

April 6, 1995

# ADDRESSING ILLEGITIMACY: THE ROOT OF REAL WELFARE REFORM

## INTRODUCTION

At the heart of America's welfare crisis is illegitimacy. President Clinton himself has recognized that welfare plays a strong role in promoting illegitimate births and single-parent families.<sup>1</sup> The President has warned the nation that family disintegration is a leading cause of crime in the U.S.<sup>2</sup> And he has predicted that, unless dramatic changes occur, half of all American children will soon be born out of wedlock. But in contrast to legislation just passed by the House, the Clinton Administration's proposed welfare reform, the Work and Responsibility Act, basically continues current policy, promoting illegitimacy and even expanding the system.<sup>3</sup> This is a tragedy. Unless Congress and the Administration make curbing illegitimacy the central component of a strategy to reduce welfare dependency, reform will fail.

Since the onset of the War on Poverty, U.S. taxpayers have devoted huge sums of money to providing cash, food, housing, medical care, and social services to poor and low-income Americans. In constant dollars total welfare expenditures have nearly tripled since 1975 and have increased ninefold since the beginning of the War on Poverty in 1965. From 1965 to the present, the taxpayers have spent \$5.4 trillion on various forms of welfare assistance. Though the costs are staggering, far more alarming has been the welfare system's failure to achieve results. It is now apparent to taxpayers and Members of Congress, except those with a vested interest in continuing Washington's "poverty in-

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- 1 Presidential interview with Tom Brokaw, *NBC Nightly News*, December 3, 1993.
  - 2 Transcript of Presidential Remarks, Office of the Press Secretary, The White House, "Remarks by the President to the 86th Annual Holy Convocation of the Church of God in Christ," Mason Temple Church of God in Christ, Memphis, Tennessee, November 13, 1993.
  - 3 For a discussion of the Clinton Administration's welfare reform legislation, see Robert E. Rector, "How Clinton's Bill Extends Welfare As We Know It," *Heritage Foundation Issue Bulletin* No. 200, August 1, 1994.

dustry," that the welfare system does not work—and in fact is reaping vast social harm by destroying marriage and promoting a tidal wave of illegitimacy.

The history of welfare shows that good intentions alone are not enough. The marriage of good intentions and bad welfare policy in the past has had disastrous consequences. It was with the best of intentions that most liberals and many conservatives in Congress created Aid to Families with Dependent Children and some 75 other welfare programs for low-income Americans—and established a mechanical "declaration" system for the award of AFDC benefits, thereby eliminating social investigation or the enforcement of standards of behavior on welfare recipients. This automatic disbursement of checks generally was applauded by conservatives and even some libertarians on the premise that more benefits would flow directly to the needy and fewer to program administrators and social workers. It was never the intention of earlier reformers to channel huge amounts of money to unwed mothers and to trigger an explosion of illegitimacy. But sound welfare not only must be based on good intentions, it also must be coupled with a clear understanding of how assistance, improperly given, can harm rather than help the recipient.

**Policy Changes.** In order to deliver on President Clinton's promise to "end welfare as we know it," lawmakers must recognize the mistakes of the past and begin to undo them. In particular, they must grapple with the rising tide of illegitimacy which is the key cause of dependence, crime, and many other social problems.

Three steps are needed:

- ① **There must be a recognition that the federal policy of providing cash subsidies to never-married women who have children out of wedlock has been a tragic mistake.** This policy is largely the result of historical accident and subsequent political inertia. There is now a widespread understanding that this policy destroys marriage and promotes illegitimacy, thereby harming those it is intended to help. It is time for the federal government to end its sixty-year-old failed policy of giving cash welfare to women who bear children out of wedlock.
- ② **Reform would end the entitlement nature of welfare.** Welfare should no longer be a simple business of writing checks; it should become less bureaucratic, allowing greater discretion on the part of the organization providing aid and demanding greater accountability from those receiving it.

Throughout most of U.S. history, charitable institutions recognized that sound welfare policy must seek to mold the behavior of recipients in constructive ways. Private and public organizations granting aid insisted on responsible behavior by recipients as a condition of receiving aid. Over the past 50 years, this traditional approach to welfare has been replaced by a new system focused on unconditional welfare entitlements. Welfare organizations which formerly emphasized the accountability of a recipient and sought improvements in behavior and values have been transformed into giant check-writing machines.

- ③ **The government should replace the current system of cash subsidies to never-married mothers with alternative forms of aid.** These alternatives should include fostering adoption and providing group maternity homes where unmarried mothers could reside with their children in a supervised setting. Adoption and closely supervised maternity homes were the principal means of dealing with illegitimacy before creation of Aid to Families with Dependent Children initiated the current policy of cash

aid to never-married mothers. Replacing cash welfare with maternity home care will reduce, in part, the incentives to illegitimacy which are inherent in the current system and should have a significant effect in reducing the number of future out-of-wedlock births. The maternity home also will provide a superior environment for the remaining children who are born out of wedlock.

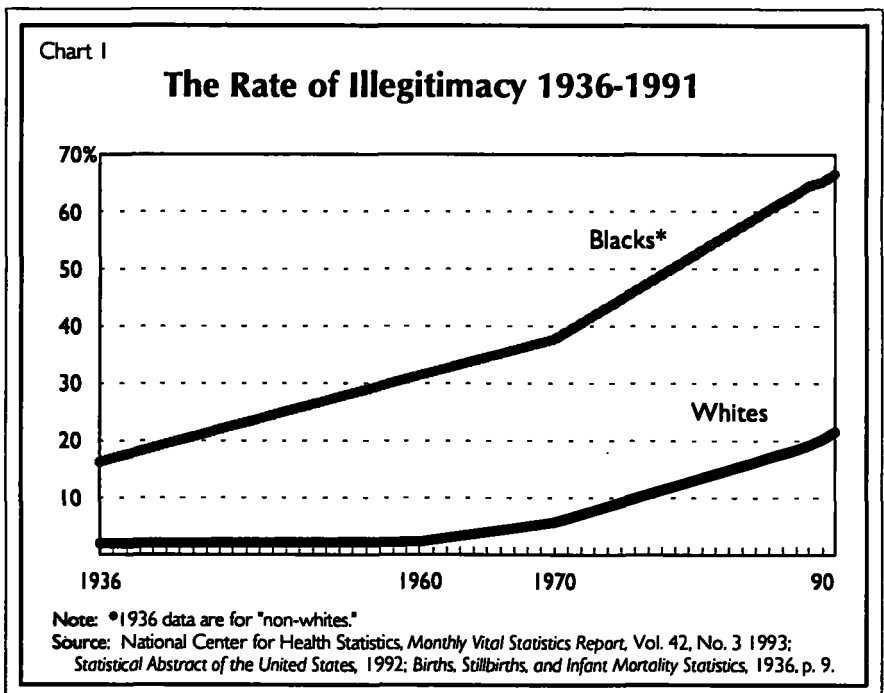
## THE RISE OF ILLEGITIMACY

In 1940, when the renowned Swedish sociologist Gunnar Myrdal wrote his landmark book on American social problems, *An American Dilemma*, he recorded with alarm a rate of unwed motherhood of 16.2 percent among America's nonwhite population in 1936. The reason for this worry:

