

Reduce Poverty Using Proven Methods: Eliminate Federal Funding of “Marriage Promotion” and Staff HHS with Appointees Who Value All Families

We, the undersigned organizations and academics, applaud the fact that President Obama has announced that his Administration will take steps to reduce poverty and to enhance equality. The U.S. Department of Health and Human Services (HHS) will play a vital role in this effort. Fair and effective administration of our major poverty assistance programs, especially Temporary Assistance to Needy Families (TANF), is critical.

According to the Census Bureau, one out of every ten American families lived below the poverty line in 2006. The poverty rates for black and Hispanic families were 21.6 and 18.9 percent respectively. One out of every three black children lived in poverty. The families headed by single mothers are especially exposed to the risk of impoverishment. Twenty-eight percent of all families headed by single mothers were poor in 2006; the poverty rates for the families headed by black and Hispanic single mothers were about 37 and 36 percent, respectively.¹

Adult women were 38.5 percent more likely to be living in poverty than men in 2007. The gender gap in poverty rates was even larger for the adults living in families and for African-Americans. Women living in families had a poverty rate that was 53.9 percent greater than that for their male counterparts. Black adult women living in families were 62.4 percent more likely to be living in poverty than the black adult men who lived in families that year.²

Seventeen percent of all American households that included children were classed as “food insecure” in 2003.³ A 2007 UNICEF study of child well-being placed the United States next to last among twenty-one developed countries.⁴ These already sobering figures are going to become even worse as the current economic crisis takes its toll on the most vulnerable Americans.

We call upon the Obama Administration to make ending poverty, using proven methods, a top priority. We urge the Administration to extend its science-based policymaking approach to TANF. We call for an end to federal spending on unproven initiatives such as marriage promotion and responsible fatherhood.

The most serious shortcoming of the responsible fatherhood initiative is that it effectively excludes mothers raising children. Federal “marriage promotion” and “fatherhood initiatives” raise several questions about social inclusion, fairness, the protection of the individual’s Constitutional rights, and oversight. As we note below, a 2008 Governmental Accounting Office (GAO) report⁵ documents the failure of President Bush’s HHS to provide adequate oversight for the marriage promotion and responsible fatherhood initiatives. The GAO report also detects a disturbing trend towards the allocation of federal poverty reduction funds to support the provision of services to non-poor individuals.

We urge the Obama Administration to respond to these concerns and to ensure that all low-income families, including those headed by single mothers, unmarried heterosexual couples, and same-sex couples, are treated in a fair and non-discriminatory manner.

Marriage Promotion and Fatherhood Initiatives Do Not Solve the Real Needs of American Families.

No Scientific Data Supports Marriage Promotion. In the lead-up to the reauthorization of TANF in 2005, Legal Momentum [formerly NOW Legal Defense and Education Fund] stated that “no advocate of marriage promotion can point to a single, audited marriage program that has helped alleviate poverty, let alone improved the rate of healthy marriages.”⁶ Two family demographers, Smock and Manning, reviewed the scholarly studies on the anti-poverty effectiveness of marriage for low-income Americans in 2004. The data were drawn from a simulation model based on The Fragile Families and Child Well-Being Study, a large-scale and long-term survey of low-income families, and from the outcomes reported by the Minnesota Family Investment Program. Smock and Manning estimated that “healthy marriage initiatives are unlikely to result in substantial numbers of marriages forming among unwed parents that wouldn’t otherwise form.”⁷ HHS itself admitted in a 2005 review that there were no studies on marriage promotion that focused on low-income populations and that the existing studies did not examine the programs’ effectiveness with respect to child well-being.⁸

Funding marriage promotion diverts funding from addressing the real needs of children and distracts the attention of HHS from proven poverty reduction methods.. Leading social scientists agree that “child outcomes are affected by a large number of factors other than the number and types of parents present in a child’s household. These factors include, *inter alia*, the overall quality of parenting as

reflected in parental love, warmth, involvement, and consistency; pre- and post-natal care; adequate nutrition and health care; whether the child was planned or wanted; the mother's age at conception; parental socioeconomic resources; quality of neighborhood and schools; influences of peers and siblings; and the child's own abilities, temperament, attitudes, and psychological resources. Moreover research reflects wide variation in child outcomes even for siblings residing in the same family."⁹

