welfare to the mistreatment of children.³⁹ When Republican House Speaker Newt Gingrich proposed ending welfare benefits to unwed teen mothers and allowing that money to be used to build orphanages, the media again evoked the Chicago 19.⁴⁰ Thus a uni-dimensional media image was the visual frame for the political debate.

Although the media occasionally presents welfare images other than those symbolized by the Ventura family and "the Chicago 19,"⁴¹ too often they are discounted as anomalies⁴² or reframed to be largely consistent with the stereotype. This allows the public to view AFDC families who do not conform to the myth as "excep-

38. Heard & Thomas, *Common Thread*, *supra* note 36, at A35; *see also*, Heard & Thomas, *Troubles*, *supra* note 31, at 5.

39. The coverage stated in part:

Here's an example of the problem. When police found 19 children living in squalor in a Chicago apartment last winter, it was a shocking symbol of all that is wrong with the system. Their mothers received more than \$5,000 a month in welfare.

For 20 years, states have experimented with getting people off welfare. But the leading researcher on public assistance programs says the results are not very encouraging.

Clinton Outlines Welfare Reform, (ABC television broadcast, June 14, 1994).

40. Sharon Cohen, *Des Plaines' Maryville a Model for Orphanages*, CHI. TRIB., Dec. 28, 1994, at 8-C.

41. *See* Charles M. Sennott, *Choosing Between Day Care and Work*, BOSTON GLOBE, Mar. 3, 1994, at 19; Anthony Flint, *Iowa Becomes Partners with Its Jobless*, BOSTON GLOBE, May 16, 1994, at 8; Teresa McCrary, *Getting Off the Welfare Carousel*, NEWSWEEK, Dec. 6, 1993, at 11 (highlighting white recipients in Massachusetts, Iowa, and Montana who are working or want to work).

42. For example, note the lack of media fanfare when Marjorie Clapprood, then a Massachusetts State Representative, testified before the Massachusetts Joint Committee on Human Services in support of an increase in welfare benefits, describing her experience as a child whose mother received AFDC on her behalf. Andrew J. Dabilis, *Reputation of Welfare Mothers is Defended by Women's Caucus*, BOSTON GLOBE, May 26, 1985, at 2 (mentioning only as an aside that Rep. Clapprood's mother had been on welfare). Representative Clapprood is white, blond, articulate, and was on AFDC for only one year, which is when 50% of families leave the rolls. *Id.*

tional" instead of "typical" AFDC families.⁴³ Thus, welfare families remain the "other."

The media coverage reinforces a class-based role of motherhood.⁴⁴ Mothers not receiving AFDC should be valued for nurturing healthy children,⁴⁵ but the image of an AFDC recipient as happy, healthy or proud is unacceptable. Thus, an Ellen Goodman column stated:

The photograph in the Maine newspaper showed a young, attractive mother and her two small children. "I'm a natural at motherhood," the woman had happily told the reporter. "It's my job."

Nothing about these words or this job description would have stuck in my mind over the months since I read them except for one decidedly nontraditional fact of her life. The 20-year-old and her children were living on welfare.⁴⁶

The rest of the editorial denigrates the woman's assumption that mothering is work. Two ideas are implicit in Goodman's analysis. First, that the only worthy recipient is a shame-filled or depressed recipient. Second, that choice and pride in motherhood are acceptable only when a parent also works outside the home.⁴⁷ In addi-

43. See RYAN, *supra* note 15, at 54 (media frames "operate as underlying mind sets that prompt one to notice elements that are familiar and ignore those that are different"). In a column describing the anger of working women toward welfare recipients, Howie Carr quoted a letter he had received stating that the writer was fed up with "teen moms, their junk-food bloated butts shoved into shiny spandex pants, watching the boob tube in their Sect. 8 apts. while scarfing down a bag of Cheetos." Howie Carr, *Working Moms Do a Job on Whining Welfare Queens*, BOSTON HERALD, May 23, 1994, at 8. The writer of the letter then related "a story about coming home from work on a crowded bus, when two 'welfare queens' [the woman's words, not Carr's] . . . got on with their strollers and their overflowing Filene's bags." *Id.* When one of them "whined loudly" about whether anyone would give them a seat, the writer "responded with a laugh, saying, 'Sorry, but I think the majority of the people on the bus worked hard all day so you'll just have to wait till you get home to work hard at your job, which I'm sure involves nothing more than lying on your back.'" *Id.*

44. Compare Jonathan Alter, *Her Cocoon of Values*, NEWSWEEK, May 30, 1994, at 45 with Carroll Bogert, *White Ghetto?*, NEWSWEEK, May 30, 1994, at 46 (juxtaposing a moving description of Jacqueline Kennedy Onassis's availability for and relationship with her children and grandchildren with Geraldine Anderson, a low-wage working mother of seven, whose five daughters have all been on welfare).

45. See Joan Williams, *Gender Wars: Selfless Women in the Republic of Choice*, 66 N.Y.U. L. REV. 1559, 1628 (1991).

46. Ellen Goodman, *Welfare Mothers with an Attitude*, BOSTON GLOBE, Apr. 16, 1992, at 19.

47. The misogyny of this message and its implications for all women is graphically shown in the statement of welfare recipient and leader of the welfare rights movement, Johnnie Tillmon:

People still believe that old lie that AFDC mothers keep on having kids just to get a bigger welfare check. On the average, another baby means another

tion, when taking assertive, non-groveling stances, mothers receiving welfare have been denounced in the media and by policy-makers as harming their cause.⁴⁸

B. Media Imaging of Poverty

The media's representation of poverty and the poor, even when the word "welfare" is not mentioned, plays directly to white, middle-class fears of the African-American underclass.⁴⁹ Dr. Robert Entman,⁵⁰ in discussing how television conveys its most influential information through repetitive "image clusters" or sets of symbols,⁵¹ found that the most routinely used image clusters of poor

\$35 a month - barely enough for food and clothing. Having babies for profit is a lie that only men could make up, and only men could believe There are a lot of other lies that male society tells about welfare mothers; that AFDC mothers are immoral, that AFDC mothers are lazy, misuse their welfare checks, spend it all on booze, and are stupid and incompetent. If people are willing to believe these lies, it's partly because they're just special versions of the lies that society tells about *all* women.

Johnnie Tillmon, *Welfare is a Women's Issue*, in *AMERICA'S WORKING WOMEN* 357 (Linda Gordon & Susan Reverby, eds., 1976) (emphasis in original).

48. See Don Aucoin, *Religious Leaders Urge Senate to Reject Welfare Benefits Cuts*, *BOSTON GLOBE*, June 2, 1994 at 27 (discussing how welfare protests had alienated legislators); see also *infra* text accompanying notes 126-29, for a discussion of legislative response to welfare recipients who refused to leave Senate Finance Hearing until they could testify to all the committee members.

49. See Thomas Ross, *The Rhetoric of Poverty: Their Immorality, Our Helplessness*, 79 *GEO. L.J.* 1507 (1990); Fineman, *Images*, *supra* note 21, at 283; Jill Quadagno, *THE COLOR OF WELFARE: HOW RACISM UNDERMINED THE WAR ON POVERTY* 117, 124-25 (1994).

50. Dr. Entman monitored both national and Chicago local television news for ten days in January, February and March 1989, and six newspapers from September 1 to November 30, 1989 for coverage of poverty and poverty-related issues. ROBERT M. ENTMAN & DONNA ROSENE LEFF, *THE MEDIA'S COVERAGE OF POVERTY, A REPORT OF THE CHICAGO COUNCIL ON URBAN AFFAIRS* (1990) [hereinafter Entman & Leff].

51. Dr. Entman found little TV coverage that reports on poverty explicitly, but a much larger body that portrays it by innuendo. *Id.* at 2.

Thus, for example, one story portrays the murder of a little girl, allegedly by her mother. Viewers learn the crime was committed in an "abandoned building" in a "drug-infested neighborhood" by somebody with a history of mental illness. The report associates one poverty symptom, violent crime, with another (mental illness), and links them to poverty connotatively, by showing pictures of blighted buildings and identifying the neighborhood as Chicago's South Side. This is typical of what we might call the "image clusters" that repeatedly appear in stories and comprise implicit coded messages that poor people are somehow relevant [sic]. Cognitive psychologists would say that the image clusters convey knowledge by *drawing on the audience's basic assumptions of information-processing schemata*. Television communicates much of its information about poverty by its repetition of such image clusters again and again, week in and week out.

people involved urban blight (e.g., boarded up buildings and trash on the street) and African-Americans.⁵² The most frequent symptoms of poverty in visual images are violent crime, discrimination and drug abuse.⁵³ Contrast the imagery in African-American-owned media, in which one study found that 57% of the stories of two Black neighborhoods portrayed “a black community thirsty for educational advancement and entrepreneurial achievement, and eager to remedy poor living conditions made worse by bureaucratic neglect.”⁵⁴ Many of these stories were not reported at all in the major media. Instead, 59% of the stories about the same neighborhoods in the major media were about crime.⁵⁵

Dr. Entman also found that unemployment, economic suffering, and homelessness were rarely mentioned in the major media.⁵⁶ The absence of *explicit* coverage of such fundamental problems can undermine the public’s understanding of the complexity of the causes and intractability of poverty.⁵⁷ Such omissions create inaccurate perceptions, which make it easier to blame the victim and to see poverty as a personal problem of the individual,⁵⁸ thereby re-

Id. at 4 (emphasis added). See also RYAN, *supra* note 15, at 56 (“One seldom encounters a news account that explicitly presents the core argument of the frame. More commonly, an image or set of images - metaphors, catch-phrases, and/or anecdotes - carry the frame.”).

52. Entman & Leff, *supra* note 50, at 5 (describing one of the common images of African-American groups as people milling around, frequently in the presence of police officers).

53. *Id.*

54. Kirk A. Johnson, *Black and White in Boston*, COLUM. J. REV., May/June 1987, at 50 (finding that major media coverage of two mainly African-American neighborhoods in Boston perpetuated commonly held stereotypes of African-Americans and the poor — involvement in drugs and crime — as opposed to black-owned media coverage of the same neighborhoods).

55. *Id.* at 50-51.

56. Entman & Leff, *supra* note 50, at 5.

57. *Id.* at 7. Dr. Entman goes on to note:

A person who shared little of the tacit knowledge of our culture and looked in on TV news might think that the bad thing about poverty is not that people lack money but that somehow those who are poverty-stricken choose for unknown reasons to live in deteriorated neighborhoods where they frequently wind up either committing or being victims of crime, or having problems receiving health care or finding adequate schools.

* * *

It is not an exaggeration to say that the average viewer watching the network news during early 1990 would learn more about the economic hardships and yearnings of people in Eastern Europe and the Baltic states than about similar matters in the United States.

Id. at 8-9, 14.

