

## Session 3: Social services, civil rights, and poverty

---

*The earlier concern was primarily on getting blacks into the labor market, not on the welfare rolls. To the extent that this central concern waned—or at least became less prominent—[the result] has been detrimental.*

Charles Hamilton and Dona Hamilton

*The placement of calls for [welfare] reform in equity terms was translated into more conservative reforms that successfully coopted the movement.*

Michael Sosin

The grave economic situation of black families described by the preceding papers leads to the question of what has happened to “the quest for economic opportunity, the enduring theme of the black civil rights movement” and subject of the Hamilton paper, as described by Peter Eisinger, its discussant. At an evening round-table session Lester Thurow reminded conference participants that the War on Poverty was born amid civil disorders that threatened to tear American society apart. We have since learned that our society has a greater stability than we had feared, he stated. Yet the forces of racism and discrimination apparently continue to erode the condition of minorities. To what extent have these forces been contained or redirected by the civil rights, welfare rights, and legal rights movements of past years? The papers in this session separately addressed those issues, one by gauging the influence of black civil rights organizations on social policies, the other by assessing the effect of the legal rights movement on the evolution of our welfare system.

### Jobs versus relief

The thesis of the paper by Charles and Dona Hamilton is that although employment and job security have long dominated the social policy agenda of black activist groups, those organizations have been able to obtain political support from the larger society only when the white majority has been concerned for its own jobs, as in the crisis of the Great Depression. When the market economy is functioning reasonably well, racial minorities lack the allies needed for concerted government intervention to create and maintain employment for those who fail to benefit from prosperity. Thus when a new effort on behalf of the poor was launched in the 1960s, the policymaking community concentrated on training and supportive services rather than direct job creation. Black activists then were engrossed with other campaigns, such as the struggle for voting rights, and looked on service provision without guaranteed employment as inadequate.

Relief and income security programs, on the other hand, have traditionally had low priority among black civil rights groups. “Black organizations fifty years ago were more than wary about policies that could conceivably leave too many

black Americans reliant on public assistance. This would make them vulnerable to stigmatization and to the vagaries of a charity system that would, at best, only reluctantly provide a minimum of security to the recipients” (p. 52). Black activists were therefore absent from the planning tables in the early stages of the War on Poverty, and in effect fell between two stools, losing their influence in either employment creation or social assistance programs. They concentrated on gaining maximum feasible participation to achieve political empowerment, but lost the battle for income security.

Another theme of the paper is that black civil rights and welfare rights groups have consistently favored the authority and responsibility of the national government rather than state and local governments for social policy formulation and implementation. They have regarded the effort to obtain congressional authorization and funding of programs difficult enough, without adding a struggle with interagency conflict and bureaucratic delays at regional and local levels. Civil rights groups have also traditionally emphasized the principles of nondiscrimination and antisegregation. This insistence on enforcement of constitutional guarantees has tended to bring them into conflict with organized labor over discriminatory practices. The Hamiltons concluded that in the 1980s, black activists find themselves to some extent isolated, having gained for their constituents neither income security nor job guarantees. It is the latter, they felt, that must now be given policy attention.

### Civil rights in the 1980s

Peter Eisinger felt that the critical question raised by the Hamiltons’ paper concerned the role of the traditional civil rights organizations over the remainder of this decade. Their primary reason for being, discrimination under the law, has all but disappeared, and the organizations seem to be entering a period of political isolation. Eisinger suggested several possible courses of action in the economic sphere. One was to enhance the career advancement of black workers by ensuring, through litigation where warranted, that once in the labor market they should not be held back or laid off for discriminatory reasons. Another was to support expansion of welfare rights—the subject of the following paper—for the benefit of the unemployable. A third was to afford protection to minority workers in the expanding service sector, where they are presently employed in considerable numbers but under poor conditions—nonunionized, ill paid, without fringe benefits. Attention to these economic issues could, Eisinger felt, aid the regeneration of the civil rights movement.

### Welfare and legal rights

Michael Sosin’s paper analyzed the outcomes of profound alterations in the AFDC system brought about by the legal rights movement.