The illegitimate child is under many handicaps and seldom has the opportunity to develop into a desirable citizen. Even if he has a good mother, she cannot give him the proper care since she must earn her own living and cannot afford to place him under proper supervision. The absence of a father is detrimental to the development of a child's personality.... Too, the unwed mother tends—although there are many exceptions—to have looser morals and lower standards, and in this respect does not provide the proper milieu for her child. It would be better both for society in general and for the mother if she had no child.<sup>4</sup>

The illegitimacy problem that Myrdal warned about over fifty years ago has since exploded (see chart 1).<sup>5</sup>

While black illegitimacy rates have been higher than those of whites, the rate of white illegitimacy is accelerating and now approaches the level reached by blacks during the 1960s. There is no reason to believe the social consequences in the larger white



<sup>4</sup> Gunnar Myrdal, *An American Dilemma* (New York: Harper & Bros., 1944), pp. 127-128.

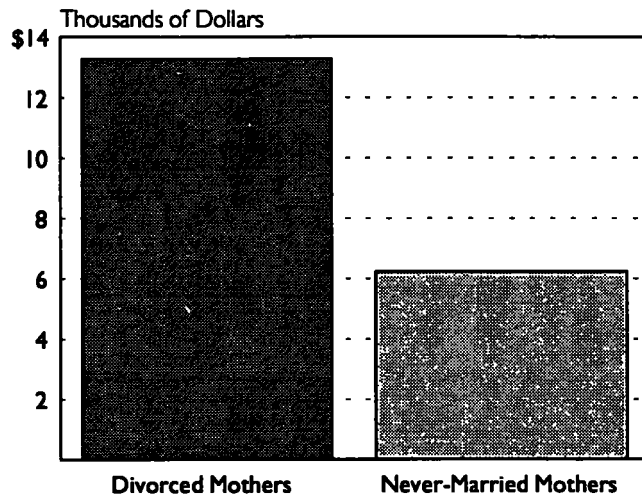
<sup>5</sup> For a summary of the relationship between illegitimacy and various other social maladies, see Patrick F. Fagan, "Rising Illegitimacy: America's Social Catastrophe," *Heritage Foundation F.Y.I.*, June 29, 1994.

community will be dramatically different. Of particular concern is the rise in illegitimate births among teenagers.

For an unwed teenager, motherhood occurs before the young person has fully matured, has a footing in the labor force, or has acquired sufficient education, training, or work experience. According to empirical evidence, there is a significant difference in income between families headed by divorced mothers and families headed by never-married mothers.<sup>6</sup> The reason seems to be that divorced mothers typically obtain a footing in the work force while married or before having children and are generally older. Never-married mothers, by contrast, often are precluded by parenthood and lack of support

Chart 2

### Mean Income of Families Headed by a Single Mother: 1985



Source: D.J. Besharov and A.J. Quinn, "Not All Female-Headed Households Are Created Equal," *The Public Interest*, Fall 1987, pp. 48-56.

from a partner from entering the labor force. It is not surprising, then, that illegitimacy reinforces dependence and the cycle of welfare.<sup>7</sup>

It is not only the mother that faces a bleaker future. From the very beginning, children born out of wedlock have the odds stacked against them. While many single mothers can raise their children well, for many the challenge is too great, and their children suffer the consequences. For one thing, infants born out of wedlock are more likely to suffer from poor health. A 1991 survey of the professional literature showed the main reason for America's low international standing on infant mortality was the rate of young mothers giving birth outside of marriage.<sup>8</sup> According to another study, infants born to younger women are more likely to be born prematurely and to die in the neonatal period.<sup>9</sup> And, according to the National Center for Health Statistics, "both black and white unmarried

6 D.J. Besharov and A.J. Quinn, "Not All Female-Headed Households Are Created Equal," *The Public Interest*, Fall 1987, pp. 48-56.

7 See Fagan, "Rising Illegitimacy: America's Social Catastrophe," pp. 8-9.

8 David Lester, "Infant Mortality and Illegitimacy," *Social Science and Medicine*, Vol. 35, No. 5 (1992), pp. 739-740.

9 Christine A. Bachrach and Karen Carver, introduction to *Outcomes of Early Childbearing*, National Institutes of Health, National Institute of Child Health and Development (NICHD) Conference Proceeding, May 1992.

women had a substantially higher risk of having infants with very low or moderately low birth weights."<sup>10</sup>

As children born out of wedlock grow, the negative effects continue to multiply. The cognitive development (especially verbal) of these children is held back.<sup>11</sup> In addition, many of these children have trouble controlling their behavior (a difficulty known popularly as "hyperactivity"). This lack of control usually signifies that problems in learning will occur in later life.<sup>12</sup> Project TALENT, a federal survey commissioned in 1960 which tracked the development of 375,000 high school students from 1960 through 1971, found that children born out of wedlock were likely to have lower cognitive scores, lower educational aspirations, and a greater likelihood of becoming teenage parents themselves.<sup>13</sup>

The negative effects of a child being born out of wedlock continue throughout the childhood years. A 1988 University of Illinois study of adults born outside of marriage found that the longer the time spent in a single-parent family, the less education attained. This held for all income levels of parents.<sup>14</sup> Children from single-parent families are three times as likely to fail and repeat a year in grade school than are children from intact two-parent families.<sup>15</sup> And they are almost four times more likely to be expelled or suspended from school.<sup>16</sup>

The effects of being born out of wedlock do not end with childhood. A major analysis of national survey data confirmed that children in two-parent families have far fewer mental health and developmental health problems. Overall, children from mother-only families have about twice as many mental problems.<sup>17</sup> In addition, children from one-parent families have less ability to delay gratification and have poorer impulse control. They also have a weaker sense of conscience or sense of right and wrong.<sup>18</sup> Moreover, the incidence of child abuse and neglect is much higher among single-parent families.<sup>19</sup>