After evaluating existing research examining the effects of family structure and divorce on children's development, Stanford law professor Michael Wald, who once ran San Francisco's child welfare agency and who served as HHS deputy general counsel under President Clinton, concludes that "there is no consensus among researchers about either the effects of family structure or the causes for the effects that many studies find."¹⁰ Referring to meta-studies on the impact of divorce on children that found only modest correlations, Wald states, "This conclusion, which is consistent with the great majority of the research, belies the often hysterical claims of some commentators that divorce and single parenthood are destroying the lives of large numbers of children and [are] the cause of major social problems. Moreover, ... most experts attribute these differences [in child development outcomes] to factors other than the gender of the parents."¹¹

The Economic Policy Institute concludes that the role of family structure in determining poverty has consistently diminished since the 1980s and that "an educational upgrading strategy would have more of a poverty-reducing impact than one focused on changing family structure."¹² The poverty rate among single female-headed families reflects the extreme wage and income inequality that is endured by working mothers. The poverty rate for families headed by single mothers is double that for families headed by single fathers for each and every racial and ethnic group.¹³ As many as 49 percent of all low-income children live with married parents.¹⁴

Marriage promotion advocates consistently confuse *correlation* with *causation* when discussing the well-being of children raised by their mothers. One study suggests that although children living with married heterosexual parents enjoyed a higher level of economic well-being than their counterparts who lived in families headed by cohabiting heterosexual couples, this gap was due to the differences in their parents' educational levels, rather than their marital status.¹⁵ Another study concluded that although married parents have higher incomes than unmarried cohabiting parents, factors such as age, health status and behavior, employment, and wage rates, rather than marital status, were

determinative. The authors concluded that “it might be more cost-effective for policymakers to focus on the structural causes of economic disadvantage — low wages and unemployment — than to divert resources to the promotion of marriage.”¹⁶

The well-being of American children increased significantly in the latter half of the twentieth century, even though delayed marriage, divorce, nonmarital childbearing, single parenting, cohabitation, and homosexual parenting become much more common during this same period.¹⁷

In April 2007 the Center for American Progress released a report¹⁸ that mapped out a governmental strategy for cutting poverty in half over the next ten years. It made twelve basic recommendations. Promoting or encouraging marriage does *not* appear on its list of recommended poverty-reduction strategies.

How Marriage and Fatherhood Promotion funding has been spent.

Under the 2005 Deficit Reduction Act that reauthorized TANF, HHS is permitted to award up to \$150 million each year from 2006 to 2010, for a total of \$750 million, in grants to support projects that promote “healthy marriage and responsible fatherhood.” All TANF allocations should serve an anti-poverty purpose. Nonetheless, the 2008 report on the Healthy Marriage and Responsible Fatherhood Initiative prepared by the Government Accountability Office (GAO) found that only 58 percent of the Healthy Marriage grantees and only 52 percent of Responsible Fatherhood grantees were targeting low-income individuals.¹⁹

The GAO report also found inadequate oversight. HHS did not adequately examine the grantees’ proposed programs before disbursing funds. Grantees were only informed after they had begun serving participants that some of their program activities were not permitted under the legislation. In addition, HHS was not adequately monitoring the grantees’ ongoing programs. HHS case files documented instances in which grantees were not meeting performance targets, such as participant recruitment goals. Some grantees were not in compliance with grant requirements; for example, they were providing services that were not allowed under the legislation. However, HHS did not systematically follow up on this documentation. It left site visits to the discretion of HHS staff; it used an uneven site visit methodology; and it failed to maintain comprehensive files for each of the grantees. HHS staff informed GAO researchers that grantees were not allowed to use initiative funds to support abstinence-only-until-marriage programs. In their site visits and review of grantee data, GAO researchers

nevertheless found that several Healthy Marriage grantees were operating abstinence-only programs with Healthy Marriage funds. The GAO report indicates that HHS has not yet created clear and consistent guidelines and policy for monitoring Healthy Marriage and Responsible Fatherhood grantees.