58. Oscar H. Gandy, *From Bad to Worse-The Media's Framing of Race and Risk*, MEDIA STUD. J., Summer 1994, at 41; Herman Gray, Television, *Black Americans*,

lieving society of any responsibility to support programs designed to help groups escape poverty.⁵⁹

When the media does choose to cover the larger issues, such as the lack of sufficient income, the visuals are boring:

Usually they involve just the anchor person reciting the data. It might be that the source of this information affects the coverage. In each case, a research study or independent investigation by a reporter rather than an announcement by an official [T]he studies tend to have little appeal to journalists. Another study documenting poverty appears to be old and relatively dull news meriting perfunctory treatment.⁶⁰

Thus, quantitative data is simply not presented in a fashion that can rebut emotionally charged anecdotes.⁶¹

The media image of poverty is so connected to race that "merely showing black persons appears to be a TV code for the involvement of poor people in the news event."⁶² This makes it difficult

and the American Dream, 6 CRIT. STUD. IN MASS COMM., 1989, at 376, 381, 384 (using 1985 CBS Bill Moyers' documentary, *The Vanishing Family: Crisis in Black America*, to argue that television news commentary ties "underclass" failure to personal shortcomings); Johnson, *supra* note 54, at 52 (finding that the word "racism" was rarely used in the major news media, and instead euphemisms such as "the disadvantaged" were used, suggesting "a reluctance to acknowledge the persons or institutions responsible for causing the 'disadvantage'"); Maud Lavin, *Feminization of Poverty and the Media* in CYNTHIA SCHNEIDER & BRIAN WALLIS, GLOBAL TELEVISION 239-40, 248 (1988) [hereinafter Lavin, *Feminization of Poverty*] (discussing how there are "many more stories on black teenage mothers than on the government's responsibility for their poverty," and critiquing the Moyers' documentary, which failed to provide an economic context for its discussion of illegitimacy among black poor); McDougall, *supra* note 15, at 13 (discussing how the media tends to "present news in dramatic and personalized form, focusing on individuals and their personalities rather than on political, economic and process factors").

59. Interestingly, almost 75% of all media-portrayed solutions involve private interventions rather than governmental action. PAULINE A. MCKEE, CHICAGO COUNCIL ON URBAN AFFAIRS, EFFECTING CHANGES IN PUBLIC ATTITUDES TOWARD POVERTY 11 (1991).

60. Entman & Leff, *supra* note 50, at 11; see also White, *supra* note 13, at 1968 n. 30 (documenting how welfare advocates have tried to use quantitative data to rebut emotionally charged anecdotes).

61. In general, viewers tend better to comprehend and retain human interest or dramatic stories. John P. Robinson & Mark R. Levy, *Comprehension of a Week's News*, in MAIN SOURCE: LEARNING FROM TELEVISION NEWS 87, 91 (John P. Robinson & Mark R. Levy, eds. 1986); see also Lavin, *Feminization of Poverty*, *supra* note 58, at 244 (noting how statistics were presented in a CBS documentary, but were not connected to the lives of the African-American, poor, teenage interviewees); Gray, *supra* note 58, at 380 (voice-over data competes with rather than complements the dominant visual representation).

62. Entman, *TV News*, *supra* note 15, at 35.

for white viewers to disentangle their perceptions of poverty from their often negative racial stereotypes.⁶³

Images are also reframed to fit or uphold the stereotype.⁶⁴ For example, articles allegedly focusing on the “newly developing” white underclass reiterate previous descriptions of the dysfunctionality of the African-American community,⁶⁵ suggesting that the deviance is coming closer to home and may infest the white reader’s neighborhood. The response is fear, anger and reprisals against the African-Americans who are spreading the “germs” of poverty.

C. The Effect of Media Imaging on Public Consciousness

The media’s influence on public perception and opinion,⁶⁶ and the centrality of media images to the electorate’s vitriolic response to welfare issues, cannot be overstated.⁶⁷ Images shape our perception in very subtle ways, developing a belief system more deeply held than rational thought.

In a follow-up to the Entman media study involving in-depth interviews with targeted groups, researchers found that middle class

63. Entman & Leff, *supra* note 50, at 8; Entman, *Democratic Theory*, *supra* note 23, at 19-20; Shanto Iyengar, *Framing Responsibility for Political Issues: the Case of Poverty*, *POLITICAL BEHAVIOR*, Vol. 12, No. 1, 1990, at 19, 35; *see also* PEFFLEY, ET AL., *supra* note 23, at 13, finding that racial stereotypes “most heavily shape reactions to social welfare issues,” and specifically shape impressions of welfare mothers, even with stringent controls for other variables. *Id.* at 20.

64. News media, as a business, tends to present the images which the mainstream public wants to see, and which validate cultural mythology. Gandy, *supra* note 58, at 39, 44-45; RYAN, *supra* note 15, at 57; Caryl Rivers, *Bandwagons, Women and Cultural Mythology*, *MEDIA STUDIES JOURNAL OF COLUM. U.*, Winter/Spring 1993, at 1, 5 (1993); *see also* Robert Entman, *Blacks in the News: Television, Modern Racism and Cultural Change*, *JOURNALISM QUARTERLY*, Summer 1992, at 341, 345 [hereinafter Entman, *Blacks in the News*].

65. Charles Murray, *The Coming White Underclass*, *WALL ST. J.*, Oct. 29, 1993, at A14. Bogert, *supra* note 44, at 46 (stating that only 4% of white poor live in ghettos as compared to 26% of Black poor and describing a “white underclass neighborhood” with its lounging crack dealers, stumbling addicts, and young women who “sit on crumbling stoops in the sun, hurling occasional reprimands at their kids” as better than the African-American ghetto which “crackle[s] with . . . violence”).

66. *See, e.g.*, Gandy, *supra* note 58, at 40; ROBINSON & LEVY, *supra* note 61, at 239 (noting that the media activates viewers’ predispositions); RYAN, *supra* note 15, at 68 (“In a culture that uses media coverage as a reality test, [the media’s singular viewpoint] becomes a vicious circle. Truth is measured by the extent of media coverage.”); WILLIAM A. GAMSON, *TALKING POLITICS* 24, 178-9 (1992) (“A wide variety of media messages can act as teachers of values, ideologies, and beliefs and provide images for interpreting the world. . .”).

67. Entman, *TV News*, *supra* note 15, at 29, 35. In focus groups about welfare policy, many cited the media as a major source of information about welfare. PETER D. HART RESEARCH ASSOCIATES, INC., *FINDINGS FROM FOCUS GROUPS ON INCOME SECURITY, Denver Women* at 9, *Richmond Virginia Blacks* at 5 (1993).

whites placed great emphasis on physical images as cues for poverty. The most powerful symbols were gangs, crime, drugs, housing projects, homelessness and illiteracy.⁶⁸ In addition, in focus groups conducted as part of a 1993 poll on voter attitude toward the welfare system and welfare reform proposals, participants had strongly-held beliefs that contradicted the empirical data.⁶⁹

68. THE CHICAGO COUNCIL ON URBAN AFFAIRS, EFFECTING CHANGE IN PUBLIC ATTITUDES TOWARD POVERTY, A YEAR LONG PROGRESS REPORT COVERING A PERIOD FROM NOVEMBER, 1992 - DECEMBER, 1993 7-8 (1994). Reflecting the response to the reductionist and non-normative media image, interviews with middle class whites and opinion leaders done subsequent to the Entman study showed that 55% believed that "the individual can overcome poverty — they choose to remain poor." *Id.* at 9; see also Valerie Kuklenski, *Study: Non-Hispanics See Hispanics as Welfare-Dependent*, *United Press International*, Jan. 8, 1991 at section: domestic news (describing a National Opinion Research Center poll finding that a "high number of whites . . . believe blacks and Hispanics prefer welfare dependence"); TOM SMITH, NATIONAL OPINION RESEARCH CENTER, UNIV. OF CHI., ETHNIC IMAGES 9 (1990)(showing that 78% percent of whites thought African-Americans preferred to live off welfare, and 72% percent thought Hispanics preferred to live off welfare).

69. Participants' images of welfare mothers included:

- * having many children (PETER D. HART RESEARCH ASSOCIATES, INC., *supra* note 67, *Owings Mills Women* at 3, *Owings Mills Men* at 5, *Denver Men* at 6).
- * raising their children with no morals ("[t]hey hear cussing, and see and hear sex; there's no morals or values") (*Id.* at *Owings Mills Women* at 4, *Richmond Virginia Blacks* at 10).
- * being lazy and African-American ("They just sit on their butt and collect all this money for not doing anything, then they go and drive nice cars. I think it's more black people, because they don't do anything.") (*Id.* at *Owings Mills Men* at 3; see also *id.* at *Denver Men* at 6, *Washington D.C. Hispanics* at 5).
- * living well on taxpayer money ("People who are on food stamps always buy the most expensive brands; they have lovely stuff.") (*Id.* at *Chicago Hispanics* at 1).
- * defrauding the system (*Id.* at *Richmond, Virginia Blacks* at 4).
- * remaining long-term AFDC recipients with their children also becoming welfare recipients (*Id.* at *Denver Women* at 8, *Denver Men* at 6, 12, *Washington D.C. Hispanics* at 4-5).

The group response of the Denver, Colorado upscale men's focus group summed up the typical AFDC recipient as "[a] black female with at least two kids, in her early 20s to early 30s. They will be on welfare the rest of their lives. Their kids are destined for it. It is self-perpetuating." *Id.* at *Denver Men* at 6. In a follow-up national telephone survey, 82% of respondents strongly or somewhat agree that the majority of welfare recipients never get off of welfare, and 83% believe that many welfare recipients collect payments to which they are not legally entitled. PETER D. HART RESEARCH ASSOCIATES, A NATIONAL SURVEY OF VOTER ATTITUDES TOWARD POVERTY AND WELFARE REFORM T19 (1993).

However, when given individual examples of welfare families, the focus groups' initial, more punitive approaches sometimes modified to reflect the greater complexity of the issues. See PETER D. HART ASSOCIATES, INC., *supra* note 67, *Denver Men* at 7, 13, 17 (participants in focus groups expressed surprise when facts contradicted their images of the size of the typical AFDC family and the amount of the typical

Maintaining the image of the AFDC mother as deviant, as "other," constructs and serves society's image of its own self-worth.⁷⁰ Each generation decides who is deviant by the way in which it defines social problems in its historical context.⁷¹ Then the image becomes so deeply imbedded by the media that the public can no longer separate reality from the image; it can no longer hear the facts.

In May 1994, when the Massachusetts Legislature was considering a bill that would have denied AFDC benefits to children conceived while the mother was on welfare, I wrote an editorial published in the *Boston Globe* detailing the myriad empirical studies that found that AFDC recipients did not get pregnant or choose to carry a child to term in order to receive AFDC benefits. Although the *Globe* did not send me reader responses, several enterprising individuals tracked me down at my law school and mailed anonymous letters to me. Ignoring the specific point of my editorial, one letter stated "What about the pigs that have kids by any man. It's a known fact that they have kids to stay on welfare."⁷² The letter then went on to harangue "mothers who are making their kids act terrible in school so they can collect more money," to state that "some of the conditions that their kids are living in isn't fit for a rat," and to blame this condition on mothers who are on drugs and care only about the checks, not the children.⁷³

This is not an isolated example of an irrational reader, but is indicative of society's inability to separate fact from myth enforced

AFDC benefit); see also PEFFLEY, ET AL., *supra* note 23, at 23 (discussing the power of individuating information to moderate negative evaluative responses).

70. See Joel F. Handler, *Constructing the Political Spectacle: The Interpretation of Entitlements, Legalization, and Obligations in Social Welfare History*, 56 BROOK. L. REV. 889, 926-27 (1990) ("Social problems are constructed. They serve the interests of those who define the social problem [O]bservers construct themselves by constructing others Stigmatizing those who fail to conform affirms the moral worth of those who do.").

71. See STEPHANIE COONTZ, *THE WAY WE NEVER WERE* 235 (1992) ("In almost every decade, for 200 years, someone has 'discovered' that the black family is falling apart.").

