

# Guns and Butter: The Welfare State, the Carceral State, and the Politics of Exclusion in the Postwar United States

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In 1970 a man wrote to California governor Ronald Reagan in support of disfranchising welfare recipients. “I believe this would be one of the most important pieces of legislation that could be enacted,” he explained. The writer asserted that people receiving state benefits forfeited their citizenship rights: “They are, in my opinion, no more than second rate citizens and because they continually draw welfare, I do not believe they should have the right to have a say in our government or how our tax money is spent.” While denying welfare recipients the right to vote was a marginal (and constitutionally dubious) proposition during the 1970s, opposition to granting full rights to suspect populations saturated political discourse on social and criminal policy. Americans persistently articulated a profound frustration with how recent legal and political reforms distributed resources and political voice to “undeserving” groups. As one police officer wrote to New York governor Nelson Rockefeller in 1973: “It seems like the law abiding citizens have no rights whatsoever, except the responsibility and obligation ‘to work in order to support and care for the parasites of society, the common and habitual criminal.’” Another woman expressed similar frustrations to Rockefeller after her home was robbed, describing herself as “a law abiding citizen who feels she is discriminated against in favor of dope addicts and welfare cheats.”<sup>1</sup>

To illuminate how these questions of who deserved rights, state resources, and political voice animated policy transformations during the last decades of the twentieth century, this article connects the history of the U.S. carceral state and that of the nation’s welfare state. Welfare policy and criminal policy were principal sites where society negotiated

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<sup>1</sup> Harold J. to Governor [Ronald] Reagan, Sept. 15 1970, Correspondence Unit Administrative, box 1970: 79, 1/2, Ronald Reagan Governor’s Papers (Ronald Reagan Presidential Library, Simi Valley, Calif.). My general conclusions concerning the opposition to civic integration of suspect groups within political discourse are based on extensive research into political debates over welfare and crime policy (including hundreds of constituent letters) in New York, Illinois, and California during the 1970s. Wayne R. to Nelson Rockefeller, Jan. 18, 1973 (microfilm: 4th Administration, reel A16), 13683-78: Central Subject and Correspondence Files of Governor Nelson A. Rockefeller (New York State Archives, Albany). Ann S. to Rockefeller, Feb. 6, 1971, *ibid*.

the state's responsibility to poor and socially marginalized people, and these policy areas became central staging grounds for the post-1960 chapter in the long historical struggle over the terms of citizenship. The conservative theorist Lawrence Mead explains that "the repeated national debate over welfare since the mid-1960s can be seen as a struggle to define a new social contract." And debates over welfare state programs for the poor unfolded alongside struggles over the penal system. Despite the racial and social diversity of the populations subject to penal and welfare administration, Americans typically imagined welfare and crime as problems emanating from the same places: low-income African American and Latino urban communities.<sup>2</sup>

Despite the incessant coupling of welfare and crime in popular rhetoric, historians have given limited attention to the relationship between welfare and penal politics. Historians of recent developments in welfare programs tend not to engage the concurrent, dramatic growth in carceral institutions, just as scholars of crime and punishment tend not to integrate into their work developments in the welfare state. Scholars outside our discipline, particularly social scientists, however, have examined the systems together, arguing that penal expansion and welfare state downsizing were responses to the rise of neoliberalism or the advent of late modernity. Research has identified a negative correlation between welfare spending and imprisonment rates across U.S. states. It falls to historians to build upon the insights of other fields by examining the mechanisms that produced these shifts and analyzing how welfare and penal politics interacted in historical context.<sup>3</sup>

This article does not attempt a comprehensive account of these two systems' historical interactions, nor does it trace the complex interplay between the political economy, elites, and grassroots pressures that shaped those historical interactions. Instead, it simply makes the case for approaching the dramatic growth of the carceral system and welfare state retrenchment of recent decades as historically intertwined phenomena. This perspective also reveals the limitations of relying on a series of oppositional pairings in our analysis of these transformations: liberal/conservative, welfare state/carceral state, rehabilitation/punishment, or big government/small government. These binaries structured the historical debates, but reproducing them in our scholarship risks overstating polarization and ruptures, obscuring continuities and overlaps, and masking the imprecision and political assumptions of the categories. I propose understanding the relationship between these institutions not as separate or sequential, where the carceral state sup-

<sup>2</sup> On the varied ways U.S. social policy has struggled to manage the boundaries between the "deserving" and "undeserving poor," see Michael B. Katz, *The Undeserving Poor: America's Enduring Confrontation with Poverty* (New York, 2013). Lawrence M. Mead, *Beyond Entitlement: The Social Obligations of Citizenship* (New York, 1986), 85. The racialized nature of many welfare and crime debates, especially by the 1960s, is well established in the respective literatures. On welfare, see Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy* (Chicago, 1999). On the criminalization of blackness, see Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, Mass., 2010).

<sup>3</sup> An important exception in the historical literature will be Elizabeth Hinton, *From the War on Poverty to the War on Crime* (Cambridge, Mass., forthcoming). On scholarship outside of history that examines interactions between the welfare and the carceral systems, see David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago, 2001); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, N.C., 2009); Katherine Beckett and Bruce Western, "Governing Social Marginality: Welfare, Incarceration and the Transformation of State Policy," in *Mass Imprisonment: Social Causes and Consequences*, ed. David Garland (London, 2001), 35–50; Joe Soss, Richard C. Fording, and Sanford F. Schram, *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race* (Chicago, 2011); Kaaryn S. Gustafson, *Cheating Welfare: Public Assistance and the Criminalization of Poverty* (New York, 2011); and Bernard E. Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (Cambridge, Mass., 2011). On the inverse relationship, see Beckett and Western, "Governing Social Marginality."

planted the welfare state, but as deeply integrated. The penal system and welfare system have long coexisted—sometimes symbiotically—and their gendered systems interacted and developed together. Elites have deployed these systems together in various combinations, especially when faced with disorder or political insurgency, to secure social stability. Instead of stepping into the welfare state's void or representing its antithesis, the growing carceral apparatus often built upon the welfare state, particularly through its efforts to enforce social norms through coerced rehabilitation and treatment. Ironically, while similarities between the governing rationales of penal and welfare programs facilitated carceral expansion, enacting tough criminal policies was also instrumental in the political project of discrediting means-tested welfare programs and the people they ostensibly served.