Make Our Poverty Programs Fair and Inclusive.

Serve low-income single mothers. The allocation of federal funds for the promotion of marriage raises serious questions about fairness and exclusion. Families headed by single mothers who do not intend to marry do not benefit from this program. The federal government also should not be directing special allocations and services to meet the needs of low-income fathers alone; all low-income parents, mothers and fathers alike, deserve our support.²⁰ It is especially important that all anti-poverty programs be open to custodial mothers.

Serve low-income households headed by same-sex couples. Governmental marriage promotion programs are inherently exclusionary where the needs of the low-income families headed by lesbians and gay men are concerned. It is a myth that the households headed by lesbians and gays are wealthy; in fact, lesbians and gays are overrepresented among the poor.²¹ Recent studies by the Williams Institute at the UCLA School of Law that are based on the 2000 Census found that same-sex couples throughout the United States are raising children, but that they are often doing so with far fewer economic resources than married heterosexual parents. In Mississippi, for example, 35 percent of same-sex couples are raising children under the age of 18. However, their median income of \$30,600 is 36 percent lower than that of married heterosexual parents (\$48,000). One out of four of Louisiana's same-sex couple-headed households are raising dependent children. The median income for same-sex parents in Louisiana is \$28,000; it is 45 percent lower than the \$51,000 median income for married heterosexual parents.²² Our poverty assistance programs should respect the diversity of American families and exclusionary treatment should be prohibited.

Marriage Promotion Raises Privacy and First Amendment Concerns.

Individual liberty and autonomy. Marriage can be a satisfying personal experience. However, the decision to enter a marriage is an intensely personal one. The Supreme Court has affirmed the autonomy of the self and the individual's right to make intimate decisions without undue interference on the part of the government.²³

Domestic violence. It is particularly essential that individuals who are dealing with domestic violence in their intimate relationships do not feel pressured to enter a marriage or to stay in an abusive marriage. Domestic violence is in fact prevalent among low-income Americans; about 30 percent of women on welfare reported domestic violence in a current relationship.²⁴ Between 50 and 60 percent of women receiving welfare assistance have been victims of domestic violence as adults.²⁵

First Amendment Concerns. Given the participation of "faith-based organizations" in the delivery of the marriage promotion initiatives, and the religious dimension of many Healthy Marriage grantees' approaches to marriage, we are also concerned about the possibility that some of the grantees are violating the Establishment clause of the First Amendment. Although participation is supposed to be voluntary, the lack of oversight is such that we cannot be confident that federal funding is not being used to pay for specifically religious teachings about marriage and the family.

Which Way Forward? We urge the incoming Obama Administration to:

Appoint as Assistant Secretary for Children and Families and Principal Deputy Assistant For Children and Families individuals with a demonstrated commitment to improving the well-being of children in all types of families.

From 2001 until April 2007, the Administration for Children and Families (ACF) was headed by Assistant Secretary Wade Horn. Before his appointment, Horn founded the National Fatherhood Initiative. During this period, he also co-wrote a report on welfare policy in which he called for the adoption of new rules in Head Start, public housing, and welfare that would put families headed by married couples at the top of all waiting lists.²⁶ Under his leadership, ACF became a vehicle for the advancement of a right-wing ideological agenda, rather than an effective tool for aiding the most vulnerable and for lifting poor families with dependent children above the poverty line. All low-income Americans deserve to be treated fairly and with dignity.

