

Leaving Our Children Behind

WELFARE REFORM AND THE GAY, LESBIAN,
BISEXUAL, AND TRANSGENDER COMMUNITY

by Sean Cahill
and Kenneth T. Jones



the
**Policy
Institute**
of the
**National
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Preface

BY LORRI L. JEAN

Executive Director, National Gay and Lesbian Task Force

George W. Bush campaigned on a theme of “Leave No Child Behind.” But the proposals being considered in the Bush Administration, and in the right-wing think tanks which are the source of many of Bush’s policy initiatives, would certainly leave *our* children behind—children in same-gender couple families; children living with a single gay or lesbian parent; and gay, lesbian, bisexual and transgender (GLBT) youth in need of services. Initiatives that privilege married couple families would devastate the millions of children living with single heterosexual parents, or with a mother and a father who are not married. More than half of the children growing up today in the US will spend some of their childhood in a single-parent family—whether because of choice, divorce, separation, death, or, in the case of many same-gender couples, because they cannot legally marry. In addition to putting youth at risk, Bush’s proposals threaten GLBT elders in need of services, low-income GLBT people, people of faith, atheists and agnostics.

It is striking to see the scope of what is at stake in the reauthorization of welfare reform, which Congress will address in 2002. The rights of gay people to create families through adoption or donor insemination, the rights of lesbians to raise children free of the involvement of the children’s estranged and abusive father, even the rights of married heterosexuals to divorce are being debated in right-wing circles, and by people now holding key positions within the Bush-Cheney Administration.

Sadly, it is not an exaggeration to say that some of the most basic principles of our democracy are at risk. While candidate Bush campaigned on a platform of “compassionate conservatism,” we’ve seen little of either. For example, Bush’s faith-based initiative would undermine one of the most sacrosanct pillars of the American political system, one which enjoys the support of conservatives and liberals alike: the First Amendment’s guarantee of church-state separation. “Charitable choice,” as Bush and other proponents call it, would transfer \$80 billion in social services funding over the next decade to religious institutions. Many of these potential faith-based providers are

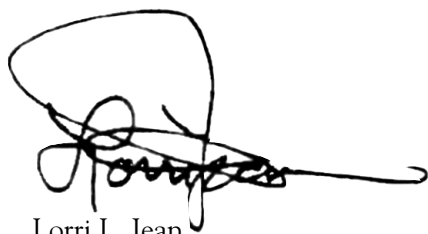
anti-gay, and could legally refuse to hire or serve GLBT people. They can also refuse to hire people who are not of their religion, and can engage in proselytizing of vulnerable people in need of assistance. This is un-American! The most galling thing is that this would be done with our tax dollars. We're being asked to fund our own oppression!

Already, there are significant concerns about the fate of those families that have left the welfare rolls over the past five years. While certain indicators point to success, there are many unanswered questions. As we teeter on the edge of a recession, we need to ensure that Congress addresses these concerns in 2002 when it reauthorizes the welfare reform act passed five years ago.

Leaving Our Children Behind: Welfare Reform and the Gay, Lesbian, Bisexual and Transgender Community offers a comprehensive overview of welfare reform, and explains why this issue should concern *all* GLBT people—not just those of us on limited incomes. Even if fatherhood initiatives, (heterosexual) marriage initiatives, abstinence-only-until-marriage education, and charitable choice stem from good intentions (a debatable premise), they make for bad public policy. They pose particular threats to our community, and demand a response. In this report, Sean Cahill and Kenneth Jones articulate the response of the National Gay and Lesbian Task Force.

Leaving Our Children Behind is the first comprehensive report of its kind to look at the particular impacts of welfare reform on poor GLBT people, as well as ways in which the entire GLBT community could be affected. We encourage GLBT activists and other fair-minded people to read it, and will work with grassroots activists over the next year to organize around the concerns it raises. We also call on anti-poverty activists and policy makers to consider the impact of often heterosexist welfare reform initiatives on lesbians and other members of our community who find themselves in need.

This study is made possible through the generous support of the Ford Foundation, which funds NGLTF's Racial and Economic Justice and Aging Initiatives. We also couldn't do our vital work without the support of tens of thousands of people across the country who believe in a strong, proactive, progressive GLBT voice, and understand the importance of research to inform organizing and policy advocacy. We are grateful for the generosity of *all* of our supporters, and will work hard to prevent and change policies that target GLBT people for inequitable treatment.



Lorri L. Jean
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Leaving Our Children Behind

**WELFARE REFORM AND THE GAY, LESBIAN,
BISEXUAL, AND TRANSGENDER COMMUNITY**

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Introduction

A GRAVE THREAT TO BASIC RIGHTS AND FREEDOMS

Welfare reform poses fundamental threats to the rights of all gay, lesbian, bisexual and transgender (GLBT) people. It poses particular threats to GLBT youth, GLBT elders, lesbian and gay parents, and the children of same-sex partners. It also threatens unequal treatment of millions of Americans in single-parent families. It poses threats to poor women and children, regardless of their sexual orientation. In fact, some of the policy proposals of those behind welfare reform threaten fundamental rights taken for granted by all Americans. The “charitable choice” faith-based initiative threatens fundamental American principles of church-state separation and nondiscrimination.

This report analyzes the impact of the changes brought about by the welfare reform act of 1996, officially called the Personal Responsibility and Work Opportunity Reconciliation Act. It also examines the proposals advocated in recent years by several conservative movement leaders who are now in key policy-making positions within the administration of George W. Bush.

Already, little-known provisions of welfare reform have interfered with the promotion of tolerance in the schools and HIV/AIDS prevention efforts. If the proposals advocated by Wade Horn, Don Eberly, Andrew Bush, David Blankenhorn¹ and their colleagues are put into effect, the following results would accrue:

- 1) GLBT families, unmarried heterosexual families, and single-parent families would be ineligible for basic welfare benefits, and would not be able to access low-interest student loans and some federal grants like Pell grants, or Head Start preschool slots, public housing units, and job training slots.
- 2) Lesbian and gay couples would not be able to adopt children.
- 3) Lesbian and gay couples would not be able to access the services of fertility clinics.
- 4) Lesbian and bisexual women on welfare would be forced to allow the fathers of their children to coparent or else risk losing benefits.

Welfare reform is fundamentally about family policy—about promoting and privileging particular kinds of families, and about penalizing and stigmatizing others.

- 5) GLBT people who decide after they marry that they are not happy in a heterosexual relationship may find it difficult, and even impossible, to divorce their spouse without their spouse's consent. The proposed strengthening of marriage and divorce laws would also affect millions of heterosexuals, effectively trapping them and their children in unhappy marriages.
- 6) Teen parents would be stigmatized by being denied participation in extracurricular school activities.
- 7) Fathers of out-of-wedlock children who are unable to find employment and refuse to participate in workfare jobs would be imprisoned.
- 8) Marriage would be prioritized as a public policy goal over the goal of promoting self-sufficiency for single-parent led families.

Proposals to prioritize or limit access to benefits to married couple families pose a disproportionate threat to black and Latino families.

All of these statements are verified and documented in this publication. In addition, if President Bush's "charitable choice" faith-based initiative is implemented as it was passed by the House of Representatives this past summer, GLBT people risk:

- 1) Losing access to basic social services, including youth programs, elder services, community and economic development initiatives, and housing programs.
- 2) Losing the option of working in certain fields, such as youth services, elder services, social work, and education, even in states where laws protect against sexual orientation and gender discrimination in employment.

Welfare reform is not only, or even primarily, about poverty policy. Welfare reform is also fundamentally about family policy—about promoting and privileging particular kinds of families, and about penalizing and stigmatizing others. It is also fundamentally about the promotion of heterosexuality, but only a heterosexuality practiced within the context of marriage. Most alarmingly, welfare reform is about the discouragement and stigmatization of homosexuality and lesbian and gay families.

All members of the GLBT community should be concerned about welfare reform because it is an issue of justice. How we treat the most vulnerable in our society—in this case, low-income women and children—says a lot about who we are as a people. Demonizing low-income single parents as the cause of many of our social problems—as many conservative welfare reformers have done—should deeply concern our community, which has been scapegoated as well. Much of the rhetoric we've heard in the welfare reform debate is reminiscent of the "blame-the-victim" claims made about gay men at the height of the HIV/AIDS epidemic. We must also see welfare programs in the context of a multi-trillion dollar federal budget, which contains billions in tax breaks, subsidies, and "pork" to corporations.

Some welfare reform proposals raise issues of racial justice. Because single parent families are more prevalent within African American and Latino communities than in other ethnic communities, proposals to prioritize or limit access to benefits to married couple families pose a disproportionate threat to black and Latino families. Some 39 percent of black families with children, and 25 percent of Latino families with children, are headed by single parents. This compares with only 11 percent of white non-Hispanic families with children, according to the 2000 Census.²

But if GLBT people are not motivated to pay attention to welfare reform because it is

an issue of social justice, there is another reason: it is in our self-interest. Though poverty policy is the portal through which regressive policies are entering our political system, the policies advocated by the marriage movement, the fatherhood movement, the abstinence movement and the faith-based initiative pose great threats to all GLBT people and families.

Four elements of welfare reform pose a particular threat to GLBT people of all economic classes—not only low-income GLBT people. These are 1) marriage promotion and the privileging of heterosexual married couples over other families in social service provision and adoption proceedings; 2) fatherhood initiatives, which claim that children cannot be properly raised without a father and stigmatize homosexuality and lesbian and gay families; 3) the promotion of abstinence-only-until-marriage “sex education,” which posits heterosexual sex in the context of marriage as the only acceptable and safe form of sexual activity; and 4) the “charitable choice” faith-based initiative, under which religious institutions will contract to provide a broad array of social services with \$80 billion in federal and state funds over the next decade.

This publication describes how welfare policy changed in 1996, and the arguments for and against welfare reform which accompanied those policy changes. This background is contained in Appendix A.

Appendix B examines the effects of welfare reform on poor people in general. While some indicators point to success in moving families off welfare into the workforce, it is unclear how much of this success was due to the expanding economy in the 1990s and how much was due to the particular policy changes initiated in 1996. The answer to this question is of particular concern as we teeter on the brink of a recession, when millions of our economy’s most vulnerable workers may be laid off, many with no recourse to unemployment insurance.³ HHS’s Wade Horn recently told the *San Francisco Chronicle*, “The best estimate is that 20 percent to 50 percent of the caseload reduction was due to the economy.”⁴ In addition to the economic storm clouds on the horizon, there are also many negative indicators that problematize early claims of welfare reform’s unmitigated success.

The particular impact of the existing welfare reform regulations on low-income GLBT people is addressed in Chapter II. Chapters III-VII address policies that threaten not only low-income members of our community, but all GLBT people. Some of these are already in effect, and others are being proposed by key Bush administration welfare advisors. These include initiatives to promote heterosexual marriage, fatherhood initiatives, abstinence-only-until-marriage initiatives, and the “charitable choice” faith-based initiative.

It is our hope that this publication alerts fair-minded legislators and other policymakers to the particular risks presented by welfare reform, and by ideas for its expansion advocated by key policymakers within the Bush Administration and leading voices in the conservative think tanks, which are the source of key provisions of welfare reform, and many of the Bush Administration’s policies. (For example, the Heritage Foundation’s Robert Rector is described as “one of the authors of the welfare reform act” in a recent news article.⁵)

GLBT activists and community members must understand the importance of welfare policy to our entire community, and engage this critical policy debate as we enter wel-

The policies advocated by the marriage movement, the fatherhood movement, the abstinence movement and the faith-based initiative pose great threats to all GLBT people and families.

fare reauthorization in 2002. Anti-poverty activists should incorporate the concerns of the GLBT community into their analysis of welfare reform, and into their advocacy around Congressional reauthorization.

All fair-minded Americans must take a second look at welfare reform over the next year and demand that policy makers amend it to ensure that children and families are not hurt, and that our commitment to equality under the law is not violated by these policies.

Specifically, the National Gay and Lesbian Task Force makes the following recommendations:

Recognition of all Families and Family Maintenance

- Married, heterosexual couple-led families should not be favored over other types of families in determining eligibility for any government-funded service, including welfare benefits and limited-supply benefits such as Head Start slots, student financial aid, public housing, or job training.
- Marital status should not be a factor in determining eligibility to serve as adoptive or foster parents, or eligibility to access the services of fertility clinics.
- All relationships and family types that provide adequate care for children must be affirmed and respected by governmental entities making and implementing family policy.
- Government-sponsored “fatherhood initiatives” should be replaced with “parenting initiatives” which promote good parenting skills and acknowledge the central role fathers play in many families, but also acknowledge the functionality and intrinsic worth of single-mother families, same-sex couple-headed families, grandparent-grandchild families, and other family structures.
- Divorce laws should be left alone.

Marital status should not be a factor in determining eligibility to serve as adoptive or foster parents, or eligibility to access the services of fertility clinics.

Anti-Poverty Policy and Income Support

- The state’s primary goal should be to move low-income families into economic self-sufficiency. This goal should not be sacrificed in the interests of coercing poor women to marry solely or primarily for economic reasons.
- Poor single mothers should not be coerced into giving their children up for adoption.
- Battered women receiving welfare should be exempt from participating in paternity establishment, especially if they are at risk of a recurrence of violence from a child’s father should they reestablish contact. Depending on the circumstances, lesbian and bisexual women should also be exempted from this requirement. One potential vehicle for this is H.R. 3113, recently introduced by congresswoman Patsy Mink (D-HI), and supported by Congressman Barney Frank (D-MA), the National Organization for Women, and other progressive voices.
- States should be encouraged to show flexibility and compassion to families facing a cut-off of benefits due to the time limit.
- States should be encouraged to allow welfare recipients to count hours spent in education and training programs toward the workfare requirement.

- Welfare caseworkers should do a better job ensuring that families leaving the welfare rolls continue to receive food stamps and Medicaid if they still need them.
- Eligibility for unemployment insurance should be expanded to encompass more workers.
- Welfare offices should ensure privacy, dignity, and respect for all clients.

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Sex Education and Youth Policy

- Age-appropriate, publicly-funded sex education programs should be offered which provide comprehensive, factual information about sexuality. These can promote abstinence but must also provide information on safer-sex techniques that significantly reduce the risk for transmission of sexually-transmitted diseases and pregnancy. They should avoid gender stereotypes and the stigmatization of homosexuality.
- States should be discouraged from turning down Centers for Disease Control and Prevention (CDC) funds aimed at disease prevention out of fear that, by spending those funds, they somehow violate Section 912 of the Personal Responsibility and Work Opportunity Reconciliation Act, which calls for abstinence-only-until-marriage education.
- Section 912, which provides \$87.5 million a year for abstinence-only-until-marriage education, should be rewritten, and language that stigmatizes homosexuality should be removed.
- Schools should not punish and stigmatize teen parents by denying them access to high school extracurricular activities.
- Safe and nurturing homes must be created to protect GLBT youth, including GLBT youth with children, from violence and harassment.

Non-Discrimination Legislation

- Federal nondiscrimination laws must be expanded to ban discrimination based on sexual orientation and/or gender identity.
- Faith-based organizations should not be allowed to discriminate, in employment or service provision, using tax dollars.

Section 912, which provides \$87.5 million a year for abstinence-only-until-marriage education, should be rewritten, and language that stigmatizes homosexuality should be removed.

Preserve the Separation of Church and State

- The principle of church-state separation and the pluralism of America's religious traditions, reflected in the First Amendment's nonestablishment clause, should not be violated.
- Faith-based organizations receiving federal or private funds should respect the spirit of the law by not engaging in proselytizing or evangelizing in any of their social service programs supported by government funds.

Issues Specific to GLBT Poor People

THE MYTH OF AFFLUENCE AND THE REALITY OF GLBT POOR PEOPLE

A widespread myth holds that lesbian and gay people are economically privileged relative to the majority population. Anti-gay activists and governmental officials have portrayed gays as wealthy to justify opposing nondiscrimination laws.⁶ These claims are based on marketing surveys of subscribers to popular gay magazines, which don't represent most people in the GLBT community.

In fact, GLBT people are distributed along the income scale in roughly the same proportions as heterosexuals. Some gay people are poor, some are rich, and most fall somewhere in the middle. Social science research indicates that, in fact, gay men and lesbians earn no more than heterosexual men and women. In fact, some studies indicate gay men earn less on average than heterosexual men.⁷ While there is little research on bisexual and transgender people, there are reasons to believe that many transgender people in particular suffer from significant economic hardship. The reality is that GLBT people exist in all economic strata.

Many GLBT people are poor. Many gay men with HIV depend upon Medicaid, a means-tested health insurance program designed for low-income people, to meet their health care needs. In New York City, 68 percent of the HIV positive population relies on Medicaid. A majority of people with AIDS in New York City are gay or bisexual.⁸ Many GLBT youth are forced out of their homes, often onto the streets and into dire economic insecurity. Older GLBT people are less likely to receive supplemental income from the wages of a partner, and are less likely to have health insurance or have prescription drug coverage.⁹ Partnered gay and lesbian elders earn less in retirement, as they are ineligible for Social Security survivor and spousal benefits, ineligible to be the beneficiary of their partner's pension under most pension plans, and have to pay taxes on any 401(k) distribution. (Married spouses don't have to pay taxes on 401(k) benefits, and can roll them over into a tax-exempt individual retirement account.)

Many gay men with HIV depend upon Medicaid, a means-tested health insurance program designed for low-income people, to meet their health care needs.

Transgender people experience widespread unemployment and job discrimination.

Assuming that 3-8 percent of the US population is homosexual or bisexual, then there were between 1 million and 3.6 million poor gay, lesbian, and bisexual Americans in 1996, and between 900,000 and 2.5 million in 2000.¹⁰

THE PARTICULAR IMPACT OF POVERTY AND WELFARE REFORM ON GLBT PEOPLE

There is little systematic research on the impact of welfare reform on GLBT people. However, there are indicators of increased hardship from several cities with sizable gay populations. According to Joseph DeFilippis, founder of the New York-based Queer Economic Justice Network, welfare reform has had an evident impact on members of the GLBT community in New York City. Demand for food at the gay Metropolitan Community Church's food pantry has doubled since the beginning of welfare reform in 1996. The number of homeless clients enrolled in the addiction program at the Lesbian, Gay, Bisexual, and Transgender Community Center in New York has more than doubled since the beginning of welfare reform. The percentage of clients in the addiction program who were homeless increased from 5 percent in 1996 to 12 percent in 1998.¹¹

In San Francisco's gay district, the Castro, a homeless queer youth shelter opened this year to meet the growing needs of this population. Also in San Francisco, many HIV-positive gay and bisexual men live on disability checks. Some estimate discrimination against transgender people keeps 70 percent of them unemployed.¹²

The Washington Transgender Needs Assessment Survey, conducted from 1998 to 2000, paints a grim picture of the impact of poverty on the US capital's transgender community: out of 252 respondents, nearly a third (29 percent) reported no source of income, while another 31 percent reported incomes that fell below \$10,000. Almost half (47 percent) had no health insurance.¹³ In the *Nuestras Voces* study of 912 Latino gay men from San Francisco, Los Angeles, and New York conducted in 1998-99, 61 percent of respondents reported running out of money for basic necessities in the past year, 54 percent had to borrow money to get by, and 45 percent became unemployed and had to look for work.¹⁴

DIFFICULTY ACCESSING BENEFITS

Since welfare reform, states have given local welfare offices wider discretion over processing certain benefits, which could mean the difference between getting or not getting aid. In a homophobic society a worker may unjustly deny aid to an effeminate man perceived to be gay, or to a butch woman who is perceived to be a lesbian.

New welfare laws require a large amount of paperwork and documentation in order to receive benefits. For this reason, transgender people often have a harder time accessing benefits. A transgender person may have a different gender listed on his or her paperwork than his or her current gender identity indicates. Welfare workers may feel that

the person is running a scam by pretending to be someone else. It is often the case that medical and psychiatric documentation are needed to get proper identification in order to apply for aid.¹⁵

In 2001 a transgender person living with AIDS seeking shelter at the Athens Salvation Army in Athens, GA was turned away because she did not fit the requirements for male or female accommodations.¹⁶ In New York City, a lesbian couple was denied access to a family shelter, because they didn't fit the shelter's definition of "family."

LESBIANS, GAY MEN, AND THE ESTABLISHMENT OF PATERNITY

The new TANF (Temporary Assistance for Needy Families) regulations myopically and mistakenly assume that all children are the products of heterosexual family unions. Such assumptions adversely affect lesbians and their children who, by their inability to comply with the establishment of paternity required by the regulations, will unjustly suffer a 25 percent decrease in cash assistance, and risk termination of benefits. At the same time, a double standard has been set, as there is no requirement that a single father, gay or straight, with a child establish "maternity" or any other parental obligation on penalty of having their TANF benefits decreased or terminated.

Many lesbians raising children alone or with a female partner have left heterosexual marital or non-marital relationships because they realize that they are lesbians. The men they have left often respond with emotional rage, not only over having been dumped, but also over having been left for another woman. Forcing women to reestablish contact with men they left before "coming out" can, in some situations, put them at risk of domestic violence. Violent responses are not unusual in any break-up situation, but can take an especially tragic turn when homophobia is intertwined with rejection. The National Coalition of Anti-Violence Programs documents a tragic example: a lesbian who was killed by her partner's estranged husband. The heterosexual couple had been separated for some time. While the estranged wife was watching television with her lesbian partner, the estranged husband came through a window and killed her lesbian partner.¹⁷ Forcing women to establish paternity can mean forcing survivors of domestic violence to reconnect with someone who does not have the best interests of the mother and child at heart, and increasing the risk of domestic violence at the hands of an ex-partner or ex-husband.

Lesbians create families in a variety of ways. Some are in couples; some are not. Some are raising children from prior heterosexual relationships, while others were inseminated by either a known or unknown donor. Some have adopted, and many are the adoptive parents or guardians of their nieces, nephews or grandchildren.

Gay men also create families in many ways, including the raising of a sibling's child, raising children from a prior heterosexual relationship, or adoption. Some are in couples, and some are not.

Except for those who are raising children from a prior heterosexual relationship, none of these family forms has as its centerpiece "paternity" and "maternity." Rather, these couples and single parents are raising children in families completely distinct from het-

erosexual family structures and from people of a sex different from their own. As such, the requirement that lesbians establish paternity is either impossible or would completely destroy the viable family structure that has been created.

For example, assume a lesbian couple has children through donor insemination. Through a series of events, they fall on hard times. Perhaps the main financial supporter has lost her job, or becomes disabled, or faces astronomical family medical expenses that have bankrupted them. They require welfare benefits in order to get themselves back on their feet. In order to receive their full entitlement, the lesbian couple would have to establish paternity of their children in order to obtain child support from a “father.” If the donor is unknown to them because they used a sperm bank or go-between in order to get pregnant, this requirement is impossible and the family suffers the unjustifiable hardship of receiving reduced benefits. If the donor is known to them but was never intended to be a social father, the rules impose a heterosexual family structure by mandating the involvement of a man in an intact lesbian family, thus destroying the integrity of the lesbian family structure.¹⁸ They, too, would be stripped of the full entitlement unless they identified the man who simply allowed his sperm to be used in order to help this couple create a family. This is not a case that serves the social policy of making men financially responsible for any sexual activity that results in children. Nor does it serve the social policy of “reconciling” men with their families with the hope of forcing a marriage or other involvement. For lesbians with children, the enforcement of this provision serves only to distort the family structures that they have created. Furthermore, it entirely misses the class of people who may be justifiably held responsible for the financial well-being of the children they help bring into the world, i.e., the class of lesbian non-biological co-parents.

100 percent of GLBT youth in group homes run by New York City’s Administration on Children’s Services reported being verbally harassed, and 70 percent reported suffering physical abuse, because of their sexual identity.

THE PARTICULAR CONCERNS OF GLBT MINORS WITH CHILDREN

One in four youth are kicked out of their homes because their parents object to the youth’s sexual orientation.¹⁹ Returning home may not be an option for these minors. Homophobia, coupled with harassment and sometimes violence, often makes the experience of GLBT minors in adult-supervised settings no better. GLBT minors may receive hostile and sometimes violent treatment in adult-supervised settings because of their sexual orientation or gender identity. This may force GLBT youth to leave such settings.

One study found that 78 percent of GLBT youth ran away from foster care placements because of the hostile treatment they received due to their sexual orientation or gender identity. Sadly, 100 percent of GLBT youth in group homes run by New York City’s Administration on Children’s Services reported being verbally harassed, and 70 percent reported suffering physical abuse, because of their sexual identity.²⁰ In some cases, these minors opted to live on the street, turning to crime and prostitution to survive.²¹ One 1994 study found that 75 percent of homeless youth worked as prostitutes to survive. The Urban Justice Center in New York City estimates that the number of homeless youth living on the streets has increased because of the difficulties in accessing benefits

due to welfare reform.²²

Under the new welfare reform regulations, in order to receive welfare benefits single-parent minors and their child must live at home or in an adult-supervised setting. If a youth is unable to live at home, obtaining such proof can be difficult, as it requires that a parent prove that a child can no longer live with them. Many youth who would be eligible for benefits are unable to get them because their parents are unwilling to provide such documentation.

For example, upon learning her 16-year-old was gay, a mother drove him 20 miles north of their Texan home, where she threw him out of the car and abandoned him. Returning home, the mother refused to provide evidence that she had done this. In a similar case, a 17-year-old refused to live under the supervision of his grandmother because she was extremely homophobic. In fact, he felt safer living on the streets than in the home of his own grandmother. If either of these youth were parents, they would be ineligible for welfare benefits. In the case of the 17-year-old, the grandmother refused to sign any documents saying her grandson could not live with her, because she would in fact allow him to return to her homophobic home.²³

Although there are no data on GLBT minors with children, it is estimated that there are at least one million gay, lesbian or bisexual parents with dependent children.²⁴ A small percentage of these, at least, are under 18. As is noted in the chapter on abstinence-only-until-marriage education, stigmatization of gay people and gay sex may in fact make lesbian, gay and bisexual youth more likely to engage in heterosexual sex in order to “prove” to their peers that they are not gay. A study of 3,816 young women aged 12–19 who participated in the 1987 Minnesota Adolescent Health Survey found that young lesbian and bisexual women (12.3 percent) were twice as likely to report ever being pregnant compared to heterosexual women and women unsure of their sexual orientation (5.3–6.1 percent).²⁵ Thus teen pregnancy and parenting may disproportionately affect lesbian and gay youth. Unfortunately, if these GLBT minors need the assistance of welfare, and opt out of living at home or in an adult-supervised setting to avoid harassment or violence, they will be ineligible to receive assistance from the government.

Stigmatization of gay people and gay sex may in fact make lesbian, gay and bisexual youth more likely to engage in heterosexual sex in order to “prove” to their peers that they are not gay.