By juxtaposing changes in the penal and welfare systems, the first section of this essay argues that state transformations were driven less by a clash between those who would expand and those who would curtail government, and more by struggles over *how* to direct (while also obscuring) state intervention. Instead of asking whether the state had a role in managing marginalized populations and spaces, debates centered on which institutions and groups the state should empower for the task: community-controlled organizations or militarized police; “ex-addicts” or professional drug counselors; rural prison guards or urban social workers; men or women; people of color or white people. To capture this many-sided debate, I focus on the struggles to determine which tactics were appropriate to deploy for different populations and on what these discussions assumed about the different groups’ capacity for self-regulation and full political belonging. The remainder of the article examines a series of policy areas to bring into relief a reorientation of multiple institutions that aimed to discursively (and often physically) purge highly marginalized groups from the polity. After the 1970s, penal and social welfare programs managing marginalized populations, particularly people of color from deindustrializing urban cores, increasingly repudiated rehabilitative missions and embraced punitive practices and governing rationales. Facilitating this transition was an assumption at the base of both the rehabilitative and punitive logics: that dysfunction within marginalized individuals and groups inhibited their incorporation into a predominantly righteous society. Structuring debates about inequality around the issue of which people were appropriate candidates for inclusion or exclusion enabled Americans to elide the extent to which the social order was predicated upon hierarchy and an unequal distribution of resources and power.<sup>4</sup>

### Outside “Big Government” Debates

Examining welfare and penal transformations together helps recast popular assumptions about the “rise of the Right” in recent U.S. politics, particularly the notion that conservatives aimed to curtail government’s size and role in society. There are obvious reasons for those assumptions: antistatist sentiments permeated conservative rhetoric, and a passion for reducing government certainly animated many people’s activism. The conservative strategist Grover Norquist famously quipped that he wanted to shrink government “down to the size where we can drown it in the bathtub.” Reagan declared in his first

<sup>4</sup> On how exclusion can be rationalized from within liberalism (as opposed to in tension with liberalism), see Mary Fainsod Katzenstein, Leila Mohsen Ibrahim, and Katharine D. Rubin, “The Dark Side of American Liberalism and Felony Disenfranchisement,” *Perspectives on Politics*, 8 (Dec. 2010), 1035–54.

presidential inaugural address that “government is not the solution to our problem; government is the problem.”<sup>5</sup>

Yet, portraying conservatives as the era’s driving historical force risks obscuring the roles of other groups—particularly moderates and liberals—in facilitating state transformations. Similarly, an emphasis on shrinking government can reproduce the elisions in politicians’ discourse, and it also implicitly references only a narrow range of welfarist and regulatory state functions. The limitations of this conceptualization are revealed by recognizing the broader range of government action, not only unprecedented carceral and military growth but also the considerable benefits distributed to the middle and upper classes through, for example, income tax deductions for child care, home mortgages, and employer-provided health care. Theorists of neoliberalism have illustrated that the contours of the economy after 1970 were sculpted not simply by an increasingly unregulated market but also through considerable state intervention and subsidy. While discrepancies between rhetoric and action are commonplace in politics, the tension between antistatist rhetoric and state-building actions invites a substantive reconceptualization that highlights how state authority was deployed in dramatically different ways in different places and populations.<sup>6</sup>

As conservatives gained more political power in the 1980s and beyond, they did not consistently deliver on the promise to reduce government. Even the welfare state, a principle target of their rhetoric, did not experience a uniform retrenchment. Universal welfare programs that also serve middle-class and white populations, such as Social Security and Medicare, withstood many efforts at privatization and benefit reduction, while welfare programs serving the “undeserving poor” have been drastically curtailed since the 1970s. The most high-profile example of this disparity is the fate of Aid to Families with Dependent Children (AFDC), the program of cash supports for poor parents. Although Social Security benefits maintained their value between the 1970s and 1990s, AFDC benefits shrank by over half in real dollars. Then, in 1996, President Bill Clinton signed welfare reforms that abolished AFDC and replaced it with Temporary Assistance for Needy Families (TANF), which offered even more anemic, time-limited benefits typically tied to work requirements. Between 1996 and 2010, the number of recipients also fell, from 12.3 million to 4.4 million.<sup>7</sup>

<sup>5</sup> For a review of historical literature on the “rise of the Right,” see Kimberly Phillips-Fein, “Conservatism: A State of the Field,” *Journal of American History*, 98 (Dec. 2011), 723–43. Jeremy W. Peters, “For Tax Pledge and Its Author, a Test of Time,” *New York Times*, Nov. 19, 2012, <http://www.nytimes.com/2012/11/20/us/politics/grover-norquist-author-of-antitax-pledge-faces-big-test.html>. Ronald Reagan, “Inaugural Address,” Jan. 20, 1981, *Ronald Reagan Presidential Foundation and Library*, [http://www.reaganfoundation.org/pdf/Inaugural\\_Address\\_012081.pdf](http://www.reaganfoundation.org/pdf/Inaugural_Address_012081.pdf).

