

The Pennsylvania State University
The Graduate School
Department of Communication Arts and Sciences

**FOR THE GOOD OF “THE FAMILY”: THE RHETORIC OF FAMILY VALUES
IN U.S. NATIONAL POLICYMAKING**

A Dissertation in
Communication Arts and Sciences

by

Jill Mary Weber

© 2011 Jill Mary Weber

Submitted in Partial Fulfillment
of the Requirements
for the Degree of

Doctor of Philosophy

August 2011

UMI Number: 3577868

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



UMI 3577868

Published by ProQuest LLC (2013). Copyright in the Dissertation held by the Author.

Microform Edition © ProQuest LLC.

All rights reserved. This work is protected against unauthorized copying under Title 17, United States Code



ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

The dissertation of Jill Mary Weber was reviewed and approved* by the following:

Thomas W. Benson
Head of the Department of Communication Arts and Sciences
Edwin Erle Sparks Professor of Rhetoric
Dissertation Advisor
Chair of Committee

Deborah F. Atwater
Associate Professor Emerita of Communication Arts and Sciences and
African and African American Studies

Jeremy Engels
Assistant Professor of Communication Arts and Sciences

Michael P. Johnson
Emeritus Professor of Sociology, Women's Studies, and African and
African American Studies

*Signatures are on file in the Graduate School

ABSTRACT

This dissertation explores how “the family” has been defined and invoked in U.S. national policymaking over the past fifty years. Through a series of case studies, I examine how politicians and activists have employed the rhetoric of “family values” in policymaking discussions about welfare reform in the early 1960s, women’s rights during the 1960s through the early 1980s, so-called “pro-family” policies during the 1980s and early 1990s, and same-sex marriage during the 1990s and 2000s. Over the past fifty years, both conservatives and liberals used “the family” and “family values” as a political and rhetorical resource. These constructs, in turn, have functioned rhetorically to both expand public conceptions of “the family” and reinforce the value of the “traditional” family ideal.

TABLE OF CONTENTS

Chapter 1 Introduction	1
The Family in U.S. Politics: Issues in the Debates	6
Competing Perspectives	8
The Family as a Rhetorical Construct	10
The American Family Ideal	12
Outline of Chapters	16
Chapter 2 The Rhetoric of Family Values in the 1961-1962 Welfare Reform Debates	23
Helping Those Who Are Poor Through “No Fault of Their Own”: The Rhetoric of Compassion in the Debates over the 1961 Aid to Dependent Children—Unemployed Parents (ADC-UP) Program	25
Rejecting Those Who Can Help Themselves: The Rhetoric of Condemnation in the 1961 Newburgh Plan	31
Helping Those Who Help Themselves: The Rhetoric of Rehabilitation in the Debates over the <i>Public Welfare Amendments of 1962</i>	38
Conclusion	43
Chapter 3 The Rhetoric of Family Values in the 1962-1982 Women’s Rights Debates	51
Helping Women Support Themselves and Their Families: The Rhetoric of Compassion in the 1962-1963 Debates over the <i>Equal Pay Act of 1963</i>	53
Reifying Women’s Traditional Roles	56
Liberating Women and Families from Outdated Ideals: The Rhetoric of Condemnation in the 1970-1972 Pro-Equal Rights Amendment (ERA) Campaign	58
Promoting Family Egalitarianism	63
Protecting America’s Families from a Feminist Assault: The Rhetoric of Condemnation in the 1972-1982 Anti-ERA Campaign Rhetoric	64
Protecting the Hierarchical Family Ideal	67
Conclusion	69

Chapter 4 The Rhetoric of Family Values in the 1985-1993 “Family Policy”	
Debates	76
“Unburdening” America’s Working Families: The Rhetoric of Compassion in the 1985-1986 Tax Reform Debates.....	78
Preserving “The Family”	82
Improving Working Families’ Child Care Options: The Rhetoric of Compassion in the 1987-1990 Debates over a Federal Child Care Bill.....	83
Reinforcing Parental “Choice”	87
Helping Families Negotiate Their Work-Family Demands: The Rhetoric of Compassion in the 1985-1993 Debates over the <i>Family and Medical Leave Act</i>	88
Reinforcing Familial Care	92
Conclusion	94
Chapter 5 The Rhetoric of Family Values in the 1996-2006 Same-Sex Marriage	
Debates	104
Defending America’s Families and Values: The Rhetoric of Protection in the Debates over the <i>Defense of Marriage Act of 1996</i>	106
Reaffirming “Traditional” Marriage.....	110
Legitimizing Same-Sex Relationships: The Rhetoric of Compassion in the <i>Goodridge v. Massachusetts Department of Public Health</i> (2003) Court Case	111
“Normalizing” Same-Sex Couples	115
Maintaining “Traditional Marriage”: The Rhetoric of Condemnation in the 2003-2006 Debates over the Federal Marriage Amendment	117
Reinforcing the Cultural Divide	121
Conclusion	123
Chapter 6 Conclusion.....	134
Bibliography	145

ACKNOWLEDGEMENTS

There is an adage that says “it takes a village to raise a child.” My experience in completing the Ph.D. has shown me that it takes a community to help complete a dissertation. I greatly benefitted from the guidance, encouragement, and feedback Dr. Thomas W. Benson, my advisor, provided me. Although we worked together for only a short period of time, he taught me many invaluable lessons about how to become a better scholar, teacher, and mentor. I also would like to thank Dr. Deborah F. Atwater, Dr. Jeremy Engels, Dr. Michael P. Johnson, Dr. J. Michael Hogan, and Dr. Stephen Browne for providing feedback on this project in its various stages. My dissertation is much stronger as a result of their constructive comments and questions.

I would like to thank my family for urging me to continue to write, even when it meant that I had to miss a special event. I am grateful for my friends, colleagues, and students who expressed interest in my project and progress. A special note of appreciation to Tracey Quigley Holden, Sandy French, Brent Stevens, Rachel Nuñez, Lori Joseph, Christopher Richter, and Vladimir Bratic who helped me overcome several hurdles and cheered me on to the project’s completion.

Two people in particular provided unwavering support and understanding throughout this process. I would like to thank my mom, for sending desserts and cards, proofreading drafts, and repeatedly reminding me to believe in myself. Finally, I owe a debt of gratitude to my husband, Jonathon Freezer, who fed me (and our dog), managed the house, and stepped in whenever I needed him. He truly has been my “rock.” I dedicate this project to him.

Chapter 1

Introduction

The June 2003 Supreme Court ruling in the *Lawrence v. Texas* case signified an important moment in contemporary U.S. history and opened a new chapter in the nation's ongoing culture wars. The Supreme Court's decision to overturn Texas's sodomy laws and to extend the right of privacy to gay men and lesbians forced many to acknowledge the nation's shifting attitude towards homosexuality. Gay rights advocates celebrated the ruling as a triumph that would pave the way for further legal advances and equal rights. Conservative leaders and organizations condemned the ruling for the exact same reason. Supreme Court Justice Antonin Scalia, for instance, wrote that the decision "called into question" state laws against bigamy, same-sex marriage, adultery, and obscenity.¹ Historian George Chauncey argued that Scalia's criticism that the Court made "no effort to cabin the scope of its decision to exclude them from its holding" exemplified the right-wing's fear that the "expansive language made marriage rights for gay couples the next logical step."² In an effort to prevent this possible outcome, conservative lawmakers announced their support for a constitutional amendment banning same-sex marriage.

Pressure for the amendment dramatically increased in November 2003 when the Massachusetts Supreme Court reversed the state's ban on same-sex marriage. The Court's announcement that same-sex couples possessed the right to marry incited a thunderous outcry from leading conservatives, including President George W. Bush, who issued a formal proclamation in opposition to the ruling. Bush stated: "Marriage is a

sacred institution between a man and a woman. Today's decision of the Massachusetts Supreme Judicial Court violates this important principle. I will work with congressional leaders and others to do what is legally necessary to defend the sanctity of marriage."³ The following February, Bush officially called for a constitutional amendment prohibiting same-sex marriage. He stated: "Decisive and democratic action is needed, because attempts to redefine marriage in a single state or city could have serious consequences throughout the country."⁴ Describing same-sex marriage as a threat to the "welfare of children and the stability of society," Bush called upon all Americans to help preserve "one of our most basic social institutions."

The recent same-sex marriage debate is not the first time that "the family" has been at the center of political and social controversy. Scholars generally trace the beginnings of the contemporary debates over "the family" and "family values" back to at least the early 1960s, when President John F. Kennedy announced that strengthening family life and encouraging self-support would be the focus of his welfare reforms. In 1961, the administration proposed the Aid to Dependent Children—Unemployed Parents program (ADC-UP), a temporary measure designed to discourage family breakup by making unemployed two-parent homes eligible for federal public assistance. The provisional measure—which allowed able-bodied males to receive federal public assistance for the first time in U.S. history—passed quickly and quietly through Congress, signaling widespread political agreement on the need for welfare reform and establishing a precedent for governmental efforts to promote family stability.

A few months after ADC-UP's passage, the city of Newburgh, New York, sparked a national debate about welfare reform when it revealed a controversial plan to

cut local welfare costs. Newburgh's stringent work and eligibility requirements, its restrictions on ADC recipients, and its three-month assistance limit "catapulted welfare to the forefront of national attention."⁵ Despite widespread public support for Newburgh's "get tough" measures, the Kennedy administration proposed an increase in welfare spending and programs in February 1962. The quick passage of Kennedy's 1962 welfare reform bill showed that, in spite of public antipathy toward increasing welfare, federal policymakers were largely committed to promoting the health and stability of needy families.

During the 1960s through the early 1980s, politicians and activists invoked "the family" in debates over women's rights. Citing changing gender roles as evidence of shifting cultural norms, women's rights advocates called for federal and state policymakers to support progressive policies that dealt with the realities of modern family life. Congress's support for the *Equal Pay Act of 1963*—which prohibited sex-based discrimination in the wage system—and its passage in 1972 of the Equal Rights Amendment (ERA)—which prohibited sex-based discrimination in the nation's laws and policies—suggested that the government had endorsed the need to update the nation's laws to reflect the changes in gender roles and family life. However, the ideological battles that broke out during the ERA's ten-year ratification process and the amendment's eventual defeat showed that many Americans remained unwilling to substitute new definitions of "family" and "family values" for more traditional ideas.

Throughout the 1980s and early 1990s, competing definitions of "family" were at the heart of the so-called "culture wars," as policymakers invoked "the family" in debates over tax reform, child care, and other workplace policies. The Reagan administration's

support of “traditional” social values and its opposition to the expanded role of government contributed to the success of the *Tax Reform Act of 1986*, which reduced federal tax rates, thereby reducing the amount of money available for social welfare programs. In response, liberal lawmakers proposed new legislation designed to “confront comprehensively the issues affecting” the nation’s families.⁶ Although the passage of the a federal child care bill in 1990 and the *Family and Medical Leave Act of 1993* suggested a greater willingness by Congress to assume a more expansive role in addressing family issues, the contentious debates leading up to the bills’ passage suggested that many federal policymakers remained largely committed to traditional family ideals.