72. Letter from "a very mad taxpayer," to the author, dated May 20, 1994 (on file with author).

73. In focus groups run in 1993, the belief that AFDC mothers have more children to get more welfare was held by many participants, regardless of sex and race. PETER D. HART RESEARCH ASSOCIATES, INC., *supra* note 67, *Owing Mills Women* at 2, *Owing Mills Men* at 5, *Chicago Hispanics* at 2, *Catonsville, Maryland Women* at 5, *Washington D.C. Hispanics* at 7, *Richmond, Virginia Blacks* at 4.

by the media's stereotypes. For example, the Report From the White House Working Group on the Family stated:

Statistical evidence does not prove those suppositions [that welfare benefits are an incentive to bear children]; and yet, even the most casual observer of public assistance programs understands there is indeed some relationship between the availability of welfare and the inclination of many young women to bear fatherless children.⁷⁴

These one-dimensional images⁷⁵ drive and sustain the conclusions and beliefs that the electorate maintains about poor women. In turn, those public opinions drive elected officials. Indeed, legislators, who are viewers and readers themselves, cannot escape the effects of those same media images.

III. The Image Legislators Saw

I contend that media imaging engenders a legal framework that defines the deviance of poor women through a white woman's lens, and that this imaging then contributes to legislative decision-making.⁷⁶ The key to this equation is the portrayal of welfare recipients as women of color who do not fit the white-defined "appropriate" role of African-American women in our society.

To determine the impact of images of welfare mothers on law-making, this Part examines three phases of statutory enactment: (1) 1935, when the AFDC program was first enacted as part of the

74. GARY BAUER, *THE FAMILY: PRESERVING AMERICA'S FUTURE, A REPORT TO THE PRESIDENT FROM THE WHITE HOUSE WORKING GROUP ON THE FAMILY* 24 (1986). See Carol Sanger, *M is for the Many Things*, 1 S. CAL. REV. OF L. & WOMEN'S STUD. 15, 45 (1992) (further discussing this report).

75. It is not only the conservative, rightist or racist wing of the media that creates this image; rather, all stripes of media contribute to its propagation. For an example of right wing influence on the media, see HERITAGE FOUNDATION, *THE ANNUAL GUIDE TO PUBLIC POLICY EXPERTS* (Robert Huberty & Barbara Hohbach, eds. 1989). For a discussion of this influence, see Robert Entman & David Paletz, *Media and the Conservative Myth*, J. OF COMM., Autumn 1980, at 160 [hereinafter Entman & Paletz]; see also MARTIN LEE & NORMAN SOLOMON, *UNRELIABLE SOURCES: A GUIDE TO DETECTING MEDIA BIAS* 70-71 (1990); EDWARD HERMAN & NOAM CHOMSKY, *MANUFACTURING CONSENT: THE POLITICAL ECONOMY OF THE MASS MEDIA* 4-14 (1988); *WHO OWNS THE MEDIA?* 4-28 (Benjamin Compaine, ed. 1979).

76. See generally SIDNEY KRAUS & DENNIS DAVIS, *THE EFFECTS OF MASS COMMUNICATION ON POLITICAL BEHAVIOR* (1976), for a discussion of the centrality of media to public policy making, particularly the rise in importance of television media images in the 1960's. *Id.* at 55-59; see also Madeline Henley, *The Creation and Perpetuation of the Mother/Body Myth: Judicial and Legislative Enlistment of Norplant*, 41 BUFF. L. REV. 703, 772 (1993) (discussing role of myths regarding mothers receiving welfare in shaping legislative initiatives and judicial orders involving Norplant contraception).

Social Security Act; (2) 1967, when AFDC recipients were first required to participate in certain labor market activities as a condition of eligibility for benefits, and (3) the present, in which there has been a flurry of both state-initiated welfare "demonstrations"⁷⁷ and federal initiatives that aim either to reduce AFDC benefits in an attempt to modify recipient behavior⁷⁸ or to eliminate AFDC benefits entirely.

A. Chaste Widows and the Social Security Act

In 1935, when the Aid to Dependent Children program was enacted as a discrete and modest portion of the Social Security Act, its stated purpose was to "release" mothers⁷⁹ from the necessity of working,⁸⁰ "so that they could remain home to supervise their children" rather than place them in institutions.⁸¹ The children to be cared for were those without a "breadwinner" or "father."⁸² The dominant image was the white, chaste⁸³ widow whose husband had been a productive member of the paid labor market.⁸⁴ The assumption was that children needed a full-time maternal caretaker

77. Lucy A. Williams, *The Abuse of Section 1115 Waivers: Welfare Reform in Search of a Standard*, 12 YALE L. & POL'Y REV. 8, 24-32 (1994) (discussing wholesale alterations of AFDC program through state projects that are not designed as experiments) [hereinafter Lucy A. Williams, *Abuse*].

78. Lucy A. Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 YALE L.J. 719, 721-22 (1992) [hereinafter Lucy A. Williams, *Division*].

79. Although the sex-neutral term "parent" was used in the legislation, Professor Sylvia Law has pointed out the accident of this drafting and its real impact on mothers. Sylvia A. Law, *Women, Work, Welfare, and the Preservation of Patriarchy*, 131 U. PA. L. REV. 1249, 1256 (1983).

80. H.R. DOC. NO. 81, 74th Cong., 1st Sess. 30 (1935). The later addition of the mothers themselves to the grant was "[i]n order further to relieve the pressures on the parent to leave the home and accept work." *New York Dep't. of Social Servs. v. Dublino*, 413 U.S. 405, 427 (1973) (Marshall, J., dissenting).

81. *Burns v. Alcalá*, 401 U.S. 575, 582 (1975) (citing President Roosevelt's message to Congress recommending the legislation, H.R. DOC. NO. 81, 74th Cong., 1st Sess. 29-30 (1935); and the committee reports, S. REP. NO. 628, 74th Cong., 1st Sess. 16-17 (1935); H.R. REP. NO. 615, 74th Cong., 1st Sess. 10 (1935)).

82. A House Ways and Means Committee Report framed the image of the mother's role: "[n]early 10 percent of all families on relief are without a potential breadwinner other than a mother whose time might best be devoted to the care of her young children." H.R. REP. NO. 615, 74th Cong., 1st Sess. 10 (1935).

83. Both the House and Senate Committee reports indicated that states were allowed to restrict eligibility for those who were not of "moral character." H.R. REP. NO. 615, 74th Cong., 1st Sess. 24 (1935); S. REP. NO. 628, 74th Cong., 1st Sess. 36 (1935); see also 79 CONG. REC. 5679 (1935) (statement of Representative Jenkins).

84. THEDA SKOCPOL, PROTECTING SOLDIERS AND MOTHERS 533, 534 (1992); LINDA GORDON, PITIED BUT NOT ENTITLED 26-7, 45 (1994); WINIFRED BELL, AID TO DEPENDENT CHILDREN 9 (1965).

in the home so that they would grow up to be productive citizens themselves.⁸⁵ As long as white women stayed at home, it was proper to support them through AFDC.

Yet the vast majority of mothers raising their children alone, especially African-American women, were excluded from AFDC through a variety of mechanisms. Southern Congressmen ensured that both the race and economic status quo of the southern states would not be disrupted by the Social Security Act,⁸⁶ by allowing states discretion to deny AFDC.⁸⁷ Indeed, African-American women had never been full-time caretakers for their own children. They were expected to be and had always by necessity been in the paid labor market, whether as single parents or in two-parent families.⁸⁸ Even within the paid labor market, they were relegated to specific "undesirable" jobs as domestic, laundry or agricultural workers. They had little upward mobility and few alternatives other than to care for middle-class, white families. Thus, both practically and statutorily, women of color were excluded from the vision of the virtuous widow with young children whom federal welfare policy had decided were unemployable.⁸⁹

The "even-handed" application of what has been called "maternal essentialism,"⁹⁰ that all mothers, whether rich or poor, should

85. COMMITTEE ON ECONOMIC SECURITY, REPORT TO THE PRESIDENT 36 (1935), contained in NATIONAL CONFERENCE ON SOCIAL WELFARE, THE REPORT ON THE ECONOMIC SECURITY OF 1935 AND OTHER BASIC DOCUMENTS RELATING TO THE DEVELOPMENT OF THE SOCIAL SECURITY ACT 56 (1985). See generally, Law, *supra* note 79, synthesizing much of the legislative history of both the 1935 and 1968 enactments.

86. Handler, *supra* note 70, at 915.

87. States were given wide discretion to determine who was able to work outside the home, and was therefore ineligible for AFDC. States also exercised their given discretion to exclude children living in "unsuitable homes," i.e., those in which the mother was deemed "immoral." BELL, *supra* note 84, at 29-36, 34-35 (local discretion was particularly discriminatory against African-Americans in the Southern states). Childcare while being employed was not considered an issue for African-American women in Mississippi because "Negro mothers always had farmed out their children to neighbors and relatives . . ." MISS. STATE ADVISORY COMM., U.S. COMM'N ON CIVIL RIGHTS, WELFARE IN MISSISSIPPI 31 (1969). Georgia implemented a presumption that fieldwork was available for all "appropriate" persons during cotton-chopping season. *Anderson v. Burson*, 300 F. Supp. 401 (N.D. Ga. 1968).

Bias against African-American women was also evident in the precursor to AFDC, the Mothers' Pensions Acts. A 1931 Children's Bureau study found that only 3% of those receiving benefits were African-American. SKOCPOL, *supra* note 84, at 471.

88. JACQUELINE JONES, LABOR OF LOVE, LABOR OF SORROW 63, 74, 113, 124, 163 (1985).

89. See Law, *supra* note 79, at 1260.

90. Sanger, *supra* note 74, at 34-35 (discussing "maternal essentialism," or motherhood being the true nature of women, and noting that "[i]f all mothers . . . are re-

be able to be full-time caretakers,⁹¹ in practice returned only white widows back into majoritarian society and excused them from work.⁹² In contrast, single mothers of color who remained in the paid labor market were the "other."⁹³

B. Race Riots and Mandatory Work Requirements

Such differential treatment based on racial image was in practice until the 1960s, when the image of a white female with a career became acceptable and often valued.⁹⁴ Large numbers of white women entered the paid labor market, at least on a part-time basis,⁹⁵ because of both the opening of previously closed career paths and the perceived necessity of two incomes in white two-parent families.⁹⁶ Thus, the image of a "normal," "productive," "self-fulfilled" white woman changed from homemaker to career woman.

At the same time, states were finally required to place African-American women on the AFDC rolls.⁹⁷ I am unaware of any empirical documentation and therefore can only speculate about the psychological impact of eligibility for AFDC on African-American women who historically had been excluded from AFDC, denied the opportunity to perform full-time caretaking for their own chil-

garded as essentially alike, then other characteristics perhaps more relevant to the particular circumstance at hand - such as wealth or education - may be subordinated or ignored.").

91. *Id.* at 34-35.

92. Of course, due to the historic ambivalence in the United States about caring for the poor, see Lucy A. Williams, *Division*, *supra* note 78, at 721, AFDC was not sufficient for even those women who were able to receive it and many of them had to work out of their homes. GORDON, *supra* note 84, at 280 (1994); FRANCES FOX PIVEN & RICHARD CLOWARD, *REGULATING THE POOR: THE FUNCTIONS OF PUBLIC WELFARE* 135-37 (1971) [hereinafter PIVEN & CLOWARD, *REGULATING THE POOR*].

93. Handler, *supra* note 70, at 927-31 (analyzing the exclusivity of social control programs established at the time of the Mothers' Pensions Acts and AFDC).