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- 10 Joel C. Kleinman and Samuel S. Kessel, "Racial Differences in Low Birth Weight," *New England Journal of Medicine*, Vol. 317 (1987), pp. 749-753.
  - 11 A. Walsh, "Illegitimacy, Child-Abuse and Neglect, and Cognitive Development," *Journal of Genetic Psychology*, Vol. 15 (1990), pp. 279-285; J.J. Card, "Long Term Consequences for Children Born to Adolescent Parents," *Final Report to NICHD* (Palo Alto, CA, American Institute for Research, 1977); J.J. Card, "Long Term Consequences for Children of Teenage Parents," *Demography*, Vol. 18 (1981), pp. 137-156; Jane Wadsworth *et al.*, "Teenage Mothering: Child Development at Five Years," *Journal of Child Psychology and Psychiatry*, Vol. 25, No. 2 (1984), pp. 303-313.
  - 12 J. Brooks-Gunn and Frank Fustenberg Jr., "The Children of Adolescent Mothers: Physical, Academic, and Psychological Outcomes," *Developmental Review*, Vol. 6 (1986), pp. 224-225.
  - 13 Card, see note 11, *supra*.
  - 14 Sheila F. Krein and Andrea H. Beller, "Educational Attainment of Children From Single-Parent Families: Differences by Exposure, Gender and Race," *Demography*, Vol. 25 (May 1988), pp. 221-234.
  - 15 Deborah Dawson, *Family Structure and Children's Health: United States 1988*, Data from the National Health Survey, Series 10: No. 178 (Hyattsville, MD: U.S. Department of Health and Human Services, Centers for Disease Control, National Center for Health Statistics, June 1991).
  - 16 *Ibid.*
  - 17 Nicholas Zill and Charlotte A. Schoenborn, "Developmental, Learning, and Emotional Problems—Health of Our Nation's Children, United States 1988," *Advanced Data from Vital and Health Statistics of the National Center for Health Statistics*, No. 190, November 1990.
  - 18 E.M. Hetherington and B. Martin, "Family Interaction," in H.C. Quay and J.S. Werry, eds., *Psychopathological Disorders of Childhood* (New York: John Wiley & Sons, 1979), pp. 247-302.

Being born out of wedlock decreases the chances that the child will have an intact marriage.<sup>20</sup> Daughters of single mothers are twice as likely to be single mothers themselves.<sup>21</sup> Likewise, boys from single-parent families are twice as likely to father a child out of wedlock as are boys from intact families.

One of the greatest social costs of illegitimacy is increased crime.<sup>22</sup> Research details the strong correlation between lack of married parents and criminal activity. A major 1988 study of 11,000 individuals found that the percentage of single-parent households with children between the ages of 12 and 20 is significantly associated with rates of violent crime and burglary.<sup>23</sup> According to research by June O'Neill of Baruch College, City University of New York, young black men raised in single-parent families are twice as likely to engage in criminal activities when compared to young black men in two-parent families, even after holding constant family income, urban residence, neighborhood environment, and parents' education. And growing up in a single-parent family in a neighborhood with many other single-parent families on welfare triples the chance that a young black man will engage in criminal activity.<sup>24</sup>

Finally, women who give birth out of wedlock are more likely to go on welfare and to spend more years on welfare once enrolled (72 percent of single mothers 17 years of age or younger receive AFDC).<sup>25</sup> If these women do marry, their marriages are 92 percent more likely to end in divorce than are the marriages of women raised in two-parent families.<sup>26</sup> And being raised in a single-parent family triples the probability that a child will become a welfare recipient as an adult.<sup>27</sup>

## HOW AMERICA USED TO DEAL WITH FATHERLESS CHILDREN

Because of the relationship between illegitimacy and social pathologies, how the welfare system treats illegitimacy is of great social significance. The most important welfare program in this regard is Aid to Families with Dependent Children (AFDC). While it now seems a permanent feature of America's political landscape, AFDC is a relatively recent creation. In fact, before 1915 there was *no* public or governmental relief at all for un-

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19 Walsh, "Illegitimacy, Child-Abuse and Neglect, and Cognitive Development."

20 Neil Bennett and David Bloom, "The Influence of Non-marital Childbearing on the Formation of Marital Unions," paper given at NICHD conference on Outcomes of Early Childbearing, May 1992.

21 Sara S. McLanahan, "Family Structure and Dependency: Early Transitions to Female Household Headship," *Demography*, Vol. 5, No. 1 (1988), pp. 1-16.

22 For a review of the professional literature linking illegitimacy with violent crime, see Patrick F. Fagan, "The Real Root Causes of Violent Crime: The Breakdown of Marriage, Family, and Community," Heritage Foundation *Backgrounders* No. 1026, March 1995.

23 Douglas Smith and G. Roger Jarjoura, "Social Structure and Criminal Victimization," *Journal of Research in Crime and Delinquency*, Vol. 25, No. 1 (February 1988), pp. 27-52.

24 M. Anne Hill and June O'Neill, *Underclass Behaviors in the United States: Measurement and Analysis of Determinants* (New York: City University of New York, Baruch College, March 1990).

25 *Ibid.*

26 *Ibid.*

27 Irwin Garfinkel and Sara S. McLanahan, *Single Mothers and Their Children: A New American Dilemma* (Washington, D.C.: The Urban Institute Press, 1986), p. 31.

wed mothers, even at the state and local levels, aside from indoor "workhouse" relief in poorhouses with undifferentiated populations. Unwed motherhood then was a personal catastrophe for the mother, and the rate of occurrence was extremely low. An elaborate network of private charities grew up to aid so-called fallen women, an expression that today sounds quaint and surely would be deemed politically incorrect in official Washington. These charities provided assistance largely in the form of private maternity homes for unmarried mothers.