Just as they had in past debates over welfare, women’s rights, and federal “family policies,” disputes over the definition of “the family” and the proper role of the government in promoting “family values” have been central to the debate over same-sex marriage. Politicians and activists on both sides of the debate have invoked “the family” as a political and rhetorical resource. The conservative viewpoint, for example, opposes same-sex marriages on the grounds that they undermine “traditional family values” and threaten “the family” and the institution of marriage. The more liberal perspective, on the other hand, argues that same-sex marriages strengthen families and the institution of marriage by providing more opportunities for loving families and more available homes for orphaned children. With both sides claiming to represent the best interests of “the family,” the recent same-sex marriage debates reveal that disputes over “the family” and “family values” are as contentious now as they have been in the past.

For more than fifty years now, the rhetoric of “family values” has played a central role in federal policymaking in a variety of contexts. But rhetoric scholars have paid

limited attention to the rhetoric of family values. Dana Cloud has suggested that this is perhaps because of a perception that such rhetoric has been “marginal to mainstream politics” or “unsuccessful in the long term.”⁷ Yet, as I have already pointed out, the rhetoric of family values has played a crucial role in a number of important policy debates since the 1960s, including welfare reform, women’s rights, tax reform, workplace issues, and same-sex marriage. This study analyzes the rhetoric of these debates in an effort to illustrate how “the family” has functioned as a potent political and rhetorical resource and to illustrate how that rhetoric relates to the changing role of the federal government in social policy and the so-called “culture wars.”

Each chapter in this study focuses on an important moment in the history of political debates over “the family” and “family values” in the United States. With regard to those various moments, this study investigates the following questions: How did the successful lobbying for the early 1960s welfare reform bills pave the way for increased governmental involvement in family affairs? How did the 1960s through the early 1980s debates over women’s rights and women’s changing roles rhetorically frame the boundaries of family politics? How did the so-called Reagan revolution affect debates over “the family” and “family values” during the 1980s and early 1990s? How have conceptions of “the family” and “family values” functioned as a rhetorical resource for both liberals and conservatives during the 1990s and 2000s debates over same-sex marriage?

Common sense would suggest that as American families have changed over time, so too would the rhetoric of “family values.” This analysis, however, shows that while federal policymakers have reacted to changes in American family life, there remains a

certain nostalgia, a sort of longing for a mythologized past, in the rhetoric that most politicians use to talk about families and “family values.” This nostalgic memory of the mythic nuclear family is manifested in the rhetoric of politicians on both the right and the left, and has influenced the outcome of all of these debates over social and economic policy. The consequences of these nostalgic images have significant implications not only for the families they exclude, but also for the families they are ostensibly designed to support.

In order to provide context for this study, I discuss the politics of the family in the U.S. since the 1960s and reflect on some of the reasons why debates over family policies have ignited such heated controversy. I review some of the relevant sociological, historical, and rhetorical literature on “the family” and “family values,” noting some areas of scholarly agreement as well as some gaps and controversies in our understanding of the subject. I describe my critical approach and perspective on the rhetoric of family values and preview the chapters of this study. I discuss the contributions I make to our understanding of the rhetoric of “the family” and “family values” and reflect upon the “lessons” we might learn through a more in-depth investigation of the topic.

The Family in U.S. Politics: Issues in the Debates

Throughout U.S. history, Americans have expressed profound anxiety over the strength and stability of the family. James Davison Hunter, professor of sociology and religious studies, offers an 1892 report to the National Congregational Council as one illustration of this concern. “Much of the very mechanism of our modern life . . . is

destructive of the family,” the report stated.⁸ More than a century later, the topic of “family” continues to generate intense concern and controversy. Our nation’s debates over the health of “the family,” reproductive rights, and the politics of sexuality are, feminist sociologist Judith Stacey has noted, “the most polarized, militant, and socially divisive in the world.”⁹ While other industrialized countries have had debates over many of the same issues, Stacey concludes, “no society has yet to come close to our expenditure of politicized rhetoric over family crisis.”¹⁰

Why has the family been such a contentious topic in U.S. politics? Linguist George Lakoff has suggested one reason: because the concept of family is so integral to the nation’s collective identity. Family, Lakoff argues, is “one of the most common ways we have of conceptualizing what a nation is.”¹¹ He points to allusions to the nation’s “founding fathers” or to “Big Brother” as examples of the family metaphors that permeate our talk about government and its relationship to society. Historian Wendy Kozal has offered additional evidence that American national identity is rooted in familial language and images. She writes:

Nationality often coalesces around ethnic or racial identities. In the United States, however, national identity is based on more abstract concepts of liberty, democracy, and citizenship. Family ideals and obligations function to mediate those abstract concepts and offer a source of identification because family is a site of emotional attachment and personal commitments.¹²

Family, it seems, not only plays a vital role in defining America—a task that Hunter argues is “on its own terms, intrinsically prone to intense political contention”¹³—but also shapes the way Americans understand their connections to the larger society.

Challenges to long-standing or “traditional” definitions of family, not surprisingly, spark much controversy and resistance.

Although family-related issues have long provoked intense political controversy, recent debates over the family have been particularly heated. Hunter explains that earlier generations shared a “general cultural agreement about what exactly it was that was being threatened and, therefore, what it was that needed defending.”¹⁴ Through much of American history, the “nature and contours of the family were never publicly in doubt.” Today, however, that consensus no longer exists. Hunter argues that the recent debates over “the family” have reflected the “fundamentally different assumptions and world views of the antagonists.” The issue is no longer about whether the family is failing or surviving. Rather, the contest now is “over what constitutes a family in the first place.” Shifting the discussion from what needs to be done to “save” “the family” to what sorts of family *deserve* to be “saved” has brought fundamentally opposed perspectives into sharper conflict.

Competing Perspectives

Empirical studies and population censuses have confirmed that families have been undergoing a “social transformation.”¹⁵ Increases in divorces, remarriages, female-headed homes, working mothers and wives, and same-sex couples have brought about changes in family structure that have raised new concerns about the state of the American family.¹⁶ Scholars generally agree that these changes are occurring.¹⁷ Whether they represent a decline of the family or might be seen as natural or even positive

developments, however, has been the subject of contentious debate. Is the American family in crisis? Should federal policymakers promote the “traditional,” nuclear family as the norm or the ideal? A review of scholarly literature about the current state of U.S. families suggests that the answer depends on one’s definition of “the family” and one’s view of the social values a family should uphold.

The culture wars hinge upon two competing attitudes toward family issues. One approach argues that the “traditional family” is in crisis and advocates personal responsibility as the solution to a perceived decline of “family values.” The other approach views changes in the nature of the family as a natural part of the evolution of society; some even argue that the ideal “traditional” family never really existed in the first place. These two perspectives reflect, in turn, the conservative and liberal world views that Lakoff has argued are definitive of contemporary cultural politics. According to Lakoff, the conservative perspective embraces a “strict father morality” grounded in the conception of the “traditional nuclear family.”¹⁸ This family system upholds values like self-reliance and self-discipline and reinforces conventional gender roles. The liberal perspective, on the other hand, promotes a “nurturant parent morality,” emphasizing love, empathy, and care-taking as its primary values. Communication and respect are central to this system’s success. Lakoff explains that advocates of the two systems invoke many of the same moral principles “but give them opposing priorities”:

What we have here are two different forms of family-based morality. What links them to politics is a common understanding of the nation as a family, with the government as parent. Thus, it is natural for liberals to see it as the function of the government to help people in need and hence to support social programs, while it

is equally natural for conservatives to see the function of the government as requiring citizens to be self-disciplined and self-reliant and, therefore, to help themselves.¹⁹

These fundamentally opposing worldviews inhibit antagonists' ability to understand the ideals and arguments of their opponents. Thus, resolving controversies over "family values" is difficult, and it becomes virtually impossible to achieve consensus on family-oriented policies. Diverging perspectives on the very definition of "family" and the characteristics of a "normal" or "healthy" family complicate these issues even further.

The Family as a Rhetorical Construct

Most of the disputes within the family policy debates center on Americans' failure to distinguish between the family as a sociological phenomenon and "the family" as a rhetorical construct. Americans "speak of families as though we all knew what families are," psychiatrist R.D. Laing has written.²⁰ "We identify families as networks of people who live together over time, who have ties of marriage and kinship to one another." However, Laing and other scholars have shown that "the family" is not a precise label for any particular institution or social arrangement, but rather a social construct that has had different meanings and functions in various social contexts across time.

Many scholars, mostly feminists, have challenged the traditional sociological definition of "the family" as a unit composed of a married heterosexual couple and their children. For example, sociologist Patricia Hill Collins argues that the term "family" can be used to describe a variety of groups within society, ranging from "geographically

identifiable, racially segregated neighborhoods conceptualized as imagined families,” to “so-called racial families codified in science and law,” to “the U.S. nation-state conceptualized as a national family.”²¹ Expanding the conception of “family” to include these non-biological social groups and affiliations, Collins shows how the term “family” can be used for multiple rhetorical purposes in diverse contexts.

Other scholars have disputed that even biological families have distinctive characteristics. Laing, for example, observes few differences between the nature and functions of biological families and other groups in society. He observes that the more one studies family dynamics, “the more *unclear* one becomes as to the ways *family* dynamics compare and contrast with other groups not called families.”²² Devoid of any essential characteristics that make them unique, Laing concludes, the “family” consists largely of a set of cultural, social, and historical expectations at particular points in history.

All together, these observations point to the conclusion that “the family” is best understood as a rhetorical construct—a term that is defined and conceptualized differently by different cultures at particular moments in history. Indeed, historical analyses of the U.S. family’s development from the nation’s founding to contemporary times demonstrate that even within the United States the meaning of “family” has “always been in flux.”²³ In American history, “the family” has never been a fixed or stable entity with clearly defined functions and responsibilities. Instead, “family” has been the site of intense political and cultural conflict; it is a term that has been vigorously contested in a wide variety of contexts. As a rhetorical phenomenon, “the family” is one of those abstractions that assumes more concrete meaning only in particular contexts. But

it is also a potent ideological symbol, which helps to explain why debates over “the family” invariably seem so contentious.