THE LACK OF PROTECTION FROM DISCRIMINATION AT WORKFARE ASSIGNMENTS

Sexual orientation and gender-based discrimination at workfare sites is another particular concern. Due to the lack of federal protection from discrimination in the workplace, GLBT people are particularly vulnerable. As a requirement from the federal government, in order for a state to receive funding for PRWORA, the state must require recipients to work after receiving TANF benefits for two years. Single parents are required to work 20 hours a week and two-parent families are required to work 35 hours per week.²⁶ Able-bodied food stamp recipients age 18-50 are also required to do “community service” in return for this assistance. Due to discrimination and harassment at

workfare sites, many are not accessing the benefits they need.

Numerous studies indicate that sexual orientation discrimination is a problem in the GLBT community. In a national study of members from the National Gay and Lesbian Task Force, LLEGO (Latino/a GLBT Organization), and the National Black Lesbian and Gay Leadership Forum, a third of the 534 respondents sampled reported employment discrimination.²⁷ Similarly a third of lesbians and gay men in Pennsylvania²⁸ and 37 percent of GLBT residents of Gainesville and Alachua County, FL²⁹ reported experiencing discrimination.

There is little research on employment discrimination against transgender people. However, transgender people may experience widespread and heightened discrimination and poverty.³⁰ A majority of clients at New York City's Gender Identity Project have reported being verbally and physically harassed at workfare assignments. Some of these clients dropped out of workfare and returned to the streets, using prostitution as a means of survival. Some said they felt safer hustling on the streets than doing workfare.³¹

A majority of clients at New York City's Gender Identity Project have reported being verbally and physically harassed at workfare assignments.

In 1996, the US Senate voted on the Employment Non Discrimination Act (ENDA), which would have prohibited discrimination on the basis of sexual orientation in the workforce; however, it was defeated by a vote of 49–50.³² At the state and local level, only 12 states, the District of Columbia, and 124 municipalities have statutes banning sexual orientation discrimination in private employment. The states of Minnesota and Rhode Island, and 33 municipalities, include transgender people in anti-discrimination laws. But nearly two thirds of the US population still lives in jurisdictions in which there are no laws protecting them from discrimination based on sexual orientation.³³ This is in spite of the fact that Americans back sexual orientation nondiscrimination laws by a margin of two to one.³⁴

Clearly, welfare reform has had an impact on GLBT poor people. Much more research and documentation is needed in this area. Current policies and proposed expansions of welfare reform threaten the entire GLBT community, not just low-income GLBT people. The following chapters address proposals made by key Bush administration appointees, and a few key colleagues in conservative think tanks, on welfare reform and faith-based initiatives. If these proposals are implemented during the reauthorization of welfare reform in 2002, then single-parent families, gay and lesbian couples and their children, and other families that are not led by two heterosexual married parents will suffer significant hardship.

The Threat Welfare Reform Poses to All GLBT People

The intellectual roots of the fatherhood movement reach back to one exceptional public servant who spoke about the importance of fathers earlier, more often, and more eloquently than any other public figure—former United States Senator Daniel Patrick Moynihan of New York.

President George W. Bush,
speech to Fourth National Summit on Fatherhood,
Washington, D.C., June 7, 2001³⁵

The Personal Responsibility and Workplace Opportunity Reconciliation Act (PRWO-RA) is not only, or even primarily, about poverty policy. Welfare reform is also fundamentally about family policy and ideology—about promoting and privileging particular kinds of families, and about penalizing and stigmatizing others. In its most narrow form, it represents the social regulation of poor people. But the ideology and family promotion extend well beyond welfare and poverty policy, and threaten all members of the gay, lesbian, bisexual and transgender community.

President Bush's positive portrayal of the 1965 Moynihan report on *The Negro Family: A Case for National Action* indicates how full-circle the debate on poverty has come. From the Moynihan report through the debates about same-sex marriage and welfare dependency 30 years later, a common thread can be found. Like its intellectual antecedent, the Moynihan report, the welfare reform act and its attendant legislation present an analysis of what's wrong with American families, and prescribe a combination of sanctions and rewards to promote the recentering of heterosexual, married couple families with children in American cultural life. This flies in the face of the current demographic realities of the American family, in which 44 percent of American adults are not married, and married couples with children make up less than one-quarter of America's households, according to the 2000 Census.³⁶ While

From the Moynihan report on the black family through the debates about same-sex marriage and welfare dependency 30 years later, a common thread can be found.

married couples with children are 23.5 percent of US households—the lowest level ever—single mothers head 7.2 percent of households, single fathers 2.1 percent, and cohabiting partners, both same- and opposite-sex, head 5.1 percent of households.³⁷

The next four chapters take up the four elements of welfare reform that pose a particular threat to the entire GLBT community: 1) marriage promotion; 2) fatherhood initiatives; 3) abstinence-only-until-marriage education; and 4) the “charitable choice” faith-based initiative. The first three of these elements of welfare reform stigmatize GLBT people, especially lesbian and gay couples and parents, and all of these policies threaten efforts to guarantee GLBT people equality under the law. But before we address the specifics of these policies, it’s helpful to examine the common themes animating the public discourse on poverty over the past three decades and public discourse on gay rights—and especially same-sex marriage—in the 1990s.

THE HISTORICAL CONTEXT: MOYNIHAN’S “TANGLE OF PATHOLOGIES” AND THE MATRIARCHAL BLACK FAMILY

The debates over welfare reform and same-sex marriage, which peaked in the mid-1990s, were not the first to posit changing family structures as a fundamental threat to American society. Three decades before welfare reform, the ostensibly liberal Daniel Patrick Moynihan, then an advisor to President Lyndon Johnson, wrote a report which placed the blame for the persistence of African American poverty on an allegedly dysfunctional family structure within black communities.³⁸

Using quite inflammatory language, Moynihan claimed that the primary cause of the perpetuation of disenfranchisement and hardship within the African American community was “family deterioration”:

at the center of the tangle of pathology is the weakness of the family structure...it will be found to be the principle source of most of the aberrant, inadequate, or antisocial behavior that did not establish, but now serves to perpetuate the cycle of poverty and deprivation...the Negro family in the urban ghettos is crumbling...at the heart of the deterioration of the fabric of Negro society is the deterioration of the Negro family. It is the fundamental source of weakness of the Negro community at the present time.³⁹

The core problem facing the black family, Moynihan argued, was an alleged matriarchal structure in which black men were socially and culturally emasculated, and children corrupted, by the disproportionate influence wielded by women—“the inversion of traditional gender and sex relations between black men and women,” according to political scientist Dionne Benson-Smith.⁴⁰

Among the “real” causes of poverty and social problems within African American communities was the fact that “almost one-fourth of Negro families are headed by females,”⁴¹ Moynihan argued. Moynihan cited “[r]ecent psychological research...that children from fatherless homes seek immediate gratification of their desires far more than children with fathers present. Others revealed that children

The core problem facing the black family, Moynihan argued, was an alleged matriarchal structure in which black men were socially and culturally emasculated, and children corrupted, by the disproportionate influence wielded by women.

who hunger for immediate gratification are more prone to delinquency, along with less social behavior.”⁴²

At a point where US involvement in Vietnam was deepening, and black, Latino, and working class Americans in general were being sent to Southeast Asia in disproportionate numbers, Moynihan recommended military service to defeminize young black men:

Given the strains of the disorganized and matrifocal family life in which so many Negro youth come of age, the Armed Forces are a dramatic and desperately needed change: a world away from women, a world run by strong men of unquestioned authority; where discipline, if harsh, is nonetheless orderly and predictable, and where rewards, if limited, are granted on the basis of performance.⁴³

Having presented his analysis of the causes of entrenched poverty and alleged social dysfunction among African Americans, Moynihan called for “a national effort” coordinating various elements of federal policy “directed to a new kind of national goal: the establishment of a stable Negro family structure.”⁴⁴

Numerous scholars from the mid-1960s to the present have addressed the sexism, ethnocentrism, and paternalism of the Moynihan report. Others have noted the historical and economic reasons why African American family structures developed as they did.⁴⁵ We mention the Moynihan report here as a historical frame with which to understand the treatment of family issues under the welfare reform of the 1990s, and proposed expansions and modifications of welfare reform under consideration in 2001-2002.

Much of the rhetoric of the “fatherhood” movement and the “marriage movement” of the past decade is reminiscent of Moynihan’s warnings about the “pathology” of African American family structure, especially its “matrifocal” aspects. But while Moynihan understood that, at its core, black American poverty was caused by structural and institutional inequalities like racial discrimination (see endnote 38), the 1990s welfare reformers imply that female-headed households and the breakdown of marriage, along with other alleged cultural deficiencies of a dependent welfare “underclass,” are primarily to blame for the poverty so many families experience.

Since the 1960s a rhetorical progression has stigmatized anyone who does not conform to an alleged norm as a means of justifying differential and discriminatory treatment, instead of looking rationally at the functionality of many of these families. First it was African American family dysfunction, particularly in single-mother led families, but also in two-parent, heterosexual families. More recently the focus of social reformers has been single-parent families, unmarried couples, and same-sex couples seeking to marry.

The following similarities may be noted between Moynihan’s analysis of the causes of poverty and allegedly related social problems in the 1960s, and the claims put forth over the past half decade by welfare reformers:

- 1) the shift of the target of government intervention from the public (the political, economic and cultural structures and institutions which cause poverty and disenfranchisement) to the private (the family and the individual);⁴⁶ or,
- 2) the legitimation of expanding the public sphere (government agencies) into the private sphere (the family) as a condition for receiving government assistance;

- 3) the positing of family and individual pathology as a central cause of the persistence of poverty and social dysfunction;
- 4) the privileging of a recent, historically contingent, white, heterosexual model of family life—the married, heterosexual, patriarchal father-mother-children family model—as the norm against which all families are judged, and the proliferation of which is an explicit goal of public policy;
- 5) the pathologization of female-headed households, and the failure to see them as adaptive family structures which may provide relative safety and security, and which may be chosen as preferable to male-female-headed households due to a variety of reasons, such as domestic violence, or which may become necessary due to economic and social factors beyond any individual’s control;
- 6) the privileging of stereotypical male gender roles as the *sine qua non* of family composition, and the claim that it is a lack of masculinity and an adult male presence which causes family and child dysfunction in female-headed households.

LEGISLATING “FAMILY VALUES”: THE DEFENSE OF MARRIAGE ACT AND THE WELFARE REFORM ACT OF 1996

It is no accident that the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), and the Defense of Marriage Act (DOMA)—which denied federal recognition to same-sex marriages and declared states could refuse to recognize same-sex marriages performed in other states⁴⁷—were passed and signed into law within days of each other. Both welfare dependency and same-sex relationships were decried as a threat to an abstract construct of “the family”—read, the heterosexual, married family—which was posited as “the backbone of this country”⁴⁸ and “one of the essential foundations on which our civilization is based.”⁴⁹

It’s ironic that even as welfare reformers portrayed single mothers and cohabiting unmarried couples as selfish and narcissistic for *not getting married*, these same politicians and pundits denounced gay and lesbian couples as self-indulgent narcissists for *seeking to get married*. The common theme was that both unmarried straight people and same-sex couples create families that threaten the future of American, even western, civilization. Here are a few choice quotes from the DOMA floor debate on Capitol Hill:

“Throughout history, civilizations that have allowed the traditional bonds of family to be weakened, these civilizations have not survived.”⁵⁰

Rep. Ron Packard (R-CA)

“...as Rome burned, Nero fiddled, and that is exactly what [proponents of same-sex marriage] would have us do... The very foundations of our society are in danger of being burned. The flames of hedonism, the flames of narcissism, the flames of self-centered morality are licking at the very foundations of our society: the family unit.”⁵¹

Rep. Bob Barr (R-GA)

It is no accident that the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), and the Defense of Marriage Act (DOMA) were passed and signed into law within days of each other.

“We as legislators and leaders for the country are in the midst of a chaos, an attack upon God’s principles.”⁵²

Rep. Charles Canady (R-FL)

Similarly, during the national debate on welfare that started under the Reagan Administration and continues into the present, welfare recipients have been portrayed as lazy, self-indulgent individuals whose incompetence as parents threatens America’s social, cultural, and economic fabric:

“[T]he easy availability of welfare in all of its forms has become a powerful force for the destruction of family life through the perpetuation of a welfare culture.”⁵³

Reagan Administration report, 1986

“[A] substantial minority of the poor is suffering from something more than the low income familiar in family memory to most Americans. This new thing, which we have called behavioral dependency[,] is more like an inability to cope.”⁵⁴

American Enterprise Institute, 1987

“[B]ehavioral” poverty continues to grow “at an alarming pace.” Behavioral poverty, as opposed to material poverty, is defined as “a cluster of severe social pathologies including: an eroded work ethic and dependency, the lack of educational aspirations and achievement, an inability or unwillingness to control one’s children, as well as increased single parenthood, illegitimacy, criminal activity, and drug and alcohol use.”⁵⁵

Robert Rector, Heritage Foundation, 1994

“[T]he only job training that welfare recipients need is a good alarm clock.”⁵⁶

Mississippi Governor Kirk Fordice, 1995

In order to address this alleged dysfunctional and destructive “welfare culture,” PRWORA, or the welfare reform act of 1996, prioritized 1) marriage; 2) the reduction of out-of-wedlock births (i.e., births to unmarried mothers), in part through abstinence-only “sex education;” and 3) the reinsertion of fathers into families led by low-income single mothers, and the promotion of mother-father families as essential for the successful rearing of children. The entire first section of the welfare reform act, Section 101, is devoted to “the crisis in our Nation” of rising numbers of children dependent on welfare, increasing out-of-wedlock pregnancies and births, and the absence of fathers in the homes of 89 percent of the children receiving AFDC benefits. The first three findings of this first section state that:

- 1) Marriage is the foundation of a successful society.
- 2) Marriage is the essential institution of a successful society which promotes the interests of children.
- 3) Promotion of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children.⁵⁷

PRWORA attributes to the “crisis” of out-of-wedlock births to poor mothers a number of social problems among their children, including:

- the intergenerational transfer of welfare dependency;

Even as welfare reformers portrayed single mothers as selfish and narcissistic for not getting married, these same pundits denounced gay and lesbian couples as self-indulgent narcissists for seeking to get married.

- poor infant and child health;
- higher rates of child abuse and neglect;
- low levels of educational and vocational achievement;
- failure to get married or stay married as adults; and
- “higher rates of violent crime” in neighborhoods with high percentages of children and single-parent households.⁵⁸

PRWORA calls on states to develop programs, funded by the Temporary Assistance for Needy Families (TANF) block grants, to

- 1) “provide assistance to needy families,” as well as to achieve the following goals:
- 2) end the dependence of needy parents on government benefits by promoting job preparation, work and marriage;
- 3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numeric goals for preventing and reducing the incidence of these pregnancies; and
- 4) encourage the formation and maintenance of two-parent families.⁵⁹

As Anna Marie Smith notes, the welfare reform act “therefore places most of the blame for poverty—and indeed, for the entire reproduction of poverty—on what it regards as sexually irresponsible women...Wherever heterosexual women selfishly choose to engage in extra-marital sex or to leave their male partners (lesbians have been entirely erased from this imaginary scenario), they are engaging in behaviors that will ultimately impose unacceptable costs on the rest of society.”⁶⁰

THREATS TO GLBT PEOPLE MANIFESTED BY STATE EXPERIMENTATION AND THE PROPOSALS OF BUSH’S WELFARE REFORM TEAM

While the exact contours of the initiatives envisioned under welfare reform are still coming into view, there are clear indications of trends. One source of these trends consists of experiments undertaken by several states to promote marriage, fatherhood, abstinence until marriage, and faith-based provision of social services. The other involves the ideas of several architects of welfare reform, including Dr. Wade F. Horn, former president of the National Fatherhood Initiative and a leading voice of the “fatherhood” and “marriage” movements, who was recently confirmed as Assistant Secretary for Children and Families in the Administration for Children and Families, US Department of Health and Human Services.⁶¹ Horn served in the administration of George Herbert Walker Bush as Commissioner for Children, Youth and Families at the Children’s Bureau in the Administration on Children, Youth and Families.⁶² It is important to discuss Horn when discussing welfare reform and the reauthorization of PRWORA. In his new position, Horn has authority over welfare policy and other human services including child care, child support, and Head Start. Most importantly, he will have a big say in the debates over reauthorization of PRWORA.⁶³

Other key architects of the Bush Administration's welfare reform policies also shed light on where these initiatives may go. They are:

Andrew Bush: Director of the Office of Family Assistance, Dept. of Health and Human Services; described as HHS Secretary Tommy Thompson's "senior advisor on welfare."⁶⁴

Don Eberly: Co-founder, with Horn and Blankenhorn, of the National Fatherhood Initiative, and former director of the Civil Society Project; now deputy director, Office of Faith-Based and Community Initiatives, a new agency created by President George W. Bush in 2001.

David Blankenhorn: Co-founder, along with Horn and Don Eberly, of the National Fatherhood Initiative; member of NFI governing board; president, Institute for American Values; author, *Fatherless in America: Confronting Our Most Urgent Social Problem*.

Robert Rector: Senior research fellow at the Heritage Foundation who is described by the *San Francisco Chronicle* as "one of the authors of the welfare reform act" of 1996.⁶⁵

"The welfare reform act places most of the blame for poverty—and indeed, for the entire reproduction of poverty—on what it regards as sexually irresponsible women."

—Anna Marie Smith

There are also numerous policy ideas contained in two books, one co-edited by Wade Horn along with David Blankenhorn and published in 1999, and the other written by Don Eberly published in 1998.⁶⁶ We examine these ideas, too. As Blankenhorn noted in his introduction to the book he co-edited with Horn, titled *The Fatherhood Movement: A Call to Action*:

Most of these authors know and respect one another. Many of them actively work together and influence one another's ideas, either formally, through organizational ties, or informally, through regular talking to one another, sharing research, or debating strategy.⁶⁷

Thus it is fair to surmise that, were they given free rein, Horn and his fellow welfare reformers would implement the policies described in the next four chapters.

Marriage Initiatives

PRIVILEGING HETEROSEXUAL MARRIED COUPLES AND THEIR CHILDREN AND EXCLUDING OTHER FAMILIES

The Marriage Movement is an assemblage of organizations and individuals, some secular and some religious, which deceptively presents itself as tolerant and multicultural. Instead, it promotes a highly reactionary agenda. The Marriage Movement seeks to restrict access to certain tax-funded benefits to married heterosexual couples, stigmatize divorce and second marriages, and make it harder for people to get divorced.

David Blankenhorn, one of the leaders of the Marriage Movement and a cofounder, along with Wade Horn and Don Eberly, of the National Fatherhood Initiative, urges “marriage leaders, . . . state legislators,” and others to “work hard” to “change state laws regarding the legal dissolution of marriages in the United States.” Such changes should include “longer waiting periods combined with mandatory counseling” before the state would allow people to legally divorce.⁶⁸

Since 1997 three states have passed laws creating “covenant marriage,” in essence a higher-octane version of marriage that is harder to enter into and harder to leave.⁶⁹ The Heritage Foundation’s Robert Rector says such marriages “allow couples to flourish in lifelong marital commitment.”⁷⁰ The Marriage Movement’s statement of principles portrays second marriages as intrinsically flawed and doomed to fail both the married couple and any children they may have: “research has shown that remarriages are no happier, on average, than first marriages, and are even more divorce-prone. Even when parents remarry, their children do no better, on average, than children raised by single parents, and both do worse on all measures than children raised by their own two married parents.”⁷¹

The Marriage Movement is sponsored by three organizations: the Institute for American Values, a New York-based think tank which serves as home to conservative writers Maggie Gallagher and David Blankenhorn; the Coalition for Marriage, Family and Couples Education, a Washington-based organization which aims to “strengthen

Since 1997 three states have passed laws creating “covenant marriage,” in essence a higher-octane version of marriage that is harder to enter into and harder to leave.

[heterosexual] marriage” and which sponsors the annual “Smart Marriages” conference; and the Religion, Culture, and Family Project at the University of Chicago’s Divinity School. Its manifesto can be found at www.marriage-movement.org.

The Marriage Movement claims to be made up of “people of faith...agnostics and humanists...liberals and conservatives,” and counts among its founding supporters the liberal editor of *Tikkun* magazine Rabbi Michael Lerner, along with David Blankenhorn, Don Eberly (now deputy director of Bush’s Faith Based Initiative), Wade Horn, and conservative academics Jean Elshtain, Francis Fukuyama, David Popenoe, and others. But its politics are profoundly reactionary. While it claims to have the best interests of gays and straights in mind, the Marriage Movement poses a particular threat to same-sex couples, who are not able to marry by law.⁷² Marriage proponents, including Horn and Bush, have suggested providing some benefits now granted to cohabiting two-parent families on welfare only to married couples, and prioritizing married couples and their children for “limited supply” benefits like Head Start slots, low-interest student loans, and public housing units.

Marriage proponents have suggested prioritizing married couples and their children for benefits like Head Start slots, low-interest student loans, and public housing units.

THE RATIONALE FOR PROMOTING MARRIAGE

Supporters of the Marriage Movement blame poverty on the decline in married-couple families in the US and the rise in single-parent led families and cohabiting adults. For example, the Heritage Foundation’s Robert Rector writes, “This collapse of marriage is the principle cause of child poverty and a host of other social ills...[including] welfare dependence, and underclass pathologies...” The Marriage Movement’s “Statement of Principles” blames “changes in family structure” for most poverty spells.⁷³ They posit marriage as the most effective solution to poverty.

According to Horn,

[m]arried adults, women as well as men, are happier, healthier, and wealthier than their unmarried counterparts...Marriage is our most vital institution, the seedbed from which healthy children and, ultimately, a healthy society spring. It is no accident that communities with lower marriage rates have higher rates of social pathology.⁷⁴

Horn faults state and the federal governments for having done little to promote marriage or prevent and reduce out-of-wedlock births.⁷⁵ Horn believes that the old welfare system discouraged marriage and contributed to the prevalence of out-of-wedlock births, especially among low-income women. He strongly supports using welfare reform to start reversing the “widespread trend” towards fatherlessness and children born to unmarried parents.⁷⁶

Horn makes it clear that the government should not only “encourage the formation and maintenance of two-parent families,” as PRWORA states, but also promote marriage, as the law states numerous times. Two-parent, cohabiting families who are not married are not sufficient to address the social pathologies caused by the decline in marriage rates, Horn argues, which he attributes to shifting cultural norms since the 1960s, and tax and welfare policies which penalize or discourage marriage. Referring to PRWORA, Horn asks:

But does ‘two-parent families’ mean married families or simply families with two involved parents, whether or not they are married or even living together? This lack of clarity has allowed states to skirt the issue of marriage. In fact, late in 1999 the Clinton Administration issued *A Guide on Funding for Children and Families* through the TANF program. The guide broadly interpreted two-parent families to mean not only married families, but also unmarried, separated, and divorced parents, whether living together or not. As a result, states can say they are fulfilling the purpose of TANF by, for example, encouraging visits by noncustodial parents.⁷⁷

Clearly, Horn disapproves of Clinton’s inclusive definition of family, and supports tightening restrictions to prevent states from “skirting the issue of marriage.”

DOES THE RISE IN NONMARITAL BIRTHS CAUSE POVERTY? NOT NECESSARILY

Does the relative rise in nonmarital births in the late 20th century cause poverty in the US? Not necessarily. Studies indicate that public policy toward single-parent families is the more likely culprit. Rates of out-of-wedlock births are higher in several northern European countries, but poverty is much lower. For example, Sweden, Norway, and Denmark have nonmarital birthrates of 47 to 54 percent. Britain’s rate of 34 percent and France’s rate of 37 percent are also higher than the US rate of 32 percent. But poverty rates in these countries are much lower.⁷⁸

A late 1980s study of poverty differences between single-parent and married couple families with children found that, in several countries with generous social safety nets, the differences were not significant. In Sweden, 5.5 percent of single-parent families were poor, versus 5 percent of married couple families. In the Netherlands the difference was 7.2 percent versus 7.5 percent; in France 10 percent versus 15.8 percent, and in Britain 16.6 percent versus 18 percent. In the US, however, the differences were dramatic: 17.9 percent of married couple families with children were poor, versus 53.3 percent of single-parent families with children. This indicates that the poverty gap is not an inevitable state of affairs, but the result of particular public policy choices which vary from country to country.⁷⁹

HOW IS MARRIAGE BEING PROMOTED BY THE STATES?

1. Financial Bonuses and Pro-Marriage Counseling

Horn cites approvingly the initiatives a few states have taken to financially reward TANF recipients who marry by giving them an extra bonus. Oklahoma proposes to use \$10 million from TANF funds to launch an initiative aimed at reducing the state’s divorce rate by one-third by the year 2010. In West Virginia, \$100 has been added to a family’s monthly payment if parents are married and living in the same house. The state of Arizona created a Marriage and Communication Skills Commission with \$2.9 million of its TANF dollars. This commission works with community-based organizations

to train low-income married couples and counsel couples contemplating marriage in healthy communication skills. The commission has also produced a marriage handbook.⁸⁰ But just a few months prior to publishing a positive description of state marriage promotion efforts in the *Brookings Review*, Horn expressed impatience with states for their alleged abject failure to do anything about marriage: “No state, however, has implemented any serious effort to encourage the formation and stability of families with married parents,” Horn wrote.⁸¹

Robert Rector, one of the authors of the 1996 welfare reform act and a likely author of its reauthorization in 2002, urges Congress to mandate that states offer “promarriage counseling...to all pregnant women and unmarried mothers receiving Medicaid services.”⁸²

Just as the 25 percent sanction in TANF benefits for mothers who fail to identify the father is particularly unfair to lesbians, same-sex couples and single lesbian or gay parents are not eligible for the cash bonuses states are offering in exchange for marriage. It is also possible that lesbian, gay and bisexual welfare recipients may feel forced to enter into unhappy marriages for economic reasons due to these policies. Promarriage counseling which promotes heterosexual marriage as the preferred norm also implicitly denigrates same-sex unions and promotes heterosexism, if not homophobia.

In West Virginia, \$100 has been added to a family’s monthly payment if parents are married and living in the same house.

2. Marriage Prep Classes

In 1998 Florida’s legislature passed a “marriage preparation and preservation act” which mandates marriage skills classes at high schools across the state. A number of local school districts have also mandated such marriage skills training. A Butler, New Jersey high school offers a highly popular “wedding course” in which opposite-sex pairs of students plan and conduct a pretend wedding and reception, complete with a church ceremony, tuxedos and gowns.⁸³ As of 1998, schools in at least 47 states were teaching courses on marriage and relationships. The American Federation of Teachers complains that “there is not enough time to do an adequate job of teaching math, reading and science. Loading this stuff on teachers is ridiculous.”⁸⁴ But others want to see such programs expanded during welfare reform authorization in 2002. Robert Rector of the Heritage Foundation urges Congress to specify that “at least 10 percent of all federal TANF funds” be spent on “specific promarriage activities,” including such courses.⁸⁵

Robert Rector of the Heritage Foundation urges Congress to specify that “at least 10 percent of all federal TANF funds” be spent on “specific promarriage activities.”