In Cleveland, for example, by 1925 there were five privately sponsored maternity homes large enough to serve all of the city's unwed mothers.<sup>28</sup> These group homes generally were not limited to the middle-class white population. In fact, during the 1920s a sizable number of homes for African-American mothers were created, including "the Phyllis Wheatley House in Chicago, the Harriet Tubman House in Boston (established by the black women of the Women's Christian Temperance Union), and an interracial effort, the National Association for the Protection of Colored Women, which operated houses in Baltimore, New York, Norfolk, Philadelphia, and Washington."<sup>29</sup> There is a substantial body of professional literature devoted to the management of such homes, which stressed parenting skills, mutual aid, nutritional and medical services, moral and religious training, and placing children for adoption. These homes typically kept mothers for an average of 20 months, and about 60 percent of the children were placed for adoption.<sup>30</sup>

Federal policy began to change in 1909. The White House Conference on Children and Youth, convened by President Theodore Roosevelt, recommended that cash relief be given to "children of parents of worthy character [with] reasonably efficient and deserving mothers... preferably in the form of private charity."<sup>31</sup> Thereafter, a movement fueled by sympathy for widows, particularly war widows, began to secure enactment of state "mothers' pension" laws.

Organized private charities, experienced in relief of unwed mothers, vehemently opposed these seemingly modest proposals. They were concerned, in particular, that such cash aid would extend beyond widows and would begin to promote divorce, desertion, and illegitimacy. They expressed grave concerns on several grounds, all of them remarkably prescient:

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- 28 M.J. Morton, "Fallen Women, Federated Charities and Maternity Homes, 1913-1973," 62 *Social Service Review* 61-82 (1988) discusses Cleveland. For other studies of maternity homes, see J. Brumberg, "Ruined Girls: Changing Community Responses to Illegitimacy in Upstate New York, 1890-1920," 18 *Journal of Social History* 246-272 (1984); R.P. Kunzel, "The Professionalism of Benevolence: The Florence Crittenton Homes," 22 *Journal of Social History* 1-43 (1988); R.W. Sedlack, "Young Women and the City," 23 *History of Education Quarterly*, 1-28 (1983). See generally Marvin Olasky, *The Tragedy of American Compassion* (Washington, D.C.: Regnery Gateway, 1990); George W. Liebmann, "The AFDC Conundrum: A New Look at an Old Institution," 38 *Social Work*, January 1993, pp. 36-43.
- 29 A. Billingsley and J.M. Giovanni, *Children of the Storm: Black Children and American Child Welfare* (San Diego: Harcourt Brace Jovanovich, 1972).
- 30 On functioning of the homes, see K. Barrett, *Some Practical Suggestions on the Conduct of a Rescue Home* (Salem, NH: Ayer Press, 1903); R.S. Barrett, *Care of the Unmarried Mother* (New York: Garland Press, 1929); Florence Crittenton Foundation, *The Brother of Girls* (New York: Florence Crittenton Foundation, 1910); O. Wilson, *Fifty Years' Work With Girls* (Salem, NH: Ayer Press, 1933); and, for a later period, P. Rains, "Moral Reinstatement: The Characteristics of Maternity Homes," *American Behavioral Scientist*, Vol. 14 (1971), pp. 219-235.
- 31 R. Lubove, *The Struggle for Social Security, 1900-1935* (Pittsburgh, PA: University of Pittsburgh Press, 1960), p. 92.

**First**, they argued that cash relief would undermine family and neighborhood responsibility, including that of the extended family, “the great principle of family solidarity calling upon the strong members of the family to support the weak.”<sup>32</sup> Refusal to give aid, they said, “brings relatives and friends from under cover.”<sup>33</sup>

**Second**, they argued that cash relief would erode work incentives, “would cultivate the pauper spirit, [and] would increase pauperism, parasitism, and dependence.”<sup>34</sup>

**Third**, they argued that cash relief would destroy the beneficent effects of social work, since “voluntary philanthropy... combined relief with careful investigation and diagnosis of each case,”<sup>35</sup> “financial aid was a very minor, if not negligible element of family rehabilitation,”<sup>36</sup> and the government would “fail to realize the importance of attracting competent trained administrators.”<sup>37</sup>

**Fourth**, they argued that “it is a dangerous experiment [to try] to solve social problems by merely giving money.”<sup>38</sup> Mary Richmond, the dean of social workers in her time, commented that “The claim is made that it is only more income that is needed; that personal service, supervision, continuous oversight and care are not only superfluous but even impertinent. If individualized care is not necessary at this point, if ‘casework’ had no place, then we are confronted here with the solitary exception in the whole range of social endeavor.... Human beings are different, and to get socially helpful results we have to do different things for different people.”<sup>39</sup>

Of more significance, private-sector social workers foresaw the enormous growth of what is now known as the “poverty industry.” Cash relief would create lobbies for more relief, they said, since recipients will “think they have a claim on it which they will urge more strongly than if it comes from private sources... and this will create special interest groups... to exploit the public treasury seeking not alms, but their right to share.”<sup>40</sup> This approach also would prove socially counterproductive: Cash relief, according to Homer Folks, a prominent social worker, would “pension desertion or illegitimacy [and place] a premium on these crimes against society.”<sup>41</sup>

Such farsighted criticisms on the part of private charitable institutions did persuade the several dozen states which enacted mothers’ pension laws during this period to severely

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32 M. H. Leff, “Consensus for Reform: The Mothers’ Pension Movement in the Progressive Era,” 47 *Social Service Review* 397-417 (1973).

33 F. Almy, “Public or Private Outdoor Relief,” 1900 *Proceedings National Conference of Charities and Corrections* (New York: George H. Ellis, 1900), pp. 137ff.

34 New York Commission on Relief for Widowed Mothers, *Proceedings* (New York: Arno 1914), p. 131. See also Leff, “Consensus for Reform.”

35 Lubove, *The Struggle for Social Security, 1900-1935*, p. 92.

36 *Ibid.*, p. 107.

37 Leff, “Consensus for Reform,” p. 402.

38 National Conference of Charities and Corrections, *Proceedings* (Boston: George H. Ellis, 1912), p. 490.

39 “Motherhood and Pensions,” in M. Richmond, *The Long View* (New York: Russell Sage Foundation, 1930), p. 363.