<sup>6</sup> For works that employ a broad conception of government action, see Christopher Howard, *The Hidden Welfare State: Tax Expenditures and Social Policy in the United States* (Princeton, 1997); and Suzanne Mettler, *The Submerged State: How Invisible Government Policies Undermine American Democracy* (Chicago, 2011). David Harvey, *A Brief History of Neoliberalism* (New York, 2005). See also Mariana Mazzucato, *The Entrepreneurial State: Debunking Public vs. Private Sector Myths* (London, 2013); and Monica Prasad, *The Land of Too Much: American Abundance and the Paradox of Poverty* (Cambridge, Mass., 2012).

<sup>7</sup> On the limits of conservatives’ efforts to shrink government, see Julian E. Zelizer, “Reflections: Rethinking the History of American Conservatism,” *Reviews in American History*, 38 (June 2010), 367–92; and Paul Pierson, “The Rise and Reconfiguration of Activist Government,” in *Transformation of American Politics: Activist Government and the Rise of Conservatism*, ed. Paul Pierson and Theda Skocpol (Princeton, 2007), 19–38. On the decline of Aid to Families with Dependent Children (AFDC) benefits, see Suzanne Mettler, “The Transformed Welfare State and the Redistribution of Political Voice,” *ibid.*, 198–201. On the results of welfare reform and Temporary Aid for Needy Families, see Thomas B. Edsall, “Cutting the Poor Out of Welfare,” *New York Times*, June 17, 2014, <http://www.nytimes.com/2014/06/18/opinion/thomas-edsall-cutting-the-poor-out-of-welfare.html>.

During this period, when the welfare programs serving the most marginalized groups in society sustained the most substantial cuts, the penal system expanded exponentially. Between 1980 and 2000, the incarcerated population quadrupled, disproportionately comprising low-income African American and Latino men. And the penal system did not merely expand at the welfare state's expense; it frequently supplanted it. In many settings, responsibility for handling specific social problems was transferred from welfare programs to law enforcement. As the war on drugs escalated in the 1970s and 1980s, the penal system became the dominant institution managing illicit drug use in low-income communities of color, superseding a short-lived emphasis on drug treatment. In another example, the U.S. rate of institutionalization in the 1940s and 1950s was comparable to the rate at the turn of the twenty-first century. In the earlier period, however, people were predominantly housed in mental institutions; in the later period people were overwhelmingly held in penal institutions. As reforms began emptying the dour psychiatric hospitals and developmental centers between the 1960s and 1980s, the most vulnerable people with mental illness increasingly ended up in prisons and jails. By 2005 almost five hundred thousand people with mental illness were confined in prisons and jails, compared to fifty thousand in psychiatric hospitals. Without adequate services at the community level, access to mental health professionals for many poor people comes through the penal system. The three biggest psychiatric treatment institutions in the country are the county jails in Los Angeles, New York City, and Chicago.<sup>8</sup>

### State Strategies and Their Political Implications

In addition to experiencing the shifts *between* welfare and penal institutions, Americans have also seen transformations in governing missions *within* institutions in recent decades. Faced with the economic turbulence and ardent social movements of the 1960s and 1970s, policy makers replaced a commitment to social reintegration through reform, rehabilitation, and limited economic redistribution with a punitive, exclusionary mission in a variety of institutions. However, these different political strategies (such as treatment and punishment) were neither mutually exclusive nor opposite; instead, they were contiguous and, at times, intertwined. These approaches do not belong to one era or another; they have persisted, with varying degrees of emphasis, across time, targeting different populations.

State programs also have a range of political effects, which can be located on a spectrum—from those that assume and affirm political belonging to those that stigmatize

<sup>8</sup> On the quadrupling of the incarcerated population, see Ezra Klein and Evan Soltas, "Wonkbook: 11 Facts about America's Prison Population," *Washington Post*, Aug. 13, 2013, <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/08/13/wonkbook-11-facts-about-americas-prison-population/>; and "Criminal Justice Fact Sheet," *National Association for the Advancement of Colored People*, <http://www.naacp.org/pages/criminal-justice-fact-sheet>. On drug-treatment efforts in the late twentieth century, see Michael Massing, *The Fix* (New York, 1998). On rates of institutionalization in the 1940s and 1950s compared to those of the twenty-first century, see Bernard E. Harcourt, "Neoliberal Penalty: A Brief Genealogy," *Theoretical Criminology*, 14 (Aug. 2010), 76. On the number of people with mental illness in prisons, see Miri Navasky and Karen O'Connor, "The New Asylums," 2005, transcript, *Frontline*, <http://www.pbs.org/wgbh/pages/frontline/shows/asylums/etc/script.html>. On jails as the largest inpatient psychiatric treatment centers, see "Nation's Jails Struggle with Mentally Ill Prisoners," Sept. 4, 2011, *All Things Considered*, <http://www.npr.org/2011/09/04/140167676/nations-jails-struggle-with-mentally-ill-prisoners>; and Sally Satel, "Out of the Asylum, into the Cell," *New York Times*, Nov. 1, 2003, <http://www.nytimes.com/2003/11/01/opinion/out-of-the-asylum-into-the-cell.html>. On the historical transformations in mental health treatment, see Anne Parsons, "Re-institutionalizing America: The Politics of Mental Health and Incarceration, 1945–1985" (Ph.D. diss., University of Illinois at Chicago, 2013).

and efface citizenship. Some programs, such as Social Security, were designed for “deserving” citizens and tend to enhance the rights, resources, and standing of beneficiaries. Such programs are rarely means tested, entail minimal surveillance, and in some cases obscure—often to the point of invisibility—any notion of dependence on the state. Despite the ostensibly universal character of many such programs, access has been highly racialized and gendered. New Deal policy makers effectively barred many immigrants, Asians, Native Americans, Latinos, and African Americans from these programs. They built a bifurcated welfare state, making domestic and agricultural workers ineligible for social insurance and relegating many of the most vulnerable workers, people of color, and single mothers to paltry and stigmatized programs that were typically means and morals tested.<sup>9</sup>