The American Family Ideal

For many Americans, “the family” describes a tradition and an ideal that society should uphold as a model.²⁴ Family sociologist David Popenoe discusses the characteristics often used to describe this historically White Anglo-Saxon Protestant (WASP) model. The “traditional” family is “situated apart from both the larger kin group and the workplace; focused on the procreation of children; and consisting of a legal, lifelong, sexually exclusive, heterosexual, monogamous marriage, based on affection and companionship, in which there is a sharp division of labor, with the female as full-time housewife and the male as primary provider and ultimate authority.”²⁵ This ideal, grounded in a nineteenth century conception of family life and loosely modeled after the post-World War II middle-class nuclear family, allegedly captures the essence of the American family in its “golden age”; it symbolically represents the simplicity and prosperity of the past. According to historian Stephanie Coontz, this nostalgic image often leaves Americans longing for “the way things used to be.”²⁶

Yet as Coontz and others have argued, this “traditional” family is largely mythical; it never really existed, at least for most Americans. In her groundbreaking book, *The Way We Never Were*, Coontz draws upon historical and statistical data to show that, like most visions of a “golden age,” the traditional family “evaporates on closer examination.”²⁷ Coontz argues that the idyllic image of 1950s family life often masked

the realities and complexities families faced at the time. Pointing out that one-third of native born, white families could not survive on one income alone, and that minority families were “almost entirely excluded” from the opportunities and gains enjoyed by white families, Coontz reveals the exclusionary nature and white, middle-class bias of the traditional ideal.²⁸

Similarly, historian John Gillis has argued that we “live by” the ideals of what he calls “imagined families.”²⁹ Like the traditional family, imagined families are “constituted through myth, ritual and image” and, unlike the actual families we live in, they are “never allowed to let us down.” Americans expect imagined families to be forever nurturing and protecting and “will go to any lengths to ensure that they are so, even if it means mystifying the realities of family life.” Arguing that all families are “imagined” and therefore in some measure mythical, Gillis points to the main reason that “the family” has been the site of such contentious political debate in U.S. history: because *all* families are, in a sense, rhetorical constructions judged against the standards of an unobtainable social ideal.

The Rhetoric of “Family Values”

Although feminist and other intellectuals have clearly identified the rhetorical nature of the family ideal, few scholars have explored *how* the “the family” has functioned as a persuasive force in political and social controversies. Dana Cloud, a rhetoric scholar, asserts that “the family” is an ideograph, which Michael Calvin McGee defined as a “high-order abstraction representing collective commitment to a particular

but equivocal and ill-defined normative goal.”³⁰ “The family” is persuasive because, like other ideographs, it is “abstract, easily recognized,” and evokes “near-universal and rapid identification within a culture.” Cloud’s analysis of the “family values” issue in the 1992 presidential campaign begins to suggest why the family ideograph provokes such passion in political debates. Yet limited to just that campaign, Cloud’s work provides no sense of how “the family” has evolved as a political or rhetorical construct or how it became such a contentious issue in contemporary politics. Nor does she show how “the family” has been transformed by changing contexts and controversies or how it has influenced public policy debates over such issues as women’s rights or same-sex marriage.

Other rhetorical scholars have studied how “the family” has functioned rhetorically in particular policy contexts. Robert Asen, for instance, has examined images of “the family” in welfare debates. Examining debates over welfare from the early 1900s to the 1970s, he found that portrayals of female-headed homes changed from positive depictions of single mothers deserving of support to negative portrayals of allegedly undeserving, welfare-dependent mothers in the 1960s and 1970s.³¹ Lisa Gring-Pemble likewise has illuminated how negative portraits of single mothers were used to justify the “end of welfare as we know it” in the 1990s. Examining the hearings and debates over the Personal Responsibility and Work Opportunity Act of 1996 (PRWOA), she found that policymakers held up a “classic normal family” as the ideal, thereby justifying a responsibility-based approach to the welfare reform legislation.³²

This study goes beyond these earlier investigations to examine the rhetoric of family values in a wider variety of policy debates over a longer period of time. My goal is not to resolve the controversies over “family values” in these or other debates, nor do I

aspire to determine which definitions of “family” have been morally or statistically right or to settle the debates over the government’s proper role in family life.³³ Instead, I adopt an approach similar to Cloud’s, investigating how “the family” has been invoked or deployed rhetorically in various policy debates over the last fifty years. Focusing on key moments when the meaning of “the family” and “family values” have been hotly contested in political debate, I begin by more closely examining the political *arguments* that defined, redefined, or otherwise transformed the meaning of “family” and related terms in the last half of the twentieth century. Then I analyze the underlying ideological worldviews that gave rise to or shaped those political arguments. I explore the implications of these debates for family policy and, by extension, American families. Within each chapter, I show how both conservatives and liberals have used “the family” and “family values” as a political resource in a variety of policymaking discussions and I show how these constructs functioned rhetorically to change the meaning of “family” and “family values” over time.

Unlike Coontz, I do not approach the debate over “the family” and “family values” as “artificial” or *merely* rhetorical.³⁴ Rather, I argue that rhetoric has played an essential role in defining the very meaning of “family,” and I investigate how politicians have invoked “the family” and “family values” to justify an expansion of federal intervention in family life. As a rhetorical critic, I am interested in the processes of public persuasion or, more simply, “how symbols influence people.”³⁵ Rhetorical critics analyze and interpret messages and meanings, focusing on the symbolic nature of communication. They explore the significance of how people frame political issues, how they structure their messages, the language and terminology they employ, and the

methods by which they deliver their messages to larger audiences.³⁶ In short, rhetoric scholar Garth Pauley explains, rhetorical criticism is the “systematic interpretation and evaluation of public messages aimed at inducing shared meaning among people.”³⁷ This study contributes to our understanding of how political rhetoric has shaped our nation’s conception of “the family” and the government’s role in family life over the past fifty years. By attending closely to the rhetoric of “family” and “family values,” I identify patterns of argument, the values and assumptions that underlie those arguments, and the policy implications of competing conceptions of “family” in debates ranging from the welfare reform debates of the 1960s to the continuing debate over same-sex marriage in America.

Outline of Chapters

Chapter 2 of this study returns to the origins of the contemporary debates over “the family” by investigating how radically different portraits of needy families underlay competing perspectives on welfare reform in the early 1960s. During the debates over the 1961 Aid to Dependent Children—Unemployed Parents program (ADC-UP), the Kennedy administration and other liberal policymakers justified temporarily expanding welfare spending and coverage by popularizing images of welfare recipients as struggling families and hungry children. Whereas federal policymakers endorsed expanding welfare programs, some local and state policymakers introduced plans designed to restrict welfare spending and coverage. In 1961, supporters of the “Newburgh Plan”—a particularly divisive initiative—justified the controversial reform proposals by portraying the plan’s

intended recipients as cheats, chiselers, and social parasites. During the debates over the *Public Welfare Amendments of 1962*, the bill's proponents tried to negotiate these competing depictions and create a bipartisan coalition that made welfare reform—and further governmental intervention in family affairs—possible by portraying welfare families as “fixable” deviants.³⁸ These debates set the stage for future family debates by defining a family ideal and providing a justification for increased governmental intervention in “family” affairs.

Chapter 3 explores how “the family” and “family values” were implicated in debates over women’s rights in the 1960s through the early 1980s. In the rhetoric surrounding the *Equal Pay Act of 1963* (EPA), the proponents effectively established the need for the bill by portraying the intended recipients as hardworking women struggling to support themselves and their families. Advocates of the Equal Rights Amendment (ERA)—a bill designed to promote women’s and men’s complete equality—generated support for the amendment and a reconception of family roles in the early 1970s by portraying U.S. families as being constrained by outdated conceptions of family life and gender roles. Conservative groups and policymakers fought to defend “traditional family values” against these changes in the public anti-ERA campaign conducted by Phyllis Schlafly and other conservative activists and groups to defeat the amendment during the state ratification process. ERA opponents brought about the amendment’s defeat by portraying the ERA and the women’s movement as a threat to women, families, and society. The debates over women’s rights helped to transform the “family” issue from questions about whether the government ought to be involved in such issues at all to

debates over what *sorts* of families and “family values” the government ought to promote.

Chapter 4 explores conservative and liberal policymakers’ efforts to promote so-called “pro-family” policies during the 1980s and early 1990s. The Reagan administration and other policymakers in the mid-1980s justified the passage of the *Tax Reform Act of 1986* by portraying American families as being “burdened” by excessive taxes and government intervention. Liberal policymakers promoted federal funding for child care in the late 1980s by portraying the bill’s intended recipients as helpless children worthy of the nation’s support. In the late 1980s and early 1990s congressional hearings about family and medical leave policy, advocates of the *Family and Medical Leave Act* benefited from the widespread belief that the bill would prevent working families from having to choose between their work and family responsibilities. These debates shifted the family policy conversations from what types of families the government should support to discussions about how the federal government could best support American families.

Chapter 5 investigates the rhetoric of the debates over same-sex marriage in the 1990s and 2000s, focusing on how both opponents and proponents invoked “the family” in support of their positions. Federal policymakers justified the need for the *Defense of Marriage Act* of 1996—which created a federal definition of marriage as being between a man and a woman *and* declared that neither the federal government nor any state needed to recognize a same-sex marriage performed by another state—by portraying the bill as a moderate measure designed to protect the “traditional” definition of marriage and the people’s right to define it. Gay rights advocates persuaded the Massachusetts Supreme

Court to legalize same-sex marriage in 2003 by portraying same-sex couples as loving, committed families worthy of equal marital rights and protections. During the recent congressional hearings surrounding the Federal Marriage Amendment, the bill's proponents tried to generate support for codifying marriage as an exclusively heterosexual, monogamous institution by portraying same-sex marriages as a threat to traditional marriage and families. These debates altered the broader family policy discussions from disputes about what type of policies the federal government should promote to debates about what "counts" as a "family" in contemporary society and to what extent the federal government should involve itself in family affairs.

The concluding chapter revisits the arguments of the dissertation, identifies the recurrent rhetorical strategies and patterns in debates over "the family," and draws out the larger implications for the study of family politics. The conclusion offers some additional explanations for the continued political interest in families and assesses the potential impact of these debates on future governmental policies affecting families.

Notes

¹ Antonin Scalia, “Opinion of J. Scalia,” *Lawrence v. Texas*, No. 01-102 (26 June 2003), “Legal Information Institute,” *Cornell Law School*, <http://www.law.cornell.edu/supct/html/02-102.ZD.html> also available through Lexis Nexis.

² George Chauncey, *Why Marriage?: The History Shaping Today's Debate Over Gay Equality* (New York, NY: Basic Books, 2004), 2.

³ “President Defends Sanctity of Marriage, November 18, 2003,” *White House*, <http://www.whitehouse.gov/news/releases/2003/11/20031118-4.html>.

⁴ “President Calls for Constitutional Amendment Protecting Marriage, February 24, 2004,” *White House*, <http://www.whitehouse.gov/news/releases/2004/02/20040224-2.html>.

⁵ Lisa Levenstein, “From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961,” *Journal of Women's History* 11, no. 4 (2000): 10.

⁶ U.S. Congress, House, Select Committee on Children, Youth, and Families, *Children, Youth, and Families: Beginning the Assessment*, 98th Cong., 1st sess., 28 April 1983, 1.

⁷ Dana Cloud, “The Rhetoric of <Family Values>: Scapegoating, Utopia, and the Privatization of Social Responsibility,” *Western Communication Journal* 62 (1998): 388.

⁸ James Davison Hunter, *Culture Wars: The Struggle to Define America* (New York, NY: Basic Books, 1991), 177.

⁹ Judith Stacey, *In the Name of the Family: Rethinking Family Values in the Postmodern Age* (Boston, MA: Beacon Press, 1996), 47.