These classes stigmatize children from the tens of millions of families which don’t fit the purported norm of a married, two-parent family with children. Most Americans don’t live in mother-father “traditional family” households. According to the March 1998 *Current Population Report* of the US Census Bureau, only 36% of American families consist of married parents with children under 18.⁸⁶ These classes also promote heterosexism.

WHAT NEW INNOVATIONS MIGHT WE EXPECT FROM GEORGE W. BUSH'S ADMINISTRATION?

1. Impact on Adoption: Coercing Poor Mothers and Banning Lesbian and Gay Parents

Proposals advocated by Horn would return the US to an era when single mothers were stigmatized and coerced to give up their children for adoption. Horn would also make it very difficult for lesbian or gay couples, or single parents of any sexual orientation, to adopt. A key goal of the 1996 welfare reform act (PRWORA) is to “prevent and reduce the incidence of out-of-wedlock pregnancies.”⁸⁷ Horn has advocated that when births do occur out-of-wedlock, adoption should be encouraged as a “first option rather than a last resort.”⁸⁸ He advocates the use of TANF block grants to “increase the number of maternity homes available to unwed mothers who choose adoption” and a preference for married couples in the adoption process:

To strengthen marriage, we will have to provide preferences for marriage in every aspect of public policy. This includes adoption. Whenever more than one potential adoptive home is available, *preference should be given to the married-couple household*. Recently, Governor Wilson of California went even further, proposing regulations requiring adoption agencies to state to courts that *placing a child with unmarried parents is not in the child's best interest*. (emphasis added)⁸⁹

“To strengthen marriage, we will have to provide preferences for marriage in every aspect of public policy. This includes adoption.”

—Wade Horn,
Assistant Secretary,
Department of Health and
Human Services

Horn also cites approvingly the Louisiana legislature's efforts to establish a “Council on Marriage” to evaluate policies and programs “to assure that government does not undermine or discourage the institution of marriage.” Among the council's proposed initiatives is an effort to help the Department of Social Services (the state's foster care agency) and the Department of Health and Hospitals to coordinate efforts to “promote two-parent families anchored in marriage for the rearing of children.” This implies Louisiana's DSS may adopt regulations favoring married, heterosexual foster parents, or even limiting potential foster parents to this pool.

Although adoption policy is usually made at the state level, suggestions that the federal government may encourage states to prioritize married heterosexual couples pose a major threat to potential lesbian, gay, bisexual and transgender parents and those who are already parenting who wish to formalize their role.

More importantly, this threatens the well-being of hundreds of thousands of children waiting for adoption. Some 100,000 children are waiting to be adopted in the US. But in 1997 there were qualified adoptive parents available for only 20,000 of them. Approximately half a million children are in foster care in the US today.⁹⁰

Many adoption agencies already informally “prefer” married couples, but the need is so great that they cannot limit themselves. Standard adoption law practice is to engage in a case-by-case assessment of whether or not an individual or couple is suited to be a good parent. Marriage alone is an insufficient indicator of parental ability. A preference for married couples written into federal law could be misinterpreted as denying entire categories of individuals and couples consideration. The result could be that thousands of children languish in foster care or state care, while potential loving parents are denied the experience of raising children.

Adoption laws were expanded in the 1950s and 1960s to allow for single parent adoptions.⁹¹ Such expansions were necessary because while young white children were readily adopted, other children often languished in foster care awaiting adoption: older children, children of color, children with siblings, and children with special needs. Such children are overrepresented today among those awaiting adoption and foster care.

Children who languish in foster care for much of their childhood, as do tens of thousands of American children, are more likely to have emotional problems, delinquency, substance abuse, and academic problems. Some children in foster care live in 20 or more homes by the time they reach 18.⁹² Barring gay men and lesbians from adopting or foster parenting is not only unfair; it also decreases the number of potential homes for children awaiting a foster or adoptive parent. Elected and appointed governmental officials who insist that only so-called “traditional” families be allowed to adopt or foster parent are out of touch not only with the demographic realities of American society, but also with the needs of children awaiting adoption into loving homes.

Horn even endorses a proposal to grant a woman at risk of bearing a child out of wedlock \$1,000 a year for up to five years if she enters into and stays in a marriage.

2. Requiring States to Enact Policies that Encourage Welfare Recipients to Marry

Horn urges Congress to privilege marriage over cohabitation or visitation by divorced or separated parents, because “[w]hen it comes to improving the well-being of children, neither cohabitation nor visitation is the equivalent of marriage.”⁹³ Congress could do this by requiring states to indicate in their state plans how they plan to use TANF funds to promote marriage. It could require states to provide cash bonuses to married cohabitating couples on welfare, as West Virginia does, thereby “provid[ing] a cash bonus to single mothers on welfare who marry the child’s biological father.” Horn even endorses a proposal by Rector to grant a woman at risk of bearing a child out of wedlock \$1,000 a year for up to five years if she enters into and stays in a marriage.⁹⁴

3. Privileging Married Couples and Their Children Over Other Families in Non-Welfare, “Limited Supply” Services

Horn and Andrew Bush, now Health and Human Services Secretary Tommy Thompson’s senior advisor on welfare policy issues, called for even more radical forms of privileging married couples in a 1997 report published by the Hudson Institute. Enrollment slots in the Head Start preschool program, public housing units, job training programs, financial aid for education—such as low-interest government loans and Pell grants—and other “limited-supply benefits” should not be given on a first-come, first-served basis to low-income families, as they are now, Horn and Bush argue. Instead:

If we are serious about encouraging marriage and, by extension, fatherhood, we should make these limited-supply benefits available first to married, two-parent families. Only after all income-eligible married, two-parent families are offered the benefit should it become available for income-eligible, single-parent families.⁹⁵

The prioritization of married couple families for benefits in short supply means, in effect, the denial of these benefits to parents who choose not to marry or, in the case of same-sex couples, are denied the right to marry by the government. Horn and Bush

later urge that this exclusion be explicit for some welfare benefits, directing Congress to “require that participants be married, and not just cohabitating, to qualify for two-parent family benefits.”⁹⁶

Echoing Horn and Bush, in 1998 a coalition of mostly conservative policy analysts issued “A Call to Civil Society,” which recommended that states “establish preferences for low-income married couples in the distribution of limited, discretionary benefits such as public housing units and Head Start slots.” This statement was signed by former head of Bush’s Office of Faith-Based and Community Initiatives John DiIulio, the office’s Deputy Director Don Eberly, Senator Joseph Lieberman, conservative academics Francis Fukuyama and Glenn Loury, and nominally liberal academic Cornel West.⁹⁷

While Horn has since distanced himself from his call for privileging married couple families in the distribution of limited supply benefits, signers of the Institute for American Values’ “Call to Civil Society” who called for the same thing have not publicly changed their positions.⁹⁸ And others in conservative think tanks, like Leslie Lenkowsky at the Hudson Institute, have advocated this policy.⁹⁹ Horn continues to support the privileging of married couple-headed families in other ways.

David Blankenhorn is not currently in the Bush Administration, but like Robert Rector and others, he wields influence over the Bush Administration’s social policies. Blankenhorn is also a close associate of Horn and Eberly.¹⁰⁰ Blankenhorn asks, “why not give priority in public housing to married couples? Over a five-year period, the US Department of Housing and Urban Development should pursue an explicit policy aimed at tilting the balance in public housing decisively toward married couples, especially married couples with children.”¹⁰¹

Blankenhorn even goes further, urging Congress to pass a resolution vowing to review any proposed domestic legislation on the criterion of “whether it will strengthen or weaken the institution of marriage.”¹⁰² Such a law could be interpreted to prevent states from offering any benefits, even noneconomic ones, to same-sex couples and unmarried heterosexual domestic partners. There is a precedent for this: a ballot measure adopted in Nebraska last year, which outlawed domestic partnership, civil unions and same-sex marriage, has been interpreted by the state as outlawing second-parent adoption.

Such proposals also disproportionately threaten Latino and African American families, which are more likely than other families to be headed by single parents. Nearly two-fifths of black families with children, and one quarter of Latino families with children, are headed by single parents. This compares with only 11 percent of white non-Hispanic families with children, according to the 2000 Census.¹⁰³ Black and Latino families are also disproportionately poor, and therefore disproportionately in need of limited supply services like Head Start slots and low-interest financial aid. Policies that discriminate against unmarried families could be devastating to communities of color in the United States.

The prioritization of married couple families for benefits in short supply means the denial of these benefits to parents who choose not to marry or, in the case of same-sex couples, are denied the right to marry.

4. Making Women Dependent on Men as an Incentive to Marriage

Wade Horn, Andrew Bush, Leslie Lenkowsky, Don Eberly and other conservative architects of welfare reform's marriage promotion policies posit a conflict between pushing single mothers into the workforce, in order to become economically self-sufficient, and the goal of marriage promotion. They argue that if women improve their own financial situation, they may have less interest in marrying men poorer than themselves. Horn and Bush warn:

Increasing the workforce attachment of single-mothers also has some drawbacks. There is evidence that women, and especially women living in low-income communities, are reluctant to marry males whom they consider to have lower economic prospects than themselves. Hence, increasing the earnings of single-mothers, especially in communities with high rates of male unemployment, may inadvertently decrease the probability of their marrying.¹⁰⁴

Lenkowsky agrees that the "welfare reform bill may, ironically, make matters worse...the main thrust of the legislation is to assist mothers—who head most of the households receiving welfare benefits—to go to work. If it succeeds, *these women may have even less need for the fathers of their children than they do now.*"¹⁰⁵ (emphasis added)

Don Eberly et al. decry the fact that "[t]oo often in welfare reform, the priority of economic self-sufficiency for single mothers has overshadowed the priority of strengthening fragile families."¹⁰⁶

Since conservative welfare reformers prioritize the goal of marriage promotion over any of the other stated goals of welfare reform, these warnings are especially pregnant with policy implications. Lenkowsky agrees with Horn and Bush that policies which privilege married couples over unmarried individuals in limited-supply social programs may counter the disincentive to marry posed by financial self-sufficiency.¹⁰⁷

Horn clearly believes that a single-mother who achieves economic self-sufficiency after leaving welfare is still no ideal. In his regular *Washington Times* column on fatherhood, Horn wrote that "fathers ought to be the primary providers for their families...That may not sit well over at the offices of 'Extreme Feminists of America,' but the notion that fathers are largely responsible for the financial security of their families has been a reality for generations," Horn wrote.¹⁰⁸ In another column, Horn defended the Southern Baptist Convention's statement that wives should submit to their husbands, by quoting from the New Testament that "the husband is the head of the wife just as Christ is the head of the church."¹⁰⁹

Conservative welfare reform proposals regarding unmarried fathers are inconsistent in another way, too. While on the one hand reformers want women to become increasingly dependent upon men, and to bring fathers back into the lives of estranged girlfriends/partners and children through the provision of child support and parenting responsibilities, at the same time they promote policies which make it harder for single fathers to earn a living to help provide for their children and their children's mother. Although the focus of welfare reform often involves regulating, rewarding and punishing the reproductive and marital decisions of low-income mothers, Horn and Bush pro-

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pose a sanction for unwed fathers as well. Urging the expansion of welfare-to-work programs to include low-income men, they urge Congress to “privilege married fathers first, non-fathers second, and unwed fathers last.”¹¹⁰ Eberly et al.’s “Call to Civil Society” also calls on states to “expand their welfare-to-work programs to include low-income males, especially those who are married fathers.”¹¹¹ This implies that given the limited nature of this service, it should be offered by priority to married men. This vicious cycle of punishment is bad policy for kids and adults and would hamper the attainment of other goals of welfare reform.

CONTEXT: ATTACKS ON LESBIAN AND GAY PARENTING RIGHTS, AND ATTACKS ON SAME-SEX MARRIAGE

Horn, Bush, and others never explicitly mention same-sex unmarried couples, or single gay or lesbian parents, in their analysis of what’s wrong with America’s low-income families. But their privileging of marriage as a prerequisite to accessing rights, benefits and services assumes heterosexuality, and takes place in a political environment in which marriage rights for same-sex couples and the right to serve as adoptive or foster parents are under attack in states across the US, as well as on the floor of Congress.

There are now four states that ban adoption and/or foster care by lesbian and gay people: Utah (which allows only married couples to adopt or serve as foster parents), Mississippi (which bans same-sex couples from adopting), Florida (which disqualifies homosexual individuals from adopting), and Arkansas (which bans gay men and lesbians as foster parents by agency regulations). Attempts to legislate a ban on gay foster parents in Arkansas during the 2000 legislative session were defeated. Anti-gay adoption or foster care bills were also killed in Indiana and South Carolina over the past two years. But Utah and Mississippi adopted their regulations during the past two years, and a federal judge in Florida just upheld Florida’s ban on gay adoption.¹¹²

There are now four states that ban adoption and/or foster care by lesbian and gay people.

Some 34 states have passed bans on same-sex marriage since 1995, and the federal government adopted the Defense of Marriage Act (DOMA) in 1996, although President Clinton said he regarded the bill as “unnecessary and divisive.”¹¹³ DOMA gave states the freedom to refuse recognition of marriages between same-sex couples, and defines marriage and spouse as exclusively opposite-sex for the purposes of federal law.¹¹⁴

Horn maintains, “marriage is our most vital social institution.”¹¹⁵ Implicitly referencing the push for same-sex marriage rights, Horn urges Congress to:

begin to rebuild cultural norms surrounding marriage. It is naïve to think that a welfare program designed to encourage marriage will succeed within a broader cultural context that regularly and consistently denigrates marriage. The next phase of welfare reform also must begin to change the broader social-cultural understanding of marriage and its importance to children, families, and communities. One way to do so is to earmark some of TANF funds for a broad-based public awareness campaign to publicize the importance of marriage and the skills necessary to form and sustain healthy marriages.¹¹⁶

Since Horn's recommendations, and most likely those from other conservatives and liberals alike, will in some way incorporate marriage into the reauthorization of PRWO-RA, it is important to discuss the impact marriage—and our inability to access this civil institution—has on those in same-sex relationships. The inability of same-sex couples to marry has significant financial and other implications.

The current lack of legal recognition of same-sex relationships causes special problems for same-sex couples, both when their relationships are blossoming and also in those cases when they dissolve. Being denied the freedom to marry means that same-sex couples are excluded from at least 1,049 protections, benefits and responsibilities in federal law, according to a 1997 General Accounting Office report to Congress.¹¹⁷ Same-sex couples are denied Social Security survivor benefits and spousal benefits, at a cost of at least hundreds of millions of dollars a year. Unequal treatment under pension and 401(k) regulations also costs us substantial amounts of money which could provide for economic security in retirement.¹¹⁸ Hundreds of other local, state and private sector benefits, responsibilities and protections are also denied same-sex couples.¹¹⁹

Same-sex couples are sometimes torn apart by law, for example, when immigration laws fail to recognize a domestic partner as a family member. And while an increasing number of municipalities and corporations are offering domestic partner benefits for employees in committed same-sex relationships, many such policies are under attack from right-wing activists. Anti-gay activists in more than a dozen municipalities have launched legal challenges to domestic partner benefits programs. Programs in four municipalities—Atlanta, Minneapolis, Boston and Arlington, VA—had been overturned, while several more remain in litigation.¹²⁰

Fatherhood Initiatives

*America is becoming a nation of bastards.*¹²¹

David Murray, Heritage Foundation anthropologist,
writing in *Policy Review*, Spring 1994

WHAT IS THE “FATHERHOOD MOVEMENT” AND WHY SHOULD WE CARE?

The fatherhood movement promotes married, heterosexual couple-led families as the only families capable of raising healthy children. Although it presents itself as compassionate, this movement poses serious threats to GLBT people, especially lesbian parents.

The fatherhood movement dates its origin to Vice President Dan Quayle’s criticism of television character Murphy Brown for deciding to have a child as a single mother. Soon after Quayle’s comments and the ensuing controversy, the National Fatherhood Initiative was founded in 1994 by Wade Horn, David Blankenhorn, and Don Eberly.¹²² Although President Clinton viewed fatherlessness as “the biggest social problem in our society,” it is under the presidency of George W. Bush that the National Fatherhood Initiative is in line to receive or influence the distribution of hundreds of millions in federal funds to promote its vision of fatherhood.¹²³ The US Department of Health and Human Services plans to spend \$64 million a year, or \$315 million over five years, to “strengthen the role of fathers in the lives of families” through helping low-income fathers and their families leave welfare, as well as through promoting successful parenting and marriage. HHS funds will also support the expansion of state and local fatherhood initiatives.¹²⁴ State-funded fatherhood initiatives were launched in Virginia in 1996, in Mississippi in 1998, and in Texas and Pennsylvania in 1999. The Pennsylvania initiative involved \$6.5 million in state funds. Pittsburgh also has a fatherhood initia-

tive. David Blankenhorn was a featured speaker at Mississippi's First Annual Responsible Fatherhood Summit in November 1998.¹²⁵

What started off as a conservative movement outside the context of government is now firmly entrenched in control of our government's family policy, both at the federal level and in many states. As noted, several former leaders of the so-called "fatherhood movement," led by the National Fatherhood Initiative, are now in key positions within the Department of Health and Human Services, in addition to Wade Horn. Don Eberly, a co-founder of the National Fatherhood Initiative, is now Deputy Director of the Office of Faith Based and Community Initiatives. Given John DiIulio's departure as head of that office, Eberly is temporarily running it and may soon ascend to direct it. Andrew Bush, co-author with Wade Horn of a 1997 piece calling for the preferential treatment of married couples and their children in access to limited-supply benefits such as student financial aid, is now a senior advisor on welfare policy to HHS Secretary Tommy Thompson. And others, like David Blankenhorn, president of the Institute for American Values, and William Mattox, Jr. of the Family Research Council, serve in an informal advisory capacity to their colleagues now inside the Bush Administration. In this chapter we examine some of the ideas put forth by these fatherhood activists and colleagues in books and manifestos they edited or signed onto.

While the fatherhood movement claims to represent a broad cross-section of American society, many of its prescriptions are profoundly reactionary. The fatherhood movement poses a direct threat to GLBT families, especially lesbian-headed families. It certainly threatens an increased stigmatization of lesbian and gay families, and especially lesbian families. But it may make lesbian and gay families harder to form in the first place. Hand-in-hand with marriage initiatives, fatherhood initiatives could make it harder for GLBT people and heterosexuals to leave unhappy marriages, adopt children, or become pregnant through donor insemination. A lesbian on welfare could also be forced to allow her child's father to coparent in order to be eligible for benefits, and could be particularly targeted by coercive attempts to force her to put her child or children up for adoption.

While the fatherhood movement largely ignores homosexuality, many of its spokespeople implicitly reference the emergence of a gay rights movement and lesbian and gay families in their critique of the sexual revolution and what Wade Horn calls "family relativism—the notion that all family structures are morally and socially equivalent, all equally deserving of support, and all equally good for children."¹²⁶ Several other essays in a book edited by Horn and published just two years ago, including one by the faith-based initiative's Don Eberly, make veiled, negative references to same-sex couple families. At least one essay in Horn's book attacks homosexuality as a pathological "center of addiction" caused by fatherlessness and akin to drug and alcohol abuse.¹²⁷

There is also a whiff of Christian exceptionalism in the fatherhood movement: Another essay in Horn's book posits Christianity as "uniquely provid[ing] a practical metaphysic for fatherhood."¹²⁸ This and other aspects of this essay, coupled with others' praise of the Promise Keepers, the Nation of Islam-organized Million Man March, and other conservative and patriarchal religious movements, raise concerns about how the faith-based initiative (described in Chapter VII) will be implemented.

Hand-in-hand with marriage initiatives, fatherhood initiatives could make it harder for GLBT people and heterosexuals to leave unhappy marriages, adopt children, or become pregnant through donor insemination.

The fatherhood movement reinforces the efforts noted in the last chapter on marriage initiatives, and in the chapter following this one on abstinence-only education. Blankenhorn argues that marriage and fatherhood promotion efforts are inextricably linked: “the two rise or fall together.”¹²⁹ David Popenoe connects fatherhood, marriage, and abstinence when he suggests that the state seek to “dampen the sexual revolution...Men and women should be encouraged to restrict their sexual activity to marriage or to relationships that may lead to marriage.”¹³⁰ It is important to analyze fatherhood initiatives as part of a complex strategy, deeply interconnected to marriage promotion, abstinence-only-until-marriage education, and “charitable choice.” For the GLBT community and others concerned about basic human rights and the separation of church and state, it is not an overstatement to characterize these policies as a threatening, many-headed hydra.

It is important to analyze fatherhood initiatives as part of a complex strategy, deeply interconnected to marriage promotion, abstinence-only-until-marriage education, and “charitable choice.”

THE BUSH ADMINISTRATION’S COMMITMENT TO FATHERHOOD INITIATIVES

The effectiveness and persuasiveness of the NFI, and similar organizations, is evident in the degree of support it receives from the current administration. President Bush and Health and Human Service Secretary Tommy G. Thompson have made fatherhood a national priority. The Department of Health and Human Services FY 2002 budget calls for \$64 million in 2002, and \$315 million over five years, to fund a Responsible Fatherhood Initiative.¹³¹ According to the Department of Health and Human Services, the first initiative would “promote fatherhood and healthy marriages.” Most of the money would go to faith-based and community organizations in the form of competitive grants to provide for “skills-based marriage and parenting education, job training and other services that help fathers provide emotional and financial support to their children.” The other initiative would provide competitive grants to faith-based and community organizations to help a child maintain contact with an imprisoned parent upon release only when it is deemed appropriate.¹³²

THE RATIONALE: FATHERHOOD AS “THE CORE OF THE UNIVERSE”

The fatherhood movement has predicated its existence on the claim that a father is necessary to the successful raising of a child. Fatherhood Initiatives posit father absence as the cause of poverty, juvenile delinquency, and other social problems, and promote “one idea: for every child, a loving, committed, and responsible father.”¹³³ Horn argues that “fathers make unique and irreplaceable contributions to the well-being of a child.”¹³⁴ “[M]oms and dads tend to parent differently,” Horn writes, with mothers being more verbal, cautious and soothing, while fathers are more physical, risk-taking, and unpredictable. Children who develop a healthy relationship with both their mother and their father “are more compassionate, secure, responsible, and self-confident.”¹³⁵ Though

Horn never explicitly mentions lesbian or gay parents, he writes, “children do better, on average, reared in married households than in any other living arrangements.”¹³⁶

“There is no greater threat to the long-term well-being of children, our communities, and our nation, than the increasing number of children being raised without a committed, responsible, and loving father,” wrote Horn and Andrew Bush in their 1997 article.¹³⁷

In addition to Horn, other scholars have articulated the intellectual underpinnings of the fatherhood movement. David Popenoe denounces a growing “human carnage of fatherlessness,” including “drug and alcohol abuse, juvenile delinquency, teen pregnancy, violent crime, sexual abuse, violence against women, and child poverty.”¹³⁸ Popenoe asserts that “the evidence is pouring in...that father absence is an independent causative factor of major proportions.”¹³⁹ However, critics say Popenoe and others have merely shown correlation, and have not proven causation.¹⁴⁰

As former president of the National Fatherhood Initiative (NFI) and one of the founders of the “fatherhood movement,” Horn led the largest organization in the country committed to promoting fathering and heterosexual marriage. The NFI’s supporters include current President George W. Bush, former Vice President Al Gore, and Senator Joseph Lieberman. NFI’s mission is to “improve the well-being of children by increasing the number of children growing up with involved, committed, and responsible fathers in their lives.”¹⁴¹ The group’s website speaks glowingly of Promise Keeper rallies and the Nation of Islam-organized Million Man March as evidence that “fatherhood is in the air.”¹⁴² The NFI and similar organizations attempt to restigmatize out-of-wedlock child births and end welfare dependency by low-income women by using marriage as the “obvious” and best solution to end poverty.¹⁴³

When homosexual issues are addressed head on, the approach is one which opposes and pathologizes homosexuality.

THE FATHERHOOD MOVEMENT’S ANTI-GAY POLITICS

The fatherhood movement is largely silent about homosexuality, though the issue is often referenced implicitly. When homosexual issues are addressed head on, the approach is one which opposes and pathologizes homosexuality.

In his essay in *The Fatherhood Movement: A Call to Action*, Horn writes that absent fathers and feminists should not be the enemy. Instead,

[i]f an enemy there need be, here is my candidate: family relativism—the notion that all family structures are morally and socially equivalent, all equally deserving of support, and all equally good for children.¹⁴⁴

Horn warns against “demean[ing] other family structures” when making the claim that married, father-mother families are the best environment in which to raise a child. One can do this and “still demonstrate compassion for the fatherless and provide support for widowed and abandoned mothers.” As we have seen, the “compassion” Horn and other conservative welfare reformers display for single-parent and unmarried two-parent families means, in effect, denying them benefits offered to married couple families.

There is other evidence of the fatherhood movement's hostility toward gay and lesbian families. David Popenoe writes that "government policies should privilege marriage... We can no longer afford to be neutral toward all alternative lifestyles."¹⁴⁶ Don Eberly also implicitly references lesbian and gay families when he writes:

the immediate consequence of 'expanding' the definition of family is that fathers are the first to be written out of the family script. When the cutting and pasting begins on the ever changing family portrait, it is the father who is typically thrown away... Durable social structures, including stable families, cannot be legislated into existence.¹⁴⁷

Eberly's last sentence can only be about same-sex couples seeking legal recognition through domestic partnership, civil unions, or marriage. No one is trying to "legislate" single-mother families "into existence." Blankenhorn warns that "we are losing our belief in the institution of marriage" by adopting some of the following looney ideas: "Make it more flexible. Reduce its privileged legal status and cultural influence. Describe it in high school textbooks not as an ideal but as one of many options."¹⁴⁸

Another essayist in Horn's volume on fatherhood urges us to "acknowledge that the precursor to fathering—and, for that matter, mothering—is a relationship with the opposite sex."¹⁴⁹

Of the dozens of weekly newspaper columns reviewed, in only one did Wade Horn explicitly address homosexuality. In this column Horn advised a concerned mother to continue to love her gay son. Though he did not take a stand on whether or not homosexuality is a choice, Horn raised this as a key question she needed to consider. He encouraged the mother to put her son in contact with groups that either encourage gays to be chaste, or seek to convert them to heterosexuality: Courage (a Catholic organization that encourages chastity), Exodus International, the National Association for Research and Treatment of Homosexuality, and Regeneration.¹⁵⁰ The latter three promote therapy that purports to "cure" homosexuality.

While the issue of homosexuality is largely ignored or only obliquely referenced in the fatherhood literature, one essay in Horn's book attacks it head on, constructing male homosexuality as pathological, misogynistic, and akin to substance addiction. Among several pathologies resulting from father absence is homosexuality, argues David Gutmann:

Men who have not separated psychologically from their mothers find it hard to enter into closeness with women... They believe it is better to look for good feelings in impersonal substances—booze and drugs... Multitudes of young men have recently discovered another, more drastic means for achieving social distance from their mothers, while at the same time avoiding fatherhood: the homosexual community. Again, like liquor bottles or drug vials, homosexual sex tends to be impersonal and its participants tend to be replaceable to each other. In the gay community, as with other centers of addiction, one can find pleasure without risking intimacy and the possibility of irreplaceable

"Durable social structures, including stable families, cannot be legislated into existence."