Where social insurance programs assumed their beneficiaries’ full membership in the political community, other programs marked their own beneficiaries as being at the margins of the polity or the economy, but still as candidates for inclusion. Policy makers have used such assimilative goals to rationalize the redistribution of resources. For example, the Earned Income Tax Credit has ameliorated the poverty of millions of families by subsidizing low wages through a refundable tax credit. However, assimilative strategies can also reify hierarchies and unequal social relations by marking certain behaviors and populations as deviant. For example, in the mid-twentieth century, AFDC social workers denied aid to mothers whose homes they deemed “unsuitable,” often because of alleged sexual misconduct. Programs aiming to rehabilitate beneficiaries, typically on terms delineated by elites or dominant cultural norms, can stigmatize those unable or unwilling to conform to prescribed social norms. They tend to conceptualize marginality as the result of blocked opportunities, or of individual or cultural maladaptation, instead of as arising from the dynamics of social or market relations.<sup>10</sup>

Other programs have explicitly exclusionary aims, diminishing (or denying altogether) resources, rights, and standing. Obviously, the penal system mobilizes many of the most powerful techniques for diminishing civil personhood, ranging from various levels of “civil death” to the actual death penalty. Beyond utilizing the physical exile of imprisonment, the state also denigrates citizenship through postrelease surveillance, disfranchisement, prohibitions on serving in elected office or on juries, and barriers to employment. Exclusionary projects have not been confined to the penal system, however. The policies of institutionalization, forced sterilization, and disfranchisement of people with intellectual disabilities were carried out through the welfare state. Immigration agencies have also been integral to policing the boundaries and definitions of citizenship.<sup>11</sup>

<sup>9</sup> On how policy design can enhance the political standing of program beneficiaries, see Andrea Louise Campbell, *How Policies Make Citizens: Senior Political Activism and the American Welfare State* (Princeton, 2003); and Suzanne Mettler and Joe Soss, “The Consequences of Public Policy for Democratic Citizenship: Bridging Policy Studies and Mass Politics,” *Perspectives on Politics*, 2 (March 2004), 55–73. On the development and effects of the bifurcated welfare state, see Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York, 2005); Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890–1935* (New York, 1994); and Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th-Century America* (New York, 2001).

<sup>10</sup> On specialists’ shifting understandings of poverty and its causes, see Alice O’Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History* (Princeton, 2002). Premilla Nadasen, Jennifer Mittelstadt, and Marisa Chappell, *Welfare in the United States: A History with Documents, 1935–1996* (New York, 2009), 29–30.

<sup>11</sup> Allison C. Carey, *On the Margins of Citizenship: Intellectual Disability and Civil Rights in Twentieth-Century America* (Philadelphia, 2009). Kelly Lytle Hernández, “Amnesty or Abolition? Felons, Illegals, and the Case for a New Abolition Movement,” *Boom: A Journal of California*, 1 (no. 4, 2011), 54–68.

For a period in the twentieth century that reached its zenith in the 1960s and 1970s, rehabilitation of individuals became a dominant strategy in the state's response to social marginality. AFDC committed to remaking the habits and character of welfare recipients, and rehabilitation became the dominant emphasis in postwar poverty policy. As courts and medical authorities increasingly approached drug addiction as a disease, the state emphasized treatment programs that aimed, according to a pioneer of rehabilitating heroin addicts through methadone maintenance, "to make citizens out of addicts." The penal system dedicated itself to "corrections" and reintegrating those convicted of crimes back into society. These rehabilitative commitments coexisted with exclusionary practices. For example, the southern penal systems never fully embraced corrections and, even in the North, assumptions about African Americans' innate criminality made them less viable candidates for rehabilitation. Therefore, the offer of assimilation was often delimited by race, contingent upon proper performance, and coerced through the threat of punishment or sanction.<sup>12</sup>

### Confronting the Urban Crisis

These rehabilitative commitments soon confronted a volatile and long-simmering "urban crisis." While some activists challenged legal segregation in the South, others targeted structures that produced inequality in the North, including the New Deal welfare state's constricted and stigmatizing programs serving women and people of color. Economic downturns, capital migration, "urban renewal," and discriminatory housing and hiring practices combined to facilitate suburban expansions and to remove licit jobs and capital from African American and Latino urban communities. This political crisis became even more acute as rhetoric blurred together the phenomena of concentrated urban poverty, increasing crime rates, civil rights activism, and explosive urban uprisings.<sup>13</sup>

President Lyndon B. Johnson's War on Poverty reflected his confidence that social welfare initiatives and continuing economic prosperity would enable the country to confront these challenges and "open for all Americans the opportunity that is now enjoyed by most Americans." Many have explained the eventual fate of the Great Society in terms of the trade-offs between "guns and butter," attributing the diminished resources for social programs at home to the escalating costs of the war in Vietnam. Johnson described his quandary in these terms: "If I left the woman I really loved—the Great Society—in order to get involved with that bitch of a war on the other side of the world, then I would lose

<sup>12</sup> On the rehabilitation emphasis of AFDC, see Jennifer Mittelstadt, *From Welfare to Workfare: The Unintended Consequences of Liberal Reform, 1945–1965* (Chapel Hill, 2005), 11. For the quotation from the methadone maintenance pioneer, see William L. Claiborne, "Rules Urged in Dispensing Methadone," *Washington Post*, Nov. 15, 1970, p. D10. On "corrections" within the penal system, see Volker Janssen, "When the 'Jungle' Met the Forest: Public Work, Civil Defense, and Prison Camps in Postwar California," *Journal of American History*, 96 (Dec. 2009), 702–26. On the uneven and inconsistent embrace of the rehabilitative ideal, see also Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (New York, 2010); and Khalil Gibran Muhammad, "Where Did All the White Criminals Go? Reconfiguring Race and Crime on the Road to Mass Incarceration," *Souls*, 13 (Jan.–March 2011), 72–90.