¹⁰ Stacey, *In the Name of the Family*, 47. For a discussion of other countries' debates over “the family,” see Barbara Hobson, ed., *Making Men Into Fathers: Men, Masculinities, and the Social Politics of Fatherhood* (Cambridge, U.K.: Cambridge University Press, 2002).

¹¹ George Lakoff, *Moral Politics: What Conservatives Know That Liberals Don't* (Chicago, IL: University of Chicago Press, 1996), 13.

¹² Wendy Kozal, “‘The Kind of People Who Make Good Americans’: Nationalism and *Life's* Family Ideal,” in *Looking for America*, Ardis Cameron, ed. (Malden, MA: Blackwell Publishing, 2005), 206.

¹³ Hunter, *Culture Wars*, 177.

¹⁴ Ibid.

¹⁵ David Popenoe, *War Over the Family* (New Brunswick: Transaction Publishers, 2005), 3.

¹⁶ Livia Sz. Oláh, Eva M. Bernhardt, and Frances K. Goldscheider, “Coresidential Paternal Roles in Industrialized Countries: Sweden, Hungary and the United States,” in *Making Men into Fathers: Men, Masculinities, and the Social Politics of Fatherhood*, Barbara Hobson, ed. (Cambridge, U.K.: Cambridge University Press, 2002), 25.

¹⁷ John Gillis, *A World of Their Own Making: Myth, Ritual, and the Quest for Family Values* (Cambridge: Harvard University Press, 1996), 3.

¹⁸ Ibid., 33.

¹⁹ Ibid., 34-36.

²⁰ R.D. Laing, *The Politics of the Family, and Other Essays* (1969; repr., New York, NY: Routledge, 1999), 3.

²¹ Patricia Hill Collins, “It’s All in the Family: Intersections of Gender, Race, and Nation,” *Hypatia* 13, no. 3 (Summer 1998): 63.

²² Laing, *The Politics of the Family*, 3. Laing’s italics.

²³ Coontz, *The Way We Never Were*, 2.

²⁴ See Coontz, *The Way We Never Were*; Stacey, *In the Name of the Family*; Hill Collins, “It’s All in the Family”; Gillis, *A World of Their Own Making*; Cloud, “The Rhetoric of <Family Values>”; Dana Cloud, *Control and Consolation in American Culture and Politics: Rhetoric of Therapy* (Thousand Oaks, CA; Sage Publications, 1998).

²⁵ Popenoe, *War Over the Family*, 3-4

²⁶ Coontz, *The Way We Never Were*, 2.

²⁷ Ibid., 9.

²⁸ Ibid., 30.

²⁹ Gillis, *A World of Their Own Making*, xv.

³⁰ Cloud, “The Rhetoric of <Family Values>,” 389.

³¹ Robert Asen, *Visions of Poverty: Welfare Policy and Political Imagination* (East Lansing: Michigan University Press, 2002).

³² Lisa Gring-Pemble, *Grim Fairy Tales: The Rhetorical Construction of American Welfare Policy* (Westport, CT: Praeger, 2003.)

³³ Although I do not intend to advance a particular position on each of these issues, I do recognize that my personal bias will likely be revealed through my word-choice and conclusions.

³⁴ Coontz, *The Way We Really Are*, 4.

³⁵ David Zarefsky, *President Johnson's War on Poverty* (University, AL: University of Alabama Press, 1986), 5.

³⁶ Garth Pauley, *The Modern Presidency and Civil Rights: Rhetoric of Race from Roosevelt to Nixon* (College Station: Texas A&M University Press, 2001), 15.

³⁷ Ibid.

³⁸ House Committee on Ways and Means, *Public Welfare Amendments of 1962*, 87th Cong., 2d sess., February 1962; Senate Committee on Finance, *Public Assistance Act of 1962*, 87th Cong., 2d sess., May 1962.

Chapter 2

The Rhetoric of Family Values in the 1961-1962 Welfare Reform Debates

The Social Security Act (SSA) of 1935 established the Aid to Dependent Children (ADC) program to protect the nation's dependent children from poverty.¹ Described by the 1934 President's Committee on Economic Security as a "defense measure for children," ADC made federal funds available to assist states in the care of needy dependent children deprived of parental support because of death, desertion, or disability.² A federal version of some existing state-level assistance programs, ADC affirmed the idea that needy dependent children were "deserving" of assistance and "had to have federal help."³

For the most part, the nature and objectives of the nation's ADC program remained largely unchanged between 1935 and 1960.⁴ During that time, however, the problems and circumstances facing America's low-income families changed dramatically. Divorce, separation, desertion, and illegitimate birth rates all rose, resulting in a dramatic growth in the number of dependent children and single mothers. Lower infant mortality rates resulted in more needy children. Racism and discrimination prevented millions of minorities from receiving the education, training, and opportunities they needed to achieve social and economic independence. Technological advances brought about changes in the workforce, leaving many unskilled workers ill-prepared to compete in the workplace and thus unable to support themselves and their families. A series of economic recessions during the 1950s and early 1960s further contributed to

increased unemployment rates. All in all, these changes in U.S. social and family life resulted in a significant increase in the number of needy Americans and laid the foundation for a contentious debate about welfare reform.

The 1961-1962 welfare reform debates are important to a study of the rhetoric of family values in U.S. national policymaking because they politicized “the family,” reinforced the “traditional” family model as the ideal, and helped establish a foundation for the federal government’s involvement in family affairs. Historian Walter I. Trattner has argued that “by putting the power of the White House and the federal bureaucracy behind the drive for welfare reform—or at least the notion that the federal government had the responsibility to help poor Americans help themselves—Kennedy shattered the relative complacency that characterized the previous decade, and his successor, Lyndon B. Johnson, followed suit.”⁵ Similarly, Mimi Abramovitz notes that the period marked a “move from [welfare] assault to reform” and points to the *Public Welfare Amendments of 1962* as evidence of an “expanded family focus” in social welfare policy.⁶

Rhetoric scholar Robert Asen has explored how policymakers depicted women during the 1962 welfare reform debates. This study builds on Asen’s work by analyzing how liberal and conservative policymakers invoked “the family” in support of three welfare reform proposals that generated widespread support: the 1961 Aid to Dependent Children—Unemployed Parents (ADC-UP) program, the Kennedy administration’s initiative to temporarily expand federal public assistance benefits to children in two-parent homes where both parents were unemployed; the so-called “Newburgh Plan,” one small city’s plan to reduce welfare costs and minimize the number of families on the city’s welfare roll; and the *Public Welfare Amendments of 1962*, the Kennedy

administration's proposals to extend the ADC-UP program, expand welfare coverage, and increase funding for rehabilitative services.

During the 1961 debates over the ADC-UP program, the Kennedy administration benefited from the widespread belief that the intended recipients were needy children who came from hard-working, morally righteous families. In the months following ADC-UP's passage, the supporters of the Newburgh Plan helped justify the plan's controversial measures to cut welfare costs and reduce the welfare rolls by portraying the bill's intended recipients as cheats, chiselers, and social parasites. The Kennedy administration and other proponents of increased welfare programs tried to reconcile these competing images of welfare recipients and win bipartisan support for welfare reform by portraying dependent families as "fixable" deviants and thereby casting public assistance as a good investment in America's future. Although the participants offered competing depictions of welfare families, both liberals and conservatives contributed to a negative image of impoverished single-parent families as morally deficient and socially undesirable. In the process, they laid the foundation for even more intrusive governmental intervention in family life in the future.

Helping Those Who Are Poor Through "No Fault of Their Own": The Rhetoric of Compassion in the Debates over the 1961 Aid to Dependent Children—Unemployed Parents (ADC-UP) Program

President John F. Kennedy's election paved the way for the enormous growth of the welfare state in the 1960s. Prior to entering office, the president-elect had established a Task Force on Health and Social Security to review past welfare reform initiatives and

identify the “most immediate necessities for Federal action.”⁷ The Task Force, chaired by New Deal architect Wilbur Cohen, made three recommendations. It called upon the administration to propose an amendment to the federal Aid to Dependent Children (ADC) program to temporarily extend coverage to needy children of unemployed parents. It advised the Secretary of Health, Education, and Welfare (HEW) to submit to the President and Congress a more long-range “family and child welfare services plan” addressing the problems of needy persons not covered under the *Social Security Act*. It also called for a reorganization of the Department of HEW to ensure that the needs of children and families remained at the “top level of policy decision.”⁸ By implementing these three changes, the Task Force maintained, the administration would overcome some of the “most glaring” deficiencies in the existing public welfare system and alleviate some of the economic hardships poor families faced.⁹

The Kennedy administration acted on the Task Force’s first recommendation shortly after taking office. In January 1961, HEW proposed a temporary extension of the federal ADC program to include children of unemployed parents. Under the original ADC program, states could apply for federal grants to assist in the care of dependent children deprived of parental support because of death, desertion, or disability. The new Aid to Dependent Children—Unemployed Parents program (ADC-UP) would allow states to apply for additional funds to assist children of unemployed parents who had exhausted their unemployment benefits or whose benefits were not enough to support their family. By providing short-term financial support to families struggling because of unemployment, supporters of the change reasoned that the federal government could help strengthen families and prevent long-term governmental dependency.

Although the program was temporary and the number of families who would be eligible was small, the ADC-UP program raised significant questions about the federal government's role in two-parent family life. Social policy scholars Alfred J. Kahn and Sheila B. Kamerman explained that Americans historically have resisted programs for "healthy" families out of concern that programs for families "not in trouble" would "ensure dependence."¹⁰ The ADC-UP program, by offering federal public aid to unemployed yet otherwise "healthy" two-parent families, set a new precedent that some opponents complained would lead to the federal government's intervention in a wide range of family affairs.

Proponents of the ADC-UP program, however, justified the changes with a rhetoric of compassion. The proponents described the economic hardships unemployed families with children faced, drew attention to the ways in which the existing public welfare system supposedly failed to respond to those hardships, and appealed to Congress to acknowledge the federal government's responsibility to help *all* needy children. In other words, they presented a sympathetic portrait of the victims of unemployment, arguing that the families that would benefit from the ADC-UP program were headed by "honest, hard-working fathers,"¹¹ "willing jobseekers," or parents with "a substantial record of employment in the last two years."¹² These families were suffering as a "result of forces not within their own control," according to proponents of the bill, and they remained committed to being self-sufficient and turned to public assistance only as a "last resort."¹³ The proponents also highlighted the families' commitment to family stability, noting that despite their economic hardships, they "still ha[d] pride," or that they "still want[ed] to make a go of it," and "keep their families together."¹⁴ The proponents

acknowledged that some fathers, out of desperation, had “resorted to real or pretended desertion to qualify their children for help.”¹⁵ But that was only because the current law encouraged them to do so. The majority of parents remained at home, “prevented by conscience and love of family” from abandoning their children.¹⁶ All in all, proponents concluded, the families that would benefit from the legislation were good families with strong family values.