94. Law, *supra* note 79, at 1280-81; Kathleen Harris, *Work and Welfare among Single Mothers in Poverty*, *AM. J. OF SOC.*, Sept. 1993, at 318-19.

95. BUREAU OF THE CENSUS, U.S. DEPARTMENT OF COMMERCE, *CURRENT POPULATION REPORTS, CONSUMER INCOME, SERIES P-60, NO. 178, WORKERS WITH LOW EARNINGS: 1964 TO 1990* 17 (1992).

96. See Lucy A. Williams, *Division*, *supra* note 78, at 739, 745.

97. Several pivotal judicial decisions struck down many of the discretionary eligibility criteria that states had used to exclude African-American mothers from AFDC rolls. See *Lewis v. Martin*, 397 U.S. 552 (1970); *King v. Smith*, 392 U.S. 309 (1968). Some government officials responded to increasing racial imbalance by allowing previously excluded eligible families to receive welfare. NICK KOTZ & MARY LYNN KOTZ, *A PASSION FOR EQUALITY* 197 (1977); see also PIVEN & CLOWARD, *REGULATING THE POOR*, *supra* note 92, at 242. These factors increased the total number of mothers applying for AFDC and the percentage of African-American mothers on the AFDC rolls sharply increased between 1948 and 1967. *Id.* at source table I, IV.

dren, and required to work in the paid labor market at sub-minimum wages, often caring for white women's children.⁹⁸ However, I am aware, lest these new recipients feel good about full-time mothering, that the image of welfare mothers changed from worthy white widow to lazy African-American breeder.⁹⁹ As the barriers to African-American women receiving AFDC were lowered in the 1960s and 1970s and white women moved into the paid labor market, it was no longer acceptable to support women on welfare, now defined as "dependent."¹⁰⁰

The law responded to this shift in imagery by placing a mandatory work requirement on welfare mothers for the first time.¹⁰¹ Southern Congressmen used the 1967 Amendments to the Social Security Act¹⁰² to ensure that once again poor African-American women would be stigmatized: this time, as indolent breeders of children who had to be forced to work.¹⁰³ While the bill included the provision of child care centers¹⁰⁴ and a financial work incentive,¹⁰⁵ it also froze federal matching funds at a specific number of children of single parents in each state¹⁰⁶ and required

98. JONES, *supra* note 88, at 4, 74, 127.

99. Deborah Maranville, *Welfare and Federalism*, 36 LOY. L. REV. 1, 43-44 (1990) (discussing how resistance to AFDC increased when African-American women who had previously worked outside the home were allowed to receive benefits).

100. This portrayal ignores that the vast majority of African-American women continued to work in the labor market and that the vast majority of AFDC recipients were still white. PIVEN & CLOWARD, *REGULATING THE POOR*, *supra* note 92, at 135-41. However, my point is that the images shifted and public policy reacted.

101. The work requirement had been present since 1961 for AFDC-U two-parent households, because one parent would still be a full-time caretaker. Title IV of the Social Security Act, Pub. L. No. 87-31, § 407(2)(B), 75 Stat. 75, 84 (1961). The 1968 amendment was a major change in applying the mandate to the only caretaker in the home.

102. Social Security Amendments of 1967, Pub. L. No. 90-248, Title II, 81 Stat. 821, 877-921 (1967) (codified at scattered sections of 42 U.S.C. (1988 & Supp. V 1993)).

103. There is also a discernible shift in focus from the benefit for the child (e.g., original cash assistance only for children, child's need for mother's nurturance) to the responsibility of the mother, which I contend is also racially based. As Professor Carol Sanger has pointed out, "[a]cknowledging that the well-being of children is bound up with that of their parents is still a selective enterprise. The version now playing in American politics pretends that lowering welfare payments to AFDC mothers does not really harm their children." Sanger, *supra* note 74, at 42.

104. Social Security Amendments of 1967, *supra* note 102, at § 201(a)(1)(C), 81 Stat. 821, 878-79 (codified at 42 U.S.C. § 602(a)(18)(1988 & Supp. V 1993)).

105. Social Security Amendments of 1967, *supra* note 102, at § 202(b), 81 Stat. 821, 881-82 (codified at 42 U.S.C. § 602(a)(8) (1988 & Supp. V 1993)).

106. *Id.* at § 208(b)), 81 Stat. 821, 894 (codified at 42 U.S.C. § 603(d)(repealed by Pub. L. 91-41, § 3(a), 83 Stat. 44, 45 (1969)). The provision froze the ratio of AFDC children to all children in the state; as the number of total children in the state rose, so could the number of AFDC children for whom the state could receive federal reim-

participation in mandatory work training programs for "appropriate" AFDC children and relatives over age sixteen as a condition for AFDC eligibility.¹⁰⁷ The Democratic House passed the bill in August 1967 by an overwhelming 415-3.¹⁰⁸

The tenor of the debate evidenced a marked shift toward an expectation that AFDC mothers should get labor market jobs,¹⁰⁹ but would not do so without this mandatory program.¹¹⁰ In other words, African-American women should be working—at whatever job was available.¹¹¹ This was a far cry from the earlier assumption that a (white) woman's work was to stay at home and care for her

bursament. However, only the undeserving AFDC families, those where the father was absent (i.e., divorced or never married), were subject to this provision; no limitation was placed on widows and their children.

107. *Id.* at § 204(b), 81 Stat. 821, 890-92 (codified at 42 U.S.C. § 602(a)(19)(1988 & Supp. V 1993)).

108. 113 CONG. REC. 23,132 (1967). Earlier in the 1960s, when the AFDC-Unemployed Father program was added to the Social Security Act for the first time, compulsory job referral and acceptance requirements had been enacted, but only for unemployed fathers in the small percentage of two-parent families on AFDC. Pub. L. 87-31, § 1, 75 Stat. 75, 75-76 (1961) (codified at 42 U.S.C. § 607 (1988 & Supp. V 1993)). One year later, Congress authorized states, at their option, to set up mandatory public work projects. Pub. L. 87-543, Title I, §§ 101(b)(2)(E), 105(a), 76 Stat. 173, 180, 186-87 (1962) (repealed by Pub. L. 100-485, Title II, §§ 202(b)(12), 204(a), (b)(1), 102 Stat. 2343, 2378, 2381 (1988)). However, the intent, although not the legislative language, was that these projects would "be used primarily for the unemployed fathers." H. Rep. No. 1414, 87th Cong., 2d Sess. 16 (1962); S. Rep. No. 1589, 87th Cong., 2d Sess. 12 (1962).

109. "The committee is recommending the enactment of a series of amendments to carry out its intent of reducing the AFDC rolls by restoring more families to employment and self-reliance." S. Rep. No. 744, 90th Cong., 1st Sess. 146 (1967); *see also* S. Rep. No. 744, 90th Cong., 1st Sess. 147 (1967).

110. In the illustrations of how the Work Incentive Program might operate, a Senate Report cites an example of ten women who "have no skills which are in demand in the area and have very low aptitude for learning skills which are likely to be in demand" and who are placed in a training program as playground assistants. When the office later is told of a job as a classroom aide in a private day care facility, "one of the women, *who has learned good work habits*, is referred to and gets the job." S. Rep. No. 744, 90th Cong., 1st Sess., 154-55 (1967) (emphasis added). In debates on the amendment, Rep. Ullman stated: "The able-bodied welfare recipient . . . needs not only education and training, but also the patterns of the working world - getting up in the morning, catching the bus, arriving on time, putting in 8 hours on the job." 113 CONG. REC. 23,070 (1967) (statement of Rep. Ullman). The assumption was that a mandatory jobs program was needed to stop intergenerational welfare use: "What is happening in this country is that certain families, from one generation to another, remain in the category of welfare recipients." 113 CONG. REC. 33,542 (1967) (statement of Sen. Curtis); *see also* 113 CONG. REC. 23,052-53 (1967) (statement of Rep. Mills) (discussing the third consecutive generation of welfare recipients and increase in welfare rolls).

111. Senator Long stated:

One thing that somewhat disturbs me is this idea that all these mothers who are drawing welfare money to stay at home have to be provided with a top

children. Now that the image was of a woman of color, the assumption was that only a bad mother wanted to stay at home.¹¹²

In addition, there was a noticeable shift in tone and attitude toward the morality of welfare recipients. Blame and accusation laced welfare observations. The Senate Finance Committee commented that "a very large share of the [AFDC] program growth is due to family breakup and births out of wedlock."¹¹³ In authorizing AFDC federal reimbursement for certain foster care placements, the Senate Report noted that "some children now receiving AFDC would be better off in foster homes or institutions than they are in their own homes. This situation arises because of the poor home environment for child upbringing in homes with low standards, *including multiple instances of births out of wedlock.*"¹¹⁴ A representative assumed that a child born to an unmarried mother should be removed from her care: "We found that we are having great difficulty in families where there are more than one illegitimate child. Children were still being reared in that family, which obviously provided an immoral home environment."¹¹⁵ The images in the debate were of unmarried illiterate women with a massive number of

paid job, that they have to be trained so they can be the top secretary in your office. You know somebody has to do just the ordinary everyday work.

Now, if they don't do it, we have to do it. Either I do the housework or Mrs. Long does the housework, or we get somebody to come in and help us, but someone has to do it, and it does seem to me that if we can qualify these people to accept any employment doing something constructive, that is better than simply having them sitting at home drawing welfare money

Social Security Amendments of 1967: Hearings on H.R. 12080 Before the Senate Finance Committee, 90th Cong., 1st Sess. 1127 (1967).

112. "We are not going to continue to put Federal funds into States for the benefit of parents when they refuse to get out of that house and try to earn something." 113 CONG. REC. 23,053 (1967) (statement of Rep. Mills). "[W]e can move certain people off the rolls and make room for *deserving* people who may have to come on through work training provisions of the act." 113 CONG. REC. 23,059 (1967) (statement of Rep. Carey) (emphasis added). In the prescient words of Senator Jacob Javits:

In its effect, it becomes a punitive and coercive approach which seems founded upon the belief that welfare recipients are universally shiftless and satisfied with being dependent upon a dole. It proceeds from the assumption that the recipient's status is self-imposed and that it is up to the Government to condition the attitudes and motivations of welfare recipients into something comparable with those of middle-class America.

113 CONG. REC. 26,782 (1967) (reprinting *Needed: Welfare Reform, Not Punitive Action: Hearings on H.R. 12,080 Before the Senate Finance Committee, 90th Cong., 1st Sess. (1967)* (statement of Senator Javits)).

113. S. Rep. No. 744, 90th Cong., 1st Sess. 331 (1967). Rising illegitimacy rates were noted routinely. 113 CONG. REC. 23,053 (1967) (statement of Rep. Mills).

114. *Id.* at 376 (emphasis added).

115. 113 CONG. REC. 23,068 (1967) (statement of Rep. Curtis).

children,¹¹⁶ but a lack of appropriate parenting skills. Most of these women lived in slums,¹¹⁷ particularly in the largely African-American neighborhood of Harlem.¹¹⁸

Of course, the concurrent media images were of angry African-Americans challenging white authority in the civil rights movement, in urban riots, and in the welfare rights movement.¹¹⁹ The

116. "Do you really feel that it is a good idea for a woman with a 400-word vocabulary to remain at home with 13 illegitimate children . . . ?" 113 CONG. REC. 23,081 (1967) (statement of Rep. Griffiths).