<sup>13</sup> On challenges to northern racial inequality, see Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York, 2008). On postwar metropolitan and urban history, see Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, 2014); and Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton, 2006). On how civil rights activism and rioting became framed as a crime problem, see Naomi Murakawa, "The Origins of the Carceral Crisis: Racial Order as 'Law and Order' in Postwar American Politics," in *Race and American Political Development*, ed. Joseph Lowndes, Julie Novkov, and Dorian T. Warren (New York, 2008), 234–55; and Vesla M. Weaver, "Frontlash: Race and the Development of Punitive Crime Policy," *Studies in American Political Development*, 21 (Fall 2007), 230–65.

everything at home.” However, in addition to the “guns or butter” debate *between* foreign and domestic priorities, debates also raged over the proper combination of “guns and butter” *within* each arena. A downturn in economic growth undermined hopes that rapid economic expansion could subsidize the incorporation of large numbers of poorer Americans into postwar prosperity. At the same time, demands by marginalized groups for voice in negotiating the terms of their “inclusion” threatened to remake social relations more broadly. The politics of the War on Poverty, the War on Crime, and the war on drugs were shot through with disagreements over the appropriate balance of butter and guns—social welfare spending and tough punishment and law enforcement—needed to manage the racialized visions of urban disorder and political insurgency at home.<sup>14</sup>

Although the rhetoric advocating War on Poverty programs often acknowledged the deep structural factors producing urban conditions, the policies mostly focused on catalyzing transformations within individuals and communities, eschewing direct intervention in the economy. For example, the programs tended to emphasize job training instead of job creation. Nonetheless, many programs, such as Head Start, became significant sources of employment for low-income parents. People on the ground in poor communities seized on the political opportunity opened by the War on Poverty, particularly through its emphasis on encouraging the “maximum feasible participation” of the poor, to claim new resources, authority, and political power.<sup>15</sup>

By linking rebellions, civil disobedience, and rising crime rates, other people framed the urban crisis as a breakdown of law and order. In response, Johnson again advanced rehabilitative strategies, arguing that crime was rooted in social deprivation and could be mitigated by expanding opportunities through Great Society programs. He declared that “The war on poverty is . . . a war against crime and a war against disorder.” Ultimately, Johnson pursued both guns and butter on the domestic front, enlarging social welfare programs while also acquiescing to demands for increased investment in law enforcement. The Safe Streets Act (1968) funded programs that tackled “root causes” of crime, such as drug addiction, but the majority of the act’s resources funneled equipment for riot control to police departments.<sup>16</sup>

Opponents of Johnson’s War on Poverty rejected the claim that social welfare programs secured domestic stability, asserting instead that welfarist programs targeting the “undeserving” poor were either futile or counterproductive. Law-and-order proponents argued that not only did new civil rights laws and enlarged social welfare programs fail

<sup>14</sup> For the “open for all Americans” quotation, see Lyndon B. Johnson, “Annual Message to the Congress on the State of the Union,” Jan. 4, 1965, *LBJ Presidential Library*, <http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/650104.asp>. For the “If I left the woman” quotation, see Lawrence Allen Eldridge, *Chronicles of a Two-Front War: Civil Rights and Vietnam in the African American Press* (Columbia, Mo., 2012), 18. On the politics of funding the Vietnam War and the Great Society, see Jeffrey W. Helsing, *Johnson’s War/Johnson’s Great Society: The Guns and Butter Trap* (Westport, 2000). On struggles over the appropriate tactics to manage urban disorder and rebellion, see Max Felker-Kantor, “Managing Marginalization from Watts to Rodney King: The Struggle over Policing and Social Control in Los Angeles, 1965–1992” (Ph.D. diss., University of Southern California, 2014).

<sup>15</sup> On the War on Poverty’s emphasis on the individual, see Katz, *Undeserving Poor*, esp. 102–55. On the ways poor communities struggled to reshape the War on Poverty on the ground, see Annelise Orleck and Lisa Gayle Hazirjian, eds., *The War on Poverty: A New Grassroots History, 1964–1980* (Athens, Ga., 2011); and Alyosha Goldstein, *Poverty in Common: The Politics of Community Action during the American Century* (Durham, N.C., 2012). On “maximum feasible contribution,” see Annelise Orleck, “Introduction: The War on Poverty from the Grass Roots Up,” in *War on Poverty*, ed. Orleck and Hazirjian, 2.

<sup>16</sup> Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York, 2005), 47. On the Safe Streets Act, see Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *Journal of American History*, 97 (Dec. 2010), 729–31.



to reduce disorder but they actually created it. Republican presidential candidate Barry Goldwater explained in 1964 that “Telling people again and again that the federal Government will take care of everything for them leads to the decline of personal and individual responsibility which is the base cause of the rise in crime and disregard for law and order.” President Nixon articulated this notion of a direct relationship between social welfare spending and disorder in a 1972 radio address: “In the 1960’s, Federal programs for the cities grew bigger and bigger, but the problems of the cities only grew worse. Government spending increased at a record pace, but so did crime and pollution and inflation and unrest.” Such assertions helped solidify assumptions about the ineffectiveness of welfarist strategies and the inescapable commonsense of “tough” approaches.<sup>17</sup>

### Drug Policy

In the years that followed, a diverse range of state institutions abandoned rehabilitative strategies and embraced punishment. The Rockefeller drug laws in New York were the nation’s most severe drug penalties when enacted in 1973. They marked a pivot away from an emphasis on drug treatment and became an inspiration for the modern punitive war on drugs and the frenzy of mandatory minimum sentencing that overfilled prisons in the 1980s and 1990s. Prior to enacting his infamous drug laws, Governor Rockefeller (1959–1973) had spent most of his tenure countering New York’s burgeoning heroin problem by devoting unprecedented resources to programs that approached addiction as a disease. Rockefeller helped create the Metcalf-Volker Act (which allowed criminal offenders to opt for lengthy treatment programs in place of incarceration) in 1962; the Narcotic Addiction Control Commission (which authorized the civil commitment—or involuntary institutionalization—of addicts) in 1966; and a large-scale methadone maintenance clinic infrastructure in 1970 that dispensed the synthetic opiate to people dependent on heroin.<sup>18</sup>

