

# TANF at 25

A REFLECTION AND RECKONING



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children's  
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# Table of Contents

<b>Introduction</b> .....	<b>2</b>
<b>History</b> .....	<b>2</b>
<b>Current Policies</b> .....	<b>5</b>
Block Grant Structure	
Time Limits	
Work Requirements and Sanctions	
Family Caps	
Immigrant Eligibility Restrictions	
<b>Policy Recommendations</b> .....	<b>7</b>
Guarantee Robust Investment in Children and Families	
Value the Dignity of Each Child	
Support Families in Whatever Form They Take	
<b>Conclusion</b> .....	<b>9</b>

*Temporary Assistance for Needy Families (TANF) is a key economic support program to help families with children who have very low incomes through a variety of services. TANF marks 25 years in August 2021, a landmark which invites both reflection and reckoning.*

## Introduction

Children best grow and flourish in caring communities where every child has an equal shot at a bright future. And though all children deserve the support they need to thrive, racial and gender inequities embedded in our unjust systems make this healthy, fair, safe, and moral passage to adulthood increasingly difficult for *all* children. More than 10 million children—nearly 1 in 7 (14.4 percent)—lived in poverty in 2019, the most recent year for which U.S. Census Poverty Data are available.<sup>1</sup> Black and Hispanic children experience some of the highest poverty rates in the country, and 71 percent of children in poverty in 2019 were children of color.<sup>2</sup>

Money matters in children's development.<sup>3</sup> Economic security programs raise family income, reduce child poverty, and help improve children's outcomes—from their birth weight to their salary as adults—across the entire span of their lives.<sup>4</sup> When families experience economic insecurity, they should have direct cash assistance to help pay rent, utilities, diapers, cold medication for children, and other necessities, but the current reach of one of the key programs meant to accomplish this—Temporary Assistance for Needy Families (TANF)—is limited by a history of policy choices rooted in racism. In 1996, at TANF's inception, for every 100 families experiencing poverty, 68 received cash assistance from the program.<sup>5</sup> By 2019, this ratio had dropped dramatically.<sup>6</sup> And TANF's racist roots mean that it today disproportionately fails to reach families in states where Black children are more likely to live.<sup>7</sup>

How could TANF's coverage erode so severely? What do disparities in TANF's reach tell us about our past and how can grappling with this past ultimately strengthen the program to fight for racial justice? This brief will walk through TANF's history, explore current policies, and discuss proposals to re-envision TANF as a more fair, just, and equitable program in service of our children.

## History

American history is shaped by racism, and so too is TANF,<sup>8</sup> which was designed in the 1990s to reform a cash assistance program introduced during the Great Depression.<sup>9</sup> Changing job market trends, a growing backlash against cash assistance, and racial politics converged with a presidential campaign promise to “end welfare as we know it,” kicking off radical policy change, contentious debate, and a maelstrom of criticism.<sup>10</sup>

Children's Defense Fund Founder and President Emerita, Marian Wright Edelman wrote an open letter to President Clinton, “Say No To This Welfare Reform,” to make the moral case against policy changes that would harm children and their parents.<sup>11</sup> Her fiery words, quoted here, were also wise premonitions, and they guide our walk through history:



**An open letter to the president. I am calling for your unwavering moral leadership for children and opposition to [welfare reform] which will make more children poor and sick.**



TANF's predecessor, Aid to Families with Dependent Children (AFDC), was created by the Social Security Act of 1935 during the Great Depression. AFDC was a "grant-in-aid" program that provided federal funding for state-run programs delivering cash assistance to families with children.<sup>12</sup> At the time, the program was perceived to be for white widowed mothers and their children, who administrators viewed as "deserving" of assistance.<sup>13</sup> In fact, because states were left to themselves to decide who to serve and at what level of assistance, racial discrimination was rampant—and many states intentionally excluded Black families.<sup>14</sup> In many TANF cases, Black women were often either outright rejected for assistance or their benefits were conditional upon work.<sup>15</sup> In one example, officials forced Black women to work by cutting off aid during the cotton-picking season.<sup>16</sup> In Louisiana in 1943, not even children were spared from compelled labor; children as young as seven were sent to work in the cotton fields.<sup>17</sup>



**There are lessons from American history, including the end of Reconstruction, when the immoral abandonment of structures of law and equity led to decades of setbacks for powerless Americans and battles we still are fighting today.**