—Don Eberly

"If an enemy there need be, here is my candidate: family relativism—the notion that all family structures are morally and socially equivalent, all equally deserving of support, and all equally good for children."

—Wade Horn

loss. At the same time, distance has been gained from mothers. The homosexual world is a camp of men that excludes—even mocks and caricatures—the ‘breeders,’ the dangerous mothers.¹⁵¹

Gutmann deploys old tropes about the causes and nature of homosexuality that have been refuted for decades. It is deeply disturbing that this constitutes the only explicit mention of homosexuality in the manifesto of the fatherhood movement edited by Wade Horn.

THE FATHERHOOD MOVEMENT’S CHRISTIAN EXCEPTIONALISM

Because initiatives aimed at promoting fatherhood, marriage and abstinence will funnel hundreds of millions in public funds through religious organizations in coming years, the Christian exceptionalism expressed in one essay in Horn’s book *The Fatherhood Movement* is particularly troubling. Its author, Glenn T. Stanton, notes that while “[t]here are many faith traditions that are wonderfully instructive about fatherhood... [h]owever, Christianity and its doctrine of the Trinity uniquely provides a practical metaphysic for fatherhood.”¹⁵² This “script” or “meta-narrative” is something our fallen society has “lost and must recover.” Stanton constructs “the religious stream of the fatherhood movement” as exclusively Christian, “consisting of those working from the conviction of their Christian faith.”¹⁵³

“[L]ike liquor bottles or drug vials, homosexual sex tends to be impersonal and its participants...replaceable to each other.”

– David Gutmann, in Wade Horn’s 1999 book on fatherlessness.

Of four conceptualizations of fatherhood, including “the ‘Alan Alda’ father...highly compassionate, nonjudgmental, and intensely sensitive,” Stanton advocates for “the fourth view...what I would call the orthodox Christian view of God [which] I posit, is the more favorable conception...Our knowledge of the Father’s existence and His relationship with Christ the Son tells us we do not have to write the fatherhood script ourselves. We have a wonderful and perfect model to follow.”¹⁵⁴ Stanton argues that the fatherhood movement must be, by definition, a deeply patriarchal and monotheistic movement:

We’re not the point; none of us is. God is...The fatherhood movement can only succeed as it sees itself as something larger than merely a pragmatic social reform movement. It must see itself as an effort to connect men and society to what is metaphysically the core of the universe: fatherhood. Only then can men be properly motivated to become good fathers, and only then can fatherhood recover its full meaning.¹⁵⁵

The Christian exceptionalism expressed in one essay in Horn’s book *The Fatherhood Movement* is particularly troubling.

This essay, coupled with positive portrayals of the Promise Keepers, the Nation of Islam-sponsored Million Man March, and other patriarchal movements by Horn and others involved in the National Fatherhood Initiative, raises concerns about what role religion will have in fatherhood initiatives, and to what degree Christianity—the dominant religion demographically in the US—would be privileged over minority religions.

WHAT THE RESEARCH TELLS US ABOUT THE IMPACT OF DIFFERENT PARENTING ARRANGEMENTS ON CHILD DEVELOPMENT

We know the views espoused by Horn, Bush, Eberly, and others are widespread; to what extent are they valid? Scholars have disagreed with NFI's premise that it is always in the best interest of a child to be raised by two heterosexual, married parents. As sociologist Judith Stacey notes, "the current status of social scientific knowledge of the success of diverse family structures is far more complex, and the views of family scholars far more heterogeneous, than revisionists pretend."¹⁵⁶ For example, Silverstein and Auerbach contend the following:

[O]ur research with divorced, never-married, and remarried fathers has taught us that a wide variety of family structures can support positive child outcomes. We have concluded that children need at least one responsible, caretaking adult who has a positive emotional connection to them and with whom they have a consistent relationship...We share the concern that many men in US society do not have a feeling of emotional connection or a sense of responsibility toward their children. However, we do not believe that the data support the conclusion that fathers are essential to child well-being and that heterosexual marriage is the social context in which responsible fathering is most likely to occur.¹⁵⁷

In a comparison of five different family structures—families with adoptive children, two-parent families with biological children, single-mother headed families with biological children, families with a stepfather present, and families with a stepmother present—researchers concluded that there were no major differences in children raised by single mothers compared to the children raised in other household types. Specifically, children from single mother households did not report any differences in well being or parental relationships as compared to other children.¹⁵⁸

Judith Stacey and Timothy Biblarz recently published a piece in the *American Sociological Review* debunking the claim that heterosexual parents are more successful in raising children than lesbian or gay couples. A study by psychologists John Gottman and Robert Levenson found that same-sex couples were better at managing disagreements than heterosexual married couples. Because of this, there was less stress on the children of same-sex parents than on the children of opposite-sex parents.¹⁵⁹

In their literature review on lesbian and gay families with children, Patterson and Redding¹⁶⁰ concluded that the fears some have that children from families without fathers—such as lesbian families—will suffer “deficits” in personal development are without empirical support. In a study of psychosocial development among preschool and school aged children, Patterson reports:

[C]hildren of lesbian mothers' scores for social competence, internalizing behavior problems, and externalizing behavior problems differed significantly from the scores for a clinical sample but did not differ from the scores for a large normative sample of American children. Likewise, children of lesbian mothers reported gender-role preferences within the expected normal range for children of this age.¹⁶¹

Demo and Cox¹⁶² contend in their review of current research that the pattern is clear: family structure does not provide enough explanation to a child's well-being. When there is a difference, that difference tends to be weak.

When a woman becomes a single parent by virtue of divorce, poverty is often explained by discrepancies in gender-based incomes. According to Struening, "on average women make 75% of what men make."¹⁶³ For low-income women, child support payments¹⁶⁴ and even child care subsidies¹⁶⁵ usually are not enough to move these women out of poverty. Struening suggests:

If we want single-mother families to raise good citizens, we should focus on providing them with the resources and social supports they need. There are no simple solutions to the increase in the families without fathers or to low-income two-parent families whose children often also are at risk. Individuals growing up in poor families and poor neighborhoods face multiple challenges ranging from physical illness and drug addiction to lack of education and job opportunities. A marriage certificate does not begin to address these problems.¹⁶⁶

POLICY PROPOSALS AND POLICY IMPLICATIONS

Leaders of the fatherhood movement have made a number of specific proposals in the book co-edited by Wade Horn et al., and in other public fora. There are also often broad implications to their claims, which are discussed here.

1. Stigmatization of Lesbian and Gay Families, and Possibly A Threat To Their Very Existence

The fatherhood movement posits fathers as necessary for the successful raising of children. We believe that, for economic as well as other reasons, in many cases two parents may be better than one. We also think it's helpful for children to have many adult role models, including both male and female role models. However, we believe, and both the social science literature and personal experience document, that all kinds of families can provide loving and nurturing environments in which children can flourish.

The fatherhood movement poses a clear threat to lesbian parents when it calls fatherlessness "one of the greatest social evils of our generation," and advocates a father for every child—"[n]ot just the lucky ones, but every child."¹⁶⁷ Some in the fatherhood movement express hostility toward single-mother and lesbian parents, portraying them as self-indulgent ideologues who put their own happiness ahead of their children's well-being. Armin Brott writes in Horn's *The Fatherhood Movement*, "Despite what some politically-motivated social critics would have us believe, children being raised without fathers are *not* fine." Brott envisions a moment when only married couples are raising children: "in an ideal situation, marriage and parenting are inextricably interwoven..."¹⁶⁸

No one knows, of course, how far the fatherhood movement will go or wants to go, but GLBT activists should not dismiss out of hand the possibility that the state might at some point try to remove children from lesbian households. That, after all, is the logi-

"Any fatherhood movement worthy of its name must ultimately be guided by this overriding goal: loving fathers for all our children..."

—Wade Horn

cal conclusion of some of the fatherhood movement's claims and proposals, including statements made in its manifesto at the back of Horn's *Fatherhood: A Call to Action*. After repeating the goal of a father for every child, the "Call to Fatherhood" states:

The truth is that the contributions fathers make to the well-being of children are unique and irreplaceable. Consequently, we assert that *any fatherhood movement worthy of its name must ultimately be guided by this overriding goal: loving fathers for all our children...* We propose to reverse the deterioration of childhood by bringing back the fathers. (emphasis added)¹⁶⁹

2. Threats to Lesbian and Gay Adoption

The stark policy implications of the fatherhood movement's allegedly common-sensical claim that every child needs a father are reflected in George W. Bush's statements during the recent presidential campaign, in which Bush points to fatherhood as his rationale for opposing adoption by gay people:

I'm against gay adoptions. I believe children ought to be adopted in families with a woman and a man who are married...[S]ociety ought to aim for the ideal, and the ideal is for a man and woman to adopt children.¹⁷⁰

When a 1999 bill barring lesbians and gay men from adopting children or providing foster care was proposed in Texas, Bush would not say whether he supported it, but expressed his opposition to gay men and lesbians serving as adoptive or foster parents. The bill, which would have not only banned new adoptions, but would have removed children who were already in gay and lesbian homes, was not passed into law.¹⁷¹

Asked about whether children who are already being raised by gay or lesbian parents should be removed from those homes, Bush said, "I have no idea whether the children ought to be removed or not removed ... The question is whether I'm for gay adoption. And the answer is, I'm not."¹⁷² Later, Bush appeared to moderate this a bit: "I understand that sometimes a gay person, for example, will adopt a child, an individual. And I fully recognize that government, in a private way, and I fully recognize that government should not be a policeman knocking on doors, you know, demanding some kind of, you know, credential as to their sexual orientation."¹⁷³

However, such a police action actually occurred on Bush's watch as governor of Texas. In 1997 Texas Child Protective Services (CPS), the state's foster care system, removed a child from the foster home of a lesbian couple because "homosexual conduct is against the law in Texas," according to CPS Supervisor Rebecca Bledsoe. Until May 2000, when a Texas court struck down the law, the state's "homosexual conduct" statute criminalized homosexual sex as a Class C misdemeanor punishable by a \$500 fine. Bledsoe's lawyer explained, "Just as you wouldn't put a child into a family where there were known shoplifters or worse, you shouldn't put them into a place where they are expressly violating the law... The idea of having homosexual conduct modeled for a boy as he grows up, she didn't think was the best thing." Eventually CPS returned the boy to his foster home, and demoted Bledsoe.¹⁷⁴

"I have no idea whether the children ought to be removed or not removed ... The question is whether I'm for gay adoption. And the answer is, I'm not."

—George W. Bush

3. Conditioning Welfare Benefits on Paternal Involvement

In the section of Horn's book titled "A Few Ideas: Voices for Fatherhood," William Galston urges states to "experiment with conditioning some or all benefits on regular, significant paternal involvement with mother and child."¹⁷⁵ This prescription is problematic for several reasons. First, it may force mothers to involve abusive boyfriends they would be better off not having in their lives. Second, it assumes heterosexuality and ignores the desires of some women, who have "come out" as bisexual or gay, not to involve former boyfriends or partners in their lives. There are many legitimate reasons why a mother would choose not to allow her male ex-partner in her life. Unless the state agrees her reasons are legitimate, she and her child or children can be cut off assistance and left high and dry. Third, in the rare case of a lesbian who becomes pregnant through artificial insemination and later seeks welfare assistance, Galston's proposal does not accommodate her particular circumstance. She could be ineligible for assistance.

4. Using Welfare Benefits as an Incentive to Paternal Involvement

While the above proposal could be characterized as a "stick approach," another proposal is more "carrot-like." Michael Caracy and Irene Skidra propose that states grant noncustodial parents, who are usually fathers, access to benefits like food stamps, Medicaid and job training "in exchange for active involvement with their children."¹⁷⁶ While in most cases this may be a sound public policy, there would need to be safeguards put in place to protect the custodial parent and child from an abusive parent who seeks to reinsert himself into their lives in order to receive social benefits.

5. Restricting Fertility Services To Married Heterosexual Couples Only

Already many states deny access to fertility clinics to unmarried couples, and therefore, to lesbian couples or individuals seeking to parent. The Food and Drug Administration is considering a ban on sperm donations by gay men. Though few if any women on welfare would attempt to access a fertility clinic, due to the prohibitive cost, a further restriction of access to fertility clinics may become federal policy, if the goals of the marriage and fatherhood movements are enacted into law.

David Blankenhorn reserves particular vitriol for lesbian couples who choose to have a child with the help of a male friend or an anonymous sperm donor. In a chapter of his book *Fatherless America* titled "The Sperm Father," Blankenhorn writes, "The Sperm Father...is also a convenience father, the ideal solution for women who want to create manless families...[He] is also a fantasy father...for women, the fantasy of the little girl left alone to play with her dolls, no boys allowed."¹⁷⁷ Culturally, "the rise of the Sperm Father constitutes nothing less than father killing...represents the final solution."¹⁷⁸ Reiterating his claim that "every child deserves a father and that unwed childbearing is wrong," Blankenhorn calls for cutting off the use of fertility clinics as an option for prospective lesbian mothers and other unmarried women:

New laws should prohibit sperm banks and others from selling sperm to unmarried women and limit the use of artificial insemination to cases of married couples experiencing fertility problems. In a good society, people do not traffic commercially in the production of radically fatherless children.¹⁷⁹

"In a good society, people do not traffic commercially in the production of radically fatherless children."
—David Blankenhorn

6. Requiring Consent of Both Spouses in Order to Get Divorced

Both the “Call to Fatherhood” (signed by Horn, Eberly, Blankenhorn and others) and Eberly et al.’s “Call to Civil Society” decry the country’s too-lax divorce laws, and urge policymakers to make it harder to get married and get divorced. The “Call to Fatherhood” characterizes current US policy as one of “divorce-on-demand,” borrowing a phrase from the Right to Life movement, which denounces “abortion-on-demand.” “[I]n cases of contested divorces,” the Call to Fatherhood calls for “ending or restricting the unilateral right to divorce on demand.” In other words, two years ago current Bush Administration officials Horn and Eberly joined the Family Research Council’s William Mattox, Jr., fellow conservatives Marvin Olasky and David Blankenhorn, and others to call on the government to outlaw divorce unless both spouses grant their consent. They also call for extending waiting periods and mandatory counseling, also tactics of anti-abortion activists.¹⁸⁰

Mattox elaborates on this proposal in Chapter 15 of Horn et al.’s book, titled “A Few Ideas: Voices for Fatherhood.”

First, promote justice for ‘no-fault’ spouses. While ‘mutual consent’ is required for the marital union to be consummated, one spouse can end the marriage without the other’s consent—even if the spouse wanting out has no evidence of fault on the part of the other spouse. Legislation is needed to ensure that people who have met their public commitments are not taken advantage of in divorce and custody proceedings.¹⁸¹

This incredibly reactionary proposal, while framed as a matter of justice, could potentially trap millions of people in unhappy marriages, including thousands of GLBT people who don’t accept their sexuality until after they enter heterosexual marriages. It would likely lead to more unhappy and often abusive marriages, and less suitable homes for children—the exact opposite of its proponents’ stated intent.

7. “Jobs or Jail”

One proposal put forth in Horn’s *Fatherhood* book calls for jail for noncustodial fathers who can’t find work and refuse to participate in community service jobs.¹⁸² While we believe most noncustodial fathers should pay child support, we don’t think putting men in jail will move them any closer toward being able to provide for their children.

8. Banning Teen Parents from School Sports and Other Extracurricular Activities

Stephen Goldschmidt of Indianapolis suggests banning teen parents from school sports, while Don Eberly’s “Call to Civil Society” urges Congress to “repeal federal regulations preventing local school districts from punishing teen parents,”¹⁸³ supposedly through restricting access to extracurricular activities and perhaps even by quarantining them from the rest of the student body, to reflect the view that they are a social contagion. In our view such proposals would be highly counterproductive. If anything, teens get pregnant because they don’t access healthy alternative activities. Banning teen parents from sports, band or science club in order to punish and stigmatize them may reinforce self-destructive behavior, which is not in the interests of the teen parent or the child. It may also make it less likely that the teen parent will complete high school and get accepted into a good college, which would increase the parent’s chance of earning a decent living as an adult.

The “Call to Fatherhood” characterizes current US policy as one of “divorce-on-demand,” borrowing a phrase from the Right to Life movement, which denounces “abortion-on-demand.”

THE FLAWED PREMISES OF THE FATHERHOOD AND MARRIAGE MOVEMENTS

Fatherhood activists point to correlations between fatherlessness and nonmarriage, on the one hand, and poverty and social problems, on the other, and posit causation. But the social science research shows that it is not true that only married, heterosexual couples can successfully raise children. It is not true that children must have a father in order to become successful adults. Nor does the social science support the claim that the ideal family is one led by a heterosexual. Nor is there any evidence that children with unmarried, or lesbian/gay, or single parents suffer because of the structure of their family.

What is true and what is proven time and time again is that parental love, support, and ability to provide for a child's needs are key factors in predicting successful outcomes for children. These parental qualities know no gender, sexual orientation, race, economic class or biological connection. There are plenty of children from upper-income, two-parent families who are totally bereft of love and self-esteem, despite "having everything." There are plenty of children lucky enough to have one dedicated parent who—despite financial difficulties, limited time and the stress of being all things to their children—raises confident, successful children. And, there are plenty of children who, because they are raised by a gay or lesbian parent, grow up with a sense of compassion for those who face social prejudice.

Conservative voices have seized upon national uncertainty about the current historical transition of family and family structures. As we move from a society defined primarily by the nuclear family to one in which a plurality of family structures are visible through social science, the Census, and the world around, conservatives seek to turn uncertainty into fear by exaggerating and misrepresenting the impact of multiple family forms on children.

Promoting married, heterosexual families as the only acceptable ideal, and disproportionately channeling public resources to those families, puts government in the position of actively causing and promoting negative outcomes for children and families who do not conform. Such a policy is punitive, wasteful, short-sighted, and wrong. It will not succeed. Good fatherhood will not emerge from a marriage license. Children's well-being will not be promoted through marriages of convenience brought about by waiving thousand-dollar bonuses in front of poor women whose primary concern is feeding their children. Women's economic self-sufficiency will never be assured by coercion into economically dependent roles, from which many women only recently emerged. And the continued exclusion of lesbian and gay-headed households from the economic benefits that help ensure other families' well-being will serve only to put them and their children at economic risk.

Conservative voices have seized upon national uncertainty about the current historical transition of family and family structures.

Abstinence-Only-Until-Marriage Education

Another element of welfare reform which has a particular impact on gay, lesbian, bisexual and transgender people is the use of TANF (Temporary Assistance for Needy Families) funds for abstinence-only-until-marriage education. Ostensibly aimed at preventing teen pregnancy and out-of-wedlock births, abstinence education also serves to stigmatize homosexuality and GLBT people. The Personal Responsibility Act appropriated \$50 million a year for five years to support abstinence-only education. Acceptance of the funds, which are matched nearly one-to-one with state dollars, is contingent upon the education program's satisfaction of eight strict requirements.¹⁸⁴ As a result, some \$87.5 million per year in public funds have been spent over the past five years across the US on abstinence-only-until-marriage education, for a total of \$437.5 million.¹⁸⁵

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Five of the eight requirements of welfare reform's abstinence provision have a particular impact on GLBT people. Abstinence education funded through TANF:

- a) "Teaches abstinence from sexual activity outside marriage as the expected standard for all school age children.
- b) Teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems.
- c) Teaches that a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity.
- d) Teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects.
- e) Teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child's parents, and society."¹⁸⁶

WHAT'S WRONG WITH ABSTINENCE-ONLY EDUCATION

Before addressing the particular threat to GLBT people, it is important to note the threat abstinence-only education poses to young people in general. About a third of the nation's public schools do not provide sexuality education; of those that do provide sex ed, at least 35 percent limit it to abstinence-only education, prohibiting or distorting the distribution of information about contraception.¹⁸⁷ Research has shown that sex education which promotes the delay of first intercourse but simultaneously teaches safer sex practices is more effective than abstinence-only education. A World Health Organization review of 35 sex education programs around the world documented the relative ineffectiveness of abstinence-only education in stemming the spread of sexually-transmitted diseases.¹⁸⁸

A report released by US Surgeon General David Satcher in early 2001 also questioned the effectiveness of abstinence-only education. Satcher noted that there has been little research to demonstrate the effectiveness of this particular type of instruction. More comprehensive education programs that also provide information on condom use have proven effective in stemming disease transmission and pregnancy among already sexually active youth. Yet safer sex education has not been shown to increase or hasten sexual activity among youth. According to Satcher:

To date, there are only a few published evaluations of abstinence-only programs. Due to this limited number of studies it is too early to draw definite conclusions about this approach. Similarly, the value of these programs for adolescents who have initiated sexual activity is not yet understood. More research is clearly needed.

Programs that typically emphasize abstinence, but also cover condoms and other methods of contraception, have a larger body of evaluation evidence that indicates either no effect on initiation of sexual activity or, in some cases, a delay in the initiation of sexual activity. This evidence gives strong support to the conclusion that providing information about contraception does not increase adolescent sexual activity, either by hastening the onset of sexual intercourse, increasing the frequency of sexual intercourse, or increasing the number of sexual partners. In addition, some of these evaluated programs increased condom use or contraceptive use more generally for adolescents who were sexually active.¹⁸⁹

THE CHILLING EFFECT OF ABSTINENCE: DEFUNDING HIV PREVENTION

Initial indicators are that PRWORA's abstinence-only provisions have had a chilling effect on discussion of homosexuality in the nation's schools, and on sex education efforts aimed at stopping the spread of sexually-transmitted diseases (STDs) and teen pregnancy. As of 1999 nearly one third of the nation's high schools were promoting abstinence-only, while excluding information about contraception and safer sex education.¹⁹⁰ A study of 42 states plus Puerto Rico and the District of Columbia found that more than 10 percent of the abstinence-only funds had been granted to "faith-based entities" in 22 states.¹⁹¹ A further 40 percent of the funds were spent through other private, but nonreligious, entities.¹⁹² Twenty-eight of the

42 state and territorial jurisdictions sampled prohibited organizations providing abstinence-based education from providing information on contraception and STDs if asked by a student or other client. A further five jurisdictions provided no guidance one way or the other.¹⁹³

There are a number of reasons to believe the percentage of schools opting out of sex education continues to increase. For example, Nebraska has decided not to reapply for HIV prevention grants from the Centers for Disease Control and Prevention (CDC) because HIV prevention has traditionally combined abstinence promotion with safer sex education. Since 1997 Nebraska has limited all state-sponsored sex education to an abstinence-only-until-marriage message. Until this year, the CDC-funded HIV prevention program was exempted from this limitation. But following lobbying from the National Abstinence Clearinghouse, Nebraska's Education Commissioner decided not to reapply for CDC funds.¹⁹⁴

Ohio also failed to use CDC funds awarded to the state's Department of Education for HIV prevention and other health goals. In 1998 state legislators passed a law preventing the department from spending the funds until it agreed they would only be used to teach abstinence. More than two years passed and an agreement between the department and the legislature was not worked out. Language that would have required programs to "emphasize" abstinence, but not limit their approach only to abstinence education, was rejected by hardliners. As a result, \$1 million in CDC funds was forfeited. Only 10 percent of those CDC funds were earmarked for HIV prevention; the rest were for other health initiatives, including tobacco use prevention, diabetes, and cancer prevention.¹⁹⁵

The Northern Kentucky Independent District Health Department also voted this year to limit sex education efforts paid for with state dollars to the abstinence-only-until-marriage approach.¹⁹⁶ The New Jersey and Maine legislatures considered bills which would mandate abstinence-only education in those states' public schools.¹⁹⁷ Florida Governor Jeb Bush announced in March 2001 that he wanted to take \$1 million in state funds for family planning services at health clinics and rechannel the funds into abstinence-only-until-marriage programs. Florida already has 35 abstinence-only education programs funded by TANF funds and run by private organizations.¹⁹⁸ While Arkansas has long limited state-funded "sex education" to an abstinence-only-until-marriage approach, a bill that would further restrict sex education was introduced this year.¹⁹⁹

Only 18 states plus the District of Columbia require schools to provide sexuality education, while 36 states require schools to provide education on sexually transmitted diseases, including HIV/AIDS. Altogether eleven states require that sexuality education curricula include education about abstinence but not about contraception.²⁰⁰ Only eleven states allow neutral mention of homosexuality, while 35 states offer no guidance. Of the remaining four states, Utah and South Carolina ban any mention of homosexuality, while Alabama and Arizona require that homosexuality be presented as an unacceptable "lifestyle."²⁰¹ For example, the Arizona Department of Education's Comprehensive Health Education Standards mandate that:

No district shall include in its course of study instruction which:

- Promotes a homosexual life-style.

Nebraska has decided not to reapply for HIV prevention grants from the Centers for Disease Control because HIV prevention has traditionally combined abstinence promotion with safer sex education.

- Portrays homosexuality as a positive alternative life-style.
- Suggest that some methods of sex are safe methods of homosexual sex.²⁰²

Abstinence-only-until-marriage programs use a variety of techniques to disseminate their message, including rallies, skits, and presentations in public schools. Many programs are run by religious organizations. For example, Louisiana's Governor Mike Foster created a Governor's Program on Abstinence, complete with a website which encourages teens to sign an abstinence pledge put out by True Love Waits, an organization owned by the Southern Baptist Convention.²⁰³ In Hastings, NE, the Pure Revolution Project, sponsored by the Victory Bible Fellowship, Platte Valley Youth for Christ, and other religious groups, made presentations in several public schools and held a youth abstinence rally. In Milwaukee, WI, a speaker from the Seedfolks Youth Ministry discussed "healthy male-female relationships" at the Milwaukee High School for the Arts, a public school. Four students were called to "testify of their faith in the power of the word." Seventh graders in Sequatchie Middle School in Dunlap, TN participated in a mock wedding "complete with dresses, suits, and a preacher." In Beaver, PA, sixth-grade girls heard a speaker from Project Pals, a state-funded abstinence promotion program, who presented each girl with a white rose to "symbolize sexual purity and virginity," and who told them that "yourself...is the gift you give your husband on your wedding night."²⁰⁴

The Northern Kentucky Independent District Health Department also voted this year to limit sex education efforts paid for with state dollars to the abstinence-only-until-marriage approach.