Eliminate ineffective programs that divert federal funds away from poverty reduction. President Obama has quite rightly declared that he intends to search for wasteful spending in a line-by-line review of the federal budget. In our current conditions of economic crisis, we need to make sure that the federal government is directing its allocations towards the programs that will in fact assist the poor²⁷ and reduce inequality, and that every family, regardless of its structure, receives adequate support. We echo the finding of the Sexuality

Information and Education Council of the United States (SIECUS) that “the Bush administration has built a multi-million dollar industry with the sole purpose of selling heterosexual marriage to the American public” and its conclusion that federal marriage promotion programs should be eliminated.²⁸

Beyond HHS, the new administration should scour the budgets of other agencies and eliminate the marriage promotion funding coming from those agencies. At the moment no one knows the extent of that funding. One example is a Department of Justice grant to three organizations, one of which was formerly headed by Wade Horn, to produce a self-serving report encouraging additional government funding of marriage promotion.²⁹

Make reducing poverty the top priority. The neediest families urgently require meaningful assistance from the federal government. We strongly support the passage of a major stimulus package that would create decent jobs, rebuild our infrastructure, strengthen our education system and healthcare services, empower unions, and enhance gender equality. We welcome the Obama-Biden plans to invest in low-income communities, improve transportation access to jobs, expand the Earned Income Tax Credit, raise the minimum wage, and provide tax relief for the working poor. With respect to the TANF program itself, ending or suspending time limits on TANF eligibility is imperative when unemployment rates and a recessionary economy make the transition from welfare to family-supporting wage labor virtually impossible. The continued provision of cash benefits to the neediest households; the enhancement of work-related supports, such as subsidized childcare and job skill training; and strengthening and expanding Medicaid funding and access are critical to the survival of fragile families and their upward climb out of poverty.

Summary: The Way Forward for President Obama’s Administration:

- Make ACF appointments based on proven social justice track records and a commitment to serve the needs of children in all family structures.
- Prioritize the reduction of poverty and inequality using proven methods: increase cash benefits; provide childcare and job skills training; improve educational opportunities; lift the federal minimum wage; empower unions; attack discrimination; and create decent jobs.
- Suspend the time limits on TANF eligibility.
- Make the child tax credit fully refundable.
- Immediately stop allocating new federal funds for the promotion of marriage and fatherhood and wind up existing grant projects in this area.

- Make the reduction of poverty the sole statutory purpose of the TANF program, and remove all references to, and allocations for, the promotion of marriage and fatherhood in future legislation.

Signed:

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¹ US Census Bureau, *Statistical Abstract of the United States* (Washington, D.C., 2009).

² US Census Bureau, *Current Population Survey: Annual Social and Economic Supplement* (Washington, D.C., 2008). Detailed Poverty Tables, available at www.census.gov/hhes/www/poverty/poverty.html. “Adult” is a person between the ages of 18 to 64.

³ US Dept. of Agriculture, Economic Research Service, *Household Food Security in the United States, 2003* (Washington, D.C., 2004).

⁴ United Nations Children’s Fund (UNICEF), *Child Poverty in Perspective: An Overview of Child Well-Being in Rich Countries* (New York, 2007).

⁵ Government Accountability Office, *Healthy Marriage and Responsible Fatherhood Initiative: Further Progress is Needed in Developing a Risk-Based Monitoring Approach to Help HHS Improve Program Oversight* (Washington, D.C., September 2008).

⁶ NOW Legal Defense and Education Fund (Legal Momentum), “Looking for Love in All the Wrong Places: The Case Against Government Marriage Promotion.” (Washington, D.C., n.d.).

⁷ Pamela Smock and Wendy Manning, “Living Together Unmarried in the United States: Demographic Perspectives and Implications for Family Policy,” *Law and Policy* 26: 1 (2004): 106.

⁸ U.S. Dept. of Health and Human Services, Jane Reardon-Anderson et. al., *Systematic Review of the Impact of Marriage and Relationship Programs* (Washington, D.C., 19 September 2006).

⁹ Frank Furstenberg et. al., Brief for Andrew E. Cherlin et. al. as amici curiae supporting appellees, *Baehr v. Miike* (Hawaii Cir. Ct., Dec. 3, 1996).