Thus, proponents of the ADC-UP program argued that those who would benefit from the legislation were “worthy” recipients. They were hardworking families whose poverty was the result of failed economic policies, not personal or moral failures. The fathers were committed to finding work, and they were hesitant to ask for assistance in the first place. They were therefore not likely to become lazy or dependent on the government because they received temporary aid. Moreover, proponents of the legislation argued that the status quo actually encouraged fathers to leave their children. The ADC system was “not the basic cause of family breakup,”¹⁷ but the program’s eligibility requirements placed a “premium on broken families” and provided “incentives for fathers to abandon their children so that they may be fed.”¹⁸ John Tramburg of the American Public Welfare Association highlighted the need to maintain the integrity of the two-parent family above all else. He stated: “It seems to me that the backbone of America lies with a strong, moral, decent, honorable family. And when we lose these families, we have to go about trying to restore them.”¹⁹ Appealing to American’s concerns about the growing number of single-parent homes, the proponents invoked images of the traditional, two-parent family to convince Congress of the need for reform.

Despite opponents' continued concerns that the new legislation would encourage still more dependency and invite further governmental intervention in family life, the bill extending ADC benefits to unemployed families passed quickly and quietly through Congress. Both the House and the Senate passed the legislation on voice votes and, on May 8, 1961, President Kennedy signed the legislation into law. Under this new law (Pub. L. 87-31), the federal government (1) made grants available to states wishing to extend their programs of aid to dependent children to include children deprived of parental support or care because of their parent's unemployment; (2) broadened the term "dependent child" to include needy children who had been removed from their homes by a court order; and (3) temporarily increased from 80% to 100% the federal government's share of the costs of training public welfare personnel.²⁰ The legislation did not radically or permanently change U.S. social welfare policies, but it did mark an important milestone in U.S. family policy because it established a relationship between the federal government and impoverished two-parent homes and began to revise understandings of families worthy or deserving of governmental aid.

Rewarding "Deserving" Families

The federal government historically has offered tax breaks and other incentives to promote strong families. In declaring that the federal government had a responsibility to provide aid to otherwise stable and "healthy" families suffering from unemployment, proponents of the ADC-UP program took that obligation one step further. Historian James T. Patterson has maintained that, by making two-parent homes eligible for federal

public assistance, the ADC-UP program marked a “liberal step forward in the evolution” of federal welfare.²¹ At the same time, however, the ADC-UP program rested upon some of the same, traditional family values that had been the foundation of social welfare policy in America. With the white, two-parent, church-going family still in the backdrop as the unspoken ideal, proponents of the ADC-UP legislation said little about heads of household that might be female or African American. They argued that some children in two-parent homes were “just as needy”²² as their ADC counterparts, and they argued that there was “no reason” why the child of an unemployed father “should not be fed as well as a child in other unfortunate circumstances.”²³ But they did not equate the children of the unemployed with those of single-parent families. To the contrary, they seemed to imply that ADC-UP families were somehow more deserving or moral than families supported under the existing ADC program, and they declared it wrong that these “deserving” families might go hungry while less deserving families received government aid.

These arguments, in turn, had racial implications as well, although few involved in the debate explicitly addressed those implications. At the time of the hearing over the ADC-UP legislation, the Civil Rights Movement was drawing national attention to discriminatory employment practices that doomed many African Americans to poverty and the prejudicial ADC policies that allowed states to prevent many impoverished African American families from receiving public assistance.²⁴ Although the legislation technically stood to help some African Americans—at least those who conformed to the WASP ideal of a two-parent family—the supporters said little about race or the need to eliminate these discriminatory practices. Historian and feminist scholar Jennifer

Mittelstadt has suggested that liberal reformers in the late 1950s and 1960s often tried to hide the connection between race and welfare as a way to portray the ADC program more favorably.²⁵ While this may have been a strategy intended to bring about the ADC-UP program's quick passage, it handicapped the Civil Rights advocates' efforts to ensure that eligible single- and two-parent African American families received ADC and ADC-UP benefits.

Rejecting Those Who Can Help Themselves: The Rhetoric of Condemnation in the 1961 Newburgh Plan

Once it won passage of the temporary extension of welfare benefits to the families of the unemployed, the Kennedy administration began its "intensive study of the problems and prospects for public assistance in the next decade."²⁶ In May 1961, HEW Secretary Abraham Ribicoff appointed twenty-five leaders in the social work field to an Ad Hoc Committee on Public Welfare and charged them with making recommendations for legislation that would provide counseling, job training, and other professional services to the nation's social welfare recipients. He also asked George K. Wyman, a former Deputy Commissioner of Social Security, to propose administrative changes in the Children's Bureau and the Bureau of Public Assistance, which oversaw many of the federal government's social welfare programs. He also appealed to social welfare professionals and organizations such as the National Social Welfare Assembly and the American Public Welfare Association to help the administration in its efforts to better understand and prevent welfare dependency. The results of these inquiries, Ribicoff

explained, would form “the core of our basic proposals in the months and the years to come.”²⁷

Just as the Kennedy administration began its study of the welfare system, however, a national debate erupted over the results of a seven-month study of welfare programs in Newburgh, New York. Charged with finding explanations for a dramatic rise in welfare costs, a committee of three citizens in Newburgh, appointed by City Manager Joseph McDowell Mitchell, identified four major factors behind the spiraling costs. It claimed that the “arbitrary dictates of the State and Federal Departments of Welfare” had usurped local control over the programs and driven up costs. It blamed a “mass migration of untrained, uneducated persons . . . lacking in moral standards with no civic pride” for overburdening the city’s relief rolls. The committee condemned “unscrupulous landlords” who took advantage of the poor and overcharged them for substandard dwellings, in effect padding their own pocketbooks at the taxpayers’ expense. It also blamed the “general apathy” of the community and emphasized the need for citizens to get involved with welfare issues. Without vigorous action to address these four problems, the committee concluded, the city could “do very little to correct the situation.”²⁸

In response to this report, Newburgh City Manager Mitchell drafted a welfare reform plan designed to eliminate fraud, maintain fiscal responsibility, and promote morality and a work ethic among welfare recipients in the city. Whereas the ADC-UP bill was designed to expand federal assistance to temporarily unemployed but morally upright families, the Newburgh plan was designed to eliminate from the welfare rolls those families the city deemed unworthy of aid. For instance, the plan advised all “mothers of illegitimate children” that if they had any additional children out of wedlock “they shall

be denied relief.” The city refused to provide support to—and even threatened to remove children from—needy single-parent families where the “home environment” was “not satisfactory.” The plan denied relief to all recipients “physically capable of and available for employment” who refused a job offer, as well as to newcomers to the city who arrived without having a job offer.²⁹ The Newburgh city council’s 13-point plan created an unflattering portrait of those on public assistance, characterizing their plight as personal and moral failures and setting stricter rules for getting aid.

The Newburgh Plan clearly violated the humanitarian spirit of the *Social Security Act* and challenged the assumption that all needy families were “deserving” of aid. In the city officials’ public statements in support of the plan, they talked about the plan not with a rhetoric of compassion, but rather a rhetoric of condemnation. City Manager Mitchell, the spokesman for the plan, and the other proponents drew attention to the alleged abuses within the welfare system, argued that the current state and federal laws inhibited the city’s efforts to curb those abuses, and declared that Newburgh’s tax-payers had a right to determine which citizens deserved aid.³⁰ Portraying welfare recipients as cheats, chiselers, and social parasites, Newburgh city officials helped create a new and unsympathetic portrait of welfare recipients.

The Newburgh Plan targeted two types of “unworthy” families that, its proponents claimed, should be removed from the public assistance rolls. The plan targeted single-parent families headed by unwed, allegedly promiscuous mothers who, according to the plan’s supporters, lacked the proper family values needed to provide a “suitable home” for their children. Although these women were capable of gainful employment or may have had stable relationships with able-bodied males, they

supposedly rejected marriage, preferring instead to “breed illegitimate children at the taxpayers’ expense.”³¹ The plan also targeted families headed by idle fathers who migrated to the city “for the purpose of becoming or continuing as public charges.”³² Like the unwed mothers, these idle fathers, according to supporters of the Newburgh plan, were content with “squat[ing] on the relief rolls forever” and making “more on relief than when working.” They too lacked proper family values, preferring to use welfare funds for the “purchase of whiskey, automobiles and other indulgences.” The plan’s proponents pointed to Newburgh’s increased rates of illegitimacy, crime, and violence, particularly in the “[w]elfare wards,” as evidence of the harm that these “social parasites” were causing to the city.³³

These negative depictions of the plan’s intended targets helped provide justification for denying the families benefits. Proponents of the Newburgh plan argued that the families’ lack of proper values made them undeserving of aid. They were not worthy or moral mothers and fathers who deserved the city’s compassion. Nor were they otherwise sound families struggling with unemployment because of a lack of job opportunities. Instead, they were deviants and parasites who preferred to loaf and live off their neighbors. The depictions also served as a response to critics who described the bill as “inhumane.”³⁴ Unlike those poor who could not survive without the public’s support, the advocates argued, these families were capable of supporting themselves. By eliminating these unworthy families from the rolls, advocates of the plan explained, the city would have more funds available to support those who were true victims of circumstances and incapable of helping themselves.

Proponents of the Newburgh plan claimed to support welfare for those in need. City Manager Mitchell explained that the city's goal was simply to make the best use of the city's limited funds "to safeguard the life and security of the indigent, of the destitute, the disabled, the aged, handicapped, and other socially maladjusted citizens."³⁵ Newburgh had compassion toward those with real need, he suggested, but they also had a responsibility to the broader community. Mitchell concluded that the government "must benefit the people, and its total effect must benefit the people as a whole."³⁶ And that was an argument that apparently appealed to those Americans who expressed concern about the growing costs and supposed abuses within the welfare system.