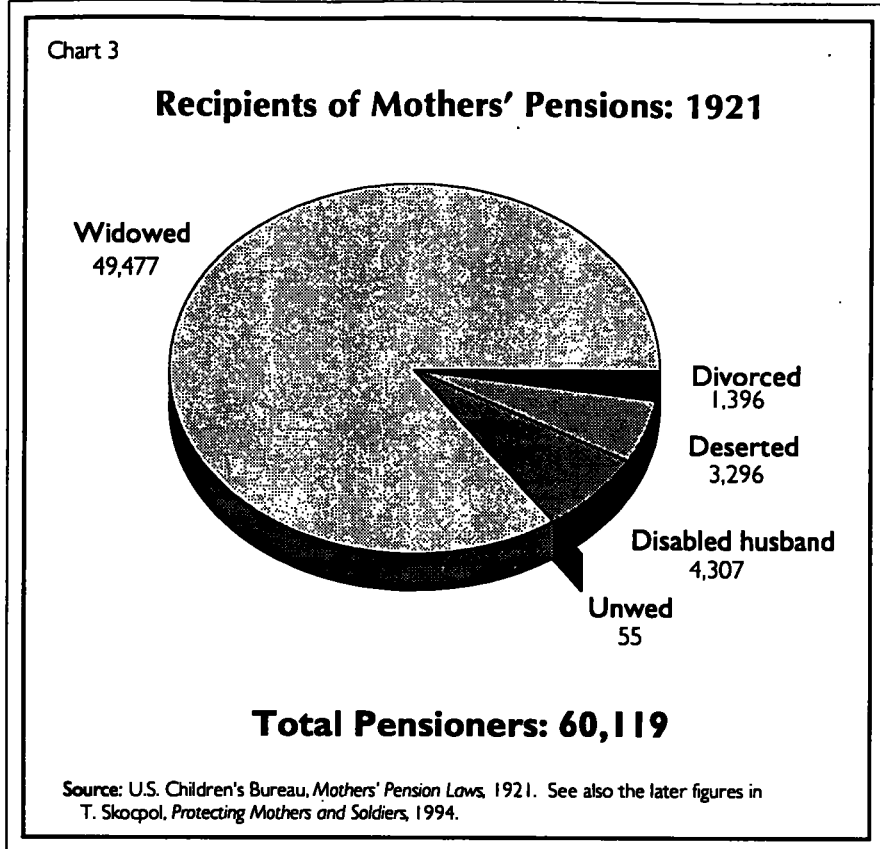
40 Lubove, *The Struggle for Social Security, 1900-1935*, p. 107.

41 Homer Folks, quoted in W. Bell, *Aid to Dependent Children* (New York: Columbia University Press, 1965), p. 7. The mothers’ pension controversy is illustrated by the materials in E.P. Bullock, *Selected Articles on Mothers Pension Laws* (New York: H.W. Wilson, 1915).



restrict eligibility for cash assistance in ways which denied relief to unwed mothers and avoided creation of perverse incentives which could boost the out-of-wedlock birth rate.

Backers of the state laws described them as “embodying all the principles of case diagnosis and treatment that have been worked out so carefully by the private agencies in the past.”<sup>42</sup> The pension programs were targeted primarily to widows and to married women who had been abandoned, rather than to unmarried women who gave birth out of wedlock (see chart 3).



In 1921, only two states, Michigan and Nebraska, allowed unwed mothers to receive mothers' pensions, and only 1 percent of the recipients in Michigan were unwed mothers.<sup>43</sup> By 1931, the picture had not changed very much. Some 82 percent of mothers' pension recipients were widows, a fact stressed by U.S. Children's Bureau witnesses testifying for AFDC at the 1935 Senate hearings.<sup>44</sup>

## A POLICY ACCIDENT: CASH AID TO UNWED MOTHERS

The advent of the AFDC program in 1935 made possible both the change in America's welfare system and the ensuing social disaster. AFDC, for the first time, created a national welfare program of cash aid to never-married women who had children out of wedlock. This critical change, extending cash aid to cover illegitimacy, was basically a policy accident; a small cabal of bureaucrats engineered the plan without the participation or knowledge of the responsible Cabinet officer, Franklin D. Roosevelt's Secretary of Labor Frances Perkins.

<sup>42</sup> Lubove, *The Struggle for Social Security, 1900-1935*, p. 108.

<sup>43</sup> E.O. Lundberg, "Aid to Mothers with Dependent Children," 98 *Annals* 97-105 (1921). Lundberg was Director of the Social Services section of the Children's Bureau.

<sup>44</sup> R. Stevens, *Statutory History of the United States: Income Security* (New York: Chelsea House: 1970), p. 120, citing hearings on S. 1130 before the Senate Finance Committee, 74th Congress, 1st Session (1935), at pp. 337-494.

The Aid to Families with Dependent Children legislation was based on a report written by Katherine Lenroot and Martha Eliot of the Children's Bureau, with the help of former Bureau chief Grace Abbott.<sup>45</sup> Drawing from this report, the Roosevelt Administration's bill was a product of a five-member Cabinet committee that included Secretary of Labor Perkins. At the Senate hearings on the legislation, Lenroot noted the "limited" scope of the program. Abbott likewise pointed out that in 1931, some 82 percent of mothers' pension recipients were children of widows—or, as Abbott put it, "nice children" from "nice families." The House report described the bill as a measure for aiding "widowed, separated, or divorced mothers."<sup>46</sup> The critical feature of the bill—the provision of aid to never-married mothers—was left unclear.

Tragically, the AFDC program has taken a very different course from the one ostensibly intended either by the Roosevelt Administration or by the original sponsors of the legislation. It has evolved into precisely the sort of negative program feared by representatives of private charitable institutions who had argued many years earlier that cash assistance would be a direct incentive to the abandonment of women and to illegitimacy.

The Cabinet officer most responsible for advancing the AFDC legislation, Secretary Perkins, revealed to an interviewer in 1983 that she had not understood that unwed mothers were included in the new legislation:

She felt the Children's Bureau let her down on the provision of aid to mothers with dependent children. She maintained that she always thought a "dependent mother" was a widow with small children or one whose husband had been disabled in an industrial accident or one who married a ne'er-do-well who had deserted her or hit the bottle. She said it never occurred to her, in view of the fact that she'd been active in drives for homes that took care of mothers with illegitimate children, that these mothers would be called "dependent" in the new legislation. She blamed the huge illegitimacy rates among blacks on aid to mothers with dependent children.<sup>47</sup>

Thus, the federal government embarked on the momentous policy of providing cash assistance to never-married mothers surreptitiously and largely by accident. There was no clear debate and no consensus on the new policy. In the decades which have passed since the creation of AFDC, it has become clear that those who warned of the disastrous consequences of such a policy had great foresight.

## THE EROSION OF STANDARDS AND DECLINE OF SOCIAL WORK

The creation of AFDC presaged another trend in welfare: the replacement of the social work focus on character and behavior with a new bureaucratic focus on income maintenance or check writing. At the time AFDC was being debated in Congress, even some of

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45 S. Ware, *Beyond Suffrage: Women in the New Deal* (Cambridge, MA: Harvard University Press, 1981), p. 99.