¹⁰ Michael S. Wald, “Adults’ Sexual Orientation and State Determinations Regarding Placement of Children,” *Family Law Quarterly* 40 (2006): 403, note 56.

¹¹ Ibid.

¹² Lawrence Mishel, Jared Bernstein, and Sylvia Allegretto, *The State of Working America 2006/2007* (Washington, D.C., The Economic Policy Institute.)

¹³ New Strategist Publications, *American Incomes* (Ithaca: New Strategist Publications, 2001), 343-7.

¹⁴ National Center for Children in Poverty, Ayana Douglas-Hall et. al., *Basic Facts About Low-Income Children: Birth to Age 18* (Washington, D.C., September 2006).

¹⁵ Wendy Manning and Susan Brown, “Children’s Economic Well-Being in Cohabiting Parent Families: An Update and Extension,” unpublished paper presented at the annual meeting of the Population Association of America, 2003.

¹⁶ Wendy Sigle-Rushton and Sara McLanahan, “For Richer or Poorer? Marriage as an Anti-Poverty Strategy in the United States,” *Population* 57 (2002): 524.

¹⁷ Smock and Manning, “Living Together Unmarried,” 107-8.

¹⁸ Center for American Progress, *From Poverty to Prosperity: A National Strategy to Cut Poverty in Half* (Washington, D.C., 2007).

¹⁹ GAO, *Healthy Marriage and Responsible Fatherhood Initiative*.

²⁰ The GAO report indicates that the Responsible Fatherhood programs are open to men and women. (GAO, *Healthy Marriage and Responsible Fatherhood Initiative*, 19.) A reasonable woman could nevertheless conclude, on the basis of the program's name alone, that she is not eligible to participate.

²¹ Dan Black, Gary Gates, Seth Sanders, and Lowell Taylor, "Demographics of the Gay and Lesbian Population in the United States: Evidence from Available Systematic Data Sources," *Demography* 37:2 (2000): 139-54.

²² Williams Institute, UCLA Law School, *Census Snapshots* (Los Angeles, December 2007-January 2008).

²³ *Lawrence v. Texas*, 539 U.S. 558 (2003).

²⁴ Richard Tolman and Jody Raphael, "A Review of Research on Welfare and Domestic Violence," *Journal of Social Issues* (winter, 2000). See also Kathryn Edin, "What Do Low-Income Single Mothers Say About Marriage?" *Social Problems*, 47:1 (2000): 112-33.

²⁵ Legal Momentum, *Violence Against Welfare Recipients: Domestic and Sexual Violence*, (Washington, D.C., 2007).

²⁶ Sarah Stewart Taylor, "Wade Horn Says in Senate Hearings He Was Wrong," *women's eNews* (22 June 2001) (available at <http://www.womensenews.org>).

²⁷ The GAO report notes that 42 percent of the Healthy Marriage grantees were not targeting low-income individuals. GAO, *Healthy Marriage and Responsible Fatherhood Initiative*, 19. A sociologist who conducted a ten-month long ethnographic study of Oklahoma's Marriage Initiative in 2004 found that this TANF funded program was making "its most sustained effort" in delivering workshops to couples who were drawn from the general population, rather the state's low-income communities. Melanie Heath, "State of Our Unions: Marriage Promotion and the Contested Power of Heterosexuality," *Gender and Society* 23:1 (2009): 27-48.

²⁸ Jen Heitel Yakush, Sexuality Information and Education Council of the United States, *Legalized Discrimination: The Rise of the Marriage-Promotion Industry and How Federally Funded Programs Discriminate Against Lesbian, Gay, Bisexual, and Transgender Youth and Families* (Washington, D.C., November, 2007).

²⁹ The grant number is 2001-DD-BX-0079. See Jean Hardisty, *Pushed to the Altar: The Right Wing Roots of Marriage Promotion* (Somerville, Mass. and Oakland, Cal., Political Research Associates and the Women of Color Resource Center, 2008), 31.

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