Although the New York Supreme Court eventually overturned all but one of the provisions of Newburgh's "get tough" policy, the Newburgh plan nevertheless succeeded in calling attention to the alleged problems in the nation's welfare system and inspiring debate over the basic assumption that all poor people were "worthy" of aid. Commenting on "Newburgh's Lessons for the Nation," in a *New York Times* article, A. H. Raskin noted: "In every major city and state, questions have been raised about the extent to which abuses have crept into the relief administration, about whether enough is being done to discourage habitual dependency, and about the possibility of reorganization to guarantee that communities receive maximum social good for their welfare dollar."³⁷ Similarly, a July 28, 1961, *Time Magazine* article credited Newburgh city officials with giving the nation "cause for some sober second thoughts on the use—and misuse—of civil charity."³⁸ Despite the court decision, Newburgh city officials declared their plan a success. During a November 20, 1961, speech to the Detroit Economic Club, City

Manager Mitchell declared that, despite a court injunction, the city “still succeeded” in reducing its welfare costs and in challenging the entire “philosophy of welfare.”³⁹

Racializing the Welfare Debate

Barely beneath the surface of the debate over the Newburgh plan were concerns with a new underclass of African American welfare recipients. Although Newburgh city officials denied that their plan was racially motivated, their own public statements reveal that many of the rules were targeted at the African American seasonal migrant workers who had begun to settle in the area year-round.⁴⁰ In a *Reporter Magazine* (New York), article in August of 1961, Meg Greenfield quoted City Councilman George McKneally as stating: “This is not a racial issue” but then adding: “But there’s hardly an incentive to a naturally lazy people to work if they can exist without working.”⁴¹ In a March 1961 speech, City Manager Joe Mitchell complained that the city’s principles of welfare were being violated “by this horde of incoming humanity . . . of this never-ending pilgrimage from North Carolina to New York.”⁴² In another speech taped for distribution, Mitchell explained that the city’s welfare plan was “partly intended to stop the migration of a parasitic element into the city.”⁴³ For more than six months, media outlets, including the *New York Times*, the *Los Angeles Times*, and the *Chicago Tribune* had picked up on city officials’ references to Newburgh’s seasonal workers and publicized their claims that these “parasites” were contributing to the rising welfare costs and creating new social problems in the city.⁴⁴ Although the State Welfare Board provided evidence that the city’s statistics and claims were grossly exaggerated, the responses did little to alter such

racialized perceptions. Historian Lisa Levenstein argued that the Newburgh controversy “cemented the new association of public assistance with African Americans in the North and crystallized a discourse identifying welfare as the cause, not the consequence, of urban poverty, joblessness, and illegitimacy.”⁴⁵

Thus, the Newburgh controversy marked an important moment in the history of the welfare debates. Although Newburgh officials claimed that they were as concerned about the needy as anybody, they began a process of demonizing certain classes of recipients—most notably, single mothers and “idle” fathers—who they argued, in effect, were taking away aid from more “deserving” recipients. Lost in the debate at that point, of course, were the nation’s most vulnerable citizens, the children of those “undeserving” recipients targeted by Newburgh’s plan. At first, the Kennedy administration remained largely silent about the Newburgh controversy, but in December of 1961 HEW Secretary Abraham Ribicoff ordered state welfare agencies to adopt new measures to curb abuses in the welfare system and to better safeguard the interests of children deserted or insufficiently cared for by their parents.⁴⁶ Although Ribicoff denied that the Newburgh Plan inspired any of these new directives, it seems clear that the debate over the Newburgh plan did have an effect. And that effect would become even clearer in the debates over the public welfare amendments proposed by the Kennedy administration in 1962.

Helping Those Who Help Themselves: The Rhetoric of Rehabilitation in the Debates over the *Public Welfare Amendments of 1962*

In September 1961, the Kennedy administration's Ad Hoc Committee on Public Welfare submitted its list of recommendations. The list included extending the temporary Aid to Dependent Children-Unemployed Parents (ADC-UP) program, providing federal support for day care, and allocating federal funds for training welfare personnel and implementing new preventative services designed to maintain family stability in two-parent homes. The list also included rehabilitative services designed to help impoverished families become more self-supporting. The Kennedy administration acted on the committee's recommendations by implementing immediate administrative changes and by proposing the *Public Welfare Amendments of 1962*. The bill aimed to "extend and improve the public assistance and child welfare services programs of the *Social Security Act*" and, like the original *Social Security Act*, it included a variety of measures to combat poverty.⁴⁷ Rather than cash assistance or "welfare" in the traditional sense, the 1962 amendments emphasized the need for rehabilitative and preventative services for those living in poverty.⁴⁸

As the debates over the 1961 ADC-UP bill and the Newburgh Plan suggest, both conservatives and liberals had come to see the social welfare policies of the federal government as a serious problem.⁴⁹ Almost all agreed that the government had some responsibility to care for its most vulnerable citizens. They disagreed about the most effective means of achieving that goal, however, and about the forms and levels of assistance that the government should provide. If the proponents of the 1962 public welfare amendments were going to convince Congress to support increasing the welfare

budget and expanding programs, they needed to address the concerns of both liberals and conservatives. In the congressional testimony offered in support of the bill, the proponents' did this by combining a rhetoric of compassion and a rhetoric of condemnation into what might be described as a rhetoric of rehabilitation. Portraying welfare families as "fixable" deviants, they effectively appeased critics of the existing welfare system on both the left and the right.

Just as they had during the ADC-UP debates, proponents of the 1962 amendments offered a sympathetic portrait of the typical welfare family. Whereas previous generations of welfare recipients had suffered from economic hardship alone, many of these "casualties of progress" had suffered because of larger economic and social trends that had made them "victims of dependency."⁵⁰ Through no fault of their own, these recipients needed help because of a "lack of education," the disappearance of low-skilled jobs because of "scientific improvements of our time," a lack of available job training, or a "health or accident problem." In other words, they had lost their "ability to work" because of forces beyond their control.⁵¹ Others had suffered from discrimination or family breakdown.⁵² Emphasizing that many of these families were simply "unaware of ways to help themselves," the reformers appealed to Congress to help these families develop the tools they needed to become more self-sufficient.⁵³

Unlike proponents of the Newburgh Plan, supporters of the 1962 welfare reform amendments thus characterized welfare families as "innocent victims"⁵⁴ of changing times. These "victims" preferred work to a relief check, and they wanted to become self-sufficient. They simply lacked the skills and knowledge needed to achieve those goals.

Articulating a theme that would become common in later welfare debates, HEW

Secretary Abraham Ribicoff warned of an “endless cycle” of welfare dependency in which the children of welfare recipients would “repeat the problems their own parents faced” unless they got help.⁵⁵ Simultaneously appealing to policymakers’ sympathy for the poor and fears of that “cycle” of poverty spiraling out of control, Ribicoff and other advocates of welfare reform bolstered their call for dramatic change in the ADC program.

In advocating a new approach, proponents of the welfare amendments of 1962 rejected the “get tough” policies of the Newburgh Plan. Such an approach, they argued, was both morally wrong *and* ineffective. In a speech before Congress on February 2, 1962, President Kennedy himself denounced communities that had “attempted to save money through ruthless and arbitrary cutbacks” and declared such efforts a failure.⁵⁶ Despite those attempts to address the causes of welfare dependency, Kennedy argued, the “root problems remained.” As an alternative, administration spokesmen and other supporters of the 1962 amendments offered evidence of the effectiveness of a more rehabilitative approach. In his testimony before the House Committee on Ways and Means, for example, HEW Secretary Ribicoff offered several stories about “reformed” women who learned the life and work skills they needed to leave the welfare rolls.⁵⁷ Similarly, a variety of social workers and city officials testified before Congress that rehabilitation of welfare recipients was more cost-efficient than simply providing cash assistance, describing such an approach as a “good investment” that eventually would “save money for the public welfare program itself.”⁵⁸

Thus, for advocates of the administration’s welfare reform measures, the debate over the 1962 amendments was not just about compassion for the poor and providing cash assistance. Yet neither was it about finding and expelling welfare “cheats” from the

welfare rolls. Rather, they took a middle ground, diagnosing the causes of welfare dependency as a combination of social and economic changes and prescribing a more “rehabilitative” approach. In the process, however, they glossed over some of the most troubling issues in the welfare debate.

Rehabilitating the Poor

Social Welfare historians point to the passage of the *Public Welfare Amendments of 1962* as a defining moment in the contemporary family policy debates. While the bill expanded benefits and services for low-income families, it won passage because of arguments that described welfare recipients as victims or even deficient and advocated their rehabilitation. Rhetoric scholar Dana Cloud has explored some of the implications of such an attitude in her discussion of “therapeutic” discourses. According to Cloud, therapeutic rhetoric “refers to a set of political and cultural discourses that have adopted psychotherapy’s lexicon—the conservative language of healing, coping, adaptation, and restoration of a previously existing order—but in contexts of sociopolitical conflict.”⁵⁹ Cloud argued that the rhetorical power of therapeutic rhetoric rests in its ability to “encourage audiences to focus on themselves and the elaboration of their private lives rather than to address and attempt to reform systems of social power in which they are embedded.” Although the Johnson administration would later address many of the educational and institutional problems that contributed to long-term welfare dependency, supporters of the 1962 welfare amendments rarely mentioned the need for more systemic

reform; instead, they placed the responsibility for breaking the cycle of poverty on individual families in need of rehabilitative services.

The lack of attention to race-based inequalities in the debate over the 1962 amendments also had longer-term implications and ramifications for U.S. family policy. Both President Kennedy and HEW Secretary Ribicoff briefly identified discrimination as one of the many causes of poverty in the United States. Yet neither addressed the matter in depth, and the reform proposals themselves did little to address the problem of racial discrimination in education or in hiring. Additionally, none of the bill's advocates refuted Newburgh supporters' claims that immoral African American families drove up welfare costs. As both welfare scholars and welfare rights advocates would later point out, the federal government's avoidance of the race issue implicitly condoned the states' unequal treatment of needy African American families and the growing racialized images of welfare recipients.⁶⁰

The emphasis on cost efficiencies in the 1962 welfare reform debate also may have had long-term negative consequences for the nation's impoverished families. The monetary framework dehumanized conversations about the poor and evidenced a changing attitude toward the philosophy of welfare. Whereas the *Social Security Act of 1935* focused on society's humanitarian responsibilities, the rhetoric of the 1962 debates centered more on the program's cost effectiveness. Although the 1962 welfare reforms did not cut welfare benefits, their underlying logic suggested that welfare's ultimate goal was not to provide a safety net but to encourage recipients to "bounce back" to self-sufficiency—and to do so in the most cost-efficient manner possible. The monetary and rehabilitative framework of the debate posed an additional threat to poor families, as it

provided a justification for cutting welfare spending in the future if that “investment” in rehabilitation failed to pay dividends.

The depictions of welfare families in the 1962 reform debate had gendered implications that would remain significant in debates over welfare reform in the years to come. Continuing to uphold the “traditional” two-parent home as the social ideal, advocates of the welfare reform legislation of 1962 displayed some of the same antipathy toward unwed and single mothers as advocates of the Newburgh plan. Although the bill’s supporters insisted that ADC mothers should pursue employment only when it was in the “best interest of the family,” the 1962 bill’s funding for day care, job training, and work and income incentives suggested that the legislation’s supporters had come to view ADC mothers as being capable of getting themselves out of poverty.⁶¹ By recognizing ADC mothers as employable, the 1962 welfare reform bill threatened single mothers’ status as members of the “worthy” poor and laid the foundation for future welfare-to-work initiatives.

Conclusion

The debates surrounding the 1961 ADC-UP program, the Newburgh Plan, and the *Public Welfare Amendments of 1962* established the context out of which the politics of the contemporary family debate emerged. These discussions helped shape Americans’ conceptions of “the family” and the federal government’s role in single-parent and two-parent homes. The 1961 debate over the ADC-UP program laid the foundation for the federal government’s involvement in family life. The Newburgh Plan introduced a new

portrait of the undeserving welfare “cheat,” and the racial undertones of the Newburgh debate would echo down through all subsequent welfare debates. The debate over the *Public Welfare Amendments of 1962* reinforced the two-parent home as the ideal, depicted single-parent homes as deficient, and laid the foundation for a rehabilitative approach to welfare reform that would later be manifested in welfare-to-work and other reform initiatives.