The difficulties in implementing these earlier efforts set the stage for punitive proposals to deal with the drug problem. Building a large network of treatment programs proved challenging, controversial, and expensive. The strategy was dependent on fraught political coalitions, opposed by powerful interests, besieged by critics of all political persuasions, and ostensibly designed to serve some of the most reviled groups in society. The ascendance of a punitive logic was also facilitated by the way it overlapped with the logics behind treatment programs. Contrary to much rhetoric, coerced drug treatment and criminalization were neither opposite nor mutually exclusive. Both approaches conceptualized drug abuse as the result of individual pathology and targeted the individual as the site for state intervention. The treatment and punitive strategies also operated symbiotically—those entering drug rehabilitation programs, for example, often did so under the threat of punishment.<sup>19</sup>

<sup>17</sup> Barry Goldwater quoted in Flamm, *Law and Order*, 42. Richard Nixon, “Radio Address on Urban Affairs,” Nov. 1, 1972, *American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=3681>.

<sup>18</sup> One of many works that cite the Rockefeller drug laws as a key impetus to the modern war on drugs is Eric Schlosser, “The Prison-Industrial Complex,” *Atlantic Monthly*, 282 (Dec. 1998), 51–77. On the war on drugs, see Massing, *Fix*. Julilly Kohler-Hausmann, “‘The Attila the Hun Law’: New York’s Rockefeller Drug Laws and the Making of a Punitive State,” *Journal of Social History*, 44 (Fall 2010), 71–95.

<sup>19</sup> On the challenges of drug treatment programs, see Julilly Kohler-Hausmann, “Forging a Punishment State: The Punitive Turn in U.S. Criminal and Social Policy, 1968–1980” (Ph.D. diss., University of Illinois, 2010).

Treatment and punishment also blurred in practice. The civil commitment programs Rockefeller initiated in 1966 were essentially forced institutionalization, often in old, repurposed prisons with minimally trained staff and no uniform treatment philosophy. Residents were called patients, but, as one man explained to a reporter, “I’m being treated like an animal in a locked cage.” Conditions were so dismal that residents rioted, escaped, and protested. Once word got out, many charged with drug crimes opted for prison time instead of what were often longer stays in treatment.<sup>20</sup>

Rockefeller responded to the host of programmatic, political, and institutional roadblocks facing his drug treatment efforts in his 1973 state of the state speech: “It is a time for brutal honesty regarding narcotics addiction . . . In this state, we have allotted over \$1 billion to every form of education against drugs and treatment of the addict through commitment, therapy, and rehabilitation. But let’s be frank—let’s tell it like it is: We have achieved very little permanent rehabilitation—and have found no cure.” Governor Rockefeller insisted that the situation demanded a new response: mandatory life sentences without the option of parole or probation for most drug offenses. The only mildly watered-down policy that passed the legislature mandated a sentence of fifteen years to life for selling as little as one ounce or possessing as few as two ounces of any narcotic. And even when offenders were released, they would be on parole for the rest of their lives.<sup>21</sup>

By presenting the debate as one between (usually coerced) treatment and punishment, Rockefeller forced out other proposals circulating at the time, such as community-controlled policing or heroin maintenance clinics (which New York City mayor John Lindsay [1966–1973] considered). Rockefeller narrated the state’s therapeutic efforts in a way that positioned punitive measures as inevitable. “These are drastic measures,” he acknowledged, but continued, “I am thoroughly convinced, after trying everything else, that nothing less will do.” A *New York Times* editorial challenged Rockefeller’s claim that “society has no alternative.” They identified an “irony in Governor Rockefeller’s drug abuse defeatism,” particularly since “the state’s pioneering program in methadone maintenance . . . has recently appeared to be making significant impact on the addiction problem.” Although physical quarantine was not the only possible response to exasperation with drug sellers, enacting the harsh penalties rested upon (and reified) narratives of welfare state failure.<sup>22</sup>

### AFDC Policy

The welfare program AFDC underwent a similar reorientation, embracing increasingly punitive practices through the final decades of the twentieth century. In the 1960s and 1970s a vocal welfare rights movement composed predominantly of poor women of color challenged AFDC’s stigmatizing policies, claiming that their status as mothers and citizens entitled them to adequate income and respectful bureaucratic practices. Assisted by landmark legal decisions, they expanded recipients’ benefits and rights. Politicians responded to rising costs and public hostility in the following decades by diminishing benefits, restricting eligibility,

<sup>20</sup> Richard Severo, “Addicts and the State: Aim Unfulfilled,” *New York Times*, April 21, 1969, pp. 1, 42, esp. 42.

<sup>21</sup> Nelson Rockefeller, “Annual Message 1973,” Jan. 3, 1973, p. 16, box 76, folder 810, series 10.4, Nelson A. Rockefeller, Gubernatorial Records, RG 15 (Rockefeller Archive Center, Sleepy Hollow, N.Y.). Kohler-Hausmann, “Attila the Hun Law.”