"I was looking over the statistics [for Washington, D.C.] a few days ago, and I found there a record of six women who have 60 illegitimate children, all on welfare There was another group of 14 women with 126 illegitimate children, all on welfare. Another group of 20 women have 160 illegitimate children, all on welfare. Another group of 46 women have 322 illegitimate children, all on welfare. Another group of 172 women have 860 illegitimate children, all on welfare In some of the families, there are as many as seven different fathers."

113 CONG. REC. 36,768 (1967) (statement of Sen. Byrd).

117. 113 CONG. REC. 33,191 (1967) (statement of Sen. Brooke, who, in proposing an amendment to exempt income of part-time students from AFDC calculations, described the "children of slums" who "have been deprived from birth of the necessary exposure to vocabulary and sentence structure, who have never been encouraged to hold a respect for learning, who have had little incentive to exercise their imagination and ambition.").

118. See 113 CONG. REC. 33,543 (1967)

"The psychological aspect of this matter that has not been mentioned is that 26 percent of the kids in that wage level are practically parentless and wandering around. They are from Harlem. That is what creates the problem. Forty-six percent of the people in Harlem are from broken homes We are not talking about nice people from nice neighborhoods, but about nice people from slum or ghetto neighborhoods."

Id. (statement of Sen. Javits). Senator Long responds that the situation in Harlem is what the mandatory work requirement is trying to correct. He then juxtaposes this Black ghetto image with that of the good mother:

"Some of the best mothers in America, and the most responsible ones, hold their families together when the fathers are not available to support them - in the event of death or some unforeseen tragedy. The mothers go to work and earn many times as much as they would receive on public welfare or from any other kind of charity [If child care is provided] [t]he mothers would then have no excuse under the sun for refusing to do something constructive, if it is nothing more than to clean up the mess in front of their own houses We do not want to have the mother sitting around and drinking wine all day [W]e are so solicitous of people who never did a lick of work in their whole lifetime, and who do not propose to do so because they have a child of school age" 113 CONG. REC. 33,543 (1967) (statement of Sen. Long).

119. PIVEN & CLOWARD, REGULATING THE POOR, *supra* note 92, at 238-39; FRANCES FOX PIVEN & RICHARD CLOWARD, POOR PEOPLE'S MOVEMENTS 219-20 (1977) [hereinafter PIVEN & CLOWARD, POOR PEOPLE'S MOVEMENTS]; Max Frankel, *President Calls on Nation to Combat Lawlessness*, N.Y. TIMES, July 25, 1967, at 1, 19 (photograph); John Herbers, *Johnson Accused By G.O.P. In Rioting*, N.Y. TIMES, July 25, 1967, at 1; see also *infra* note 127.

Kerner Report,¹²⁰ in analyzing the impact of the media coverage of that period, concluded that the depictions of the 1967 disorders were exaggerated and failed to contextualize the dissent by not reporting adequately on the underlying causes of the disruptions and racial problems.¹²¹ The public then formed its beliefs based on this media coverage, in the absence of any other information.¹²² The cumulative effect was that the public began to associate "neutral sights and sounds (like a squad car with flashing red lights, a burning building, a suspect in police custody) with racial disorders."¹²³

Not coincidentally, the debate was influenced by these deeply imbedded images. Congressmen noted that the punitive AFDC amendments might be in response to the urban riots in Watts in the summer of 1967.¹²⁴ In supporting the section of the bill relating to family planning for mothers on welfare, Senator Byrd drew a direct connection:

As I watched television during the riots, I wondered how many of those hoodlums who were backing pickup trucks against store windows and carrying away cases of whisky and television sets, or sniping at policemen in the streets, or throwing bricks and bottles at firemen, or overturning automobiles and dragging the drivers from the automobiles, beating them, and burning their automobiles, came out of homes in which the child did not know the identity of its father and the mother could not have cared less.¹²⁵

120. REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS (1968) [hereinafter KERNER REPORT].

121. *Id.* at 363. "Television coverage tended to give the impression that the riots were confrontations between Negroes and whites rather than responses by Negroes to underlying slum problems." *Id.* at 369.

122. *Id.* at 363.

123. *Id.* at 365.

124. 113 CONG. REC. 23,128 (1967) (statement of Rep. Kastenmeier) ("I fear that the sections dealing with ADC are in part a reaction to the riots which have plagued our country this summer. The rationale, which I do not accept, is that by making it more difficult for a person to live on welfare he will be forced to get a job which will keep him off the streets and lessen his discontent."); see also 113 CONG. REC. 24,781 (1967) (testimony of Senator Kennedy before the Senate Committee on Finance) ("Our nation has been ripped apart this summer by violence and civil disorder that have taken dozens of lives and caused billions of dollars of property damage. We face in our cities the gravest domestic crisis to confront this nation since the Civil War. We are not going to solve that crisis by forcing welfare recipients to accept training for jobs when we have absolutely no idea whether jobs will be available to them after their training. We are not going to solve that crisis by punishing the poor and hoping that they will bear that punishment silently, invisibly, graciously, without bitterness or hostility for their 'benefactors.'")

125. 113 CONG. REC. 36,768 (1967) (statement of Sen. Byrd). Senator Tydings then responded that interviews with 400 of those arrested during the Detroit riot found

Coming out of the civil rights movement and largely composed of women of color,¹²⁶ the National Welfare Rights Organization was connected to upheaval by the media and legislators.¹²⁷ Angry poor women of color were met with hostility and fear. Thus, when African-American and Puerto Rican members of the National Welfare Rights Movement refused to leave the witness table at a Senate Finance Committee hearing in protest to the bill until they had testified before all members of the committee,¹²⁸ they only reinforced the image from the urban riots of angry African-Americans challenging white authority.¹²⁹ Chairman Russell Long

that "a substantial portion of those arrestees - as I recall, substantially more than 50 percent of the arrestees - were unwanted or illegitimate children." 113 CONG. REC. 36,768 (1967) (statement of Sen. Tydings). Even lawmakers who did not support the punitive amendments connected AFDC recipients to the urban riots. See 113 CONG. REC. 36,784 (1967)

"And those who want to force the mothers of small children to work might well consider the implications of their position in our great cities, which are already gravely beset by racial difficulties. The hostility and anger which this coercive program will produce in ghetto areas are incalculable. If our cities are tinderboxes now, ready to burst into flames and violence, next summer's explosion will be made all the more certain and all the more serious by this program."

Id. (statement of Sen. Kennedy); 113 CONG. REC. 36,794 (1967)

"If anything has been learned in the past several months from the Newarks, the Plainfields, and the Detroits, it is that, as a Nation, we can no longer ignore the deep and bitter feelings of frustration and despair of those trapped in the poverty cycle. Yet the punitive provisions of the welfare amendments can only exacerbate the tensions in the ghettos."

Id. (statement of Sen. Case).

126. KOTZ & KOTZ, *supra* note 97, at 217 (describing NWRO's leadership).

127. *Protesters Push Food Stamps*, LA. COURIER-JOURNAL, July 1, 1966, at 3-1; *Singing Welfare Walkers Begin Columbus March*, THE CLEVELAND PRESS, June 20, 1966, at A1; Carole Shifrin, *Welfare Protest Draws 750*, WASH. DAILY NEWS, Aug. 29, 1967, at 1; John Fenton, *Boston Mothers Warn the Mayor*, N.Y. TIMES, June 6, 1967, at 37; John Fenton, *A Welfare Protest Spurs Boston Riot; Scores Are Injured*, N.Y. TIMES, June 3, 1967, at 1; Eve Edstrom, *Boos Drive Shriver Out Of Meeting*, WASH. POST, Apr. 15, 1967, at A1.

128. Only two members of the committee, Chairman Long and Senator Fred Harris, had been present at the time scheduled for NWRO's testimony. At one point they left for a roll call vote, and only Harris returned. When Harris left for another roll call vote at 1:00, there was some ambiguity about whether the hearing would be reconvened until an angry Long formally adjourned the hearing at 2:45. During this time Capitol police asked news reporters to leave, new entrants were not allowed and Finance Committee counsel refused to allow television crews to film. Finally at 3:45, under a threat of arrest, the welfare mothers left the hearing room. 113 CONG. REC. 26,487 (1967) (reprinting Barry Kalb, *Angry Welfare Group Holds Sit-In*, WASH. STAR, Sept. 20, 1967).

129. Senator Byrd equated the statements of the welfare mothers to "the threats by black power advocates." 113 CONG. REC. 26,486 (1967) (statement of Sen. Byrd); see also 113 CONG. REC. 33,177 (1967) (remarks of Sen. Lausche) ("If we give people the

subsequently referred to the protesters as "Black Brood Mares, Inc.,"¹³⁰ stating that, "[i]f they can find the time to march in the streets, picket, and sit all day in committee hearing rooms, they can find the time to do some useful work."¹³¹

Representative Hawkins noted the media's role in creating a popular (albeit erroneous) image of the AFDC population, which contributed to a call for legislative action.¹³²

Attacks on welfare almost invariably concentrate on the symptoms of family desertion, neglected children, and illegitimacy. Such a welfare recipient becomes ipso facto immoral and unsuitable in the minds of most people, regardless of the rights of the needy child to receive legal assistance and protection. Public officials who do not hesitate to vote billions in subsidies to corporate interests feel politically safe if they satisfy their often *misunderstanding constituents* that they have voted against a welfare subsidy to immoral behavior, meaning, of course, the few *highly publicized* cases of unmarried couples in AFDC homes.¹³³

In response to the liberals' argument that AFDC mothers should be able to be home with their children, Senator Long's remarks starkly illustrate the implicit definition of the "new" welfare recipient as the "other:"

We will do everything that the mind of man can conceive of to help put these people to constructive work - for the first time in their lives for many of them and, for that matter, for the first time in the lives of the fathers and mothers of many of them. . . . [T]here are people right in this building who hire 15- and 16-year-old children as babysitters to give their wives a much-deserved evening out from time to time. If these children, in that age bracket, can very constructively and usefully do work themselves, there is no reason why they should be seized upon as an excuse for their mothers to do nothing. . . . [T]here is no reason

aegis of decency, they will use it to intimidate and to pressure not only the individual [Senator], . . . but also every one of us.").

130. Patrick D. Moynihan, *The Crises in Welfare*, 10 THE PUBLIC INTEREST 3, 21 (1968); LETTER: TO WELFARE RIGHTS LEADERS AND FRIENDS, NATIONAL WELFARE LEADERS NEWSLETTER, VOL. 1, NO. 19, SEPT. 22, 1967.

131. Eve Edstrom, *Protesting Welfare Mothers Rebuked*, WASH. POST, Sept. 21, 1967, reprinted in 113 CONG. REC. 26,487 (1967).

132. Chairman Wilbur Mills of the House Ways and Means Committee, and co-chair with Senator Long of the House-Senate Conference Committee, which resolved differences in the 1967 Amendments, said "[w]e on our committee felt the time had come when the taxpayers want us to be rough." 113 CONG. REC. 23,058 (1967) (statement of Rep. Mills).

133. 113 CONG. REC. 23,127 (1967) (statement of Rep. Hawkins) (emphasis added).

why the mother should not do what other women do when they find themselves widows, or find themselves alone, with the necessity to support a child - do something to support themselves, rather than rely on society entirely to support them.¹³⁴

Thus, Senate wives who stay at home do something valuable, whereas welfare recipients "do nothing."