These early debates over welfare reform also previewed many of the specific issues that would undergird and provoke controversy during subsequent family policy debates. These debates show a growing concern with newly emerging forms of the American family. Although Americans would not declare a family “crisis” until the mid-1960s or launch a “pro-family movement” until the mid-1970s, these earliest welfare reform debates reflect growing concerns over the health and stability of the American family, especially in light of increased numbers of illegitimate births, divorces, and single-parent homes.

Widespread praise of the Newburgh plan suggests that Americans were coming to view family instability as a predominantly African American problem. In *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy*, political scientist Martin Gilens observed that slavery “laid the foundations for the stereotype of blacks as lazy,” and for the next century and a half that stereotype continued to shape white Americans’ racial views and their “welfare policy attitudes as well.”⁶² Newspaper coverage of the Newburgh plan reveals that many Americans sensed that the moral failures of African Americans had a lot to do with rising welfare costs and caseloads. Yet during the debate over the 1962 welfare reform amendments, few policymakers talked

about the challenges facing African American families in particular and about how racial discrimination may have contributed to the disproportionate number of African American families on the welfare rolls.

These early debates over welfare reform drew attention to the nation's changing attitudes toward the federal government's role in family life. Although the Kennedy administration's bills and the Newburgh plan implied competing images of needy families, all of the participants in these debates seemed to accept the need for more governmental intervention in the lives of poor families. All in all, these debates lent credence to the claim of Alvin L. Schorr, a Family Life Specialist at the U.S. Department of Health, Education, and Welfare, that, by 1962, the issue in family policy debates was not "whether the government has any responsibility or none, but whether its responsibility is larger or smaller."⁶³

Despite their differing views about the federal government's role in family life, all of the participants in the 1961-1962 welfare reform debates viewed family stability and family values as an important social issue. Most seemed to agree that the two-parent family, with the "traditional" values of the stereotypical WASP family, was the best hope for helping poor people to escape the vicious cycle of poverty. All seemed to agree that self-sufficiency should be the goal of welfare policy, and all viewed some poor people as more "deserving" of help than others. The next chapter explores how debates over women's rights during the 1960s and 1970s challenged many of these accepted and shared views and opened up a whole new realm of controversy over women's rights and family values.

Notes

¹ The initial program was called Aid to Dependent Children. The Kennedy administration changed the name to Aid to Families with Dependent Children as part of its new “family focus” in the 1962 welfare reform plan. *Social Security Act of 1935*, Public Law 271, 74th Cong., 1st sess. (August 14, 1935), *United States Statutes at Large* 49 (January 1935 to June 1936).

² President Roosevelt established the Committee on Economic Security with Executive Order No. 6757 to study the nation’s economic security problems and to make recommendations for legislative change. The committee was composed of the Secretary of Labor, the Secretary of the Treasury, the Secretary of Agriculture, the Federal Emergency Relief Administrator, and the Attorney General. Committee on Economic Security, “Report to the President of the Committee on Economic Security (1934),” <http://www.ssa.gov/history/reports/ces5.html> (accessed April 22, 2011).

³ James T. Patterson, *America’s Struggle Against Poverty 1900-1985* (Cambridge, MA: Harvard University Press, 1986), 67.

⁴ In 1939, the federal government made the widows and children of insured workers eligible for survivors insurance program, thereby removing them from the ADC rolls. In 1950, the federal government authorized funding to provide support to the caretakers of ADC children. In 1956, the federal government authorized funds to provide social services to help strengthen family life and encourage self-support among ADC recipients. Mimi Abramowitz notes that a subsequent lack of federal funding prevented these services from materializing. Mimi Abramowitz, *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to the Present*, rev. ed. (Boston, MA: South End Press, 1996), 30.

⁵ Walter I. Trattner, *From Poor Law to Welfare State: A History of Social Welfare in America*, 4th ed. (New York, NY: Free Press, 1989), 292.

⁶ Abramowitz, *Regulating the Lives of Women*, 329, 331.

⁷ Task Force on Health and Social Security, *Health and Social Security for the American People: A Report to President-Elect John F. Kennedy* (Ann Arbor, MI: Task Force, 1961), 1.

⁸ *Ibid.*, 15.

⁹ *Ibid.*, 20.

¹⁰ Alfred K. Kahn and Sheila B. Kamerman, *Not for the Poor Alone: European Social Services* (Philadelphia, PA: Temple University Press, 1975), xii.

¹¹ John A. Nejedly, “Statement,” House Committee on Ways and Means, *Temporary Unemployment Compensation and Aid to Dependent Children of Unemployed Parents*, 78th Cong., 1st sess., 1961, 279.

¹² Nelson Cruikshank, “Statement,” House Committee on Ways and Means, *Temporary Unemployment Compensation and Aid to Dependent Children of Unemployed Parents*, 78th Cong., 1st sess., 1961, 296.

¹³ *Ibid.*, 297.

¹⁴ Abraham Ribicoff, “Statement,” House Committee on Ways and Means, *Temporary Unemployment Compensation and Aid to Dependent Children of Unemployed Parents*, 78th Cong., 1st sess., 1961, 102.

¹⁵ John F. Kennedy, “Special Message to the Congress: Program for Economic Recovery and Growth, February 2, 1961,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=8111> (accessed April 22, 2011).

¹⁶ *Ibid.*

¹⁷ Arthur Greenleigh, “Statement,” House Committee on Ways and Means, *Temporary Unemployment Compensation and Aid to Dependent Children of Unemployed Parents*, 78th Cong., 1st sess., 1961, 329.

¹⁸ Cruikshank, “Statement,” 1961, 303.

¹⁹ John W. Tramburg, “Statement,” House Committee on Ways and Means, *Temporary Unemployment Compensation and Aid to Dependent Children of Unemployed Parents*, 78th Cong., 1st sess., 1961, 242.

²⁰ Senate Committee on Finance, *Aid to Dependent Children of Unemployed Parents*, report prepared by Robert Byrd, 87th Cong., 1st sess., 1961, Committee Print 145, 2.

²¹ Patterson, *America’s Struggle*, 131.

²² House Committee on Ways and Means, *Temporary Unemployment Compensation and Aid to Children of Unemployed Parents*, 78th Cong., 1st sess., 1961, 104.

²³ Abraham Ribicoff, “Statement,” House, 1961, 95.

²⁴ Historian Linda Gordon noted that a lack of federal oversight allowed states to use “suitable home” and “fit parent” policies to “exclude whoever they wished” from the ADC program (276). Both Gordon and social policy scholar Winifred Bell found that

minorities were among the groups most frequently denied ADC support. See Linda Gordon, *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1890-1935* (New York: Free Press, 1994); Winifred Bell, *Aid to Dependent Children* (New York: Columbia University Press, 1965).

²⁵ Jennifer Mittelstadt, *From Welfare to Workfare: The Unintended Consequences of Liberal Reform, 1945-1965* (Chapel Hill, N.C.: University of North Carolina Press, 2005), 76-85.

²⁶ Abraham Ribicoff, "Statement," House Committee on Ways and Means, *Public Welfare Amendments of 1962*, 87th Cong., 2d sess., 1962, 64.

²⁷ Abraham Ribicoff, "The New Administration Looks at Social Welfare," in *The Social Welfare Forum, 1961: Official Proceedings, 88th Annual Forum National Conference on Social Welfare, Minneapolis, Minnesota, May 14-19, 1961* (New York, NY: Columbia University Press, 1961), 23.

²⁸ Ray Boyea, Frank Konysz, and Irving Weiner, "Report of the Committee to Study Welfare Operations to City Manager Joseph McDowell Mitchell May 8, 1961," 32.

²⁹ "Newburgh Welfare Rules," *New York Times*, June 24, 1961, 7. The 13 rules included: converting cash payments into voucher payments; assigning all able-bodied males on relief to work for the city's building maintenance; denying relief to all recipients "physically capable of and available for private employment" who refused any employment offer; removing from the rolls any ADC mother who gave birth to an illegitimate child while receiving aid; denying relief to any applicant who voluntarily left a job; prohibiting any recipient family from receiving more aid than the lowest paid city employee with a comparable family size; requiring a monthly review of all ADC files by the office of the corporation counsel; requiring all applicants who were new to the city to prove that they came to Newburgh with a firm job offer; limiting aid to persons except the aged, blind, and disabled to three months; requiring all employable recipients to report to the Department of Public Welfare for monthly reviews of their cases; prohibiting the Department of Public Welfare from exceeding its approved fiscal budget; establishing a fixed monthly expenditure limit on all categories of welfare aid; screening new ADC cases and removing from the home children of families who failed to meet satisfactory home requirements.

³⁰ Between June and December Mitchell delivered speeches about the plan across the country. According to Joseph P. Ritz, Mitchell delivered a standard speech to non-Newburgh audiences. Joseph P. Ritz, *The Despised Poor: Newburgh's War on Welfare* (Boston, MA: Beacon Press, 1966), 37.

³¹ Joseph McDowell Mitchell, "The Revolt in Newburgh: The Failure of the Welfare Program (November 20, 1961)," *Vital Speeches of the Day* 28, no. 7 (January 1962): 215.

³² Ibid., 215.

³³ Ibid., 218.

³⁴ “New Policy Deplored,” *New York Times*, June 27, 1961, 66.

³⁵ Mitchell, “The Revolt,” 215.

³⁶ Ibid., 217.

³⁷ A. H. Raskin, “Newburgh’s Lessons for the Nation,” *New York Times*, December 17, 1961, SM 7.

³⁸ “New York: The Welfare City,” *Time*, July 28, 1961.

³⁹ Mitchell, “The Revolt,” 216.

⁴⁰ Foster Hailey, “Newburgh is Firm on Welfare Shift,” *New York Times*, July 9, 1961, 47.

⁴¹ Meg Greenfield, “The Welfare Chiselers of Newburgh, N.Y.,” *Reporter Magazine* (New York), August 17, 1961, 37.

⁴² Joseph McDowell Mitchell, “Address before Newburgh Optimist Club, March 2, 1961,” in Edgar May, *The Wasted Americans: Cost of Our Welfare Dilemma* (New York, NY: Harper and Row, 1964), 19.

⁴³ Ritz, *The Despised Poor*, 66.

⁴⁴ Lisa Levenstein, “From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961,” *Journal of Women’s History* 11, no. 4 (2000): 16.

⁴⁵ Ibid., 10.

⁴⁶ “Text of Changes Ribicoff Ordered to Curb Abuses and Help Recipients,” *New York Times*, December 12, 1961, 46.

⁴⁷ House Committee on Ways and Means, *Temporary Unemployment Compensation and Aid to Dependent Children of Unemployed Parents*, 78th Cong., 1st sess., 1961, 4.

⁴⁸ The Committee’s ten “immediate steps” ranged from adding rehabilitative services to the Aid to Dependent Children program and dealing with the problem of illegitimacy to removing residence requirements for assistance and extending aid to the disabled. The four “proposals for further action” included providing assistance and

rehabilitative services to family units, improving personnel for rehabilitative services, and improving the nation's child welfare services.