"SCARED CHASTE": WHAT'S WRONG WITH ABSTINENCE-ONLY-UNTIL-MARRIAGE EDUCATION ²⁰⁵

Abstinence-only-until-marriage (AOUM) approaches to sex education are counter-productive, dangerous, and even harmful to the youth who are subject to their messages. Premarital sex is presented as intrinsically harmful. Relying on shame and fear, AOUM approaches spread inaccurate information about sexually transmitted diseases and contraceptives; present rarely occurring, worst-case scenarios as routine and common; stigmatize and evoke hostility toward people with AIDS; and largely ignore homosexuality except as a context for HIV transmission.²⁰⁶ At least two curricula, however, are explicitly hostile toward lesbians and gay men.²⁰⁷

"[T]here is no such thing as 'safe' or 'safer' premarital sex," warns *FACTS*, one such curriculum. "There are always risks associated with it, even dangerous, life-threatening ones."²⁰⁸ Echoing Pat Buchanan's claim that AIDS is "nature's retribution" on "the poor homosexuals" who "have declared war on nature,"²⁰⁹ *Sex Respect*, another abstinence-only curriculum, teaches the following:

Is this [AIDS and other sexually transmitted diseases] nature's punishment for sex outside of marriage? No, not at all. These are natural consequences. For example, if you eat spoiled food, you will get sick. If you jump from a tall building, you will be hurt or killed...If you have sex outside of marriage, there are consequences for you, your partner, and society.²¹⁰

The Sexuality Information and Education Council of the United States (SIECUS) documents numerous ways in which the incidence and effects of several sexually trans-

mitted diseases (STDs) are misrepresented in AOUM curricula.²¹¹ SIECUS warns that these scare tactics can discourage students from seeking treatment for STDs, such as chlamydia, which are easily curable if treated early on.²¹²

Condoms are presented as a dangerous and ineffective form of birth control: “Relying on condoms is like playing Russian roulette,” declares *Me, My World, My Future*.²¹³ Condom failure rates are overstated; failure of users to properly use condoms is inaccurately translated into an intrinsic defect in the product.²¹⁴ *FACTS* warns that even if condoms are properly used, they may still allow “the transmission of HIV/AIDS.” This flies in the face of CDC and other scientific research, which finds condoms highly effective in stopping the spread of STDs.²¹⁵

Skewed information about HIV/AIDS is common in AOUM curricula. *Sex Respect* devotes three paragraphs to the possibility of contracting HIV through “French kissing.” This is based on a single case investigated by the CDC in 1987, which may have involved transmission due to bleeding, open-mouth sores. However, kissing is generally not a risk factor for HIV transmission. People with AIDS are also stigmatized as dangerous bearers of death. *Sex Respect* warns, “How can you tell if someone has AIDS? There is no way for you to predict. Anyone can be carrying your death warrant.”²¹⁶ People with AIDS are also portrayed as a burden on the US economy: “the AIDS patients who need health and supportive services will cost our country between 8 and 16 billion dollars.”²¹⁷

Heterosexist gender stereotypes about boys and girls are widespread in AOUM curricula. Boys are presented as sex-crazed, and girls as less interested in sex than they are in finding love. Girls are warned about “the way you dress sending messages.” *Sex Respect* warns, “Watch what you wear. If you don’t aim to please, don’t aim to tease.” Feminism is blamed for promiscuity: “the liberation movement has produced some aggressive girls today, and one of the tough challenges for guys who say no will be the questioning of their manliness.”²¹⁸ Girls are portrayed as primarily responsible for rejecting the sexual advances of boys.²¹⁹

Children of single-parents and unmarried straight and gay parents are also stereotyped: *CLUE 2000* warns that children of single-parent families “have lower grades and aspirations” and are “twice as likely to have behavior problems and seek psychiatric help.”²²⁰ Abortion is portrayed as the taking of a life, and as a procedure that poses risks to the life of the pregnant woman, which may lead to future problems with pregnancy.²²¹

“How can you tell if someone has AIDS? There is no way for you to predict. Anyone can be carrying your death warrant.”

—*Sex Respect*
abstinence-only curriculum

SCARED STRAIGHT: THE PARTICULAR THREAT TO GLBT YOUTH

Programs that focus on abstinence-only-until-marriage are detrimental to GLBT youth, those youth questioning their sexual orientation, the children of GLBT parents, and GLBT teachers and administrators in the nation’s schools. Homosexuality is largely ignored except as a context for HIV transmission. But homosexuality is implicitly, and sometimes explicitly, stigmatized. For example, *Sex Respect* teaches students that “[R]esearch and common sense tell us the best ways to avoid AIDS are: Remain a vir-

gin until marriage...Avoid homosexual behavior.”²²² When homosexual sexual practices are noted in this context, they are portrayed as “unnatural behavior.”²²³

As mandated by the Personal Responsibility Act, abstinence-only education teaches that marriage is the only appropriate context for sexual relations. *WAIT Training* explicitly seeks to “reframe the act of sexual intercourse as best and most appropriate between two committed married people who love each other.” *FACTS* presents homosexuality as beyond the realm of common sense: “it only makes sense that marriage is the only place for sexual activity to be enjoyed free from negative consequences.”²²⁴ *Clue 2000* defines love as something only available to married heterosexuals: “sexual love, also called conjugal love, is the love between a man and a woman in marriage.”²²⁵

Heterosexist assumptions permeate AOUM curricula. *Choosing the Best* claims that dating is about trying to understand members of the opposite sex, and asks girls and boys to split into groups to discuss what the other gender wants from a date. *WAIT Training* also calls for exercises which only encompass opposite-sex dating practices.²²⁶

At least two abstinence-only curricula are overtly hostile toward lesbians and gay men. *Clue 2000* engages in the standard right-wing tactic of conflating homosexuality with pedophilia and incest when it notes that “[a]mong Kinsey’s most outrageous and damaging claims are the beliefs that pedophilia, homosexuality, incest, and adult-child sex are normal.”²²⁷ *Facing Reality* assures teachers and parents that presenting homosexuality as intrinsically dangerous is actually in the best interests of students, and is not homophobic. It also repeats the outdated notion of AIDS as a gay disease:

many homosexual activists are frustrated and desperate over their own situation and those of loved ones. Many are dying, in part, due to ignorance. Educators who struggle to overcome ignorance and instill self-mastery in their students will inevitably lead them to recognize that some people with AIDS are now suffering because of the choices they made... Teachers, in order to preserve an atmosphere of intellectual freedom, should feel confident that when examining health issues and moral implications of homosexual behaviors, they are not engaging in an assault on a particular person or group.²²⁸

The irony of the last sentence quoted is particularly rich: Abstinence-only-until-marriage education is by definition a suppression of alternative points of view, and involves the supplanting of a method scientifically proven to be effective in decreasing the spread of STDs with another, unproven method. Yet this approach is constructed as “preserv[ing] an atmosphere of intellectual freedom.”

Studies have shown that lesbian, gay and bisexual youth who receive gay-sensitive HIV instruction in school tend to engage in risky sexual behavior less frequently than similar youth that do not receive such instruction. In a random sample of high school students and HIV education instructors in Massachusetts, among sexually active heterosexual and homosexual youth, gay youth reported more sexual partners, more frequent use of substances before engaging in sex, and higher rates of pregnancy. However, those gay youth that received gay-sensitive HIV instruction reported fewer sexual partners and less frequent substance use before sex.²²⁹

The authors contend that the increased risky sexual behavior among gay youth “tends

Clue 2000 defines love as something only available to married heterosexuals: “sexual love, also called conjugal love, is the love between a man and a woman in marriage.”

to be a shifting of sexual orientation and self-identification, and the pressure of a stigmatized sexual identity forces some gay, lesbian, and bisexual adolescents to go to great lengths to prove to themselves and others that they are not gay.”²³⁰ This often involves engaging in heterosexual activity to prove that one is straight to themselves or others. It is clear those sexual education programs that incorporate HIV and information on sexuality development are beneficial in reducing risky sexual behavior among youth exploring their sexuality.

IMPACT ON SAFE SCHOOLS INITIATIVES AND GAY STUDENT RIGHTS LAWS

The implicitly anti-gay language in the welfare reform act, and the often explicitly anti-gay and stigmatizing language of abstinence curricula, can have a chilling effect on discussions of homosexuality in the schools, including attempts to deal with incidents of anti-gay harassment of GLBT students and the children of GLBT parents. The Personal Responsibility Act coincided with the growth in “parents’ rights” laws and parental notification laws in states across the US, which require teachers to provide advance written warning to parents prior to addressing issues of homosexuality in class. Welfare reform also followed by a few years the “no promo homo” laws enacted by many states in the late 1980s and early 1990s, which restrict any neutral or positive mention of homosexuality.²³¹ When taken together, these policies create a context that may have a chilling effect on open conversations about issues facing GLBT students and the children of GLBT parents, including issues of verbal and physical harassment.

Increasingly those living with HIV or AIDS are heterosexual, female, and African American or Latina/-o.

Efforts to silence and stigmatize homosexuality can have devastating effects on the health and well-being of GLBT youth. A recent NIH-funded study of Latino gay and bisexual men found a correlation between experiences of homophobia and increased likelihood to engage in HIV risk behaviors. It also found that family acceptance and the presence of an openly gay role model while growing up correlated with lower incidence of HIV risk behaviors.²³² The promotion of homophobia and ignorance about AIDS and other STDs hurts all students, but especially those who are gay or from gay families.

ABSTINENCE EFFORTS LIKELY TO DOMINATE IN NEAR FUTURE

People continue to get infected with HIV unnecessarily because some public health professionals and many elected officials have abdicated their responsibility to deal with HIV/AIDS as a public health issue. Instead, too many impose their narrow vision of morality on the rest of the population and promote policies which have failed to prevent the continued spread of this disease. Thus abstinence-only-until-marriage education may in fact contribute to the transmission of HIV and other STDs.

Although gay and bisexual men are disproportionately affected by HIV and AIDS, increasingly those living with HIV or AIDS in the US are heterosexual, female, and

African American or Latina/o. Within the gay and bisexual male community, men of color, particularly younger men of color, are at greater risk for HIV/AIDS. For example, in New York City one recent study found that four percent of white homosexually active 15- to 22-year-old men are HIV-positive, while 10 percent of Latino men and 22 percent of African American men in this age bracket are HIV-positive.²³³ From 1999 to 2000 69 percent of new HIV infections were among black and Latino individuals, most of them men who have sex with men but don't necessarily identify as gay.²³⁴

Federal incentives favoring abstinence-only education are likely to become more entrenched under President George W. Bush. As governor, Bush opposed sex education and HIV/AIDS prevention efforts. When asked: Do you "support sex education programs that stress safe sexual practices?" Bush responded, "No."²³⁵ Bush told the *Washington Times* in July 1999 that he supports abstinence-only education, arguing that teaching safer sex and abstinence together "sends a contradictory message that tends to undermine the message of abstinence."²³⁶ Bush has told young people that they should avoid sex until they are in "a biblical marriage relationship."²³⁷ Bush also supports educational grants for churches and faith-based groups to promote abstinence until marriage.²³⁸

Abstinence-only sex education, while strongly supported by President Bush and a conservative Congress, does not enjoy widespread support among the US public. According to a national study conducted by the Henry J. Kaiser Family Foundation²³⁹ there exists a strong disparity between what is actually taught in sex education programs and what parents actually want. One of the strongest disparities exists for homosexuality. Seventy-six percent of parents of 7-12th graders felt that sex education should cover homosexuality, while only 41 percent of students reported the topic was actually covered.

Seventy-six percent of parents of 7-12th graders feel that sex education should cover homosexuality.

Charitable Choice and Faith-Based Initiatives

*...what government can do is recognize its limitations and, more significantly, recognize the power of faith in our society. And that's what this initiative does. We don't pick religions, we don't fund religion. But we welcome the soldiers of the armies of compassion.*²⁴⁰

President Bush, speaking before the National
Leadership of Hispanic Faith-Based Organizations,
May 22, 2001

Welcoming “the soldiers of the armies of compassion” is not a completely new idea. For a long time religious organizations have been offering social services to those in need. Yet the “charitable choice” provisions included in the 1996 welfare reform act at the behest of then US Senator John Ashcroft (R-MO), and the expansion of charitable choice proposed under President Bush’s “faith-based initiative,” poses unprecedented threats to GLBT people and the general public in need of social services. First, these initiatives could allow for discrimination against GLBT people, religious minorities, and other groups—such as pregnant unmarried women or unmarried cohabiting couples—in both employment and service provision. Second, vulnerable clients may have to submit to religious proselytizing in order to receive social services. Third, millions would be placed at risk due to the lack of government regulation of these religious organizations, which provide critical social services to youth, elders, low-income families, and others.

WHAT IS THE FAITH-BASED INITIATIVE?

Faith-based initiatives—also referred to as “charitable choice” by religious conservatives and other proponents—involve the transfer of tax dollars to religious institutions to pay for delivery of social services. Under George W. Bush’s proposals, this money

often would come with no demand for fiscal accountability, no requirement that religious institutions not discriminate, and no safeguard against recipients of social services being subjected to proselytizing and other forms of coercive activity.

Bush has proposed to shift as much as \$8 billion the first year and \$80 billion over the next decade toward faith-based (i.e. religious) service providers. Some of this money will be in the form of direct federal funds to churches, synagogues and other religious institutions. And part of this money will come in the form of federal tax incentives that individual taxpayers may receive when donating to charity.

Faith-based initiatives are not altogether new. Throughout our nation's history, religious institutions have been at the forefront of providing care to the indigent and immigrants, and have long played a central role in African American communities.²⁴¹ But in the past, government has required that taxpayer-funded services be provided in environments that are not "overtly religious," sectarian or evangelical in nature. And prior to 1996, religious institutions providing social services with federal funds were not allowed to discriminate on the basis of religion in employment. Charitable choice, and Bush's proposed expansion of charitable choice through his faith-based initiative, threaten these safeguards.

Bush has proposed to shift as much as \$80 billion over the next decade toward faith-based (i.e. religious) service providers.

THE 1996 WELFARE REFORM ACT AND CHARITABLE CHOICE

The 1996 welfare reform law passed by the Republican-led Congress and signed by former President Clinton enabled some houses of worship to receive tax dollars for delivery of social services. These initiatives were sponsored by former US Senator, and now Attorney General, John Ashcroft.

The 1996 approach represented a fundamental change in the relationship between places of worship and the federal government. Prior to that year, the federal government would sometimes contract with religious groups to provide delivery of social services, but safeguards were imposed to prevent the "entanglement" of religious institutions and government. Religious institutions receiving government funds to provide services had to create separate, secular nonprofit entities to administer the programs. The 1996 welfare law not only removed this safeguard, but it also allowed religious institutions to discriminate in deciding who to hire to provide services with welfare-to-work funds and drug-treatment funds.²⁴² Although Title VII of the 1964 Civil Rights Act exempted religious institutions from the religious nondiscrimination provision, when contracting to spend public funds religious institutions were traditionally required to hire without regard to religion. The charitable choice provision of the 1996 welfare reform act changed all that.

Charitable choice allows religious institutions receiving federal funds to provide social services to do so "without impairing the religious character" of the institution, and without "alter[ing] its internal form of governance."²⁴³ This has opened the door to discrimination on the basis of religious belief, gender, race and ethnicity, sexuality, and other factors.

As the *New York Times*' Eyal Press notes,

[R]eligion can often bleed into other categories, like gender, sexual orientation and race...Nor is it clear what courts would say if an organization's religious tenets mandate differential treatment on the basis of race. In theory, an organization like Bob Jones University could receive public funds to hire employees while forbidding them to engage in interracial dating.²⁴⁴

Sullivan Robinson, executive director of the Congress of National Black Churches, echoes Press's concerns:

There remains great confusion in the minds of many black church leaders over whether this provision would permit churches to discriminate. It's particularly troubling to those who were active in the civil rights struggle. It's a short step from discriminating by religion to discriminating by race.²⁴⁵

In addition to eliminating nondiscrimination protections, the 1996 law also eliminated safeguards that protected clients against unwanted proselytizing and the display of religious icons and symbols in areas where government-funded services are provided.

The 1996 law requires federal, state, or local governments to ensure that alternative secular programs are available to serve clients who object to receiving services from a religious service provider. Where a suitable alternative does not exist, the government must create a secular alternative, although states are not mandated to inform clients of their right to request a secular alternative. Those seeking social services, particular those of limited means, are unlikely to object strenuously to the religious nature of the environment in which they access services, especially if they are not aware of their right to an alternative. And although governments are required to provide a secular alternative upon the request of a client within a reasonable time frame, it takes time to put that alternative into place, which makes such a scenario not very likely.

The secular alternative provision also represents an unfunded mandate. In other words, state and local governments are not provided additional funds to create a parallel, secular service provider, but are mandated to do so by law. This makes this provision of charitable choice unlikely to be enforced and implemented. Still, this provision at least provided a potential safety hatch for a client who felt uncomfortable receiving social services from a religious provider.

Charitable choice has opened the door to discrimination on the basis of religious belief, gender, race and ethnicity, sexuality, and other factors.

THE EXPANSION OF CHARITABLE CHOICE UNDER THE BUSH ADMINISTRATION AND H.R. 7

Presidential candidate George W. Bush vowed to increase the government's support of religious groups operating social service programs. One of his first acts as president was to expand the 1996 charitable choice effort by establishing the White House Office of Faith-Based and Community Initiatives, headed by University of Pennsylvania political scientist John DiIulio.²⁴⁶ Don Eberly, former head of the Civil Society Project and a cofounder of the National Fatherhood Initiative, was appointed deputy director of the

Office of Faith-Based and Community Initiatives. The office oversees the integration of faith-based initiatives, which includes charitable choice, across federal programs.

The goals of the initiative are: 1) to identify ways to allow the federal government to directly fund social service programs operated by churches, synagogues, and other religious institutions; 2) to devolve the government's responsibility to provide social service programs to religious institutions; and 3) to encourage public support of taxpayer funding of faith-based social service programs.²⁴⁷

The vehicle pushing faith-based initiatives, and the next major step in expanding the 1996 charitable choice provision in the welfare reform act, is Title II of the Community Solutions Act of 2001 (H.R. 7), sponsored by Congressmen J.C. Watts (R-OK) and Tony Hall (D-OH) and strongly backed by the Bush-Cheney Administration.²⁴⁸ Proponents of H.R. 7 claim to defend the autonomy of religious organizations and the religious freedom of individuals and families in need of services. The bill calls for an end to "discrimination" against religious organizations by allowing them to bid for services now provided by state agencies or licensed professionals working in nonprofit community organizations.

It is ironic that H.R. 7 purports to be about ending discrimination and upholding religious freedom; in fact, the bill would enable taxpayer-funded discrimination on the basis of religion and other factors, and threatens the religious freedom of those in need of services.

The US House of Representatives passed H.R. 7 July 19, 2001 by a 233-198 vote. President Bush lobbied hard to overcome the objections of Democrats and moderate Republicans that H.R. 7 explicitly allows religious service providers to discriminate in employment on the basis of religious tenets, and implicitly circumvents local and state laws outlawing discrimination on the basis of sexual orientation, gender identity, marital status, and other factors. If approved by both houses of Congress, H.R. 7 will give churches, synagogues, mosques and other religious institutions a crack at \$80 billion in government funds over the next decade to provide social service programs. The bill awaits passage in the Senate.

Charitable choice in the welfare act of 1996 was limited to welfare-to-work programs, and was later expanded to include substance abuse. H.R. 7 would expand charitable choice to allow religious institutions to bid to provide services under the following programs: juvenile delinquency and prevention, crime prevention, housing grants, job training funds, senior services, GED (high school graduate equivalency degree) training funds, community development block grants, domestic violence prevention and intervention programs, and hunger relief funds.²⁴⁹

H.R. 7 purports to be about ending discrimination and upholding religious freedom; in fact, the bill would enable taxpayer-funded discrimination, and threaten the religious freedom of those in need of services.

H.R. 7 would allow religious institutions to bid to provide elder services, youth services, domestic violence prevention, and GED training programs.

FAITH-BASED INITIATIVES (H.R. 7) WILL RESULT IN FEDERALLY-FUNDED EMPLOYMENT DISCRIMINATION, AND MAY RESULT IN DISCRIMINATION IN SERVICE PROVISION

H.R. 7 explicitly exempts faith-based service providers receiving federal funds from compliance with the Civil Rights Act of 1964's ban on religious discrimination in employment. Title VII of the Civil Rights Act exempted religious organizations from compliance with its ban on religious nondiscrimination. Religious discrimination is permitted on the grounds that a congregation would be going against its religious values by hiring someone whose values are contrary to the organization or religion.²⁵⁰ However, prior to charitable choice, religious institutions providing services with public funds were required to hire staff to provide those services without regard to religious beliefs.

H.R. 7's discrimination exemption means that a religious organization could discriminate on the basis of marital status, sexual orientation, gender identity, or any other characteristic that the group claims is objectionable to its religious tenets.

Already, the federal courts have upheld the firing of a lesbian therapist by a religious organization receiving millions in public funds to run Kentucky's foster care system.²⁵¹ Alicia Pedreira was a therapist supervisor employed by the Kentucky Baptist Homes for Children. Although the Kentucky Baptist Homes, which runs Kentucky's foster care system, receives \$13 million of its total \$19 million budget from state and federal funds, it is exempt from the Louisville, KY sexual orientation nondiscrimination law. Pedreira was fired after co-workers spotted a photo of her with another woman's arms wrapped around her at a state fair photo exhibition. Pedreira's termination letter indicated that a homosexual lifestyle was "contrary" to the "core values" of the Kentucky Baptist Homes for Children.²⁵² Kentucky Baptist homes said that, as a lesbian, Pedreira was incapable of inculcating fundamentalist Christian ideas into the children she was supposed to help, and was a poor role model. Pedreira was not fired because of poor job performance or even because she portrayed homosexuality in a positive light with her clients.²⁵³ Pedreira was fired because of who she was. A case litigated by the American Civil Liberties Union's Lesbian and Gay Rights Project alleging religious discrimination against Pedreira (since sexual orientation is not protected by federal law) failed in federal court.

H.R. 7 currently does not contain any language prohibiting a religious organization from superceding state or local civil rights laws. In fact, in explicitly mentioning certain nondiscrimination provisions for employment and service provision, but ignoring others, H.R. 7 implicitly gives a green light for faith-based service providers to ignore GLBT rights laws at the local and state level. Title II, Section 201(d) protects a religious institution's "autonomy from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs." This section also protects against attempts by government to "alter its form of internal governance or provisions in its charter documents" in exchange for receiving a government contract to provide a service. Title II,

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Section 201(f) protects against discrimination—apparently in both employment and service provision—on the basis of “race, color or national origin,” on the basis of sex in “education programs and activities,” or on the basis of disability or age.²⁵⁴

Title II, Section 201(h)(1) of H.R. 7 protects against denying services to a beneficiary “on the basis of religion, a religious belief, or a refusal to hold a religious belief.” But the federal court ruling in the *Pedreira* case made it clear that it will be difficult to make the case that anti-GLBT discrimination is a form of discrimination based upon religion or religious belief. And even if the courts accepted this premise, as noted above faith-based service providers are allowed under H.R. 7 to discriminate in employment on the basis of religion. In short, GLBT social service providers may find it increasingly difficult to get or keep a job in many professions as services are contracted out to anti-gay faith-based providers.

The June 28, 2001 debate at the Judiciary Committee mark-up²⁵⁵ between Congressman Barney Frank (D-MA) and Committee Chairman James Sensenbrenner (R-WI) leaves no doubt that Congress’s intent is to exempt faith-based service providers from local and state nondiscrimination provisions not yet enshrined in federal law, such as those banning sexual orientation and gender identity discrimination:

Mr. FRANK. Some states have decided to go beyond what the Federal Government has done in preventing discrimination, and I would ask, because it’s not clear to me, is this preemptive of state employment discrimination laws other than those which might track the Federal one? . . . By specifying the Federal anti-discrimination laws that apply, does this mean that state anti-discrimination laws which cover subjects not covered under the Federal law, would be preempted in effect, and the religious organizations would not have to apply—follow them?

Chairman SENSENBRENNER . . . Federal law applies where Federal funds go, and state law does not apply. . . .

Mr. FRANK. So it would preempt state laws or allow them to—

Chairman SENSENBRENNER. It would allow them to ignore state laws when Federal—only Federal funds are used, but would not allow them to ignore state laws when state funds are used.

Mr. FRANK. What if there was a mix of Federal funds and private funds?

Chairman SENSENBRENNER. Then they could ignore state laws.

By and large, religious organizations are already exempted from compliance with state and local laws banning discrimination on the basis of sexual orientation or gender identity, often by provisions in those laws themselves.²⁵⁶ With religious organizations in line to receive as much as \$80 billion over the next decade to provide basic services across a much broader spectrum of service areas, the potential for discrimination in both employment and service provision is great.

For example, what if Wisconsin Christians United received a contract to provide youth services for those involved in the state’s juvenile justice system? They could ban gay and lesbian people from employment, as Kentucky Baptist Homes does. They could also ban openly GLBT youth from participation in their programs under the guise of pro-

H.R. 7 implicitly gives a green light for faith-based service providers to ignore GLBT rights laws at the local and state level.

tecting the “organization’s control over the definition, development, practice, and expression of its religious beliefs.”²⁵⁷ Wisconsin Christians United believes that, “If you are a homosexual, you are in rebellion against God. Homosexual acts are an ‘abomination’ in the eyes of the Lord. His wrath is kindled against you!”²⁵⁸ As the federal court ruled in the ACLU case, anti-gay discrimination does not necessarily involve religious bias. Although that case involved employment, the same argument could be applied to services as well. The exclusion of openly GLBT youth from a youth service program could be justified as essential to maintain the “religious character” of Wisconsin Christians United; forcing them to allow openly gay youth in their program could be construed as “discrimination against religious organizations.”

Congressman Frank is confident that GLBT people are at risk of discrimination in both employment and access to services:

H.R. 7...contains several provisions which empower religious organizations receiving funds under the bill to ignore any state or local laws protecting gay, lesbian, bisexual and transgendered people against discrimination in both employment and in the receipt of services...By vigorously affirming the right of various religions to autonomy in the way they spend federal funds and listing only a few anti-discrimination laws that will be exemptions to that principle, the bill allows religious organizations to provide a variety of secular services in a manner that expressly discriminates against gay, lesbian, bisexual and transgendered people both in employment and in the receipt of services.²⁵⁹

The expansion of services contracted out to faith-based providers could mean that just as GLBT people are beginning to gain equal access to senior services, youth services and other government programs, in many parts of the country those organizations with a monopoly on providing those services could be religious groups with deep hostility toward GLBT people.

The Salvation Army recently came under fire for trying to strike a deal with the White House to be exempted from state and local anti-discrimination laws protecting GLBT people. The organization sought an exemption from complying with a local law granting domestic partnership benefits to same-sex couples. According to an internal document obtained by *The Washington Post*, the White House made a “firm commitment” that religious organizations providing services with federal funds would not have to comply with state and local anti-discrimination laws. After the deal was exposed, President Bush and the Salvation Army denied that any agreement had been reached.²⁶⁰ But subsequent actions belie this claim. In early November 2001, the Salvation Army’s Western Corporation, headquartered in Long Beach, CA, agreed to offer domestic partner benefits to gay and lesbian employees as mandated by San Francisco’s selective purchasing law, whereby the city government will only contract for services from contractors that provide domestic partner benefits.²⁶¹ However, less than a fortnight later the Salvation Army’s national leadership stepped in and rescinded the offer of domestic partner benefits.

[H.R. 7] allows religious organizations to provide a variety of secular services in a manner than expressly discriminates against gay, lesbian, bisexual and transgendered people.