C. Unfit Mothers and the Current Debate

In 1987, the federal government began granting large numbers of waivers of the categorical eligibility requirements contained in the Social Security Act, allowing states to run widely varying AFDC "experiments."¹³⁵ This moved the critical forum for welfare policy debate from Congress to the states.¹³⁶ These state "demonstra-

134. 113 CONG. REC. 33,542 (1967) (statement of Sen. Long). This statement is consistent with Professor Law's analysis of the patriarchal distinctions even within the jobs requirements of the 1967 Amendments. Law, *supra* note 79, at 1264-65. AFDC mothers in two-parent families were not required to register or participate for the work program, because their husbands were doing so. The Act of Dec. 28, 1971, Pub. L. No. 92-223, 85 Stat. 802, 805-06 (1971) (amending Social Security Act, 42 U.S.C. § 402 (a)(19)(A)) (codified at 42 U.S.C. § 602(a)(19)(1988 & Supp. V 1993). They, like the Senators' wives, were allowed to be full time homemakers. However AFDC mothers who were single parents, regardless of the reason for that status, were required to register for the program. Social Security Act Amendments of 1967, Pub. L. No. 90-248, 81 Stat. 821, 890 (1968) (adding § 402 (a)(19)). The Administration's justifications for this distinction, as stated in the 1970 hearings on the Family Assistance Plan, were that "the emphasis is on the father, the emphasis is on upgrading and career development for him," whereas "[t]he mother's role becomes one of supporting the family." *Hearings on Social Security and Welfare Proposals Before the House Committee on Ways and Means*, 91st Cong., 1st Sess. 384 (1970) (testimony of Jerome M. Rosow, Assist. Sec'y of Labor for Policy, Evaluation and Research). To do otherwise "really presents quite a mixed blessing and quite a mixed set of incentives for him to subject his wife to a mandatory work requirement." *Id.* at 386 (testimony of Robert E. Patricelli, Dep. Assist. Sec'y of Health, Educ. and Welfare for Program Planning and Evaluation).

135. Lucy A. Williams, *Abuse*, *supra* note 77, at 16-18, 24.

136. This is not to say that states have not had wide discretion over numerous AFDC issues continuously since 1935: for example, states have largely had discretion over standard of need and benefit amounts, over a number of state optional programs, and over many aspects of administration which ultimately affect program usage and costs. 1994 GREEN BOOK, *supra* note 18, at 324. AFDC has always had state-federal cooperation. *King v. Smith*, 392 U.S. 309, 318 (1968). However, the possibility of waivers of categorical requirements made the debate on a state level even more critical to the overall structure of the program and has resulted in massive state changes.

Congress during this period also passed the Family Support Act which tightened the work requirements and strengthened child support enforcement mechanisms. See Fineman, *Images*, *supra* note 21, at 277-83 for description of the images of AFDC mothers in the debate of the Family Support Act. Senator Moynihan stated that all urban and teen problems are caused "when families disintegrate" or are the result of

tion" projects are designed largely in response to rhetoric, based on societal perception.¹³⁷ Governmental evaluation of the "demonstrations" is not structured to illuminate whether the images are correct or erroneous.¹³⁸ I contend that these programs are premised on an image refined from the 1967 debate and perpetuated by the media.

Once again the Ventura story is illustrative.¹³⁹ In the week prior to the reporting of the Ventura incident, the Massachusetts Senate had been debating a major welfare reform bill.¹⁴⁰ The legislation, which had been crafted by the Massachusetts House and Senate Joint Committee on Human Services and Elderly Affairs after extensive public hearings and research, would have replaced welfare grants with subsidies to private-sector employers who hire welfare recipients.¹⁴¹ At the same time, Governor William Weld had proposed his own welfare reform, which centered on a cut off of AFDC for 50,000 families after sixty days, followed only by child care and health coverage.¹⁴²

The day the Ventura story appeared in the *Boston Globe*, the Massachusetts Senate debate was rife with allusions to "welfare

"broken families," 136 CONG. REC. S14,418 (daily ed. Oct. 3, 1990); Rep. Roukema envisioned a woman who deliberately had a baby every two years so that she would not have to take a labor market job. 133 CONG. REC. 35,827 (statement of Rep. Roukema). Fineman notes that widowed single mothers are excused from this censure. See Fineman, *Images*, *supra* note 21, at 280.

137. See generally Lucy A. Williams, *Division*, *supra* note 78. A further example of media image and coverage driving welfare policy is that of the revival of the Moynihan Report on the disintegration of the African-American family. After Bill Moyers' much debated documentary, "The Vanishing Black Family: Crisis in Black America," *supra* note 58, resurrected the Moynihan thesis 20 years after it was propounded, the media endorsed the critique, and President Reagan "took the opportunity to introduce an initiative to revamp the welfare system a week after the program aired." Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991). See also Richard Zeiger, *The Budget Headache—The Party's Over and for Pete Wilson, It's a \$7 Billion Headache*, CAL. J., Feb. 1, 1991, at 51 (quoting California Governor Pete Wilson in proposing a reduction in AFDC benefits, as saying that the only effect would be that welfare recipients would "have less for a six-pack of beer.").

138. See Lucy A. Williams, *Abuse*, *supra* note 77, at 29-31 (discussing flaws in governmental evaluations).

139. See *supra* notes 1-12 and accompanying text (summarizing the Ventura story).

140. Don Aucoin, *Welfare Dependency Target of Bill Up for Debate*, BOSTON GLOBE, Feb. 8, 1994, at 60; COMMONWEALTH OF MASS., J. SENATE, Feb. 7, 1994.

141. S. 84, Mass. Gen. Court Regular Sess. (1994).

142. A temporary employment program, including public service employment, was provided for parents who were unable to find work. H. 1205 Mass. Gen. Court Reg. Sess. (1994); Don Aucoin, *Senate Vetoes Weld Welfare Plan; 2 From GOP Side with Democrats*, BOSTON GLOBE, Feb. 15, 1994, at 56.

cheats" and "drug addicts."¹⁴³ However, the Senators rejected an amendment to substitute the Governor's welfare reform bill.¹⁴⁴

The next day, the Senate referred repeatedly to the Ventura family, with both the Governor and legislators claiming that their proposals should pass in order to prevent situations such as Ventura's.¹⁴⁵ In addition, during the debate over whether to exclude from benefits children born after the mother is on AFDC, several senators specifically tied the receipt of AFDC benefits for additional children to child abuse and drug addiction, using the Ventura image:

An AFDC recipient can have as many children as they want. Look at today's paper. Six children. We don't know the condition of the others. I am ashamed to see the number of cases where parents were involved in drug abuse and children were being abused. It would be better if those children weren't born. It was terrible.¹⁴⁶

Later that same day, Senator O'Brien proposed an amendment that limited AFDC eligibility for recipients over the age of eighteen to two years.¹⁴⁷ After a private conference of a dozen senators

143. DEBATE OF MASS. SENATE, STATEHOUSE NEWS SERVICE, (daily ed. Feb. 14, 1994) (statement of Sen. Tisei). Male legislators being tough on welfare mothers was clearly the tone of the day: "I find that curiously the minority leader with sarcasm dripping from his voice describes our bill as caring and won't hurt anyone as if we are a bunch of wets and have not taken the macho line on welfare. The quality of mercy is widespread. That is one of the guiding sentiments behind our bill." *Id.* (statement of Sen. Birmingham).

144. COMMONWEALTH OF MASS., J. SENATE, Feb. 14, 1994, at 83.

145. "In the last 24 hours it's front page of the Boston Herald - that if we had a program in place that would demand able-bodied people to get out into the workforce maybe this kind of tragedy would not happen." DEBATE OF MASS. SENATE, STATEHOUSE NEWS SERVICE (daily ed. Feb. 15, 1994) (statement of Sen. Lees) (responding to statements from Sen. Wilkerson and Sen. Murray); Staff, *Abuse Suspect Fought Drugs, Other Woes*, BOSTON GLOBE, Feb. 16, 1994, at 18.

146. DEBATE OF MASS. SENATE, STATEHOUSE NEWS SERVICE (daily ed. Feb. 15, 1994) (statement of Sen. Jajuga). *Compare id.* (statement of Sen. Tisei) ("You have to try to set policies that prevent people from going out and having extra children. You have a woman in the Herald with six children who came from a household with 18 dependents.") *with id.* at 10 (statement of Sen. Rosenberg) (characterizing the Ventura case as "the aberration that is driving the debate and this is what is fundamentally wrong with the way people are looking at the welfare issue"). The Amendment was rejected at the time. COMMONWEALTH OF MASS., J. SENATE, Feb. 15, 1994, at 105.

147. COMMONWEALTH OF MASS., J. SENATE, Feb. 15, 1994, at 109.

at the rostrum, the Senate adjourned for the day.¹⁴⁸ The next day, with little debate,¹⁴⁹ the two-year time limit passed 25-1.¹⁵⁰

Governor Weld sent copies of the *Boston Globe* article on the extended Ventura family to all Massachusetts state legislators to highlight the need for welfare reform.¹⁵¹ Months later at a conservative Washington think tank meeting on reducing welfare, he began his keynote address proposing welfare cuts with the Ventura story.¹⁵²

Missing from the bulk of the discussion was any focus on programs to identify and provide services to abusive adults or abused children.¹⁵³ The problem, as framed by the media, was providing subsistence benefits to women and children. All welfare recipients had become Clarabel Venturas.

IV. The Image We Should See

The problem with the media representation of mothers receiving welfare is complex. First, the representation is uni-dimensional and non-normative, thereby erasing and invalidating the diversity among mothers receiving welfare. Second, the repetitive media picture is based on the most socially marginalized individual, thus allowing the mainstream populace to distance itself from those "other" and "dysfunctional" mothers, and attribute their situation

148. *Id.* at 110; *see also* DEBATE OF MASSACHUSETTS SENATE, *supra* note 145, at 13.

149. *See* DEBATE OF MASSACHUSETTS SENATE, STATEHOUSE NEWS SERVICE (daily ed. Feb. 16, 1994).

150. COMMONWEALTH OF MASS., J. SENATE, Feb. 16, 1994, at 123. Interestingly, as the Senators were aware, all of these debates were televised for the public, thus themselves creating media images that reinforce and validate the Venturas as the model of AFDC gone awry. *See* DEBATE OF MASSACHUSETTS SENATE, *supra* note 149, at 6 (statement of Sen. Murray); *id.* at 7 (statement of Sen. Birmingham).

151. Don Aucoin, *Weld Using Story on Welfare Family to Aid His Case on Need for Reform*, BOSTON GLOBE, Feb. 25, 1994, at 14.

152. Ruth Conniff, *Bad Welfare*, THE PROGRESSIVE, Aug., 1994, at 18 (quoting Weld at an American Enterprise Institute luncheon as saying that a four-generation welfare family in his state had "fourteen children of the matriarch, who came to Massachusetts in 1968 Several sons among these fourteen children were on disability for anxiety, so the idea of work made them anxious.").

153. Senator Magnani, in discussing the Ventura case, did mention the underfunding of teen pregnancy programs. However, it was unclear whether he was connecting teen pregnancy to abuse, or more broadly stating that funding teen pregnancy programs would be good welfare policy. DEBATE OF THE MASSACHUSETTS SENATE, *supra* note 145 (statement of Senator Magnani); *see also* DEBATE OF THE MASSACHUSETTS SENATE, *supra* note 145 (comments of Senator Murray) ("If we had the case management system proposed in this bill when she had her first child, she and those children wouldn't be in the position they are in today.").

to individual fault and responsibility. Most importantly, because the image is not totally false, because it reflects reality for some percentage of the population receiving welfare, it cannot be ignored. The public will not reject the predominant image upon hearing more accurate data. The media's perpetuation of the stereotype, without reinterpreting and exposing the institutional and societal violence that has led to the truth of that stereotype for a small group of individuals, reinforces the public's (and thus the legislature's) acceptance of the reductionist image as the norm, and allows the public to blame the media-generated, stereotypical welfare mother for society's ills, or at least for her own ills and those of her family.