46 Stevens, *Statutory History*, note 26, p. 152, citing House Report No. 615, 74th Congress, 1st Session, April 5, 1935.

47 G.D. Reilly, "Madame Secretary," in K. Louchheim ed., *The Making of the New Deal: The Insiders Speak* (Cambridge, MA: Harvard University Press, 1983), p. 177.

its supporters expressed concerns about potentially negative impact on effective private social work. For example, while Grace Abbott, the former Children's Bureau chief, supported the AFDC bill,

She wanted [AFDC] given to the Children's Bureau where it could be integrated into a program of social services. She feared that placing the program in a large new administrative structure completely outside the states' mothers' pension laws would result in loss of standards and a program that would take on vestiges of poor relief.<sup>48</sup>

But AFDC was made part of the new Social Security Administration, and cash payments were divorced from social services in the federal bureaucracy.

At the state level, the demise of the social work approach, with its emphasis on fostering responsible behavior and discouraging illegitimacy, was slower. In many states, legislatures enabled social workers to place limitations on AFDC which made it difficult or unattractive for never-married mothers to receive cash aid. With such restrictions in place, the tendency of AFDC to promote illegitimacy was constrained. In addition, caseworkers were given authority to modify or withhold benefits in order to ensure responsible behaviors among those mothers on welfare; caseworkers could reduce or end benefits, for example, if the mother abused alcohol or drugs, or failed to get medical checkups for the child, or allowed the child to be consistently truant from school.

## THE WELFARE RIGHTS MOVEMENT

All this changed as a result of the "welfare rights" movement sponsored by the White House Office of Economic Opportunity in the 1960s. After existing state "suitable home" and other restrictions, which kept unwed mothers off the rolls, were attacked successfully by the Legal Services program, the *coup de grace* to the social work approach in AFDC was administered by the U.S. Supreme Court. In *Goldberg v. Kelly* (1970), the Court imposed elaborate hearing requirements on each decision to deny welfare benefits to a person or to require specified behavior of recipients. This eliminated the practicality of administrative discretion. The immense significance of this decision was realized immediately by perhaps the most distinguished federal judge then sitting, the late Henry J. Friendly, who succinctly described it as "mak[ing] government unworkable." Judge Friendly vainly proposed instead an "ombudsman" system of administrative reviews, like those prevailing in Scandinavia and France, on the premise that "much of the welfare litigation arises from misguided acts of lowly and overpressed officials which their superiors would gladly correct—if only they knew of them."<sup>49</sup>

Faced with the need to provide thousands of "Goldberg" hearings if assistance were denied or conditioned, the states gave up efforts to condition the granting of funds on their proper use or to seek to influence the behavior of recipients. Instead, states adopted a federally encouraged "declaration" system for determining eligibility for welfare benefits. Il-

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48 L.B. Costin, *Two Sisters for Social Justice: A Biography of Grace and Edith Abbott* (Champaign, IL: University of Illinois Press, 1983), p. 224.

49 H.J. Friendly, "Some Sort of Hearing," 123 *University of Pennsylvania Law Review* 1267 (1975).

legitimacy rates skyrocketed. The presence of economic incentives to single-parenthood, combined with a new moral permissiveness fostered by new birth-control technology and liberalized abortion rules, thus created a new culture in which women were prepared to run personal risks which they previously had avoided.

Since social workers no longer had any effective say in the distribution of welfare benefits, the states rapidly concluded that there was no need for high-priced professionals to administer AFDC. Social services therefore were divorced administratively from AFDC and supplanted by check-writing agencies (rechristened "Income Maintenance Administrations"). The professional literature of social work now laments the fact that practitioners no longer have any meaningful role in addressing the nation's most serious social problem and instead serve only the middle class. The result, as Professor William H. Simon of Stanford University has pointed out, was the demise of the personal approach of the professional social worker to some of the most difficult social problems:

The social work view of public administration [involved] informal but complex judgment, decentralized administration, and professionalism—a professional culture in which people were socialized for public responsibility supplemented by relatively decentralized review....If formalization and bureaucratization reduced the problems of coercive arbitrariness and invasion of privacy, they exacerbated the problems of indifference and irresponsibility. They gave the poor more rights, but reduced the availability of the advice and assistance needed to enforce them. They mitigated the experience of punitive moralism, but they also eliminated the experience of trust and personal care [and] eliminated the influence over public assistance of a profession dominated by women (social work) in favor of professions dominated by men (law and management).<sup>50</sup>

## THE REVIVAL OF MATERNITY HOMES

In the postwar period, AFDC has largely replaced its predecessor: maternity homes. But such homes have not disappeared entirely. From 1937 to 1961, the AFDC law made no provision for either institutional or foster care. In 1962, maternity homes, which by then had diminished in number and become largely middle-class institutions, were made eligible for some government payments. But these institutions were never made part of any comprehensive national strategy to address problems of dependence and illegitimacy. By 1966, a directory of such institutions showed there were still 194 homes for unwed mothers in the United States, 70 percent of them run by the Catholic Church, the Salvation Army, or the Florence Crittenton Association (now the Child Welfare League of America).<sup>51</sup> In 1984, the Child Welfare League published a directory of 35 such homes, twenty of which received AFDC reimbursements and ten of which received food stamp assistance.<sup>52</sup>

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<sup>50</sup> W.H. Simon, "The Invention and Reinvention of Welfare Rights," 44 *Maryland Law Review* 1, 23, 35-36 (1985).

<sup>51</sup> U.S. Children's Bureau, "Number and Kind of Children's Residential Institutions in the United States" (Washington, D.C.: U.S. Government Printing Office, 1967); U.S. Department of Health, Education and Welfare, "Maternity Homes and Residential Facilities for Unwed Mothers" (Washington, D.C.: U.S. Government Printing Office, 1966).