—Congressman
Barney Frank

THE VOUCHER LOOPHOLE MEANS CLIENTS OF FAITH-BASED SOCIAL SERVICE PROVIDERS MAY BE SUBJECTED TO PROSELYTIZING

H.R. 7 contains a provision that could exempt faith-based service providers from protections against proselytizing and evangelizing those seeking services. Title II, Section 201(l) grants the secretary of a department administering a program the right to “direct the disbursement of some or all of the funds...in the form of indirect assistance.” Indirect assistance “constitutes assistance in which an organization receiv[es] funds through a voucher, certificate, or other form of disbursement...” While faith-based institutions receiving funds through direct grants are barred from discrimination in service provision “on the basis of religion, a religious belief, or a refusal to hold a religious belief,” those receiving indirect assistance, such as through a voucher or certificate, are only required to not deny admission to a program on the basis of religion.²⁶² There is no language protecting clients against discrimination on the basis of religion once they are admitted into a program that is funded through a voucher or certificate.

And whereas directly funded programs are banned from spending government funds for “sectarian instruction, worship, or proselytization,” and told that any religious activity must be separately funded and voluntary, no such ban is placed on those faith-based service providers receiving funds indirectly, such as through a voucher or certificate.²⁶³

According to Rachel Joseph of Americans United for Separation of Church and State, this means that “a person seeking help through a voucher could be told, once they have been admitted to the program, that they must convert to another religion in order to receive the government-funded services.”²⁶⁴ And for those faith-based service providers receiving direct government funding, as long as the church or religious organization separates private and federal funds, private funds can be used for sectarian instruction, worship, or proselytization or those seeking services.

It’s also important to understand that voucherization of a program is the prerogative of the secretary in charge of the relevant department, and not something Congress gets to review and approve. At any time Health and Human Services Secretary Tommy Thompson, or Attorney General John Ashcroft, or the secretaries of Housing and Urban Development or Education, could decide to voucherize a program, thereby circumventing the ban on proselytizing.

An example may help understand the potential for abuse under charitable choice: A lesbian youth comes out to her parents. As a result, she is kicked out and becomes homeless. Seeking housing assistance from a faith-based service provider, the youth explains her situation to a counselor. Although the counselor grants the youth temporary shelter, in a demeaning way she explains to the youth that it is necessary for her to pray each night and turn from her allegedly sinful behavior of same-sex attraction. The counselor recommends a relationship with Jesus Christ to help her “overcome” her “immoral” homosexuality. The counselor would be permitted to do this because her salary comes from private funding sources, while the shelter’s beds and other accom-

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—Rachel Joseph,
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modations are purchased using federal funds. Vulnerable GLBT people could be placed at significant risk, and may decide not to use the services they need because they do not feel safe in an anti-gay setting.

While agencies directly funded under charitable choice must make sectarian instruction, worship, or proselytizing voluntary for their clients, those indirectly funded through a voucher could potentially make participation in religious practices a prerequisite for receiving services. Even those service providers that are directly funded may, in their religious zeal, fail to make known the voluntary nature of sectarian instruction, worship, and proselytizing. The potential for abuse is great.

A vulnerable client who is hungry or in dire need of shelter may forgo his or her freedom from religion in order to receive the needed services. In some rural communities where an alternative is unavailable or not accessible, a desperate and hungry client may participate in those services and as a result be exposed to religious teachings that may be contrary to his or her own beliefs.

Since the United States is a predominantly Christian country, there is concern that certain dominant religious traditions will be privileged over minority religions in the contracting out of services. The potential for abusive proselytizing is particularly disturbing given the history in the west of aggressive evangelizing of Jews in Europe, Native Americans in the western hemisphere, and residents of former European colonies around the world. The US Constitution explicitly sought to avoid church-state entanglement because of the difficult experiences England and other European countries had had with sectarian strife caused by the struggle over which tradition would become the official state religion. It is critical that the basic rights of Jews, Muslims, Native American traditionalists, Buddhists, and others who don't follow the majority religion be protected. It's important that the diversity of religious expression within Christianity not be disrespected. And it's important that the First Amendment's principles of church-state separation and religious pluralism not be undermined.

Failure to protect clients from religious coercion or proselytizing could have unintended effects antithetical to the goal of providing social services to those who need them. In the case of the youth kicked out of her home, she may put up with the demeaning judgements and proselytizing of the counselor in order to have a place to sleep. Or, to avoid this, she may opt out of services and instead live on the streets.

A vulnerable client who is hungry or in dire need of shelter may forgo his or her freedom from religion in order to receive the needed services.

H.R. 7 REMOVES REQUIREMENT OF A SECULAR ALTERNATIVE

Unlike the 1996 charitable choice provision of welfare reform, H.R. 7—the charitable choice bill sponsored by Rep. J.C. Watts and strongly backed by President Bush—deletes the requirement that a secular or “nonreligious” alternative always be available upon the request of a client. Instead, the bill states that people who object to receiving services from one religious provider be steered toward another, “unobjectionable” faith-based provider.²⁶⁵ In effect, only after all religious providers have been exhausted can a

beneficiary petition for a secular provider, and he or she has no absolute right to a secular provider as under the 1996 legislation. An amendment to restore the requirement of a secular alternative was defeated in a party-line vote at H.R. 7's mark-up.

FAITH-BASED INITIATIVES LOOSEN SAFETY REGULATIONS: LESSONS FROM TEXAS UNDER GOVERNOR GEORGE W. BUSH

Five years after the welfare reform act was signed into law, most states have not given money to religious organizations for the purposes stated under charitable choice. This is in large part due to constitutional concerns that prevented President Clinton from fully implementing the charitable choice provisions of PRWORA, the 1996 welfare reform act.

A few states, however, have been aggressive in channeling federal funds to religious organizations. They are Illinois, Indiana, Ohio, Texas, and Wisconsin.²⁶⁶ And many of these states have relaxed the strict laws that traditionally regulate drug treatment programs, child care providers, those operating homes for troubled youth, and other social services. In 1997 then Governor George W. Bush sponsored several laws which exempted faith-based service providers from state health and safety regulations. Counselors providing drug treatment through religious institutions are exempted from the hundreds of hours of training required by state-licensed secular drug counselors. Unlike their secular counterparts, they are not subject to criminal background checks. And faith-based providers of child care and operators of homes for troubled youth can choose to be regulated by a state-approved Christian child care agency, instead of by state inspectors.²⁶⁷

Texas's experience with unregulated and underregulated religious organizations under Governor Bush may foreshadow what we can expect across the US if Bush's faith-based initiative is approved and "charitable choice" enhanced.

One of the early beneficiaries of Bush's policy was a group of homes run by the People's Baptist Church of Corpus Christi. The homes—originally founded by fundamentalist Christian Lester Roloff—were the focus of a heated legal struggle throughout the 1970s and 1980s. The homes closed down in the 1980s, after the US Supreme Court refused to hear an appeal of a lower court ruling that required the homes to be licensed by the state.

After the homes closed, they moved to Missouri, where under state Attorney General John Ashcroft and, later, Governor John Ashcroft, they were not subject to state scrutiny. After Bush was elected Texas governor, however, the Roloff Homes returned to Texas and were licensed by the newly created Texas Association of Christian Childcare Agencies (TACCCA), which Bush had created as a way of circumventing existing state licensing procedures for privately run homes for troubled youth.

Upon signing the legislation creating TACCCA, Bush said, "We must unleash the compassion of people of faith to help solve the many challenges facing Texas."²⁶⁸ What happened next, however, is anything but compassionate. According to allegations

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made in a civil suit filed against the homes, the individuals running them and the state agency that accredited them, three youths were whipped, beaten, denied food and water, and forced to dig a 15-foot sewage pit in the woods until 2am as punishment. Two boys had their wrists tied and were then roped together. One of the boys “wound up in the hospital with three toes broken, his ankles sprained and his feet swollen into useless clumps.”²⁶⁹ A superintendent of one of the homes, Allen Lee Smith, was arrested and charged with the felony of unlawful restraint.²⁷⁰ A trial date for Smith is pending, in addition to the civil lawsuit. About one-third of the 30 young men and boys living at this particular Roloff Home at the time of this incident have filed complaints against the management of the home.²⁷¹

One of the boys wound up in the hospital with three toes broken, his ankles sprained and his feet swollen into useless clumps.

Problems also arose at the San Antonio, Texas branch of a faith-based program called Teen Challenge, which has branches across the United States. Teen Challenge, a residential Christian program that relies on faith-based methods to fight drug abuse, was launched in the 1960s by David Wilkerson, author of *The Cross and the Switchblade*. According to the Texas Commission on Alcohol and Drug Abuse (TCADA), the organization “violated [state] policies, procedures and licensure standards. There were problems with hiring practices, not meeting training requirements for counselors, client grievance procedures, release of confidential records.”²⁷² Teen Challenge was also charged with disregarding state standards for the screening, orientation, treatment and discharge of follow-up clients.

One church-based drug treatment center in Houston has a sign over its door in foot-high letters which reads, “Drug Addiction is NOT a Disease. It’s a Sin.” As Bill McColl of the National Association of Drug and Alcohol Counselors warned,

We’ve worked so long and hard to combat the stigma that substance abuse and delinquency and mental health are a symptom of a breakdown of morality, and to convince people they are an illness. This [charitable choice] would roll us back 60 years, right back to when people thought you were an alcoholic merely because you didn’t accept Jesus as your personal savior.²⁷³

Charitable choice “would roll us back 60 years, to when people thought you were an alcoholic merely because you didn’t accept Jesus as your savior.”
—Bill McColl, National Association of Drug and Alcohol Counselors

In addition to significant threats to clients, charitable choice threatens entire professions of social service providers. If states grant near-monopolies on certain services to particular religious service providers, this could mean that licensed social workers, drug counselors, and other professionals who are not of the “appropriate” religion could find themselves out of work, despite years of experience and professional training. With the president proposing to channel \$8 billion a year over the next decade to faith-based service providers, the threat of such a sectarian monopoly on basic human services is significant.

A RENEWED PUSH FOR CONGRESSIONAL APPROVAL

Senate Majority Leader Tom Daschle (D-SD), Senator Joseph Lieberman (D-CT), and other Senate Democrats have said the Senate will not pass a bill that allows for state-

funded discrimination. They have vowed to address some of the concerns the National Gay and Lesbian Task Force, the Anti-Defamation League, the NAACP and other civil rights organizations have raised about charitable choice.²⁷⁴

Some have argued that in the aftermath of the September 11th terrorist attacks, the Senate is less likely to take up this controversial and divisive issue.²⁷⁵ But at least twice in the wake of the World Trade Center and Pentagon attacks President Bush has called on the Senate to pass H.R. 7. In a November 7 letter to Daschle and Minority Leader Trent Lott, Bush said Americans have contributed generously to groups offering assistance related to the terrorist attacks, but that other charities may suffer a drop-off in donations. For this reason, he argued, Congress must pass the “Armies of Compassion” bill before the end of this congressional session.²⁷⁶

It is imperative that GLBT activists and others concerned with basic fairness and religious pluralism keep close watch on H.R. 7, the welfare reform reauthorization process, and any other attempts to expand charitable choice. The legislation itself, and the experiences of Texans under Governor George W. Bush and of the Kentucky Baptist Homes, indicate that vulnerable people in need of assistance could be hurt. Despite the Orwellian language of H.R. 7, this bill will mean increased discrimination, proselytizing, and abuse, and declining standards due to deregulation. Stopping President Bush’s faith-based initiative must become a priority of GLBT activists and other human rights activists across the US.

Stopping President Bush’s faith-based initiative must become a priority of GLBT activists—and all human rights activists—across the US.

Conclusion

While welfare reform has coincided with a decline in the welfare rolls and a booming economy, many of the poorest members of our society are not doing any better than they were five years ago. In fact, several indicators of hardship—such as increased caseloads at homeless shelters and food pantries—mandate a close review of welfare reform during the Congressional renewal process in 2002. If, as Wade Horn admits, as much as half the caseload decline of the past half decade is due to the strong economy of the 1990s, then those entrusted with the reauthorization of welfare reform legislation must craft it to account for the radically changed economic and budget outlook, especially since the terrorist attacks of September 11th. This means being flexible about the time limit in cases of particular hardship, allowing education and training to count toward the workfare requirement, continuing to expand child eligibility for Medicaid, and encouraging families leaving welfare to reapply for food stamps and Medicaid if they qualify.

Given the particular concerns that poor lesbian mothers have regarding paternity establishment and child support enforcement, Congress should adopt language included in Title III, Section 301 of H.R. 3113, a bill sponsored by Congresswoman Patsy Mink (D-HI) and backed by Congressman Barney Frank (D-MA), the National Organization for Women, and others. This language would prevent the state from forcing men into the lives of poor mothers, a policy that poses a particular threat to low-income lesbians. Section 305 of Rep. Mink's bill would eliminate sanctions against teen parents not living in an adult supervised setting. These sanctions pose a particular threat to GLBT teen parents, who might be forced to return home to homophobic parents or forced to live in an anti-gay, church run group home for teen parents.

In addition to addressing the problems facing low-income families, the GLBT community should closely monitor the hundreds of millions of dollars that are being spent to promote heterosexual marriage, fatherhood, abstinence-only-until-marriage, and the

Those entrusted with the reauthorization of welfare reform legislation must craft it to account for the radically changed economic and budget outlook, especially since the terrorist attacks of September 11th.

proposed takeover of entire social service sectors by religious institutions. As this study has documented, marriage, fatherhood, and abstinence-only initiatives stigmatize GLBT families and individuals, and homosexuality. These reactionary movements seek government interference with the most intimate family decisions: whether to join together in marriage and whether to end a failed marriage, whether to create families through adoption, and whether to use reproductive technology to facilitate the birth of a child.

The marriage and fatherhood movements, while supported by many people of good intentions, are also home to mean-spirited anti-gay attitudes and a dangerous Christian exceptionalism. HHS Assistant Secretary Wade Horn, marriage promotion curricula and abstinence-only programs have also articulated harmful gender stereotypes and regressive views of women and girls. Too often the boundaries between church and state have been blurred in the implementation of these programs. The proposed expansion of charitable choice under Bush's faith-based initiative represents even greater threats, both to Christians and people of other faith traditions, atheists and agnostics, gays and straights. And the marriage and fatherhood movements are based on a flawed analysis—that marriage and father presence are causal factors that are essential to the development of happy and healthy children.

The privileging of families headed by married heterosexual couples over lesbian and gay families, single parent families, and unmarried heterosexual families means that millions of children—including a disproportionate percentage of children in African American and Latino families—would be denied access to basic benefits and services that they need for a happy and healthy childhood. This we must not tolerate. While we wish we didn't have to fight such initiatives, the struggle to stop and repeal them offers opportunities for coalitional politics between the predominantly white GLBT community and the predominantly heterosexual black and Latino communities. The fight against the most harmful elements of charitable choice offers the potential for coalition between fair-minded religious activists and secularists. And the need to maintain a social safety net for our country's most vulnerable children and their parents unites progressive GLBT activists with the women's community, anti-poverty activists, and others working for economic justice.

We support the right to marry, both for same-sex and opposite-sex couples, and believe loving parents should be intimately involved in their children's upbringing. But we also believe that individual families know better than government what is in their best interests. In some unfortunate cases, marriage is not in the best interests of the children, and some children are better off without their birth fathers around. Wedding rings and DNA do not guarantee a happy childhood. Love and economic security help. We believe that all American families should be supported by government social policy. This includes single-parent families, lesbian and gay couple-led families, children with unmarried opposite-sex parents, grandparents raising grandchildren, and aunts and uncles raising nephews and nieces. Children in these families deserve the same opportunities that children of married heterosexual parents have. Policies which privilege certain families and penalize and punish oth-

The GLBT community should closely monitor the hundreds of millions of dollars that are being spent to promote heterosexual marriage, fatherhood, abstinence-only-until-marriage, and the proposed takeover of entire social service sectors by religious institutions.

HHS Assistant Secretary Wade Horn, marriage promotion curricula and abstinence-only programs have articulated harmful gender stereotypes and regressive views of women and girls.

ers, which stigmatize lesbian families and put GLBT youth at risk, which threaten all GLBT people with discrimination in social services employment and social service provision—such policies are certainly not compassionate. And they fundamentally violate the Republicans’ 2000 campaign pledge to “Leave No Child Behind.”

The National Gay and Lesbian Task Force strongly encourages fair-minded Americans to join GLBT activists in resisting these counter-productive and inequitable policies. Instead, we should support social policy which respects and values all of our families, and provides them with the tools they need to become economically self-sufficient.

Wedding rings and DNA
do not guarantee a happy
childhood.

Appendix A

WHAT IS WELFARE?

WHAT IS WELFARE REFORM?

“Welfare” refers to a number of programs designed to provide assistance to the country’s poorest families and individuals. Sometimes when people speak of “welfare” they are only referring to cash assistance—what was know as “Aid to Families with Dependent Children” (AFDC) prior to 1996, and what is now called “Temporary Assistance for Needy Families” (TANF). But millions of people benefit from numerous anti-poverty programs often grouped under the rubric of welfare: food stamps and the Women, Infants and Children (WIC) food voucher program for pregnant women and mothers with young children; Medicaid, the health care insurance program for low-income people and people with disabilities; Supplemental Security Income (SSI), the cash assistance safety net for people with disabilities; and housing subsidies and job training, to name a few.

The reforms of welfare policy adopted in 1996 ended a federal guarantee of support for poor parents with underage children that dated back 61 years.

The reforms of welfare policy adopted in 1996 affected not only cash assistance, or AFDC, but also SSI, child care, food stamps, and the rights of legal immigrants who are not naturalized citizens.²⁷⁷ They fundamentally transformed the relationship between state and local governments and the federal government. They ended a federal guarantee of support for poor parents with underage children that dated back 61 years, to the height of the Great Depression. The way the reforms were implemented also had a significant impact on the proportion of the low-income population accessing means-tested programs for which they remained eligible—food stamps and Medicaid.

HISTORICAL PERSPECTIVE

Aid to Dependent Children, or welfare, was created when Congress passed the Social Security Act of 1935. Prior to the Great Depression, relief for the poor was largely the

responsibility of local governments and private charities, particularly religious institutions. The economic crisis that hit the US in the 1930s was enormous— unemployment skyrocketed from three percent in 1929 to 25 percent in 1933, and across the US people stood in lines for soup and bread.²⁷⁸ The charities and agencies that traditionally provided hunger relief were overwhelmed by the demand. After significant agitation on the part of millions of destitute, laid-off workers, the US government created a number of federal programs to guarantee that the basic needs of its residents would be met.

The Social Security Act of 1935 created two new forms of government support: social insurance and public assistance. Social insurance programs included temporary unemployment insurance for laid off people, and the pension for retired workers we know as Social Security. Congress also established three kinds of public assistance programs: Aid to Dependent Children (ADC), Old Age Assistance, and Aid to the Blind.²⁷⁹ ADC became Aid to Families with Dependent Children (AFDC) in 1950, and then Temporary Assistance for Needy Families (TANF) in 1996.²⁸⁰ Old Age Assistance, Aid to the Blind and other forms of aid to people with disabilities were combined in 1974 into Supplemental Security Income (SSI). In 1965, Medicaid and Medicare were added to the Social Security program as forms of social insurance paid for by employee and employer contributions through payroll taxes.²⁸¹ Medicaid is a means-tested health insurance and health care program for low-income people of all ages and people with disabilities. Medicare is a health insurance program available to all Americans 65 and older and some people with disabilities of all ages.

The reforms of the 1930s were sweeping: in addition to the new forms of federal social insurance and public assistance created by the Social Security Act, Congress adopted laws establishing a minimum wage and guaranteeing basic rights of workers who had organized into labor unions. But access to social insurance programs, especially in southern states, was restricted along racial lines. Blacks and Latinos were either excluded altogether, or cut off during harvest season when cheap agricultural labor was needed. Amendments to the Social Security Act removed the federal oversight of this federal-state partnership, which may have prevented such systemic discrimination. Instead, all-white state and local authorities were free to determine eligibility, and they often did so to the exclusion of people of color and unwed mothers.²⁸²

From 1964 through 1972, the government significantly expanded the scale of programs aimed at combatting poverty, under the rubric of a “War on Poverty.” A new Office of Economic Opportunity sought to empower local communities. Spending on AFDC, food stamps, Medicaid and Medicare, and Social Security increased dramatically.²⁸³ Although many conservatives point to this War on Poverty as an abject failure, in fact it contributed to a significant reduction in poverty in the US:

Millions of Americans, most of them elderly, who would have remained poor escaped poverty; others whose incomes remained below the poverty line found medical care, food, housing assistance, and income security at a level unprecedented in America’s past.²⁸⁴

Access to social insurance programs, especially in southern states, was restricted along racial lines.

From the late 1950s to the early 1970s—the period coinciding with the civil rights movement, the expansion of anti-poverty programs, and the welfare rights movement—poverty was cut in half.

Without welfare, many argue, poverty would be much more of a problem in the US. While some argue that the expansion of the welfare state, particular under the War on Poverty, has only made poverty worse, there is much data to support the contention that welfare benefits significantly alleviate poverty. From the late 1950s to the early 1970s—the period coinciding with the civil rights movement, the expansion of anti-poverty programs, and the welfare rights movement —poverty was cut in half from 22.4 percent in 1959 to 11.1 percent in 1973. Poverty in the US rose during periods of recession, to 15 percent in 1982 and 14.5 percent in 1992, but dropped again during the 1990s to a near all-time low of 11.3 percent in 2000.²⁸⁵ When Medicare was created in 1965, roughly half of US elders did not have health insurance.²⁸⁶ Today only one percent of US elders lack health insurance. While 36.8 million people were officially classified as poor in 1992, were it not for AFDC, another 7 million people would fall under the poverty line, bringing the population living in poverty up to 43.8 million.²⁸⁷

WELFARE PRIOR TO 1996

In 1996 President Clinton signed into law the Personal Responsibility and Workplace Opportunities Reconciliation Act (PRWORA), dramatically “ending welfare as we know it,” as he promised to do as a candidate four years earlier.²⁸⁸ By signing this law, Clinton ended the federal guarantee of assistance to poor families that had been in place since Franklin Roosevelt’s New Deal.

During the six decades between the passage of the Social Security Act of 1935 and the welfare reform act of 1996, welfare emerged as a critical support for America’s poorest families. While the welfare rolls served 1-2 million individuals per year in the 1940s and 50s, by 1960 caseloads had risen to 3 million. By the early 1970s, as a result of the civil rights and welfare rights movements, the number of Americans relying upon AFDC had risen to nearly 10 million individuals. Caseloads remained at around 10 million people through the mid-90s, though these figures increased during recessions and economic slowdowns in the mid-70s, early-80s, and early-90s.²⁸⁹ By 1994, in part as a result of the recession, the welfare caseload rose to 14.5 million individuals, or 5 million families, its highest level ever. Food stamps, Medicaid, and other anti-poverty supports have also long been relied upon by low-income people, many of whom work outside the home. In the mid-1990s, roughly 25 million Americans, or one in ten people, supplemented their income with food stamps.²⁹⁰

Approximately half of families leaving AFDC or food stamps returned to these programs at some later date.

While most families on AFDC received benefits for only a short period of time, approximately half of families leaving AFDC or food stamps returned to these programs at some later date. Some families stayed on welfare for seven years or more, while others left after a couple of years, only to return to the rolls years later.²⁹¹

Contrary to some stereotypes of people on welfare living high off the hog, the maximum benefits offered by many states have been shockingly low. For example, in 1994 the AFDC maximum benefit per month for a family of three was \$164 in Alabama, \$120 in Mississippi, \$184 in Texas and \$190 in Louisiana. While more industrialized states often offer higher benefits, costs of living in those states are higher as well.²⁹²

In real dollar terms, spending on cash assistance under AFDC remained relatively flat from the early 1970s through the early 1990s, when it spiked due to the expansion of the rolls caused by the recession. The federal government spent about \$20 billion a year on cash assistance under AFDC, and another \$15-20 billion a year on food stamps. What grew dramatically were federal expenditures on Medicaid and other medical assistance, which shot up from \$21 billion in 1970 to over \$100 billion in 1992.²⁹³

ARGUMENTS PRO AND CONTRA WELFARE REFORM

In 1996, supporters of welfare argued that this safety net was necessary because of structural problems in the US economy which prevented full employment from ever being realized. Unemployment in the US never drops below three to four percent. (Unemployment rates are consistently higher for blacks, latinos and Native Americans than they are for whites.) Whenever it approaches these low numbers, the Federal Reserve raises interest rates to “cool down” the economy. Though the Fed cites concerns of inflation, liberals argue that corporations, which have a significant influence over economic policy due to the role of big money in campaigns,²⁹⁴ fear that full employment would allow workers to demand higher wages, thereby cutting into corporate profits. They also point to the welfare system as successful in decreasing poverty rates and allowing poor children to grow up with a roof over their heads and food on the table. Many of the families on welfare are single-mother headed families fleeing situations of domestic violence. Also, many of those on welfare are in need of education and training to gain the skills needed to succeed in this post-industrial, high-tech economy. Instead, most are only qualified for low-wage jobs that do not pay enough to provide for their families, given the spiraling cost of housing, child care, and health care.

In 1994 the AFDC maximum benefit per month for a family of three was \$164 in Alabama, \$120 in Mississippi, \$184 in Texas and \$190 in Louisiana.

Conservatives argue that welfare encourages dependency on government assistance, out-of-wedlock births, lack of individual responsibility, and is a disincentive to work. This is because welfare traditionally supported single parent families, benefits increased with each additional child born, and because in order to qualify for AFDC, one needed to have very low income and minimal assets. For example, Health and Human Services Department Secretary Tommy Thompson recently wrote, “after several decades of unrelenting giving [in the form of cash assistance, food stamps and Medicaid], marriage had virtually disappeared in many communities, and participation in the workforce by poor and low-income adults was unacceptably low.”²⁹⁵ In other words, rather than alleviating poverty, conservatives argue that welfare in fact helps to perpetuate poverty.²⁹⁶

THE CENTRALITY OF DOMESTIC VIOLENCE IN THE LIVES OF WOMEN ON WELFARE

Many women go on welfare to support themselves as they flee abusive boyfriends, spouses and partners. Research has documented that women on welfare experience

domestic violence at higher rates than women in general: about 50-60 percent of women on welfare have experienced domestic violence at some point in their lives, and 20-30 percent are currently experiencing or have recently experienced such violence.²⁹⁷ One study of 836 low-income women found that while 73 percent of those receiving two or more forms of public assistance had experienced moderate to severe violence with their current male partner; only 53 percent of those low-income women not receiving assistance experienced such abuse.²⁹⁸

Several studies confirmed this trend in regions across the US:

Allegheny County, Pennsylvania: A study of 122 women on welfare enrolled in a welfare-to-work program found that 38 percent reported that their current or most recent partner hit, kicked or threw something at them; 27 percent reported their partner seriously physically abused them, cut, bruised or choked them; and 18 percent reported that their partner forced or coerced them into sex.²⁹⁹

Utah: A study of 325 female long-term welfare recipients found 74 percent had experienced domestic violence in their adult lifetimes, and 12 percent had suffered severe domestic violence within the past year.³⁰⁰

Michigan: A study of 753 female welfare recipients in an urban county found that 23 percent experienced moderate to severe physical violence within the past year; 15 percent experienced such violence at the hands of their partner. Fifty-one percent reported physical abuse by a partner during their lifetime.³⁰¹

About 50–60 percent of women on welfare have experienced domestic violence at some point in their lives, and 20–30 percent are currently experiencing or have recently experienced such violence.