A. Uni-Dimensional Imaging Creates Unresponsive Welfare Policy

Mothers who receive welfare are a diverse group—yet their diversity is not reflected by the media. Most AFDC recipients are a far cry from the consistent media image of a woman of color¹⁵⁴ with multiple children¹⁵⁵ whom she does not care for properly while she (1) eats junk food and watches soap operas, or (2) zones out on drugs while her children fend for themselves.¹⁵⁶ Welfare is not an inner-city,¹⁵⁷ long-term,¹⁵⁸ intergenerational,¹⁵⁹ teenage-

154. In 1992, 38.9% of AFDC families were non-Hispanic white, 17.8% Hispanic, and 37.2% were African-American. 1994 GREEN BOOK, *supra* note 18, at 402.

155. The average AFDC recipient has 1.9 children, slightly less than the number which the general population has. In 1992, 72.7% of all AFDC families had two children or less; the average AFDC family size had dropped 28% since 1969. *Id.* at 401.

156. Most AFDC recipients do not abuse or neglect children. Leroy H. Pelton, *The Role of Material Factors in Child Abuse and Neglect*, cited in CLASP FAMILY MATTERS, Winter 1994, at 6. Although material hardship is directly related to child abuse and neglect, Pelton finds that the increased likelihood that poor families will be reported for abuse or neglect is due to the increased hazards of their neighborhoods and dilapidated housing. Leroy H. Pelton, *The Role of Material Factors in Child Abuse and Neglect: Foundations for a New National Strategy*, in PROTECTING CHILDREN FROM ABUSE AND NEGLECT: FOUNDATIONS FOR A NEW NATIONAL STRATEGY 131, 133, 144, 167 (Gary B. Melton & Frank D. Barry, eds., 1994).

157. In 1992, the poverty rate in nonmetropolitan areas was 16.8%, while the poverty rate in metropolitan areas was 13.9%, including 20.5% in the central cities. 1994 GREENBOOK, *supra* note 18, at 1165.

158. Depending on the method of calculation, 29-56% of all AFDC recipients leave the AFDC rolls within one year, 48-70% leave within two years, and only 7-15% stay on for eight consecutive years. 1994 GREENBOOK, *supra* note 18, at 442. These percentages do not reflect an increasing "dependency" on AFDC. A 1952 nationwide study of ADC found that 20% of families received ADC for less than one year, only 11% received benefits for seven years, and only 3% received benefits for more than eleven years. GORDON W. BLACKWELL & RAYMOND F. GOULD, FUTURE CITIZENS ALL 37 (1952).

pregnancy¹⁶⁰ problem. The increase in childbearing by unmarried women¹⁶¹ cuts across class, educational attainment,¹⁶² and age lines. Most of this increase is in births to adult unmarried women, not adolescents.¹⁶³ Two-thirds of all women who give birth outside of marriage are not living below the poverty level during the year prior to their pregnancy.¹⁶⁴ Most of them—teen and adult—are white.¹⁶⁵ Finally, teen mothers do not inevitably end up as long-term welfare recipients.¹⁶⁶

159. Sixty-four percent of young women who grew up in families that received welfare during their adolescence receive no welfare during young adulthood. Greg Duncan & Martha Hill, *Welfare Dependence Within and Across Generations*, SCIENCE, Jan. 1988, at 467, 469.

160. Only 7.6% of AFDC families are headed by teens. 1994 GREEN BOOK, *supra* note 18, at 401. Of these, most are 18 or 19 years old. Only 1.2% of all AFDC mothers are less than 18 years of age. U.S. DEPT. OF HEALTH AND HUMAN SERVICES, AID TO FAMILIES WITH DEPENDENT CHILDREN: CHARACTERISTICS AND FINANCIAL CIRCUMSTANCES OF AFDC RECIPIENTS 42 (1992). Teen births rates in fact are significantly lower than they were in the 1950s. In 1955, the adolescent birth rate (ages 15-19) was 90.3 per 1000 females. KRISTIN A. MOORE, ET AL., CHOICE AND CIRCUMSTANCE: RACIAL DIFFERENCES IN ADOLESCENT SEXUALITY AND FERTILITY 12 (1986). It reached an all-time low of 50.2 in 1986 and has risen since then to 62.1 in 1991. NATIONAL CENTER FOR HEALTH STATISTICS, ADVANCED REPORT OF THE FINAL MORTALITY STATISTICS, 1991, MONTHLY VITAL STATISTICS REPORT, VOL. 42, NO. 3, SUPPL. 20 (1993). The birth rate for females under age 15 (10-14 years) has increased slightly from 1.2 per 1000 females in 1970 to 1.4 in 1990. *Id.* Between 1970 and 1990, the total number of births to teenagers dropped from 656,000 to 533,000, with the birth rate per thousand women 15-19 years old dropping from 68.3 to 59.9. One out of six mothers was a teen in 1970; by 1990 that figure had dropped to one out of eight. U.S. BUREAU OF THE CENSUS, STATISTICAL ABSTRACT OF THE UNITED STATES 74 (1993). The author is grateful to the Center for Law and Social Policy for gathering much of this data.

161. U.S. BUREAU OF THE CENSUS, *supra* note 160, at 78.

162. Over the last 10 years, the proportion of never-married mothers who did not graduate from high school has decreased, while the proportion of such mothers with post-secondary education has risen. CENSUS BUREAU CURRENT POPULATION REPORT, P20-470, FERTILITY OF AMERICAN WOMEN (June 1992).

163. 1994 GREEN BOOK, *supra* note 18, at 1110.

164. SHARON PARROT & ROBERT GREENSTEIN, CENTER ON BUDGET AND POLICY PRIORITIES, WELFARE, OUT-OF-WEDLOCK CHILDBEARING AND POVERTY: WHAT IS THE CONNECTION? 6 (1995) (on file with author).

165. U.S. BUREAU OF THE CENSUS, *supra* note 160, at 78 (only 41% of all births to unmarried women were to African-American women, down from 54% in 1970).

166. Fifty-one percent of all adolescent mothers did not receive AFDC during their initial five years of parenting. CONGRESS OF THE UNITED STATES, CONGRESSIONAL BUDGET OFFICE, SOURCES OF SUPPORT FOR ADOLESCENT MOTHERS 52 (1990). And of those who do apply for AFDC, the average teen mother stays on the welfare rolls only one year longer than mothers in their twenties. 1994 GREEN BOOK, *supra* note 18, at 444. Forty percent of single adolescent mothers left AFDC within one year, and 70% within four years of giving birth. SOURCES OF SUPPORT FOR ADOLESCENT MOTHERS, *supra*, at xvi.

Of course, the media tends to be reductionist in general because of the short time frames in which news information is transmitted. But news stories do not normalize the image of the heroic poor women and children who are living their lives under impossible conditions, and who are going to school, not having multiple children and not using drugs or abusing their children. Rather, media coverage repeats the singular non-normative image, accentuates that depiction by the vacuum of other images, and fails to represent the diversity and complexity of mothers receiving welfare. As a result, the media images lead to a rigid and narrowly defined, rather than comprehensive and nuanced, welfare policy that is unresponsive to the needs of the vast majority of mothers receiving welfare.¹⁶⁷

B. "Socially Marginalized" Imaging Creates Welfare Policy Based on Individual Fault

The reductionist image targets the most socially marginal individual. This in turn allows the public to devalue and distance themselves from poor women, and encourages politicians to develop policy based on gender, race and class stereotypes. By highlighting Latina and African-American alleged child abuse and neglect, the media frames welfare as a matter of race and paints all single mothers as immoral, deviant, dysfunctional¹⁶⁸—and solely

167. For example, teen pregnancy and illegitimacy drive much of the debate. See Charles Murray, *The Coming White Underclass*, WALL STREET J., Oct. 29, 1993, at A14 ("Illegitimacy is the single most important social problem of our time—more important than crime, drugs, poverty, illiteracy, welfare or homelessness because it drives everything else."); Jonathan Alter, *The Name of the Game is Shame*, NEWSWEEK, Dec. 12, 1994, at 41 ("The fact remains: every threat to the fabric of this country—from poverty to crime to homelessness—is connected to out-of-wedlock teen pregnancy."); Nicholas Lemann, *The Origins of the Underclass (Part 2)*, THE ATLANTIC, July 1986, at 54, 67 ("It [unmarried teen pregnancy] is today by far the greatest contributor to the perpetuation of the misery of ghetto life."). The impact of this kind of image-making was evident, for example, in a bill proposed by Representative James Talent and Senator D.M. Faircloth to eliminate AFDC payments and food stamps to children born to unmarried mothers under 18. H.R. 4566, 103d Cong., 2d Sess. at 37 (1994). According to then Secretary of Education William Bennet, "only the Talent bill would help discourage single mothers from having children." Talent, Woolsey, *Unveil New Welfare Reform Plans*, NAT. J. CONG. DAILY, Apr. 28, 1994.

168. See Jim Ash, *Gannett News Service*, Jan. 1, 1993 (quoting Florida State Senator Rick Dantzler as saying that children born to single-parent families, children reared without "paternal influence," are tomorrow's criminals); Robert J. Samuelson, *Should We Think the Unthinkable?*, NEWSWEEK, Sept. 13, 1993, at 43 (considering whether, in light of the "breakdown of the two-parent black family" and "the explosion of unwed teenage mothers," welfare should be abolished for women under the age of 20 or 24). See generally Martha Fineman, *The Neutered Mother*, 46 U. MIAMI

responsible for every physical and behavioral problem of their children.¹⁶⁹

In this image, African-American women are breeders, but not entitled to be or needed as full-time parents.¹⁷⁰ The earlier image of African-American women was of strong, hardy laborers, placed here to nurture the white race at substandard or no wage, and innately suited to strenuous and undervalued labor.¹⁷¹ Merging this with the image of African-American women as welfare mothers leads to the conclusion that welfare mothers should be required to take any job regardless of its potential to provide a living wage or health benefits which can keep a family out of poverty.¹⁷² Thus, the media imagery contributes to the short-sighted legislative assumption that a welfare mother should not expect a job with dignity, a career ladder, adequate benefits, or flexibility for family obligations.¹⁷³

In addition, by highlighting the "dysfunctional" mother of color image, the media allows white society to view all women of color as deviant and unwilling or unable to inculcate "mainstream" values.¹⁷⁴ The media image reinforces the historic portrayal of women of color as lazy and irresponsible, and their children as dirty and

L. REV. 653, 664 n.22 (1992) (discussing Bill Moyer's documentary, "The Vanishing Family: A Crisis in Black America," as a potent example of the idea behind the assertions of the pathology in single parent families); WILLIAM J. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* 4, 18, 39, 159, 173 (1987) (linking teenage pregnancy and out-of-wedlock births to violent crime, unemployment, drug addiction, and alcoholism); Fineman, *Images*, *supra* note 21, at 295 (analyzing the discourse of the pathology of single mothers).

169. Such an analysis disregards the deprivation that poor children experience on many fronts. Fineman, *Images*, *supra* note 21, at 295 (in discussion of single mother in poverty discourse, "the focus on family form obscures the economic deprivations"); Sanger, *supra* note 74, at 64 (discussing how an essentialist vision of good motherhood ignores the critical nature of material variations).