World War II changed things, accelerating Black migration from the South and to urban centers.<sup>18</sup> President Johnson's War on Poverty extended AFDC and initiated new economic support programs.<sup>19</sup> The civil rights movement and the welfare rights movement—a multiracial movement led by Black mothers—<sup>20</sup> secured hard-won victories,<sup>21</sup> opening up benefits to families previously denied assistance.<sup>22</sup> These visionary women, including chairwoman of the National Welfare Rights Organization (NWRO) Johnnie Tillmon, fought for expanded eligibility, and beyond that, an adequate income "for all Americans to live dignified lives above the level of poverty."<sup>23</sup>

Although the largest share of families receiving aid was white, public perception began to shift, bolstered both by media reports and opportunistic politicians.<sup>24</sup> American taxpayers stopped visualizing white widows and started envisioning a welfare queen, a Black mother on public assistance. First a racist caricature invoked by President Reagan,<sup>25</sup> the 1980s welfare queens were symbolic embodiments of fraud, promiscuity, and indolence.<sup>26</sup> Racist imagery became racist policy as Reagan pushed harsh work requirements through Congress to "send those welfare bums back to work."<sup>27</sup>

States also adopted several policies to cull the number of families on assistance. These included “man in the house” rules that prohibited women who received assistance from living with men, “suitable home” requirements that judged women based on subjective morals, and midnight raids by social service officials to surveil women and catch any violations.<sup>28</sup> Privacy invasions were rife and a strategy evolved to stigmatize mothers who received assistance.<sup>29</sup>

The backlash against economic support programs grew in the 1980s, and Congress began launching campaigns for reform.<sup>30</sup> Increasingly, the debates focused on whether aid to families created a culture of dependence, disincentivized two-parent households, and how much single mothers should be expected to work.<sup>31</sup> The recession of 1989-90 heightened debate and attacks on cash assistance. As President Clinton’s campaign promise came closer to becoming reality, some congressional representatives and senators dripped with contempt for families who received assistance, calling them “mules” or “wolves” while debating policy on the House and Senate floors.<sup>32</sup>

“

**We cannot heal our racial divisions or prepare our nation for the future unless we give poor black, brown and white children a healthy and fair start in life. These pending block grants will make that task so much harder.**

”

President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) on August 22, 1996.<sup>33</sup> The historic legislation eliminated the means-tested, entitlement AFDC and replaced it with the TANF block grant program for states, a program that emphasizes work and self-sufficiency through life-time limits on benefits, strict work requirements, and wide latitude for states to use sanctions and penalties to punish families.

“

**We want to ‘end welfare as we know it.’ But we do not want to replace it with welfare as we do not want to know it. We do not want to codify a policy of national child abandonment.**

”

The decades-long march to TANF, and much of the scholarship surrounding the program, can be evasive on race and racism.<sup>34</sup> But racial stereotypes and false beliefs about families who receive assistance from economic support programs are embedded within the program, promote hostility toward recipients, and greatly affect TANF implementation today.<sup>35</sup>

## Current Policies

Finding a path forward to strengthen TANF requires a critical examination of current policy. Race, racial stereotypes, and racism pervade TANF's history and the program's present-day public perception and implementation.<sup>36</sup> TANF was created and is presently upheld by structural and systemic racism that directly penalizes people of color, particularly Black children and families.<sup>37</sup> This is evidenced in the current set of federal and state policies, that deny cash assistance to Black families at a much larger rate than white families.<sup>38</sup> The list below—which is by no means exhaustive—describes many of the policies that need to be repealed or changed substantially to fight for racial justice.

### Block Grant Structure

When PRWORA created TANF, a key feature of the new program was converting a federally-guaranteed entitlement for people and their families into a block grant for states.<sup>39</sup> In order to receive federal TANF funds, states are required to spend some of their own dollars, or a maintenance of effort (MOE), on families who need assistance.<sup>40</sup> While states can provide cash assistance to meet this requirement, MOE spending is not limited to cash assistance, and states have the power to use TANF funds in different ways.<sup>41</sup>