Given the well-documented prevalence of domestic violence in the lives of women on welfare, policies such as the paternity identification requirement (described below)—which force women to bring men back into their lives and their childrens' lives in order to receive cash assistance—and the marriage promotion policies described in Chapter IV may coerce poor women to enter back into relationships with abusive spouses and partners, putting them and their children at great risk.

MAJOR PROVISIONS IN THE 1996 WELFARE REFORM LAW

Welfare reform was aimed at addressing the conservative critique of poverty and welfare dependency, which was largely adopted by Bill Clinton and the more conservative “New Democrats” in the early 1990s. In fact, many states, most notably Wisconsin and Massachusetts, petitioned the federal government for waivers in order to experiment with new approaches aimed at moving people off welfare and into work. By passing federal welfare reform legislation, former Governor Thompson and others argue that the US government was following the lead of the states.³⁰² However, Mimi Abramovitz argues that the experiments of the states were first spearheaded during the Reagan administration, when President Reagan granted waivers to the states from federal welfare laws, thereby fostering experimentation and the beginning of the dismantlement of the social safety net.³⁰³

Since 1996, a system which provided cash benefits to poor families with children under age 18 for an indefinite period of time has been replaced by a system which limits the

amount of time a family can receive benefits and requires work in exchange for benefits. Those who fail to fulfill work requirements, as well as other requirements, are penalized and eventually cut off.³⁰⁴

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 marks a sharp departure from the system in place since the New Deal, which was expanded in the 1960s. The following is a brief summary of PRWORA's major provisions³⁰⁵:

1. *Ending federal entitlement to assistance*: Under the old system, the federal government required that states provide assistance to categorically determined groups of people—parents with children under 18 living below a certain income level and with little or no assets. Under the new system, the federal government only requires that states provide for poor families with children in some way. States are empowered to turn the provision of anti-poverty services over to county and municipal governments, corporations, or religious institutions. There is no guarantee that cash assistance will be given.³⁰⁶
2. *Five-year time limit*: The time limit bars a state from using federal TANF funds to provide assistance to a family that includes an adult who has received federal TANF assistance for at least 60 months. At the same time, states are free to enforce stricter time limits on benefits or to provide extensions, with state funds, for families who reach the time limit.³⁰⁷ For example, Massachusetts cuts people off of welfare after two years. After three years not on welfare, however, poor families can reapply for cash assistance and may be eligible.³⁰⁸
3. *Work required in exchange for benefits*: Adult recipients are required to work after receiving assistance for 24 months or less. States have the option to require work prior to 24 months. Those recipients not exempted due to a disability or documented risk of domestic violence are sanctioned if they fail to meet the work requirement. More than 30 states cut recipients off for failure to work.³⁰⁹ The federal government requires states to certify that a certain percentage of their welfare recipients were working by specific dates. For example, by 2002 50 percent of all families, and 90 percent of two-parent families, receiving welfare must work. If a state government fails to meet these goals, the amount of federal funds that state receives will be cut.³¹⁰
4. *Block grant funding*: Under the old system, called Aid to Families with Dependent Children (AFDC), the federal government reimbursed states for at least half of what they spent to support poor families with children. This encouraged states to be relatively generous, as they were only picking up half the tab or less. The Personal Responsibility Act replaced AFDC with the Temporary Assistance for Needy Families (TANF) block grant. The amount of this grant is based on recent expenditures of several anti-poverty programs within each state.³¹¹ This provision is key: it means that in 1996 block grants were large, as they were based on the high amounts of expenditures in the early 1990s due to the recession and the contemporaneous and subsequent swelling of the welfare and unemployment rolls. This time around, block grants will be substantially smaller as they will be based on the expenditures in the late 1990s and early '00s, when the economy was booming and welfare rolls were depleted, in part due to time limits and sanctions mandated by welfare reform.

Massachusetts cuts people off of welfare after two years.

5. *Change eligibility guidelines for legal noncitizens:* Legal immigrants are no longer eligible for food stamps and SSI unless they become US citizens.³¹² Immigrants arriving after August 22, 1996 are barred from means-tested, federally funded public assistance for their first five years in the US.³¹³ States are also allowed to ban legal noncitizen immigrants from accessing TANF, Medicaid, Title XX Social Services, and state-funded assistance.³¹⁴
6. *Provisions to decrease out-of-wedlock births, encourage marriage, and increase parental support:* The Personal Responsibility Act included several provisions to encourage marriage, “prevent” births to unmarried mothers, and increase child support from so-called “deadbeat dads.”³¹⁵ States are free to adopt a “family cap,” which means a woman with two children who has a third while on welfare does not receive any additional cash assistance to help her feed, clothe, and raise that additional child. States that reduce nonmarital births (births by single parents outside the context of marriage, or “wedlock”) without increasing the abortion rate will receive monetary bonuses. States are also free to provide preferential treatment to married couples with children in need of assistance. For example, West Virginia pays married, cohabitating couples on welfare \$100 more a month than single parents, unmarried couples or non-cohabitating married couples on welfare.³¹⁶ One provision reduces family grants for failure to establish paternity. Many states have adopted such provisions. States can require parents of a non-custodial minor parent to pay for child support if the custodial parent is receiving TANF. States are also required to establish procedures to withhold, suspend, or restrict drivers’ licenses for those owing child support.
7. *Abstinence promotion:* The 1996 law also provided \$50 million a year in federal funds to support efforts to promote abstinence.³¹⁷ Such efforts must teach that sex outside the context of heterosexual marriage is intrinsically dangerous—physically, emotionally, and sometimes, spiritually.³¹⁸ Section 912 of PRWORA states that “sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects,” and that “bearing children out-of-wedlock is likely to have harmful consequences for the child, the child’s parents, and society”³¹⁹

While all of the provisions of welfare reform affect low-income gay, lesbian, bisexual and transgender people, there are four elements of welfare reform which pose a particular threat to GLBT people of all socioeconomic classes. They are:

- Marriage Promotion
- Fatherhood Initiatives
- Abstinence Promotion
- Charitable Choice

These four elements are examined in detail in Chapters IV through VII.

Appendix B

THE IMPACT OF WELFARE REFORM ON POOR PEOPLE IN THE US

As welfare expert Isabel Sawhill notes, “the answer to the question of whether welfare reform is working depends on whom you ask.” There are some facts that everyone agrees on, but it is the interpretation of the meaning of those facts, and the causal stories posited behind those facts, that are in dispute. The key question, especially as we teeter on the edge of a recession, is how much of the decline in welfare caseload is due to the unprecedented economic growth of the 1990s, and how much is due to the welfare reform policies themselves? A related concern is, if the results were mixed in a context of strong economic growth, what impact will a recession have on people’s ability to leave welfare and find work that pays enough to support a family?

How much of this success is due to the unprecedented economic growth of the 1990s, and how much is due to the welfare reform policies themselves?

Caseload decline

Over the past half decade, caseloads of people receiving AFDC/TANF have dropped by more than half: from 5 million families in 1994 to 2.2 million in June 2000. From August 1996, when welfare reform was signed into law, through June 2000, the rolls dropped from 12.24 million individuals to 6.28 million people, a drop of 53 percent. Proportionally, the population on welfare has dropped from 5.5 percent to around two percent of the US population.³²⁰ But not all have left the rolls at equal rates. In New York City the number of whites on welfare dropped 57 percent, while the number of blacks declined by only 30 percent and the number of Latinas and Latinos only seven percent. Nationwide, the disparities among the three ethnic groups are less notable, but still sizable: white participation declined by 25 percent, African American participation by 17 percent, and Latina/os by nine percent. While the exact reasons for these disparities are not clear, as a result, the percentage of women of color as a percentage of TANF recipients awaiting a termination of benefits has increased.³²¹

Rise in employment

Employment among low-income parents has risen: while only one-third of single mothers with young children worked in 1992, by 1999 the share had increased to more than half.³²² Employment among single mothers in general has shot up from 57-58 percent in the early 1990s to 72 percent in 1999, an all-time high.³²³

Employment among never-married mothers, who are more likely than other mothers to lack education and job experience and have spent long periods of time on welfare, jumped from 43 percent in 1992 to 65 percent in 1999, an all-time high.³²⁴

Employment among single mothers in general has shot up from 57-58 percent in the early 1990s to 72 percent in 1999, an all-time high.

Increased income inequality, job insecurity

While 50-60 percent of adults leaving welfare have a job three months later, the other 40-50 percent do not. Of those who left welfare in the mid- to late 1990s, one third eventually returned to the rolls.³²⁵ There is concern that many of those who left the rolls at the beginning of welfare reform's implementation were among the most likely to succeed in the job market, and that many of those who have stayed on the rolls through the five-year cut-off, who are leaving right around now, are among the least likely to succeed.

Some claim that job insecurity at the lower end of the labor market has increased due to welfare reform, particularly the "work first" philosophy which pushes recipients into low-wage jobs. Frances Fox Piven notes that welfare recipients were used to break a housekeepers strike at the Baltimore Omni Hotel. In New York, 45,000 welfare recipients are doing custodial jobs once held by unionized public employees. And in Mississippi, welfare workers are toiling in chicken and catfish processing plants, keeping already low wages there down.³²⁶

Poverty down, especially for African Americans and Latinos

Poverty rates in the US declined significantly since 1996: from 36.5 million, or 13.7 percent of the population five years ago to 31.1 million, or 11.3 percent of the population in 2000.³²⁷ Overall child poverty dropped significantly in the late 90s, and by 1999 it was at its lowest level since 1979. Black child poverty declined faster in 1997 and 1999 than in any previous year, and reached its lowest level ever in 1999.³²⁸ Poverty among Hispanic/Latino children also dropped in 1999 to its lowest rate in 20 years.³²⁹ Still, rates are much higher than for white non-Hispanic children and families. Median household income for blacks and Hispanics set records in 2000, but white households still earned on average \$15,000 more than black households.³³⁰

Welfare recipients were used to break a housekeepers strike at the Baltimore Omni Hotel.

The poorest get poorer: Low-wage jobs and stagnating poverty for most welfare leavers

While poverty rates have declined overall since 1996, including among those leaving welfare,³³¹ the poorest are getting poorer: the inflation-adjusted disposable income of the poorest fifth of single mothers (representing 1.8 million families) fell 4 percent between 1995 and 1999.³³² The majority of families who have left the TANF rolls are still living below the poverty line. Another study of Census data by the Center for Budget and Policy Priorities found that, between 1995 and 1997, the income of the poorest 20 percent of female-headed families (two million families comprising six mil-

lion people altogether) dropped by \$580 per family on average. This study included food stamps, housing subsidies, the Earned Income Tax Credit and other similar benefits in the income calculation. “In a strong economy with the lowest unemployment rate in decades and the proportion of never-married mothers who are working at an all-time high, poor single mother families should not be losing ground or failing to make economic progress,” the report concluded.³³³

Income and wealth disparities have also increased in the past half decade, and the purging of the welfare rolls may have played a role in the acceleration of this trend.³³⁴ Workers who have recently left the welfare rolls have low earnings, somewhere in the range of \$6 to \$9 an hour.³³⁵ Haskins, Sawhill and Weaver find that most mothers leaving welfare earn on average \$6.75 an hour.³³⁶ More than a dozen states have commissioned studies to track those leaving welfare. In addition to concerns that those who transitioned off welfare in the early phases of reform are the most likely to succeed, and therefore not representative of all leaving the rolls, there is also concern that some of the least successful in becoming self-sufficient will drop off the radar screen of the tracking studies.

Black child poverty declined faster in 1997 and 1999 than in any previous year, and reached its lowest level ever in 1999.

Greater hardship, and lower utilization of food stamps and Medicaid

The average poor person fell further below the poverty line in 1999 and 2000 than in any other year since record-keeping began in 1979. Analysts say this is due to declining participation and cuts in food stamps and cash assistance programs.³³⁷ Many working poor people eligible for food stamps and Medicaid are not accessing them, often because they are not aware they are still eligible for these benefits, and because they are not told by caseworkers that they need to reapply after leaving welfare.³³⁸ Wendell Primus of the Center on Budget and Policy Priorities notes that “deep poverty,” defined as income less than 50 percent of the poverty level, is growing. Between 1995 and 1998 the percentage of poor children receiving food stamp assistance dropped from 88 percent to 70 percent.³³⁹

Studies of families leaving welfare in 12 states and three large counties or conglomerations of counties, commissioned by the US Department of Health and Human Services, found that between 13 and 52 percent of families reported running out of food; 18 to 38 percent reported being behind on their rent; and eight to 31 percent reported not being able to afford medical attention.³⁴⁰ These government-commissioned studies also found that 42 to 80 percent (depending on the state) of single-parent leavers were still enrolled in Medicaid three months after leaving welfare. But in many areas, enrollment dropped by 10 percent or more within a year of leaving TANF. Only one fifth to one third of leavers had employer-sponsored health insurance. As a result, anywhere from seven to 45 percent of adult leavers, and eight to 33 percent of children of adult leavers, lacked health insurance after leaving the welfare rolls.³⁴¹

Most mothers leaving welfare earn on average \$6.75 an hour.

There is also evidence of growing homelessness. The US Conference of Mayors reported a 12 percent increase in requests for emergency shelter in 26 cities surveyed between 1998 and 1999. The 1999 shelter request rate was the highest since 1994. A social worker at a Salvation Army shelter in New Orleans said, “When I started here three years ago, we had plenty of family space. Since welfare reform, I don’t have a bed.”³⁴²

Increase in Two-Parent Families

Two studies have documented an increase in children living with married parents, and an increase in two-parent households in general. This trend is particularly noticeable among low-income African Americans. US Census data show that from 1995 to 2000, the percentage of black children living with two married parents increased from 34.8 percent to 38.9 percent. An Urban Institute survey comparing 100,000 people in 13 states in 1997 and 1999 found an increase in single mothers living with unmarried partners. While some cite this as a success caused, in part, by welfare reform, others are less celebratory. “These marriages and cohabitating households are all about survival,” said Helen Gee of Community Advocates in Milwaukee, Wisconsin’s largest advocacy group for low-income families. “They are crisis-driven. Women need help with high rent, utilities, child care and transport. Their struggle is so great they think that two heads are better than one. Many women are leaving their kids at home all day with guys they hardly know. We are seeing a lot of stressed out clients.”³⁴³

“When I started here three years ago, we had plenty of family space. Since welfare reform, I don’t have a bed.”

—New Orleans homeless shelter staffer

WAS THE MAIN FACTOR IN THIS “SUCCESS” WELFARE REFORM OR THE BOOMING ECONOMY OF THE 1990s?

It is undeniable that by several indicators, welfare reform has coincided with improvements in a number of social and economic indicators. But how much of this is due to the policy changes adopted in 1996, and how much is due to the unprecedented expansion that started in the early 1990s, and continued into the last years of the century? Robert Rector, an analyst with the conservative Heritage Foundation, claims that the drop in poverty rates through 2000 reflects “the continuing remarkable success of welfare reform...There’s been a dramatic drop in dependence.”³⁴⁴ Others who argue that welfare reform is the causal variable in declining rates of poverty point to the 1980s, when the economy also expanded by 20 million jobs but welfare rolls did not decline; rather, they increased by half a million families.³⁴⁵ Something must be different about the policies of the 1990s, they argue. But even Wade Horn admits that as much as half the decline in the rolls may be due to the economy.³⁴⁶

Even Wade Horn admits that as much as half the decline in the rolls may be due to the economy.

In addition to welfare, other, more progressive anti-poverty policies may have played a significant role in the drop in poverty: more than half the increase in employment among single mothers from the mid-1980s to the mid-1990s is due to 1) expansions of the earned income tax credit (EITC), which targets low-income families for tax relief; 2) expanded public health insurance for low-income children; 3) increases in child care subsidies; and 4) a greater tolerance on the part of the welfare system of part-time work by those receiving welfare.³⁴⁷ No research to date has pinpointed to what degree the economic boom, welfare reform, and the expansion of supports for low-income families are responsible for the initial results of the late 1990s. As one study notes, “[w]hether [these policies] will produce the same outcomes in a weaker economy is less certain.”³⁴⁸

Endnotes

INTRODUCTION

1. Horn is a co-founder of the National Fatherhood Initiative, and now serves as assistant secretary for children and families in the US Department of Health and Human Services. Andrew Bush is director of the Office of Family Assistance, Dept. of Health and Human Services, and is described by the *Washington Post* as HHS Secretary Tommy Thompson's "senior advisor on welfare." Don Eberly is co-founder, with Horn and David Blankenhorn, of the National Fatherhood Initiative, former head of the Civil Society Project, and is now deputy director of the Office of Faith-Based and Community Initiatives. David Blankenhorn is co-founder, along with Horn and Eberly, of the National Fatherhood Initiative, a member of the NFI governing board, and president of the Institute for American Values. He wrote *Fatherless in America: Confronting Our Most Urgent Social Problem*, (New York: Harper Perennial, 1995).
2. www.census.gov/population/socdemo/hh-fam/p20-537/2000/tabFG6.pdf.
3. Many part-time and low-wage employees are not eligible for unemployment benefits, having earned too little to qualify. In fact, only 39 percent of Americans who are without a job and are looking for one are now eligible for unemployment insurance, compared to about 50 percent in 1975 and a much higher level half a century ago. David Leonhardt, "Out of Work, and Out of the Benefits Loop: Restrictions Will Keep Millions From Receiving Help," *New York Times*, October 17, 2001, p. C1.
4. John Wildermuth, "Welfare reform heading back to Congress next year," *San Francisco Chronicle*, November 4, 2001, p. A11.
5. Ibid.

ISSUES SPECIFIC TO GLBT POOR PEOPLE

6. Supreme Court Justice Antonin Scalia expressed this view in his dissent to *Romer v. Evans*, the 1996 decision striking down Amendment 2, which was passed by Colorado voters in 1992 outlawing non-discrimination laws based on sexual orientation: "[B]ecause those who engage in homosexual conduct tend to reside in disproportionate numbers in certain communities [and]...have high disposable income," Scalia wrote, "they possess political power much greater than their numbers, both locally and statewide." Scalia wrote that gays were "a group which enjoys enormous influence in American media and politics," in part due to their allegedly high income. S. Ct. 1996 WL 262293 (US) Roy Romer, Governor of Colorado, et al., Petitioners v. Richard G. Evans et al., No. 94-1039, Supreme Court of the United States, argued October 10, 1995; decided May 20, 1996; on write of certiorari to the Supreme Court of Colorado, pp. 7-13. Colorado for Family Values (CFV), the group behind Amendment 2, used this theme to evoke resentment against gays on the part of those struggling to make ends meet. "[D]espite

their claim to be ‘oppressed,’” wrote CFV, “...[gays] are among Colorado’s most affluent citizens,” with “an average household income of more than \$55,400...Gays are three times more likely to be college graduates. Three times more likely to hold professional or managerial jobs. Four times more likely to be overseas travelers. Almost four times more likely to earn over \$100,000 annually.” Fundraising letter from former US Senator Bill Armstrong for Colorado for Family Values, reprinted in Political Research Associates, *Constructing Homophobia: How the Right Wing Defines Lesbians, Gay Men and Bisexuals as a Threat to Civilization*, Cambridge: Political Research Associates, 1993, Part III of a three part resource packet, p. 4.; Colorado for Family Values, “What’s Wrong with ‘Gay Rights’? YOU Be the Judge!”, in Political Research Associates, *Constructing Homophobia*, Part III. Anti-gay activists have also portrayed gays as wealthy to justify opposing non-discrimination laws.

7. A multiple regression analysis of the General Social Survey (GSS) data from 1988-1990 and of 1990 US Census data on same-sex households indicates that when adjusted for education, occupation, race, geographic location, and experience, gay men earn as much as one-quarter less than heterosexual men, while lesbians earn about the same as heterosexual women. Source: M.V. Lee Badgett, “The Wage Effects of Sexual Orientation Discrimination,” *Industrial and Labor Relations Review*, 48(4), July 1995, p. 737; Marieka M. Klawitter and Victor Flatt, “The Effects of State and Local Antidiscrimination Policies for Sexual Orientation,” *Journal of Policy Analysis and Management*, 17(4), Fall 1998, pp. 674-675. Another study of the 1990 Census (5% PUMS—Public Use Micro Sample) found that gay men in unmarried partnered relationships earned 15.6% less than similarly qualified married heterosexual men. Source: Sylvia A. Allegretto and Michelle M. Arthur, “An Empirical Analysis of Homosexual/Heterosexual Male Earnings Differentials: Unmarried and Unequal?,” *Industrial and Labor Relations Review*, 54(3), April 2001, p. 631.
8. New York State Department of Health, *AIDS in New York State: 1998-99 Edition*, 1999.
9. Judith Bradford and J. White, “Lesbian Health Research,” in M. Goldman and M. Hetch, eds., *Women and Health*, San Diego: Academic Press, 2000, cited in Laura Dean, Ilan Meyer, Kevin Robinson, Randall Sell, Robert Sember, Vincent Silenzio, Daniel Wolfe, Deborah Bohlen, Judith Bradford, Esther Rothblum, Scout, Jocelyn White and Patricia Dunn, *Lesbian, Gay, Bisexual, and Transgender Health: Findings and Concerns*, New York: Gay and Lesbian Medical Association and the Center for LGBT Health, Columbia University School of Public Health, 2000.
10. To paint a picture of poor GLBT people this section focuses on existing social science estimates of GLBT people and poverty figures provided by the US Census. A review of the research literature indicates that somewhere between 3% and 8% of the total US population is lesbian, gay or bisexual. (This range is from nearly a dozen studies, including those of Sell et al., Laumann et al., Janus and Janus, Black et al., and others reviewed in Sean Cahill, Ken South and Jane Spade, *Outing Age: Public Policy Issues Affecting Gay, Lesbian, Bisexual, and Transgender Elders*. New York: National Gay and Lesbian Task Force Policy Institute, 2000, pp. 7-8, 82-83.) There are no national data available on transgender people in the US, so we are unable to estimate a population range for transgender people. (25,000 Americans have undergone sex reassignment surgery, 60,000 consider themselves candidates for such surgery, and the doctors who perform it have long waiting lists. (Carey Goldberg, “Shunning ‘He’ and ‘She,’ They Fight for Respect,” *New York Times*, September 8, 1996, p. A10; John Cloud, “Trans Across America; Watch Out, Pat Buchanan. Ridiculed for Years, ‘Transgenders’ are Emerging as the Newest Group to Demand Equality,” *Time Magazine*, July 20, 1998, p. 48.)) The earliest estimates of transgender prevalence for adults were 1 in 37,000 males and 1 in 107,000 females. More recent estimates from Holland are 1 in 11,900 males and 1 in 30,400 females. (Harry Benjamin International Gender Dysphoria Association Standards of Care, Part III, Section I, <http://www.hbgda.org/soc5.html>.) *The Diagnostic and Statistical Manual of the American Psychiatric Association*, 4th ed. (Washington, DC: American Psychiatric Association, 1997) cites older statistics showing roughly 1 in 30,000 adult males and 1 in 100,000 adult females undergo sex reassignment surgery. There are no worldwide statistics available. *Time Magazine* reported that “gender identity disorder” occurs in at least 2% of children. (Cloud, *Time Magazine*, July 2, 1998, p. 48.) These estimates are likely to underestimate the real number of GLBT people because of the reluctance of many GLBT people to come out or self-identify as GLBT. For population size see: U.S. Census Bureau, *Resident Population Estimates of the United States by Age and Sex: April 1, 1990 to July 1, 1999, with Short-Term Projection to November 1, 2000, 2001*, www.census.gov/population/estimates/nation/intfile2-1.txt; L. Lamison-White. Census Bureau, Current Population Reports, Series P60-198, *Poverty in the United States: 1996*, U.S. Government Printing Office, Washington, DC, 2001, 1997, <http://www.census.gov/prod/3/97pubs/P60-198.PDF>; J. Dalaker, U.S. Census Bureau, Current Population Reports, Series P60-214, *Poverty in the United States: 2000*, U.S. Government Printing Office, Washington, DC, 2001, <http://www.census.gov/prod/2001pubs/p60-214.pdf>.

11. Amber Hollibaugh, "Queers Without Money: They Are Everywhere, But We Refuse to See Them," *Village Voice*, June 28, 2001, pp. 47-49.
12. P. Letellier, "Poverty, Hunger, and Gay Rights," *The Slant*, 2001, <http://www.theslant.org/columnist18.html>.
13. J.M. Xavier, *The Washington Transgender Needs Assessment Survey*. For information on the study contact the author at jessica@gender.org or visit <http://www.gender.org/vaults/wtnas.html>.
14. Rafael M. Diaz and George Ayala, *Social Discrimination and Health: The Case of Latino Gay Men and HIV Risk*, New York: National Gay and Lesbian Task Force Policy Institute, p. 12.
15. DeFilippis and Rivera.
16. A. Keegan, "Trans PWA Turned Away," *The Washington Blade*, July 13, 2001, <http://www.washblade.com/national/010713a.htm>. According to the caseworker the facilities did not have the "appropriate space" to accommodate a transgender person. Although there was one space available in the shelter's section for women, the transgender person was turned away because he was still a male. The shelter also felt "it would be out of the question" to place this individual in the male section. Officials deny that the individual was turned away because she is transgender or because of any policy against accommodating transgender people. Instead, they say it was for the safety of the individual.
17. National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, and Transgender Domestic Violence in 2000*, New York: National Coalition of Anti-Violence Programs, 2001.
18. Over the past decade, courts in approximately half of the states have issued rulings that help to formalize the family relationships of a lesbian biological mother, her partner who is a co-parent, and the child through such means as second parent adoption and legal standing to seek visitation or custody. See, e.g., Petition of K.M., 653 N.E.2d 888(IL Ct. App, 1st Dist. 1995)(lesbian second parent adoption); Adoption of B.L.V.B., 628 A.2d 1271 (VT Sup. Ct. 1993)(lesbian second parent adoption); Matter of Petition of L.S. 119, Daily Wash. L. Rep. 2249 (D.C. Super. Ct. 1991)(lesbian second parent adoption); V.C. v. M.J.B., 163 N. J. 200 (NJ Sup. Ct. 2000)(lesbian co-parent visitation); E.N.O. v. L.M.M., 711 N.E.2d 886 (MA Sup. Judicial Ct. 1999)(lesbian co-parent visitation).
19. R. Feinstein, A. Greenblatt, L. Hass, Sally Kohn, and J. Rana, *Justice for All: A Report on Lesbian, Gay, Bisexual, and Transgendered Youth in the New York Juvenile Justice System*, New York: Urban Justice Center, 2001.
20. Feinstein et al.
21. Gerard P. Mallon, *We Don't Exactly Get the Welcome Wagon: The Experiences of Gay and Lesbian Adolescents in Child Welfare Systems*. Columbia University Press: New York, 1998.
22. Joseph N. DeFilippis and Ingrid Rivera, *The Impact of Welfare Reform on the Gay, Lesbian, Bisexual, Transgender Community*, 2001. Unpublished paper.
23. Ibid.
24. J. Stacey and T.J. Biblarz, "(How) Does the Sexual Orientation of the Parents Matter?" *American Sociological Review*, 66, April 2001, pp. 159-183.
25. E. M. Saewyc, L.H. Bearinger, R.W. Blum and M.D. Resnick, "Sexual Intercourse, Abuse and Pregnancy Among Adolescent Women: Does Sexual Orientation Make a Difference?" *Family Planning Perspectives*, 31(3), 1999, pp. 127-131. The authors suggest that lesbian and bisexual women may get pregnant to prove that they are heterosexual.
26. There are exemptions to the work requirement for single parents with children under age 6 who cannot find childcare. Exemptions also exist for disabled people and people caring for a disabled child. Recipient's workfare assignments tend to be made by caseworkers at local welfare agencies, giving recipients little say in their employer. A person who does not participate in the mandatory workfare can be sanctioned and lose all TANF benefits.
27. Belle Rose Ragins, *National Workplace Climate Project*, 1997 study conducted for National Gay and Lesbian Task Force, LLEGO, and National Black Lesbian and Gay Leadership Forum, unpublished.
28. Philadelphia Lesbian and Gay Task Force, 1996.
29. Human Rights Council of North Central Florida, 1997.
30. According to political scientist and activist Dr. Paisley Currah, discrimination against transgender people "is rooted in the same stereotypes that have fueled the unequal treatment of women, lesbian, gay, and bisexual people, and people with disabilities—that is, stereotypes about how men and women are 'supposed' to behave, and about how male and female bodies are 'supposed' to appear." Statement by Dr. Paisley Currah, Associate Professor of Political Science was made at Brooklyn College of the

City University of New York before the General Welfare Committee of the New York City Council concerning Int. No. 754, a bill to amend the New York City Human Rights Law to include transgender people, presented on May 4, 2001, <http://www.nyagra.org/currah.htm>.