<sup>22</sup> On alternative proposals, see James M. Markham, “What’s All This Talk of Heroin Maintenance?,” *New York Times*, July 2, 1972, p. SM6; and Floyd McKissick, “NAACP—Crime in the Streets,” *New York Amsterdam News*, Jan. 11, 1969, p. 15. For the Rockefeller quotation, see Massing, *Fix*, 127. “Hard Line in Albany,” *New York Times*, Jan. 4, 1973, p. 36.

and increasing the integration of the welfare state with the penal system. Welfare opponents rationalized punitive retrenchment by asserting that many recipients had failed to fulfill obligations of citizenship (which predominantly meant wage work and paying taxes) and therefore forfeited claims to its benefits. For example, a 1970 memo to Governor Reagan's staff characterized their ambitions to reform California's welfare system as an "all-out war on the tax-taker." When welfare recipients interrupted the 1972 National Governor's Conference, Reagan opposed their activism by negating their civic contributions, stating, "They say with every right goes a responsibility. Wouldn't it be nice to see a demonstration where [welfare recipients are] demanding their responsibilities?" In this logic, receiving welfare marked the abdication of personal responsibility, which in turn rationalized the denial of rights. As one welfare recipient complained in 1979, "I really feel like when someone applies for Public Aid, they are giving up a great majority of their constitutional rights."<sup>23</sup>

Despite diminishing beneficiaries' rights and benefit levels, the string of reforms that culminated in the abolition of AFDC in 1996 did not remove the state from poor families' lives; in fact, they enhanced the government's disciplinary authority in many ways. Lawrence Mead, a self-professed big-government conservative and the theorist who articulated much of the theoretical basis for welfare reform, explicitly opposed withdrawing government's hand. He argued that the state must force recipients "to face the requirements, such as work, that true acceptance in American society requires." Although President Clinton declared in 1996 that the "era of big Government is over," the welfare reforms he inaugurated subjected welfare recipients to marriage-promotion programs, antifraud initiatives, surveillance, and punitive sanctions. For years in California, people applying for assistance underwent a ritual similar to that of being booked for a crime, which included being photographed and fingerprinted. Other states subjected welfare recipients to surveillance procedures similar to those used for parolees, such as home searches and drug testing. Those policies not only discouraged new claimants but they also positioned program beneficiaries as suspect, even semicriminal, citizens.<sup>24</sup>

## Crime Policy

During the same period, much of the penal system also repudiated a commitment to therapeutic corrections. Conservative critics had long believed rehabilitation coddled

<sup>23</sup> On the rise of a welfare rights movement, see Felicia Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America* (Philadelphia, 2007); and Premilla Nadasen, *Welfare Warriors: The Welfare Rights Movement in the United States* (New York, 2005). On the landmark legal decisions, see Kornbluh, *Battle for Welfare Rights*, esp. 65–68, 172–74. On the increasing coordination with the penal system, see Gustafson, *Cheating Welfare*. This memo, attributed to Ronald Reagan but written by his chief of staff Edwin Meese, distinguished between deserving and undeserving welfare recipients, arguing that welfare reforms should emphasize the needs of "the truly needy as opposed to the lazy unemployable." Lou Cannon, *Governor Reagan: His Rise to Power* (New York, 2003), 349. See Louise Hutchinson, "Welfare Mothers Take Over Governors' Meeting on Topic," *Chicago Tribune*, Feb. 24, 1972, p. 6. Testimony of Kathi Gunlogson, Feb. 2, 1979, p. 122, Commission to Rewrite the Public Aid Code, Meeting Minutes and Transcripts, 557.003 (Illinois State Archives, Springfield).

<sup>24</sup> Soss, Fording, and Schram, *Disciplining the Poor*. Mead, *Beyond Entitlement*, 4. William J. Clinton, "Address before a Joint Session of the Congress on the State of the Union," Jan. 23, 1996, *American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=53091>. On California's intake procedures, see Shoshana Magnet, "Bio-Benefits: Technologies of Criminalization, Biometrics, and the Welfare System," in *Surveillance: Power, Problems, and Politics*, ed. Sean Hier and Joshua Greenberg (Vancouver, 2009), 169–84. On other states' practices, see Amy Sherman, "Judge Temporarily Halts Drug-Testing for Welfare Applicants," Oct. 26, 2011, *PolitiFact Florida*, <http://www.politifact.com/florida/promises/scott-o-meter/promise/600/require-drug-screening-for-welfare-recipients/>; and Matt Taibbi, *The Divide: American Injustice in the Age of the Wealth Gap* (New York, 2014), 316–25.

criminals, and in the 1970s criminologists embraced a new mantra: “nothing works” in rehabilitation programs. Simultaneously, prisoners and activists on the left highlighted the hypocrisies of the therapeutic prison through widespread revolts and organizing. Critics of the system charged that “corrections” was a thin veneer painted over a violent, repressive system and that “the punitive spirit has survived unscathed behind the mask of treatment.”<sup>25</sup>

With corrections being challenged from every direction, California’s Democratic governor Jerry Brown oversaw the passage of the state’s trend-setting determinate- (or fixed-) sentencing law, which explicitly disavowed the prison’s rehabilitative mission. The 1976 law proclaimed that “the purpose of imprisonment for crime is punishment.” Many prisoners at first welcomed checks on the arbitrary power of parole boards, but the law ultimately enabled mass incarceration by transferring sentencing authority from parole boards to prosecutors and politicians. Instead of mitigating convicts’ “civilly dead” status, politicians used their new power to pursue deterrence and retribution. Many prisoners soon recognized that, as one explained in 1979, “the walls are getting higher, and the steel bars are getting closer together.” He continued: “It seems like every time we turn around some new bill is being introduced, to give convicts more time for a given offense, or to expand the number of offenses for which a prison term is mandatory. Moves are being put on our visiting rights and our rights under the First, Sixth, and Fourteenth Amendments.” And the political spectacle of escalating punishment had only started. In the following quarter century, California’s legislature passed over one thousand bills enhancing punishments.<sup>26</sup>

In subsequent decades, the emphasis on punishment resulted not only in longer periods of physical exile in prisons and jails but also in postrelease strictures on key markers of citizenship: access to the welfare state and the ability to earn. In 1994 lawmakers drastically curtailed access to higher education by eliminating prisoners’ eligibility for Pell Grants. Congress also empowered states to bar people convicted of drug offenses from access to federal student loans, food stamps, and cash assistance after serving their sentence. In many cases, people leaving prison are forbidden from living in or visiting public housing for at least five years. Several states prohibit licensing convicted felons in certain occupations, including careers—such as hairdressing—with minimal criminal temptations. As of 2002, New York State banned people with a criminal conviction from more than one hundred job categories. While much research interprets these postconviction barriers to “re-entry” as “collateral consequences,” they reflect the exclusionary project at the heart of much punitive policy.<sup>27</sup>

<sup>25</sup> Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill, 2014). American Friends Service Committee, *Struggle for Justice: A Report on Crime and Punishment in America* (New York, 1971), 26.