The block grant funding structure has proven to be a serious design flaw; it responds poorly to changing needs and devolves broad authority to the states with little accountability to program goals and to the people served by the program.<sup>42</sup> TANF has been flat-funded at \$16.5 billion a year for the last 25 years and has seen low program participation. Adjusted for inflation, the value of the grant has decreased 40 percent since 1996.<sup>43</sup> While states can contribute their own funds, 14 states spend less than 10 percent of their TANF funds on basic cash assistance for struggling families and instead divert vital assistance to fill budget holes.<sup>44</sup>


What's more, TANF's block grant structure amplifies and exacerbates existing inequalities, especially racial inequalities.<sup>45</sup> Broad state discretion means little oversight over and few checks against racially discriminatory practices.<sup>46</sup> Today, Black children are also more likely than white children to live in states where benefits are the lowest.<sup>47</sup>

### Time Limits

Federal law limits cash assistance to five years (60 months; however, states can exceed the limit for up to 20 percent of their caseload) with some exceptions for "child-only" families and families with extreme hardship.<sup>48</sup> The historical roots of racial discrimination in cash assistance programs live on in policies like time limits.<sup>49</sup> While most states cap the limit on cash assistance at five years, 21 states have even shorter limits, further hurting children and families living in poverty.<sup>50</sup> States with larger minority populations tend to have harsher time limits and researchers have found differences in treatment by race with regard to time-limit extensions.<sup>51</sup>

### Work Requirements and Sanctions

Under TANF, states must require TANF recipients to work in order to receive assistance. Currently, federal law requires at least 50 percent of cash assistance recipients to engage in work for at least 30 hours a



week (20 hours a week for single parents with children under six) and imposes penalties on individuals who fail to comply. Work requirements for TANF recipients are necessary for states to receive federal funds, but states are not required to help recipients secure employment. Many families continue to live in poverty even after securing employment.

Evidence does not support the long held conservative belief that work requirements help connect families to stable or high-earning employment.<sup>52</sup> Instead, they perpetuate the paternalistic and racist view that people do not want to work and must be forced to work through public policy.<sup>53</sup> They are the latest in a long history of racist compelled work policies in the U.S., one that includes slavery, the denial of Mothers' Pensions and AFDC to Black families, Reagan's Workfare projects, and the work requirements tied to today's social services.

If TANF recipients do not meet work requirements, states must impose sanctions or penalties, like benefit reductions and case closures.<sup>54</sup> States have considerable flexibility in implementing sanctions and offering exemptions from sanctions,<sup>55</sup> and sanctioning is a big part of TANF program administration.<sup>56</sup> More than 2 million families have lost TANF due to work-related sanctions.<sup>57</sup> And although agency workers are forbidden by law and policy to explicitly consider race when applying sanctions,<sup>58</sup> research has found Black families have higher rates of sanctions than do other racial groups.<sup>59</sup> Additionally, research finds that families who are sanctioned, on average, are the ones with the highest barriers and lowest incomes, including families who are fleeing domestic violence, face significant barriers to work in their community, lack access to child care and transportation, and have health issues.<sup>60</sup>

## Family Caps

In their essence, family caps deny additional cash assistance payments for children born to families who are already receiving TANF payments.<sup>61</sup> More than 10 states currently have family cap laws in their TANF programs.<sup>62</sup> Family cap policies are rooted in eugenic thinking and continue a dark chapter of U.S. history, one that includes reproductive control and punishment of Black women.<sup>63</sup> Family caps have been found to exacerbate child poverty, child hunger, and child health issues.<sup>64</sup> Two states that recently repealed their family cap policies, California and Minnesota, found that the policy was more likely to affect families of color.<sup>65</sup>

## Immigrant Eligibility Restrictions

Undocumented immigrants and people in the United States on temporary visas have been ineligible for TANF and the precursor program AFDC since each program's inception.<sup>66</sup> But PRWORA ushered in an even more stringent era of restrictionism and discrimination, barring lawful permanent residents from receiving assistance for five years.<sup>67</sup> The law's immigrant provisions were based in part upon wrongly held beliefs that immigrants were drawn to the U.S. because of the promise of cash assistance,<sup>68</sup> and riffed off the same ideas of "deservingness" underpinning welfare reform: that some undeserving people were trying to cut in line and take advantage of the system.<sup>69</sup>

In addition to cruelly denying benefits to non-citizens, immigrant eligibility restrictions also have a chilling effect on citizen children in mixed-status households.<sup>70</sup> Anti-immigrant rhetoric and fear of jeopardizing immigration status or triggering family separation has prompted many non-citizen parents to forego assistance for their children, who are eligible.