31. DeFilippis and Rivera.
32. G.B. Lewis and J.L. Edelson, "DOMA and ENDA: Congress Votes On Gay Rights" in Craig A. Rimmerman, Kenneth D. Wald, and Clyde Wilcox, *The Politics of Gay Rights*, Chicago: University of Chicago Press, 2000.
33. Van der Meide, Wayne, *Legislating Equality: A Review of Laws Affecting Gay, Lesbian, Bisexual, and Transgendered People in the United States*, New York: National Gay and Lesbian Task Force Policy Institute, 2000.
34. Alan S. Yang, *The 2000 National Election Study and Gay and Lesbian Rights: Support for Equality Grows*, New York: National Gay and Lesbian Task Force Policy Institute, 2001, <http://www.nglft.org/downloads/NES2000.pdf>.

THE THREAT WELFARE REFORM POSES TO ALL GLBT PEOPLE

35. White House press release, www.whitehouse.gov/news/releases/2001/06/20010607-3.html.
36. Judith Stacey, "Family Values Forever: In the Marriage Movement, Conservatives and Centrists Find a Home Together," *The Nation*, July 9, 2001, p. 27.
37. Katha Pollitt, "Forward to the Past," *The Nation*, July 9, 2001.
38. Both Moynihan and Johnson supported the expansion of anti-poverty programs encompassed under the "War on Poverty," and Johnson explicitly spoke of the need for affirmative action to amend for centuries of oppression and impoverishment of the African American community. Both Moynihan and Johnson supported the civil rights reforms of the mid-1960s. Moynihan acknowledged the role that slavery, Jim Crow laws, lynch mobs, rapid urbanization, and high unemployment rates among blacks played in the impoverishment of African Americans and the disruption of "traditional social patterns." He noted "[t]he fundamental, overwhelming fact is that negro unemployment, with the exception of a few years during World War II and the Korean War, has continued at disaster levels for 35 years." When employment rates rose, Moynihan noted, "the Negro family became stronger and more stable. As jobs became more and more difficult to find, the stability of the family became more and more difficult to maintain." Michael B. Katz, *The Undeserving Poor: From the War on Poverty to the War on Welfare*, New York: Pantheon Books, 1989, p. 26. Moynihan also strongly opposed the welfare reform act of 1996, because it put poor children and families at risk.
39. Daniel Patrick Moynihan, *The Negro Family: The Case for National Action*, Office of Policy Planning and Research, US Department of Labor, March 1965, cited in Dionne Bensonsmith, "It's No Longer Just About Race: Sex Roles, the Family, and the Resurrection of the Moynihan Report," paper presented at the annual meeting of the American Political Science Association, August 29-September 3, 2000, Washington, DC, p. 6. Copyright APSA.
40. Dionne Bensonsmith, "It's No Longer Just About Race: Sex Roles, the Family, and the Resurrection of the Moynihan Report," paper presented at the annual meeting of the American Political Science Association, August 29-September 3, 2000, Washington, DC, p. 4. Copyright APSA. While there is nothing that makes patriarchy intrinsically preferable over matriarchy, Moynihan wrote, "because it is so out of line with the rest of American society...[this matriarchal structure] imposes a crushing burden on the Negro male and, in consequence, on a great many Negro women as well." Moynihan report, p. 29, in Bensonsmith, p. 7 "The white family has achieved a high degree of stability and is maintaining that stability...**By contrast, the family structure of lower class Negroes is highly unstable, and in many urban centers is approaching complete breakdown...**white children without fathers at least perceive all about them the pattern of men working. Negro children without fathers flounder and fail." Moynihan Report, pp. 5, 35, cited in Bensonsmith, p. 7. Emphasis in original text of report.
41. Moynihan report, p. 9, in Bensonsmith, p. 8.
42. Ibid, p. 39, in Bensonsmith, p. 8. Even in male-female headed households, "a fundamental fact of Negro American family life is the often reversed roles of husband and wife." Because of discrimination and high unemployment, black families are often dependent on welfare to put food on the table. Noting that social workers are usually women and that they often "deal with the housewife,"

Moynihan argues that this dependency emasculates and infantilizes black men: “Already suffering a loss in prestige and authority in the family because of his failure to be the chief bread winner, the male head of the family feels deeply this obvious transfer of planning for the family’s well-being to two women, one of them an outsider. His role [is] reduced to that of errand boy to and from the relief office.” (Ibid, p. 19, in Bensonsmith, p. 9.)

43. Ibid, p. 43, in Bensonsmith, p. 9.
44. Ibid, introduction, in Bensonsmith, p. 10.
45. For example, Harvard Law Professor Lucie White writes that “the distinctive family practices among low-income African Americans [were] shaped as an adaptive response to slavery and its aftermath...These family practices entailed young women giving birth in households that included older women. This arrangement assured that children were born before their mothers’ health had been eroded by the stresses of poverty and before their grandmothers were too old to help with their care. These practices also included geographically dispersed intimate partnerships, shaped by a racially segregated national labor market, which compelled African American men to move about for work while women took domestic jobs that allowed them to maintain a homeplace for the family.” Lucie E. White, “Closing the Care Gap That Welfare Reform Left Behind,” *Annals of the American Association of Political and Social Sciences*, Vol. 577, September 2001, p. 137.
46. Bensonsmith, p. 14.
47. Gregory B. Lewis and Jonathan L. Edelson, “DOMA and ENDA: Congress Votes on Gay Rights,” in Rimmerman et al.
48. Rep. Bob Barr (R-GA) during the November 1, 1995 debate on whether to allow the District of Columbia to offer domestic partner benefits to district government employees. *Congressional Record*, 104th Congress, p. H11657.
49. Rep. Charles Canady (R-FL) during the July 11, 1996 DOMA debate. *Congressional Record*, 104th Congress, p. H7443.
50. Rep. Ron Packard (R-CA), July 11, 1996 DOMA debate. *Congressional Record*, 104th Congress, p. H7449.
51. Rep. Bob Barr (R-GA), July 12, 1996 DOMA debate, *Congressional Record*, 104th Congress, p. H7482.
52. Rep. Charles Canady (R-FL), *Congressional Record*, 104th Congress, p. H7486, cited in Colton C. Campbell and Roger H. Davidson, “Gay and Lesbian Issues in the Congressional Arena,” in Rimmerman et al., 2000, p. 362.
53. Reagan Administration, White House Working Group on the Family, *The Family: Preserving America’s Future*, Press Release and Report, US Department of Education, Office of the Under Secretary, November 13, 1986, p. 21, cited in Abramovitz, p. 20.
54. American Enterprise Institute, *A Community of Self-Reliance: A New Consensus on Family and Welfare*, Washington: American Enterprise Institute, 1987, p. 4, cited in Abramovitz, 2000, p. 19.
55. Robert Rector, “Combatting Family Disintegration, Crime and Dependence: Welfare Reform and Beyond,” *Heritage Foundation Backgrounder*, April 8, 1994, p. 7, cited in Abramovitz, 2000, p. 19.
56. Governor Kirk Fordice of Mississippi, quoted in Kevin Sack, “In Mississippi, Will Poor Grow Poorer with Welfare Plan?” *New York Times*, October 23, 1995, p. A1, cited in Abramovitz, p. 30. Here are some further choice quotes: “No sector [of the economy] can afford a growing underclass that cannot get or keep jobs, nor can the nation afford to suffer losses in productivity and world competitiveness because workers are unprepared for changes in the workplace.” (National Alliance of Business, *Employment Policies: Looking to the Year 2000*, February 1986, p. I, 8, cited in Abramovitz, p. 29.) “[C]hildren growing up in the welfare-ravaged neighborhoods...are the true victims of our social welfare policies.” (Michael Tanner, “Ending Welfare As We Know It,” *Policy Analysis* 212, Washington: Cato Institute, July 7, 1994, pp. 22-23, cited in Abramovitz, p. 20.) “[T]he welfare system is ruinous and fundamentally flawed...Breaking the cycle of illegitimacy and dependency ultimately depends on stopping widespread, deeply entrenched, and highly destructive behavior. This will not be easy. There are a lot of noneconomic cultural forces at work.” (William J. Bennett (former Secretary of Education in the Reagan-Bush Administration), “A Welfare Test,” *Washington Post*, August 18, 1996, p. C7, cited in Cammisa, 1998, p. 137.)
57. H.R.3734, Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Title I, Sec. 101. Findings.
58. Title I, Section 101 of H.R. 3734, cited in Anna Marie Smith, “The Politicization of Marriage in

- Contemporary American Public Policy: The Defense of Marriage Act and the Personal Responsibility Act,” Department of Government, Cornell University, unpublished, p. 18.
59. Title I, Part A, Section 401 of PRWORA, cited in Smith, p. 19.
 60. Anna Marie Smith, “The Politicization of Marriage in Contemporary American Public Policy: The Defense of Marriage Act and the Personal Responsibility Act,” Department of Government, Cornell University, unpublished, p. 19.
 61. Biography of Wade F. Horn, Ph.D., <http://www.hhs.gov/about/bios/acf/html>; Judith Stacey, “Family Values Forever: In the Marriage Movement, Conservatives and Centrists Find a Home Together,” *The Nation*, July 9, 2001, p. 26.
 62. Robert Pear, “Nominee’s Focus on Married Fatherhood Draws Both Praise and Fire,” *New York Times*, June 7, 2001; HHS biography of Wade F. Horn.
 63. Pear, 2001.
 64. Amy Goldstein, “Looking Beyond Jobs in Welfare Reform: Conservatives Advise States to Promote Marriage, Abstinence, Stronger Families,” *Washington Post*, September 6, 2001, p. A21.
 65. John Wildermuth, “Welfare Reform Heading Back to Congress Next Year,” *San Francisco Chronicle*, November 4, 2001, p. A11.
 66. Wade Horn, David Blankenhorn, and Mitchell B. Pearlstein, eds., *The Fatherhood Movement: A Call to Action*, New York: Lexington Books, 1999; Don Eberly, *Civil Society and the Renewal of American Culture*, New York: Rowman and Littlefield Publishers, Inc., 1998.
 67. David Blankenhorn, Introduction to Wade Horn et al., eds., *The Fatherhood Movement*, 1999, p. xii.

MARRIAGE INITIATIVES THAT PRIVILEGE HETEROSEXUAL MARRIED COUPLES AND EXCLUDE OTHER FAMILIES

68. David Blankenhorn, “A City with Foundations,” *American Experiment Quarterly*, Summer 2001, pp. 94-95.
69. First Louisiana, and then Arizona and Arkansas passed covenant marriage bills, while at least 20 other states have considered such measures. Judith Stacey, “Family Values Forever: In the Marriage Movement, Conservatives and Centrists Find a Home Together,” *The Nation*, July 9, 2001, p. 27.
70. Robert Rector, “Using Welfare Reform to Strengthen Marriage,” *American Experiment Quarterly*, Summer 2001, p. 65.
71. *The Marriage Movement: A Statement of Principles*, at www.marriagemovement.org/html/report.html.
72. “Whether an individual ever personally marries or not, a healthy marriage culture benefits every citizen in the United States: rich or poor, churching or unchurching, gay or straight...,” from *The Marriage Movement: A Statement of Principles*, www.marriagemovement.org/html/report.html.
73. “Using Welfare Reform to Strengthen Marriage,” *American Experiment Quarterly*, Summer 2001, pp. 63-64. The Marriage Movement’s *Statement of Principles* claims that “[c]hanges in family structure explain 97 percent of black and 99 percent of white families’ poverty spells.” (www.marriagemovement.org.) Some 44% of adults in the US were unmarried in 1998. According to the 2000 Census, only 23 percent of US households were comprised of married couples with children. Single adults headed 46 million households. Stacey, 2001, p. 27.
74. Wade Horn, “Wedding Bell Blues: Marriage and Welfare Reform,” *Brookings Review*, 19(3), Summer 2001, p. 39.
75. Horn, 2001, pp. 39-42.
76. Wade Horn and Andrew Bush, *Fathers, Marriage, and Welfare Reform*, originally published as a Hudson Institute report in March 1997, available at <http://welfare-reformer.org/articles/father.htm>. Andrew Bush is now HHS Secretary Tommy Thompson’s senior advisor on welfare reform.
77. Horn, “Wedding Bell Blues,” 2001.
78. European data for 1995-96 from *Eurostat Yearbook 1997*; US data for 1998 from *Statistical Abstracts of the United States*, cited in Wolfgang P. Hirczy de Mino, “From Bastardy to Equality: The Rights of Nonmarital Children and Their Fathers in Comparative Perspective,” *Journal of Comparative Family Studies*, 31(2), 2000, pp. 232-233.

79. Poverty is defined as 50 percent or less of the median income for all households with heads 20 to 55 years old. From Katherine McFate, *Poverty, Inequality, and the Crisis of Social Policy: Summary of Findings*, Washington, DC: Joint Center for Political and Economic Studies, 1991, p. 32, cited in Hirczy de Mino, 2000, p. 233.
80. Ibid.
81. Horn, "Welfare Incentives that Aid Marriage," *Washington Times*, November 28, 2000, at www.fatherhood.org/articles/wh112800.htm.
82. Rector, 2001. p. 65.
83. Judith Stacey, p. 27.
84. Quote from Donna Fowler of the American Federation of Teachers in Karen S. Peterson, "Teaching Togetherness: Teens Learn 'I Do' Can Last Forever," *USA Today*, July 14, 1998, p. D1. The Washington, D.C.-based Coalition for Marriage, Family, and Couples Education lists on its website 11 recipients of nearly \$800,000 in marriage promotion contracts from Arizona TANF funds as of September 4, 2001. The largest contracts were to Lutheran Social Ministry of the Southwest (\$231,050) and Franklin Covey Client Sales, Inc., creators of the Franklin Planner (\$227,298). Also receiving funds were Jewish Family and Children's Services (\$6,720) and Phoenix Interfaith Counseling (\$40,750). Coalition for Marriage, Family and Couples Education, LLC, "Arizona marriage skills contract recipients – 9/4/01," <http://archives.his.com/smartmarriages/msg01556.html>.
85. Rector, 2001, p. 64.
86. US Census Bureau, *Current Population Report*, March 1998, www.census.gov. This figure is a proportion of American households defined as family by the Census Bureau, not a proportion of total households. As a proportion of total households, the figure would be significantly lower.
87. Personal Responsibility and Work Opportunities and Reconciliation Act. PL 104-193. Sec 401(a)(3).
88. Horn and Bush, 1997.
89. Ibid.
90. M. Petit and P. Curtis, *Child Abuse and Neglect: A Look at the States; 1997 Child Welfare League of America Stat Book*, 1997; Lambda Legal Defense and Education Fund, "The Impact of Welfare Reform on LGBT Foster Adolescents," www.lambdalegal.org/cgi-bin/pages/documents/record?record=527.
91. Alfred Kadushin, *Child Welfare Services*, 1980.
92. R. Eagle, "The Separation Experience of Children in Long-Term Care: Theory, Resources, and Implications for Practice," *The American Journal of Orthopsychiatry*, 1994.
93. Horn, "Wedding Bell Blues," *Brookings Review*, Summer 2001.
94. Ibid.
95. Horn and Bush, 1997.
96. Ibid.
97. Don Eberly, *Civil Society and the Renewal of American Culture*, New York: Rowman and Littlefield Publishers, Inc., 1998, p. 235.
98. Pollitt, July 9, 2001.
99. Leslie Lenkowsky, "Fathers, Mothers, and Public Policy," *Indianapolis Business Journal*, July 28-August 1, 1997, reprinted on the website of the Welfare Policy Center of the Hudson Institute, www.welfarereformer.org/fmp.htm.
100. The three cofounded the National Fatherhood Initiative (Wade Horn, "Dad's Movement Sees Both Growth and Challenges," *Washington Times*, August 24, 1998, www.fatherhood.org/articles/wh082498.htm). Horn accords his highest praise to Blankenhorn's 1995 book *Fatherless in America*, calling it "most especially...compelling." (Horn, "Did You Say 'Movement'?" in Wade Horn, David Blankenhorn, and Mitchell Pearlstein, eds., *The Fatherhood Movement: A Call to Action*, New York: Lexington Books, 1999, p. 6. Eberly cites Blankenhorn extensively in his 1998 treatise, *Civil Society*).
101. David Blankenhorn, *Fatherless in America: Confronting Our Most Urgent Social Problem*, New York: Harper Collins, p. 229.
102. Ibid, p. 231.
103. www.census.gov/population/socdemo/hh-fam/p20-537/2000/tabFG6.pdf.
104. Wade Horn and Andrew Bush, "Fathers, marriage, and welfare reform," originally published as a Hudson Institute report in March 1997. Available at <http://welfarereformer.org/articles/father.htm>.

105. Leslie Lenkowsky, "Fathers, Mothers, and Public Policy," *Indianapolis Business Journal*, July 28-August 1, 1997, reprinted on the website of the Welfare Policy Center of the Hudson Institute, www.welfare-reformer.org/fmp.htm. Emphasis added.
106. Eberly et al., "A Call to Civil Society," in Eberly, 1998, p. 235.
107. Ibid.
108. Wade Horn, "Retirement Tax Plan Works for Dads," *Washington Times*, November 7, 2000.
109. Horn, "When a Dad is Bad, Don't Blame Religion," *Washington Times*, August 2, 1999.
110. Ibid.
111. Eberly et al., "A Call to Civil Society," in Eberly, 1998, p. 235.
112. Reuters, "US Judge upholds Florida ban on gays adopting," August 30, 2001.
113. (PL 104-199) Gregory B. Lewis and J.L. Edelson, "DOMA and ENDA: Congress Votes on Gay Rights," in C.A. Rimmerman, K.D. Wald, and C. Wilcox, eds., *The Politics of Gay Rights*, Chicago: University of Chicago Press, 2000. A total of 35 states have anti-gay marriage laws; Texas passed a law defining marriage as a union between a man and a woman in 1973.
114. Defense of Marriage Act. PL 104-199. Sec. 2.
115. Wade Horn, "Wedding Bell Blues: Marriage and Welfare Reform," *Brookings Review*, 19(3), Summer 2001, pp. 39-42.
116. Horn, "Wedding Bell Blues," p. 42.
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APPENDIX A: WHAT IS WELFARE? WHAT IS WELFARE REFORM?

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National Gay and Lesbian Task Force Policy Institute

bestsellers

The 2000 National Election Study and Gay and Lesbian Rights

SUPPORT FOR EQUALITY GROWS

For the first time in 2000, a solid majority of Republicans expressed support for sexual orientation nondiscrimination laws. In this report, Columbia University political scientist Alan Yang documents increased support for gay adoption, strong majority support for military service, and growing signs of a thaw in “affect,” or like/dislike of gay men and lesbians. Yang’s full analysis of the 2000 NES data can be downloaded at www.nglhf.org/downloads/NES2000.pdf. (June 2001; 10 pp.; www.nglhf.org/pub.html)

Social Discrimination and Health

THE CASE OF LATINO GAY MEN
AND HIV RISK

This report, by renowned AIDS researchers Rafael Diaz and George Ayala, documents the correlations among homophobia, racism, poverty, and HIV risk, and has significant implications for prevention strategies. Although Latinos were the subject of this case study, the findings are relevant to other communities of color and marginalized groups. Available in English and Spanish. (July 2001; 36 pp.; \$10.00 www.nglhf.org/pub.html)

Outing Age

PUBLIC POLICY ISSUES AFFECTING
GAY, LESBIAN, BISEXUAL AND TRANSGENDER ELDERS

This groundbreaking report reviews social science literature and explains what we do and do not know about the demographics of GLBT elders. *Outing Age* outlines major public policy issues facing GLBT seniors—including federal aging programs, disability, long-term care and caregiving, nursing homes, and Social Security—and presents recommendations for advocacy to move public policy toward equal treatment of this population. (June 2000; 96 pp.; \$10.00; www.nglhf.org/pub.html)

Redistricting

AND THE GAY, LESBIAN, BISEXUAL
AND TRANSGENDER COMMUNITY

A STRATEGY MEMO

The redrawing of district lines for seats in the US House of Representatives, state legislatures and city councils from 2001-2002 offers both opportunities and risks for the GLBT community. This strategy memo explains redistricting to local and state activists and offers concrete strategies for working with civil rights and women’s groups to push for districts which make the election of a pro-GLBT candidate more likely.

Transgender Equality

A HANDBOOK FOR ACTIVISTS
AND POLICYMAKERS

A handbook providing activists and policymakers with the tools they need to pass transgender-inclusive non-discrimination and anti-violence legislation. Written by Paisley Currah and Shannon Minter, with an introduction by Jamison Green. This handbook is an invaluable resource guide providing model legislative language, talking points, responses to frequently asked questions, and a comprehensive resource listing. (June 2000; 96 pp.; \$10.00; www.nglhf.org/pub.html)

Out and Voting II

THE GAY, LESBIAN, AND BISEXUAL VOTE
IN CONGRESSIONAL ELECTIONS, 1990-1998

An in-depth profile of the gay, lesbian, and bisexual voting bloc and the first-ever analysis of the impact of this emerging constituency in national congressional elections. By Dr. Robert Bailey of the Rutgers University School of Public Policy and Administration. Among the report’s findings: out GLB voters comprise roughly 5% of the national electorate, and 8.8% of voters in cities of 500,000 or more. (January 2000; 54 pp.; \$10.00; www.nglhf.org/pub.html)

From Wrongs to Rights

PUBLIC OPINION ON GAY AND LESBIAN AMERICANS MOVES TOWARDS EQUALITY

This groundbreaking report, written by Alan Yang of the Department of Political Science at Columbia University, tracks public opinion trends over the last 26 years on various gay and lesbian rights issues including: employment and housing non-discrimination, family issues, marriage, adoption, and the military. (December 1999; 32pp; \$10.00; www.nglrf.org/downloads/yang99.pdf)

Legislating Equality

A REVIEW OF LAWS AFFECTING GAY, LESBIAN, BISEXUAL, AND TRANSGENDERED PEOPLE IN THE UNITED STATES

This comprehensive report, by Policy Institute Research Fellow Wayne van der Meide, provides the most extensive description to date of local, county and state laws addressing GLBT equality. This report is an invaluable tool for activists, journalists and policymakers who require reliable facts on laws affecting GLBT people. (January 2000; 96 pp; \$10.00; www.nglrf.org/pub.html)

Domestic Partnership Organizing Manual

This manual, by Policy Institute Research Fellow Sally Kohn, provides comprehensive information on what domestic partnership benefits are, why employers should adopt these benefits, and how employees and citizens organize effectively for policy change. Sample policies and lists of who offers domestic partnership benefits are included. (May 1999; 140pp; \$10.00; www.nglrf.org/pubs/dp_pubs.html)

Income Inflation

THE MYTH OF AFFLUENCE AMONG GAY, LESBIAN, AND BISEXUAL AMERICANS

This report, by Professor M.V. Lee Badgett, of the Department of Economics at the University of Massachusetts at Amherst, explores the pervasive and inaccurate notion that GLB people form an economic elite, insulated from discrimination by their wealth and disconnected from society at large by a special, privileged status. After examining data from seven different surveys, she finds that none support this stereotype. (November 1998; 23pp; \$10.00; www.nglrf.org/downloads/income.pdf)

Calculated Compassion

HOW THE EX-GAY MOVEMENT SERVES THE RIGHT'S ATTACK ON DEMOCRACY

This report documents that the ex-gay movement serves as a camouflage for a retooled and reinvigorated assault by the religious right on legal anti-discrimination protections for gay, lesbian, bisexual, and transgender persons. Calculated Compassion is a joint publication of NGLTF, Political Research Associates, and Equal Partners in Faith. (October 1998; 30pp; \$6.00; www.nglrf.org/downloads/calccomp.pdf)

Re-Thinking Elections

AN OP-ED SERIES ON CRITICAL ELECTORAL BATTLES FACING GLBT COMMUNITIES

This publication makes sense of the success of recent right-wing anti-gay ballot measures and encourages more rigorous thinking and effective action as we confront the ongoing wave of such measures. Author and Policy Institute Senior Fellow Dave Fleischer has trained hundreds of our communities leaders in managing campaigns, running for office, and leading ballot measure campaigns. (October 1999; 13pp; \$5.00 or FREE with other purchase; www.nglrf.org/pubs/rethink.pdf)

LGBT Campus Organizing

A COMPREHENSIVE MANUAL

An invaluable how-to manual for creating, stabilizing or building the capacity of a student, faculty, staff, or alumni group on campus. Includes an organizing guide to domestic partnership, AIDS education, media, responding to homophobia, GLBT studies and more. (1995; 150 pp; \$25.00; www.nglrf.org/pubs/campus.html)

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A think tank dedicated to research, policy analysis and strategic projects to advance greater understanding and the equality of lesbian, gay, bisexual and transgender people.



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