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# Introduction

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If President Bill Clinton follows through on his oft-repeated campaign promise to take his turn at making the welfare system pro-family and pro-work, he will follow the footprints of Presidents Lyndon Johnson, Richard Nixon, Jimmy Carter and Ronald Reagan into the Middle East of domestic policy and politics. The political history of welfare reform can also be captured in the tale of the scorpion who asked the camel to carry him across the Nile.

> The camel said, "But if you get on my back, you will sting me and kill me."
>
> The scorpion replied, "Then we will both drown."
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> The camel thought for a moment, decided the scorpion made obvious sense, and invited the scorpion to get on his back.
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> Halfway across the river, in the deepest water and most treacherous currents, the scorpion stung the camel.
>
> "Why did you do that? Why?" asked the astonished camel. "Now we will both drown."
>
> "This is the Middle East, my friend," explained the scorpion.

Welfare reform, so forcefully in the vision of candidate Clinton, has yet to blip on the radar screen of President Clinton. But he is a man set to keep his campaign promises during his first term, and it is only a matter of time before he spells out his proposals to rewrite the welfare laws. The articles in this issue of the *Yale Law & Policy Review*—stemming, as they do, from the experience of Judith Gueron, who heads the Manpower Development Research Corporation; Robert Moffitt, an economist from Brown University; Stephen Loffredo, a professor of law and constitutional scholar; Ann Collins and Barbara Reisman, child care activists; and Senator David Boren, who has both scratched and been scratched in the thorny politics of America's welfare system—will certainly inform the debate and help shape the developing policies of the President and the Congress on welfare reform.

If history is any teacher, the contest to reshape the welfare system will be a long, tendentious, sometimes nasty, occasionally arcane discussion among conservatives and liberals, blacks and whites, men and women, federal and

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state governments, taxpayers and the poor. In the process, some of the strange political alliances that emerge to promote policy goals will ultimately drown in the perilous currents of welfare politics. A clear-eyed view of the murky waters ahead is a useful tool in the quest for welfare reform.

Ever since Lyndon Johnson in the mid-1960s, presidents have recommended that Congress make the system more pro-family, notably by getting rid of the rule that says the man has to leave the house in order for the mother and children to receive benefits, and by encouraging welfare recipients to go to work. Johnson was particularly concerned with protecting the black family and spoke of it often, both publicly and privately. He was especially eloquent in his speech, "To Fulfill These Rights," at Howard University on June 4, 1965:

> Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from the long years of degradation and discrimination, which have attacked his dignity and assaulted his ability to produce for his family.
>
> This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans.
>
> Only a minority—less than half—of all Negro children reach the age of 18 having lived all their lives with both of their parents. At this moment, tonight, little less than two-thirds are at home with both of their parents. Probably a majority of all Negro children receive federally-aided public assistance sometime during their childhood.

When Johnson called on the nation to wage the War on Poverty, he backed his rhetoric with resources for education, health care, job training and jobs. His preference was to take the array of cash programs—Aid to Families with Dependent Children (AFDC, the program that comes to the minds of most people when they think of welfare), food stamps, veterans' disability benefits, social security, etc.—and combine them into a single easy-to-administer income maintenance program.

The politics of enacting such a broad income maintenance proposal soon became impossible even for this extraordinarily adept legislator and President. Instead, Johnson decided to increase cash payments to the needy through existing programs. He got Congress to increase minimum social security benefits a whopping 59%, lifting almost three million senior citizens out of poverty in one legislative swoop. He extended food stamp programs to additional counties and made Medicaid available to not only AFDC recipients, but other "medically indigent" citizens as well.

Richard Nixon pushed the supplemental security income program into high gear, providing cash benefits and Medicaid coverage to the blind and permanently disabled who were not eligible for social security disability payments. Thanks to the imagination and persistence of his White House assistant Daniel Patrick Moynihan, Nixon also proposed the Family Assistance Program to try to hold welfare families together and offer them incentives to work. Congress refused to pass the program.

Gerald Ford's brief tenure, and his need to concentrate on reuniting the nation in the wake of Watergate and Vietnam, gave him little time to navigate the turbulent tides of welfare reform. But Jimmy Carter jumped in with both feet.

President Carter insisted on proposing a reform plan that carried no additional cost. That was an impossible dream, but he had read the country well. He knew that most of the American people and their representatives in the Congress were in no mood to pour more money into a failed system for poor people, particularly one that was viewed as predominantly for the benefit of blacks.

Eventually Carter settled on the concept of no added initial cost and we sent a reform plan to the Congress in mid-1977. At my urging (serving at the time as Secretary of Health, Education and Welfare), the Speaker of the House, Thomas P. O'Neill, set up a special committee to move the legislation rapidly, and the Senate Finance Committee set up a special subcommittee chaired by Senator Daniel Patrick Moynihan. We thought we were on the way to reform at last. Hopes and expectations ran high.

Then on June 6, 1978, the citizens of California, in revolt against government spending, voted overwhelmingly for Proposition 13, the proposal to slash the state's property taxes. The next day, as I headed to the House Speaker's office, Thomas S. Foley, who was then chairman of the Agriculture Committee, stopped me in the hall off the House floor, and said, "Joe, you've got to bury that damn welfare bill. With this vote in California, these guys will destroy it on the floor and the President will suffer a humiliating defeat." A few minutes later, Speaker O'Neill confirmed that California's Proposition 13 had put the final nail in the coffin of welfare reform for the Carter Administration.

We had more success with efforts to improve the enforcement of child support obligations, although we had to fight our way through a thicket of opposition. Senator Russell Long, then Chairman of the Senate Finance Committee, pushed through legislation to beef up child support collection, which I supported and rigorously enforced as Secretary of H.E.W. At the time, many liberals strongly opposed enforcement as a punitive and unproductive approach to welfare reform. But as the program took hold and collection rates improved dramatically, and as the nation came to appreciate the plight of the single female parent, attitudes changed. Today most reformers view child support enforcement as an important component of welfare policy.

Less constructively, however, President Ronald Reagan used the welfare system as a favorite whipping boy during his campaigns for President, often citing a case from his own imagination about rip-offs by a tawdry "welfare queen." President George Bush muted the rhetoric, but did little to change the program. During these years, Senator Moynihan kept chipping away at the program's destructive provisions, trying to make welfare an effective social tool to help families stay together and encourage parents to seek work. His efforts helped produce the Family Support Act of 1988, a rare bipartisan accomplishment that has since been starved for the funding necessary to put the reforms into practice.

Now President Bill Clinton is proposing to limit to two years the time that any one adult can spend on welfare, almost as a desperation move to get them to work. But there are already questions being raised: Is it fair? Suppose the mother gets sick? Suppose she really tries and can't find a job? Will the government guarantee her a job? How much will care for her children cost when she works, and is the taxpayer going to pick up the tab? Will welfare recipients be the only people guaranteed taxpayer-bankrolled child care when they go to work? Is such a guarantee politically feasible? Will the two-year cut-off effectively eliminate a welfare family's access to the health care system in the absence of a national health program requiring all employers to provide insurance to their employees? Will the government continue to provide Medicaid for welfare mothers and their children after the mother goes to work? For how long?

These questions and a score of variations on each will be raised once President Clinton dots the i's and crosses the t's of his welfare reform plan. The policymakers in Washington and the state houses—as well as citizens and taxpayers—are fortunate that the *Yale Law & Policy Review* is publishing this volume of articles to offer some light before the political debate turns up the heat.