<sup>26</sup> For the “purpose of imprisonment” quotation, see Pamela L. Griset, *Determinate Sentencing: The Promise and the Reality of Retributive Justice* (Albany, 1991), 55. On the history of the California law, see also Albert J. Lipson and Mark A. Peterson, *California Justice under Determinate Sentencing: A Review and Agenda for Research* (Santa Monica, 1980), 1–7. Joshua Nicholas Hill III, “Penguins, Prisoners, and Pinball Machines,” *Vacavalle Star* (July–Aug. 1980), 19, California Medical Facility, F3717: 1841 (California State Archives, Sacramento). Dan Macallair, “A Case for California Sentencing Reform,” Dec. 26, 2006, *SFGate.com*, <http://www.sfgate.com/opinion/openforum/article/A-case-for-California-sentencing-reform-2483139.php>.

<sup>27</sup> On the end of Pell Grants for prisoners, see Marc Mauer, *Race to Incarcerate* (New York, 2006), 200. Patricia Allard, “Life Sentences: Denying Welfare Benefits to Women Convicted of Drug Offenses,” Feb. 2002, *Sentencing Project*, [http://www.sentencingproject.org/doc/publications/women\\_lifesentences.pdf](http://www.sentencingproject.org/doc/publications/women_lifesentences.pdf), pp. 1–2. On prohibitions on public housing, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York, 2012), 141–45. On employment restrictions, see Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (New York, 2006), 22. On New York’s licensing restrictions, see Fox Butterfield, “Freed from Prison, but Still Paying a Penalty,” *New York Times*, Dec. 29, 2002, <http://www.nytimes.com/2002/12/29/us/freed-from-prison-but-still-paying-a-penalty.html>.

## The Spectacle of “Getting Tough”

Linking welfare and penal history suggests that exclusionary policies played an underappreciated role in solidifying visions of a racialized “underclass” trapped by a “culture of poverty.” Just as the penal system used welfare programs to constrain felons’ economic and social citizenship, the welfare system often enlisted the penal system and its rituals to signal the suspect position of recipients. Increasingly, policies helped produce the political reality they purported to reflect, erecting barriers to the civic and economic participation of poor people, particularly in urban African American and Latino communities.

The transformations in governing logics discussed here did not coincide with political reality or transformations in individuals’ subjectivity. People subjected to exclusionary programs remained active agents in society and have continued to organize, fiercely asserting their humanity and making demands on government. The repudiation of rehabilitation also did not coincide with the abolition of all such programs on the ground. Nonetheless, moving from a policy rhetorically committed to reintegration to a policy of social expulsion had profound implications for political culture. The shift did not signify the abdication of the state’s responsibility for social problems; instead, it redrew the circle around the people to whom the state was accountable, discursively abandoning responsibility for some of the most marginalized citizens. The transformation dramatically constricted the ability of collectives, once defined by their status as convicts or welfare recipients, to leverage space in political debates.<sup>28</sup>

Recent political history has been both a story of state retrenchment and one of growth and mutations that operated differently depending on where one was located in society. The binary of big government versus small government can obscure the fact that certain groups have persistently confronted state intervention and compulsion. As the changes in welfare, crime, and drug policies discussed in this article illustrate, both Democrats and Republicans advanced coercive and stigmatizing programs (punitive and rehabilitative) for racialized groups constructed as criminal or dependent. Politicians’ increasing emphasis on “tough” policies not only overfilled U.S. prisons and helped discredit the U.S. welfare state but it also attempted to position target groups as unviable political actors at the precise moment prisoners’ and welfare rights movements secured a limited degree of voice in these institutions. The penal and welfare systems’ tangled trajectories were at the center of struggles over the function and legitimacy of government and who could claim full rights and standing. Further historical scrutiny can refine our understanding of the logics that govern these systems, their relationships, and the political work they have accomplished. Such research might help illuminate how we arrived at a historical moment where indefinite solitary confinement in a concrete cell is sound policy but cash assistance to poor parents “has corrupted their souls and stolen their future.”<sup>29</sup>

<sup>28</sup> For scholarship that reveals a decline in political engagement in communities subjected to intense policing, see Vesla M. Weaver and Amy E. Lerman, “Political Consequences of the Carceral State,” *American Political Science Review*, 104 (Nov. 2010), 817–33; and Traci Burch, *Trading Democracy for Justice: Criminal Convictions and the Decline of Neighborhood Political Participation* (Chicago, 2013). A dramatic example of the continuing organizing by targets of punitive policy is the 2013 hunger strike in California prisons, in which approximately 30,000 inmates participated. See Benjamin Wallace-Wells, “The Plot from Solitary,” *New York Magazine*, Feb. 26, 2014, <http://nymag.com/news/features/solitary-secure-housing-units-2014-2/>.

<sup>29</sup> Quotation by E. Clay Shaw, a Florida congressman and co-author of the Personal Responsibility and Work Opportunity Act, on the day the U.S. House of Representatives passed the 1996 welfare reform bill. Quoted in Wacquant, *Punishing the Poor*, 76.