Spurred by the right-to-life movement and a growing number of organizations concerned with increasingly serious inner-city social problems, there has been a revival of interest in maternity homes. In California, for example, the legislature in 1977 enacted the Pregnancy Freedom of Choice Act, making maternity homes providing services throughout pregnancy and for fourteen days thereafter eligible for reimbursement payments at the rate of \$965 per month. The statute declared that "It is the policy of the State...that when an unmarried person under 21 years of age is pregnant, she shall be provided the services of a licensed maternity home at her request or the request of her parent or parents." Annual appropriations of \$2.4 million are authorized by the statute.<sup>53</sup>

In urban areas such as Los Angeles and New York City, local private groups have established new homes. A survey in 1994 listed 215 homes.<sup>54</sup> In response to these efforts, U.S. Senator Bill Bradley (D-NJ) introduced eight pieces of legislation in 1993 designed to help community groups address their local problems. One of these measures was S. 1133, which would provide up to \$250 million "to establish residential programs for low income and young mothers during the third trimester of the mother's pregnancy and the first year of life." Under the Bradley legislation, the program would provide the mother with "health and substance abuse screening or treatment, and education in parenting." This bill further provided that the program must include "cognitive stimulation as well as immunizations and other care" for the child.<sup>55</sup> It is to be reintroduced during the 104th Congress. The 1993 Budget Reconciliation bill contained a provision<sup>56</sup> sponsored by Senator Bradley allowing communities in empowerment zones to use federal funds "to provide residential...drug and alcohol prevention and treatment programs that offer comprehensive services for pregnant women and mothers and their children."

Measures like the Bradley bill recognize that maternity homes not only avoid the absence of responsibility which accompanies unrestricted cash benefits, but also discourage further births out of wedlock, assist adoption, and foster parenting and employment skills. Further, they remove young mothers for a time from a dependency culture. They provide adequate prenatal care.<sup>57</sup> They also foster mutual aid and self-respect and provide continuing assistance and supervision to their former residents.

Beyond these legislative developments, a number of traditional group homes have announced plans to expand their services to young women seeking help, including the Lulu Belle Stewart Center in Detroit, Michigan;<sup>58</sup> the Florence Crittenton Home in Wheeling,

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52 Child Welfare League of America, *Substitute Care Programs for Young Mothers and Their Infants* (New York: CWLA, 1984); J. Miles, *Adoption Agencies, Orphanages and Maternity Homes: An Historical Directory* (New York: Phileas Day, 1981).

53 West's California Welfare and Institutions Code, secs. 16145-16151; see also 22 California Code of Regulations 303 *et seq.* It was last amended in 1990. See California Department of Social Services, Adoption Branch, *Handbook of Policies and Procedures: Licensed Maternity Home Program* (November 1992).

54 E.E. Yorclan, M.D., and R.A. Yordan, M.D., "Maternity Homes for Adolescents: A National Portrait," *7 Adolescent Pediatric Gynecology* 214-219 (1994).

55 Statement of Senator Bill Bradley, March 18, 1993, part 6. On the Bradley proposal, see *Congressional Record* (daily ed.), March 18, 1993.

56 42 V.S.C.A. S 1397(f)(b)(1).

57 On the correlation between illegitimacy and low pre-natal care utilization, see Nicholas Eberstadt, "Parents and the District's Endangered Children," *The Washington Times*, February 22 and 23, 1994.

West Virginia;<sup>59</sup> Crittenton Services of Toledo, Ohio;<sup>60</sup> and the Crittenton Center of Los Angeles.<sup>61</sup>

The most favorable development in revitalizing these traditional private institutions was the group of amendments to the AFDC statute in the Family Support Act of 1988, which expressly allowed states to tie AFDC assistance to residence of the mother with her parents or in an approved maternity home.<sup>62</sup> Unfortunately, this power has not yet been exercised extensively by the states.

## WHAT TO DO ABOUT ILLEGITIMACY

It is clear that illegitimacy must be deterred by moving back to the structure of disincentives favored by the original generation of social workers: no cash aid as a matter of right, the active fostering of adoptions, and the moral education and reformation of mothers in maternity homes run by the voluntary sector. The only major comprehensive welfare reform legislation that channels welfare funds into adoption services and closely supervised group homes for young, unmarried women and their children is the Welfare Reform Act of 1994 (S. 2134, H.R. 4566), sponsored by Senators Lauch Faircloth (R-NC) and Hank Brown (R-CO) and Representatives Jim Talent (R-MO) and Tim Hutchinson (R-AR).<sup>63</sup>

The Faircloth-Talent bill takes the first clear step in reversing the sixty-year-old mistaken policy of federal cash subsidies to women who bear children out of wedlock. The bill intends to remove or diminish many of the current welfare incentives which promote illegitimacy. The legislation provides that one year after enactment, women age 21 and under who prospectively bear children out of wedlock will no longer be eligible for direct cash, food, or housing aid from the federal government. Eligibility for direct federal aid will be restored only if the mother subsequently marries or if the child is adopted.

The bill focuses initially on limiting direct welfare to young unmarried women precisely because the consequences of illegitimacy are most severe among members of that age group. The bill would raise the age cutoff to 26. But four years after the date of enact-

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58 Using teen fathers as helpers, this institution tries to "reinststate and expand the transitional living program for young mothers and infants." Lulu Belle Stewart Center, Inc., *Annual Report*, 1992, p. 4.

59 "Florence Crittenton clients receive medical attention and prenatal counseling and care resulting in an average maternal weight gain of 30 pounds or more, an average newborn birth weight of 7 1/2 pounds and average Apgar scores of 7.5 at one minute after delivery and 8.8 at five minutes following delivery. (Apgar is the standard ten-point scoring device used to determine the overall health of an infant at birth)." Florence Crittenton Home and Services, *Buds of Hope, 1991-92*, 1992, p. 2.

60 "They come in here kicking and screaming, because many are court-ordered. They hate the rules, the staff, the food. But then they go through the steps, and end up crying when they have to leave." Lori King, "Toledo Crittenton Services Provides Open Door for Teens," *Women's News*, April 1993, p. 4.

61 "[The] only agency in Los Angeles County that provides long-term residential treatment and foster family placement for neglected and abused non-pregnant or pregnant girls and young mothers between the ages of 13 and 18 and their babies from birth to age three. All are wards or dependents of the Juvenile Court." Crittenton Center for Young Women and Infants, *Annual Report 1990-1991*, p. 4.

62 42 U.S.C. sec. 6 02(A) (43), as added by Public Law 10 0-485, Title IV, Sec. 403, 102 Stat. 2397 (October 13, 1988).

63 Rector, "How Clinton's Bill Extends Welfare As We Know It," pp. 12-13.

ment, the bill would expand the limits on aid to cover all women under 26 who give birth out of wedlock.

However, the Faircloth-Talent bill does not propose simply to go “cold turkey” by denying aid with no alternative. Under the bill, all aid which ordinarily would have gone directly to the unmarried mother is given instead to the state government for a special grant. The grant may be used for two purposes: 1) to prevent out-of-wedlock pregnancies and 2) to support those children who are born out of wedlock through alternative means that do not involve conventional welfare payments to the mother. The bill encourages use of these funds for pregnancy prevention, adoption, and closely supervised group homes for unmarried mothers and their children.