170. Addressing the apparent discrepancy between support for "family values" and antipathy for allowing AFDC mothers of young children to stay at home, conservative analyst Charles Murray stated that no discrepancy existed "because they're lousy mothers." Conniff, *supra* note 152, at 18. See Dorothy E. Roberts, *Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy*, 104 HARV. L. REV. 1419, 1424, 1436-44 (1991) (noting the devaluation of African-American women as mothers).

171. JONES, *supra* note 88, at 13-19.

172. LAWRENCE M. MEAD, *THE NEW POLITICS OF POVERTY* 142-43, 145 (1992) (describing African-American women's unwillingness to accept what they consider menial and degrading work and pointing to the fact that significantly more African-American women worked as domestics in 1950 than in 1980).

173. See *supra* note 111.

174. It is not surprising that this backlash comes at a time of tremendous change in the structure of white women's lives as well - an increase in single parent households, unmarried teen pregnancy, children born to unmarried women - in other words, the

unkept.¹⁷⁵ The Ventura image, used to represent all mothers who receive AFDC, is then used to justify even less societal assistance.

The establishment of welfare as an entitlement,¹⁷⁶ while providing a great benefit for mothers who had previously been racially or morally excluded from receiving AFDC,¹⁷⁷ also created an illusion that mothers who were no longer part of the "worthy" poor were now on a level playing field with "worthy" mothers.¹⁷⁸ Thus, we are able to distance ourselves by saying that we did our part, that it is the welfare mother's own deviance that now is responsible for her condition.¹⁷⁹ Her poverty is now caused by her own inadequate socialization and can and should be righted only by her own will.¹⁸⁰

The perpetuation of negative welfare images presented in the guise of the whole story leaves no room for the whole story itself, including any positive or redeeming counter-images. Not only does this deprive the mainstream public from reaching fully informed beliefs, but the welfare recipient herself is bombarded by demeaning imagery of who society says she is. Thus each welfare recipient, desiring to validate herself, must "other" herself; she

disintegration of the mythologized, moral patriarchal family. By defining the abnormal, the media demarcates the limit of acceptable behavior for whites.

175. *Ethnic Notions* (Cal. Newsreel, Berkeley, Cal. production, directed by Marlon Riggs, 1987); George Will, *Teenagers and Norplant*, WASH. POST, Mar. 18, 1993, at A27 (juxtaposing white suburban pregnant teenager who will get an abortion and go on to college with black inner-city teenager who will have a "supportive matriarchy" if she decides to have the child and for whom "Norplant may be the most feasible preventative").

176. *King v. Smith*, 392 U.S. 309 (1968).

177. See PIVEN & CLOWARD, *REGULATING THE POOR*, *supra* note 92, at 127; BELL, *supra* note 84, at 29-35.

178. QUADAGNO, *supra* note 49, at 9 (describing an "equal opportunity welfare state"). See William H. Simon, *Rights and Redistribution in the Welfare System*, 38 STAN. L. REV. 1431, 1497 (1986); Handler, *supra* note 70, at 947; see also Martin Anderson, *Welfare Reform*, in THE UNITED STATES IN THE 1980's 139, 145 (Peter Duignan & Alvin Rabushka, eds. 1980) ("[t]he war on poverty has been won, except for perhaps a few mopping-up operations. The combination of strong economic growth and a dramatic increase in government spending on welfare and income transfer programs for more than a decade has virtually wiped out poverty in the United States.").

179. See LAWRENCE M. MEAD, *BEYOND ENTITLEMENT* 65 (1986) ("[Welfare benefits] raise the income of recipients, but, more important, free them to behave without accountability to society."). But see Sanger, *supra* note 74, at 43-44. Sanger describes a prenatal care project which began with the assumption that young single mothers did not know they needed such care. After interviewing these pregnant women, however, as opposed to developing a policy without consulting those it would affect, it became clear that the real problem was not ignorance, but practical obstacles: transportation, timely appointments, answering the phone, and child care. This changed the assumption from "bad mothers" to "overtaxed poor women."

180. KATHY FERGUSON, *THE FEMINIST CASE AGAINST BUREAUCRACY* 143 (1984).

must say "I am different." In the process, she must affirm that the vast majority of welfare recipients do indeed fit the negative image harbored in our collective unconscious.¹⁸¹ The "negative" image of AFDC mothers thus becomes imbedded in their own self-perceptions, a self-defeating outcome that is intensified by the current "welfare reform" rhetoric that the receipt of welfare destroys self-esteem and that getting a labor market job will restore a sense of dignity.¹⁸² Nowhere is there any recognition that the media's insistence that welfare mothers are deviant is itself destructive. Lost are the voices of mothers who receive welfare, yet speak with pride and strength.

The values that comprise the "good" mother change with her race and class.¹⁸³ While policy-makers say that AFDC must "reinforce rather than subvert American ideals about work and marriage,"¹⁸⁴ they choose those values for poor women and reject the

181. A columnist in the Boston Herald quoted a letter he received from a welfare mother that capsulizes this phenomenon:

I know that it was wrong to stay at home with my daughter while the taxpayers paid for it, but my daughter never fell out of a window either. Do you know why there are so many malnourished kids in Massachusetts? Because too many times a welfare mother - and I've seen this - uses her food stamps to buy a candy bar, a SlimFast shake and a pack of gum. I cook meals for my kid. I think microwave dinners should be barred from the shopping cart of a food stamp recipient. . . .

The woman signed her own name "welfare slug." Carr, *Working Moms*, *supra* note 43, at 8. This letter came after the columnist had written an article calling welfare recipients lazy and whining, in which he referred to Clarabel Ventura as "the Poster Gal of the Something-for-Nothing crowd." Howie Carr, *Gimme Girls Work Hard to Keep Handouts Coming*, BOSTON HERALD, May 11, 1994, at 8; see also Austin Sarat, . . . *The Law Is All Over: Power, Resistance and the Legal Consciousness of the Welfare Poor*, 2 YALE J.L. & HUMAN. 343, 354, 366 (1990) (describing welfare recipients who are contemptuous of other recipients); KOTZ & KOTZ, *supra* note 97, at 225 (describing National Welfare Rights Organization leader Joyce Burson, who said "I didn't really believe that I was entitled to welfare. I had grown up being told by my mother and others that welfare was terrible and that people on welfare were terrible.").

182. Jacob Weisberg, *Clintonism that Works: Inside Welfare Reform*, N.Y. MAGAZINE, May 30, 1994, at 13; Ronald Brownstein & David Lauter, *Clinton Aides find Welfare Vow Easier Said Than Done*, L.A. TIMES, Dec. 12, 1993, at 1; Toni Locy, *Critics Say Welfare Plan Deals in Stereotypes*, BOSTON GLOBE, May 21, 1993, at 16.

183. In the context of policies that prohibit, monitor, or require mothers to separate from their children, Sanger has said:

The differences among these regulations tell us something about official expectations regarding maternal duties, about the regard in which different mothers are held, and about where and under what circumstances deviations from maternal norms are permitted or required.

Sanger, *supra* note 74, at 28.

184. CHRISTOPHER JENCKS, *RETHINKING SOCIAL POLICY* 13 (1992).

traditional value placed on nurturing the family.¹⁸⁵ They choose the values that emphasize the individual as responsible for her own destiny, rather than the communal responsibility for the good of society. Not surprisingly, choosing individual responsibility is the cheaper route in the short run. Good schools, adequate housing, and training programs that lead to jobs which pay a family-supporting wage are costly long-term solutions and are therefore traditionally underfunded.¹⁸⁶

Thus policymakers are able to apply the collective guilt of the socially marginalized image and endorse collective punishment by denying welfare to all in order to pay for the sins of the image.

C. Uncontextualized Media Imaging

Finally, we cannot ignore or discount Clarabel Ventura. It would be easy to dismiss the media portrayal by saying that the image driving the legislative debate is mythological. That statement is both true and false. It is true insofar as the AFDC population is highly diverse and that the vast majority of welfare mothers do not fit the typical media image. But it is false insofar as the stereotype is in fact one facet of the diversity.¹⁸⁷ Clarabel Ventura is not a fictional character created by the media from scratch. Even aside from the alleged child abuse which launched her into the public eye, she is a welfare recipient and a person of color. She has had several children by several fathers to whom she was never married. She does come from a family which has been on AFDC for four generations. Clarabel Ventura is not indicative of all welfare mothers; but she is a mother on welfare.

Thus the basic problem is not simply that the atypical or marginal image is presented as if it were typical or central. The basic problem lies in the meaning — as manifest in public opinion and, eventually, legislation — which emerges from the media's framing of welfare, a framing that excludes the full reality of Clarabel Ventura's life and fails even to suggest that there are other equally valid ways to perceive her reality.

The difficult representation and understanding of lives in the margins requires the intricate untangling of the multiple causes of

185. Joan Williams, *supra* note 45, at 1628.

186. Handler, *supra* note 70, at 17.

187. See Henley, *supra* note 76, at 704, 747 (noting that the strength and elusiveness of myths is based on their simultaneously accurate and deceptive nature).

pain, abuse and deprivation¹⁸⁸—a clear reinterpretation of these lives which does not exclude Ventura and takes into account the institutionalized violence created by a racist, patriarchal and misogynist system.¹⁸⁹ The mainstream media has shown scant interest in untangling these root problems or in the more complex, more fully contextualized image of the welfare mothers who struggle with these problems. Instead, it has only added to the institutionalized violence by overlooking its origins and impact.

Ignoring the reality of Clarabel Ventura, and failing to contextualize the experiences of “unsuccessful” mothers only validates the dominant image of the welfare mother as deviant, unable to pull herself up by her own bootstraps and get off public assistance. Society is thereby allowed to retain the media image as sole truth.¹⁹⁰

The media’s reductionist, race-conscious imagery selectively and misleadingly defines welfare, reinforcing the “other.” Thus it is the exclusion of the diversity of poor women and the complexity and context of their experience which creates the deviant image perpetuating the concept of individual moral fault and driving legal debate.

188. For example, the reasons for teen pregnancy are much more complicated than either the media or policymakers portray - including high percentages of rape and sexual abuse. ALAN GUTTMACHER INSTITUTE, *SEX AND AMERICA'S TEENAGERS* 22-23, 28 (1994); see also Debra Boyer & David Fine, *Sexual Abuse as a Factor in Adolescent Pregnancy and Child Maltreatment*, 24 *FAM. PLAN. PERSP.* 4 (1992); Harold Gershenson, et al., *The Prevalence of Coercive Sexual Experience Among Teenage Mothers*, 4 *J. OF INTERPERSONAL VIOLENCE* 204, 210 (1989).

189. Marie Ashe, *The “Bad Mother” in Law and Literature: A Problem of Representation*, 42 *HASTINGS L.J.* 1028-29, 1034 (1992); Marie Ashe & Naomi Cahn, *Child Abuse: A Problem For Feminist Theory*, 2 *TEX. J. OF WOMEN & L.* 85, 108-12 (1993); Marie Ashe, “Bad Mothers,” “Good Lawyers,” and “Legal Ethics”, 81 *GEO. L.J.* 2533, 2548-51 (1993).

190. See Handler, *supra* note 70, at 17 (“As with the worthy widow of the Mothers Pension days, those who succeed will validate the dominant ideology and condemn the failures. The great bulk of welfare recipients will still be the Other.”).