## Policy Recommendations

The language describing TANF's mission is long on ideas like self-sufficiency, personal responsibility, and ending dependence. It is short on dignity, respect, and pursuing economic and racial justice. The four main purposes outlined in PRWORA are to:

- Provide assistance to needy families so that children can be cared for in their own homes or in the homes of relatives;
- End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- Prevent and reduce the incidence of out-of-wedlock pregnancies; and
- Encourage the formation and maintenance of two-parent families.<sup>71</sup>

As outlined in the above sections of this report, the current TANF policies that support these goals are characterized by restriction, exclusion, and control, creating inequities that disproportionately impact families of color. Transforming TANF, then, requires transforming its purposes. Specifically, the program should:

### Guarantee Robust Investment in Children and Families


TANF is specifically designed for families with children. A goal of the program should be to fight child poverty by increasing available resources to families. Lawmakers should make structural changes to the program and:

- **End the flat funded TANF block grant** while increasing the overall federal contribution to TANF and adjusting for inflation.
- **Create incentives for states** to reduce poverty and invest directly in TANF families, such as creating opportunities for child and family well-being outcomes and requiring that a certain percentage of the federal assistance go directly towards cash assistance.
- **Change Maintenance of Effort (MOE)** fund back into basic assistance and provide higher cash assistance amounts for families. For example, to adjust for the rising cost of living, states could tie cash increase to fair market rent (FMR).
- **Increase state spending on child care assistance by** requiring that a certain percentage of funding goes to child care assistance. In Fiscal Year 2019, only 16 percent of federal and state TANF funds were spent on child care assistance.<sup>72</sup> Moreover, in many states, families must work to receive child care, which must be eliminated.

### Value the Dignity of Each Child

TANF solutions should meet the needs of families with children by looking at families and communities from a perspective of strength and support. Program penalties, limits, and sanctions punish families for being out of compliance with work or other state requirements for TANF. They diminish rather than value





the dignity of individuals, such as the contributions of those who are caregivers. They also limit family resources, which hurts children. Narrow focus on self-sufficiency and a day's hard work wholly devalues and dismisses the hard work of raising a family and pursuing education.


Lawmakers should meet families where they are in life and value the dignity of each child. They should improve access to benefits and:

- **End all TANF sanctions** and remove lifetime sanctions so that families can reapply for the program. Financial penalties and sanctions for failing to comply with certain rules are both harsh and counterproductive. Sanctions are rooted in historical, systemic racism and disproportionately hurt Black families in the present day.
- **Cancel the harsh arbitrary 60-month (5 year) time limit on assistance** that blocks families from receiving assistance and causes deep racial disparities in TANF.<sup>73</sup> At the same time, lawmakers should include the removal of the 5-year time limit on benefits in order to ensure that the government does not put a time limit on support and that families with children are not unduly punished.
- **Improve the way the TANF income limit is calculated** by updating the Federal Poverty Line (FPL) qualification so more families benefit. The current Official Poverty Measure, which is used to determine eligibility for benefits, was created in 1963 and has only been adjusted for inflation once since that time. This means that the measure does not accurately reflect cost of living or what a family needs to survive and thrive.<sup>74</sup>
- **Suspend the lifetime ban for individuals convicted of a drug felony** and stop the use of drug testing in its entirety for families receiving TANF. Removing the lifetime ban is critical for families with children as denying this benefit has devastating effects. An estimated 36.5 million children have at least one parent with a criminal record.<sup>75</sup> Moreover, families of color and women are disproportionately impacted by this ban. Black and Hispanic adults are 5 and 2.5 times more likely to be incarcerated than white adults.<sup>76</sup> Women are also more likely to be incarcerated for drug crimes - 26 percent of women and only 14 percent of men in state prison have been convicted of a drug offense.<sup>77</sup>
- **Lift restrictions on all immigrant families' access to TANF.** Lawmakers must repeal the federal ban on recent immigrants' access to cash assistance and work to build equity by ensuring *all* families can access public benefits regardless of their immigration status.