Until 1960, discretionary administration characterized the dispensation of welfare benefits. Federal rules allowed the states considerable latitude in formulating guidelines for AFDC eligibility, and the states in turn allowed caseworkers latitude in granting eligibility under those guidelines. Many states had “suitable home” provisions that permitted caseworkers to deny benefits if an applicant’s lifestyle was found unacceptable. The “man-in-the-house” rule meant that benefits could be terminated if it was learned, even by unannounced visits, that the recipient lived with another adult. And states could require specific periods of residence, some of them lengthy, for eligibility.

The civil rights movement and related political and social events of the 1960s set in motion forces that modified that system. The enrollment of welfare clients increased dramatically: the participation rate among those eligible rose from roughly 30 percent in 1960 to 50 percent in 1967.

After 1967, the year that the National Welfare Rights Organization became active, the legal rights movement took form. Its principle was the right of due process and equal treatment under the law. The movement was reinforced by Supreme Court decisions that in 1968 and 1969 held residency requirements unconstitutional and abolished man-in-the-house rules. Federal and state procedural changes also helped broaden access. Rights advocates urged the poor to seek eligibility and make application, and they helped file appeals in cases of denial or termination. Their position was that welfare should be perceived not as a benefit subject to discretion but as a right, an entitlement under the law. The consequence was an even greater expansion of the caseloads.

Sosin argued that the legal rights revolution produced a bureaucratic reaction that in the end defeated some, though not all, of the goals sought by legal activists. Welfare administrators sought means to handle the increasing volume of applicants and costs of the program. Their solution—the adoption of standardized grants, uniform for families of equal size, and simplified procedures—was speeded by new federal regulations designed to reduce error rates and introduce quality control into program operation. The application form was lengthened and sometimes computerized; the intake function was taken over by clerical employees in place of social workers. Discretion was eliminated, but so was personal attention to the needs of individuals. A rule-bound system appears to be neutral; it is also detached and impersonal. And it may contain hidden biases that actually restrict access.

The standardized grants originally adopted were fairly generous, taking into account the cost of basic needs plus an average amount to cover emergency situations that might arise or special needs that might exist. But inflation eroded the value of the grants, and they were not increased by state legislators, who, constrained by declining resources and taxpayer reaction, began to favor a more restrictive approach. As the system grew subject to rules, the discretionary aspects that permitted activists to press for easy access diminished. The rights revolution faded.

The legacy of the legal rights movement is an AFDC system that Sosin characterizes as partly improved and partly standardized. It is improved in that it is now more difficult arbitrarily to deny benefits. But if discretion has been removed, so has sensitivity to the diversity of needs among clients.

Furthermore, some features of the reformed system may discourage participation of those eligible. Clerical workers may appear less sympathetic than did the professional social workers who handled applications in the past. The intake workers are often pressured by quality control procedures and may deny eligibility rather than risk being found in error, because paying too much is far more closely monitored than is providing too little assistance. The rules themselves require significant efforts from clients to prove their initial and continuing eligibility. Evidence from the late 1970s suggests that introduction of state reforms associated with the quality controls required by the federal government were in fact accompanied by declining participation rates.

Sosin suggested that in the future a new definition of fairness may be forthcoming—one that includes elements of discretion and stresses cooperation rather than an adversarial relationship between citizens and bureaucracy. Another possibility is that social services may be channeled through smaller, more individually responsive units, such as publicly supported private agencies.

### **A contrasting interpretation**

Lawrence Mead, discussant for the Sosin paper, favored a more political and less bureaucratic interpretation of the decline of the legal rights movement. The real cause for the welfare boom of the 1970s was, in his view, the generous political climate that led all social policy in a liberal direction during those years, but which subsequently altered course. The Supreme Court decisions surrounded welfare benefits with the protection of due process, but did not concede that such benefits were a right under the Constitution. When the political atmosphere changed, federal and state governments were thus free to reduce or condition public assistance grants.

Mead viewed the current bureaucratic emphasis upon rules and procedure as an effort to enforce the “social obligations”—work and child support, for example—that had been enforced under the discretionary system but which disappeared from public assistance once discretion was removed. If advocates of the poor wish to make welfare a right, stated Mead, they must also concede obligations; the receipt of a benefit must be reciprocated by a contribution of some form. “To establish further claims, the poor and their advocates must assert new obligations. They should accept, rather than resist, the new bureaucratic requirements, especially work tests.”

The issue of work tests introduces a major theme of the conference: work strategies in place of income maintenance to benefit the able-bodied poor. The next session took up that subject. ■