Under the type of group maternity home envisioned in the Faircloth-Talent bill, the behavior of the mothers would be closely monitored. They would receive no cash for drugs, cigarettes, alcohol, and non-working boyfriends. Instead, constructive behavior would be required. For example, mothers in the group home could be required to take parenting classes, to do their homework, and to complete high school. Thus, while the group maternity home would provide much less encouragement than the current welfare system for out-of-wedlock births, it would also provide a higher quality of environment for children born out of wedlock.<sup>64</sup>

The Faircloth-Talent bill comes full circle, returning to adoption and supervised maternity homes as means of grappling with illegitimacy—the very policies which Secretary Frances Perkins favored as an alternative to AFDC sixty years ago. It does not “cut off” teenage mothers, but insures that aid to them is properly supervised and that they are not ignored. It does not “punish” their children; rather, it insures them the pre- and post-natal care and drug-free environments that they now are too often denied.

A more limited form of the Faircloth-Talent proposal was included in the Republican Contract With America and in the welfare reform legislation enacted recently by the House. Under this legislation, federal cash aid would be denied to women under 18 who prospectively had children out of wedlock. As in the Faircloth-Talent bill, the funds would be redirected to pregnancy prevention, adoption, and group maternity homes.

### **The Cost of Maternity Homes**

The concept of maternity homes for unmarried mothers is gaining support from both sides of the political spectrum. For example, use of maternity homes was advocated by the liberal Progressive Policy Institute, a research organization closely linked to the Democratic Leadership Council, in a 1994 report on teen pregnancy.<sup>65</sup> Criticism of supervised group homes is largely restricted to the charge that they will be far more costly than the current system of direct cash, food, and housing aid to unmarried mothers. Several points can be made in response to this charge. First, the Faircloth-Talent legislation and similar bills do not call for a direct one-for-one exchange in which all young unmar-

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<sup>64</sup> The Faircloth/Talent bill restricts the use of federal funds only. Any state would be free to use its own funds to continue to give cash welfare to never-married mothers if it so chose.

<sup>65</sup> Progressive Policy Institute, *Preventable Calamity: Rolling Back Teen Pregnancy*, Policy Report No. 22, November 1994, pp. 17-18.

ried mothers who otherwise would have enrolled in AFDC will be placed in maternity homes. Instead, the backers of the bill predict a sharp redirection in the number of out-of-wedlock births as well as an increase in the number of young mothers supported by family and friends rather than welfare. Thus, the number of young mothers who would enter group homes would be only a fraction of those who would enroll in AFDC under the current welfare system.

Second, mothers on AFDC currently must be housed somewhere. The simple fact is that congregate housing, in which bath and kitchen facilities are shared, costs less than providing a separate housing unit for each mother. The extra cost, if any, involved in a maternity home will come from the additional supervision provided. But welfare systems already provide a large array of fragmented social services to mothers on AFDC, often designed to deal with crises after the fact. These services could be provided better by maternity home supervisors on site.

Most states currently assign portions of their bureaucracies to fitful and inadequate efforts to ensure that young mothers attend school, secure required immunizations, keep prenatal medical appointments, and refrain from physical abuse of their children. All these functions are performed more appropriately by a resident supervisor. Even the most rudimentary regime of residential supervision by a trained adult in control of the purse strings should suffice to reduce inner-city rates of infant mortality that are now of Third-World proportions.<sup>66</sup> The states pay for the absence of this supervision in the emergency room and pediatric hospital components of their Medicaid programs, in their special education programs and institutions for the retarded, and ultimately in their juvenile justice and prison systems.

Third, there are a number of ways to keep the costs of maternity homes low. The cities in which the AFDC caseload is greatest are, by no particular coincidence, those that also are depopulating most rapidly. Characteristically, they possess a number of recently closed hospitals or wings of hospitals. In consequence of the deinstitutionalization of the mentally ill, many state governments also possess hospitals or wings of hospitals which are susceptible of adaptive use. Finding physical facilities for maternity homes would not seem to present a large problem. The use of wings of operating hospitals also would greatly facilitate the rendition of medical services necessary in the first few months of life and now gravely neglected by this population. Corridors of public housing complexes also could be sealed off from the rest of the housing units and converted into supervised group quarters.

Estimates that maternity homes will cost as much as \$7,000 to \$30,000 per mother per year to operate are grossly inflated. Such estimates are based on facilities where the staff-to-client ratio is as high as 1 to 2. Clearly, homes can be operated at much lower expense, as is demonstrated by many small church-related homes sponsored by organizations like Loving and Caring, Inc., of Lancaster, Pennsylvania.<sup>67</sup>

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<sup>66</sup> See Eberstadt, "Parents and the District's Endangered Children."

<sup>67</sup> See Loving and Caring, Inc., *Operating a Group Housing Ministry* (1994); *Maternity Home Manuals* (1994).



## CONCLUSION

It is time Congress fixed the blunder that worried Frances Perkins in 1935. Unwed motherhood should no longer create entitlement to public cash aid or be perceived by teenage girls as a path to economic independence. Rather, as the timid 1988 Family Support Act began to suggest, young unwed mothers should receive their principal assistance from their own families where possible and from private group homes subsidized with government funds, and supervised living arrangements sponsored by them, where family support is unavailable.

It will not work to provide maternity homes merely as an add-on to the current welfare system. Governments simultaneously must stop providing recipients with other more convenient and attractive types of aid. Maternity homes, with the requirements they place on their residents, will be widely used only if the alternative of responsibility-free cash payments is no longer provided to women who bear children they cannot support.

Decades of experience have demonstrated that the policy of defining cash benefits as “rights” of teenage mothers has failed. The effect of the policy has been not to assist such mothers in becoming part of society, but to isolate them at a time when their greatest need is for education, supervision, and direction. Those who claim that reversing the policy will generate abandoned children, a new class of homeless, or teenage prostitution ignore the existence of responsible alternatives to it. Government *should* provide support for maternity homes and social assistance. It also should give the institutions and social workers with whom young mothers become affiliated the means to provide limited supervised assistance where it is needed. But if illegitimacy and dependency are to be reduced, unsupervised cash aid must be brought to an end, and teenagers must be told in unmistakable terms that supervision—and not a fraudulent form of independence—is the consequence of irresponsibility.

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