## Support Families in Whatever Form They Take

When members of Congress designed PRWORA, they baked in certain assumptions about family structure and society.<sup>78</sup> The law's preamble indicates which assumptions prevailed: "(1) Marriage is the foundation of a successful society. (2) Marriage is an essential institution of a successful society that promotes the interests of children. (3) Promotion of responsible fatherhood and motherhood is integral to successful child-rearing and the well-being of children."<sup>79</sup>

The policy's fixation on two-parent,<sup>80</sup> married families to reduce poverty denies the ways economic deprivation challenges relationships and family stability.<sup>81</sup> TANF's explicit goals of marriage promotion and two-parent homes is also ironic given that in many cases, TANF benefits are reduced when parents move in together or marry—a penalty that punishes couples who choose to marry.<sup>82</sup> Furthermore, the



hyper focus on family composition to reduce poverty is a racist trope that deepens harmful stereotypes about Black families. Stereotypes that, for example, wrongly blame female-headed households and unmarried parents as the primary causes of the poverty, injustice, and inequality Black families face.<sup>83</sup>

Lawmakers should advance TANF solutions that meet the needs of families, no matter what shape or composition they take. To accomplish this, lawmakers should trust families to choose their structure and size and:

- **End marriage penalties.** Marriage penalties are rife in TANF programs despite marriage being an explicit goal of PRWORA and TANF.<sup>84</sup> Although marriage affects TANF eligibility in different ways among states, penalties typically look like greatly reduced benefits when parents move in together or when parents marry. This reduces families' total income and means that couples are more likely to be financially vulnerable if they marry.<sup>85</sup> Lawmakers should create a marriage exception to income and resource rules to ensure that if couples choose to marry, this choice doesn't cause financial hardship.
- **Repeal family caps.** Family caps punitively cut off necessary support if parents have another child while on TANF.<sup>86</sup> They are policy choices rooted in racist, classist stereotypes and behavioral control.<sup>87</sup> Families should be able to make decisions about family size that are best and healthiest for them. Lawmakers should repeal harmful family caps.
- **Center the needs of children in child support policy.** Child support policy interacts with TANF in several key ways,<sup>88</sup> and the main goal of child support ought to be strengthening relationships and resources for children rather than reimbursing states for their public benefit outlays or punishing noncustodial parents through threats and penalties. With this in mind, Congress should require states to disburse or "pass-through" all child support income collected on behalf of a family receiving TANF and disregard child support income for the purposes of TANF eligibility and benefit amounts. Additionally, child support agencies should be forbidden from bringing civil or criminal enforcement actions against noncustodial parents who are unable to pay child support.

## Conclusion

There's nothing temporary about children's well-being. Twenty-five years after its creation in 1996, it's clear that TANF can be strengthened to fight for racial justice and to do better for children and families. Families must have access to direct cash support without facing barriers like burdensome requirements or sanctions, and parents must be entrusted to make choices they decide are best for their families. Families need real, structural changes to the TANF program that are responsive to its racialized history and present-day implementation. TANF is a vital tool in the kit to help support children's healthy development; it is long past time for federal lawmakers to think critically about how to sharpen this tool to help children and children of color thrive.

## Endnotes

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- <sup>12</sup> Freedman, Henry. 2016. "Sylvester Smith," pp. 52-53.
- <sup>13</sup> Minoff, Elisa. 2020. "The Racist Roots of Work Requirements," p. 14. Washington, DC: Center for the Study of Social Policy. <https://cssp.org/resource/racist-roots-of-work-requirements/>.
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- <sup>15</sup> Demby, Gene. 2019. "The Mothers Who Fought."
- <sup>16</sup> Ibid.
- <sup>17</sup> Minoff, Elisa. 2020. "The Racist Roots of Work Requirements," p. 15.

<sup>18</sup> Edelman, Peter. 2009. "Changing the Subject," p. 16.

<sup>19</sup> Ibid.

<sup>20</sup> Demby, Gene. 2019. "The Mothers Who Fought."

<sup>21</sup> In *King v. Smith*, 392 U.S. 311, 334 (1968), the Supreme Court held that those named as eligible for AFDC had a legal right to cash assistance.

<sup>22</sup> Edelman, Peter. 2009. "Changing the Subject," p. 16.

<sup>23</sup> Failinger, Marie A. 2016. "A Tragedy of Two Americas" in *The Poverty Law Canon*, pp. 170-171. Ann Arbor, MI: University of Michigan Press (describing the goals of the National Welfare Rights Organization as: "and adequate income 'for all Americans to live dignified lives above the level of poverty,' a system guaranteeing 'freedoms, rights and respect' for all, a system of constitutional protection and justice, and 'direct participation in the decisions under which they must live.'").

<sup>24</sup> Demby, Gene. 2019. "The Mothers Who Fought."

<sup>25</sup> Ibid. In Reagan's narrative, the "welfare queen" was a Cadillac-driving, fur-wearing, Black welfare mother from Chicago. In reality, the caricature was based on a prolific con artist named Linda Taylor, whose crimes were so multiple and bizarre any fraud paled in comparison.

<sup>26</sup> Monnat, Shannon. 2010. "Toward a Critical Understanding," pp. 642-644.

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<sup>30</sup> Kendrex, Jennifer E.K. 2015. "Punishing The Poor Through Welfare Reform: Cruel And Unusual?" *Duke Law Journal*, 64. <https://dlj.law.duke.edu/2015/03/punishing-the-poor-through-welfare-reform-cruel-and-unusual/>.

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<sup>34</sup> Monnat, Shannon. 2010. "Toward a Critical Understanding," p. 638.

<sup>35</sup> Freedman, Henry. 2016. "Sylvester Smith, Unlikely Heroine," p. 69.

<sup>36</sup> Freedman, Henry. 2002. "The Welfare Advocate's Challenge: Fighting Historic Racism in the New Welfare System." *Clearinghouse Review Journal of Poverty Law and Policy*, 36 (May-June 2002). [https://nclej.org/wp-content/uploads/2015/11/freedman\\_article.pdf](https://nclej.org/wp-content/uploads/2015/11/freedman_article.pdf).

<sup>37</sup> Mannix, Mary and Henry Freedman. 2013. "TANF and Racial Justice." *Clearinghouse Review Journal of Poverty Law and Policy*, 47 (5-6) (September-October 2013). [https://nclej.org/wp-content/uploads/2015/11/TANF\\_RaceDiscriminationClearinghouseReview.pdf](https://nclej.org/wp-content/uploads/2015/11/TANF_RaceDiscriminationClearinghouseReview.pdf).

<sup>38</sup> Meyer, Laura and Ife Floyd. 2020. "Cash Assistance." For a discussion of anti-racist TANF research and policy solutions that are tailored to a state approach, see Camardelle, Alex and Ray Khalfani. 2020. "Cash Matters: Reimagining Anti-Racist TANF Policies in Georgia." Atlanta, GA: Georgia Budget and Policy Institute. <https://gbpi.org/cash-matters-reimagining-anti-racist-tanf-policies-georgia/>.

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<sup>40</sup> CDF. 2021. "What You Need to Know About TANF." Washington, DC: CDF. <https://www.childrensdefense.org/wp-content/uploads/2021/06/Child-Poverty-Brief-TANF.pdf>.

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<sup>45</sup> Brumfield, Cara, et al. 2019. "Structurally Unsound."

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<sup>80</sup> Rand, Spencer. 2015. “The Real Marriage Penalty: How Welfare Law Discourages Marriage Despite Public Policy Statements to the Contrary - And What Can Be Done About It,” p. 109. *University of the District of Columbia Law Review*, 18 (1). Lawmakers’ choice to pair public assistance programs with marriage promotion and restrictions on family size can be traced back to historical programs from Reconstruction, when former slaves—who were forbidden from marrying while enslaved because slave owners thought keeping families intact would make family members less of a tradable commodity—were accused of having low moral standards for not having married. The Freedman’s Bureau addressed this by encouraging marriage as a means to promote industry, morality, and prosperity.

<sup>81</sup> Randles, Jennifer. 2016. “The Frontlines of Welfare Reform.”

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<sup>83</sup> Coates, Ta-Nehisi. 2015. “The Black Family in the Age of Mass Incarceration.” *The Atlantic*, October. <https://www.theatlantic.com/magazine/archive/2015/10/the-black-family-in-the-age-of-mass-incarceration/403246/>. The controversial Moynihan report described matriarchal family structure as a “tangle of pathology” and provided fodder for policymakers to dismiss blatant injustice, exploitation, and oppression of Black families as a consequence of family composition rather than systemic racism.

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