⁴⁹ Gay Bryner, *Politics and Public Morality: The Great American Welfare Reform Debate* (New York: NY: W.W. Norton and Company, 1998), 67.

⁵⁰ "Report of the Ad Hoc Committee on Public Welfare to The Secretary of Health, Education, and Welfare (September 1961)," reprinted in House Committee on Ways and Means, *Public Welfare Amendments of 1962*, 87th Cong., 2d sess., 1962, 73.

⁵¹ Fern Colborn, "Statement" House Committee on Ways and Means, *Public Welfare Amendments of 1962*, 87th Cong., 2d Sess., 1962, 349.

⁵² "Report of the Ad Hoc Committee," 73.

⁵³ Abraham Ribicoff, "Statement," Senate Committee on Finance, *Public Assistance Act of 1962*, 87th Cong., 2d sess., 1962, 109.

⁵⁴ Patrick A. Tompkins, "Statement," House Committee on Ways and Means, *Public Welfare Amendments of 1962*, 87th Cong., 2d sess., 1962, 426.

⁵⁵ Ribicoff, "Statement," Senate, 1962, 108.

⁵⁶ Kennedy, "Public Welfare."

⁵⁷ Ribicoff, "Statement," House, 1962, 166-168.

⁵⁸ Robert E. Bondy, "Statement," Senate Committee on Finance, *Public Assistance Act of 1962*, 87th Cong., 2d sess., 1962, 331.

⁵⁹ Dana Cloud, *Control and Consolation in American Culture and Politics: The Rhetoric of Therapy* (Thousand Oaks, CA: Sage, 1998), xiv.

⁶⁰ See Jill Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty* (New York, NY: Oxford University Press, 1994); Premilla Nadasen, *Welfare Warriors: The Welfare Rights Movement in the United States* (New York, NY: Routledge, 2005).

⁶¹ Ellen Winston, "Statement," House Committee on Ways and Means, *Public Welfare Amendments of 1962*, 87th Cong., 2d sess., 1962, 444.

⁶² Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy* (Chicago, IL: University of Chicago Press, 1999), 156.

⁶³ Alvin L. Schorr, "Family Policy in the United States," *International Social Science Journal*, UNESCO 14, no. 3 (1962): 463.

Chapter 3

The Rhetoric of Family Values in the 1962-1982 Women's Rights Debates

The 1960s welfare reform bills responded to the increased number of impoverished single- and two-parent homes. But American gender roles and family life underwent other demographic changes as well. Two world wars, heightened economic pressures, and increased employment opportunities for women contributed to a dramatic increase in the number of working mothers and wives. In 1960, roughly 61% of all wives and 30% of all mothers with children under the age of eighteen participated in the workforce.¹ Increasing divorce rates further contributed to a growing number of single-female heads of household. Easier access to contraception offered many women greater control over family size and the number of years (if any) in which they would care for children. Similarly, longer life expectancies and a declining birth rate meant that many women had more child-free years in which they could pursue a career, education, or other activities outside the home. These changes in women's family experiences, coupled with many women's calls for increased political and social rights, set the stage for a contentious debate about women's rights and changing gender roles.

The 1962-1982 debates over women's rights and gender roles are important to a study of the rhetoric of family values in U.S. national policymaking because they spotlighted women's issues, further politicized "the family," and drew national attention to changing family demographics and cultural values. Feminist scholar Susan Harding notes that during the 1960s and 1970s, the feminist movement both "challenged and

changed” a “wide array of laws, rules, and conceptions about women’s roles and relations in the private and public spheres.”² Rhetoric scholars who have studied specific aspects in these debates often focus on how conservative groups used familial arguments to stem the liberal family agenda.³ This study builds on that work by illustrating how opponents *and* proponents of the women’s rights movement invoked arguments about “the family” and “family values” in three important policymaking discussions: the congressional debates over the *Equal Pay Act of 1963*, a then seventeen-year-old bill designed to prohibit sex-based distinctions in the allocation of wages; the congressional debates over the Equal Rights Amendment (ERA), a then forty-seven-year-old bill designed to eliminate all sex-based distinctions in the nation’s laws and policies; and in the ERA state ratification process during which time an anti-ERA campaign designed to preserve and promote men’s and women’s “traditional” gender roles garnered national attention and political support.

During the 1962-1963 congressional debates over the *Equal Pay Act of 1963* (EPA), the federal government’s first effort to update the nation’s laws to respond to the changes in women’s roles, EPA proponents helped justify the need for the bill by portraying the intended recipients as hardworking women struggling to support themselves and their families. In the 1970-1972 congressional debates over the Equal Rights Amendment (ERA), supporters helped secure the amendment’s passage through Congress by portraying American women and families as being constrained by outdated conceptions of gender roles and family life. ERA opponents contributed to the ERA’s defeat in 1982 by portraying both the amendment and the women’s rights movement as a threat to traditional family values and ideals. Although the participants in these debates

pursued different goals and conceptions of gender roles and family life, they both succeeded in different ways. At one level, women's rights advocates effectively established public support for advancing women's equality in public and private life. At another level, however, conservative opponents more effectively elaborated arguments about the possible results of revising conceptions of gender roles and the alleged threats these changes supposedly posed to American families and society. The 1962-1982 debates over women's rights helped transform the broader discussion about family politics from questions about whether the federal government ought to be involved in such issues at all to debates over what *types* of families and "family values" the government ought to promote. In the process, they established the rhetorical boundaries for subsequent family policy debates.

Helping Women Support Themselves and Their Families: The Rhetoric of Compassion in the 1962-1963 Debates over the *Equal Pay Act of 1963*

President John F. Kennedy's election helped put women's rights and family issues on the national agenda. In December 1961, Kennedy created the President's Commission on the Status of Women (PCSW) to both "strengthen family life and at the same time encourage women to make their full contribution as citizens."⁴ Between 1962 and 1963, the commission explored women's status in all areas of public and private life and prepared a list of recommendations for eliminating some of the "prejudices and outmoded customs" inhibiting women's full participation in society.⁵ In February 1962, immediately after its first meeting, the commission appealed to the administration to help secure the passage of an Equal Pay Act (EPA), a seventeen-year-old bill designed to

“prohibit discrimination on account of sex in the payment of wages.”⁶ By ensuring women’s equal pay, the commission maintained, the administration would both alleviate some of the economic pressures working women and their families faced and help the nation fulfill its promise of equality for women.

Although the EPA simply stated that employers could not use sex as a factor when determining wages, it raised important questions about women’s “proper” place in family life. James Davison Hunter, a professor of sociology and religious studies, explained that the bill challenged the “traditional” hierarchical model of family life and the assumed naturalness of men’s and women’s gender roles.⁷ The EPA, by increasing women’s earning potential, recognized women as economically equal to men and, as some opponents at the time claimed, threatened male authority in family life.

In the proponents’ congressional testimony on behalf of the EPA, they justified the bill’s passage using a rhetoric of compassion. EPA advocates highlighted the economic pressures families faced, described how existing wage discrepancies allegedly inhibited women’s efforts to support themselves and their families, and argued that Congress had an obligation to eliminate this barrier to family stability. Portraying the bill’s intended recipients as hardworking women struggling to support themselves and their families, the advocates of the Equal Pay Act effectively appealed to Congress’ sense of fairness and pity.

The EPA proponents offered a sympathetic depiction of working women, describing them as “victims of discrimination” and “injustice.”⁸ Like men, the advocates argued, the majority of these women were “principle or essential income producers” whose earnings provided the “needed income for the mounting costs of education,

medical care, and housing” for themselves and their families.⁹ A small, yet significant group of employed women were “widowed”¹⁰ or “separated,” struggling to provide support for themselves and, in many instances, their children.¹¹ The EPA proponents pointed out, however, that the fastest growing group of female laborers included wives whose husbands were “retired,” “disabled,” or otherwise “unable to support the family.”¹² The proponents acknowledged that some women sought out employment for personal choice and fulfillment. But they noted that most of the women the EPA would help had been “compel[ed] to enter the workforce” as a result of “economic considerations.”¹³ Insisting that “[a]ny differentiation in rate of pay” to women was both “a matter of injustice” and had “serious consequences” on the women’s and their families’ standard of living, the proponents appealed to Congress to pass the Equal Pay Act.¹⁴

These depictions helped emphasize the urgent need for the bill and refuted some of the traditional objections offered against a federal Equal Pay Act. The proponents showed that, contrary to public opinion, the majority of working women were neither single women biding their time in the workplace until they got married, nor were they married women working to “fill idle hours, or merely to acquire nonessential luxuries of life.”¹⁵ Instead, these women’s earnings were essential to their families’ well-being and “frequently spell[ed] the difference between hardship and getting along reasonably well.”¹⁶ The depictions also responded to opponents’ concerns that an equal pay bill would disrupt family life or gender roles. The proponents repeatedly pointed out that women worked “for the same reasons that men do, to support themselves and their dependents,” adding that women’s earnings were a “substantial factor in meeting the high cost of living for many families.”¹⁷ These depictions also helped cast the families of

working women in a positive light. The proponents highlighted the families' commitment to the work ethic, pointing out that they were not looking for a government handout or special privileges. Instead, these women were simply asking the government to ensure that they received equal wages for equal work. At a time when the U.S. was trying to reduce the number of impoverished families, "strengthen family life," and publicize the virtues of democracy to an international audience, these arguments apparently appealed to federal policymakers.¹⁸

Despite EPA opponents' claims that the bill was unnecessary and that the issue could be better addressed at the state level, Congress endorsed the measure. In May 1963, both the House and Senate passed the bill by voice votes. On June 10, 1963, eighteen years after women's rights advocates proposed the first federal equal pay bill, President Kennedy signed into law the *Equal Pay Act of 1963* (Pub. L. 88-38). Although the bill's provisions applied to only one-third of the nation's twenty-four million employed women, its passage marked an important turning point in the larger debates over women's rights and U.S. family policy.¹⁹ The EPA endorsed the federal government's obligation to eliminate sex-based inequalities, and began to revise policy and public conceptions of women's gender roles and changing family forms.

Reifying Women's Traditional Roles

The *Equal Pay Act of 1963* was an important touchstone in the nation's ongoing efforts to both promote women's equality and respond to families' changing needs.

Historian Carl N. Degler described the bill as a "landmark" and a "true milestone on the

road to women's equality."²⁰ At the same time, the arguments the proponents offered in support of the EPA lacked a strong feminist argument that mothers and wives *should* pursue employment. To be sure, the proponents argued that women as a group should have the basic right to pursue employment. However, these proponents were quick to point out that the "greatest field for women is first of all in the home," noting that even women who had a "burning desire" to combine family and employment recognized that her "family must come first."²¹ The proponents thus reinforced the existing view that women could pursue paid employment outside of the home, but only after having fulfilled their "traditional" family roles.

Degler has suggested that these assumptions about mothers' and wives' "proper" place were consistent with the time. Writing in 1964, he noted that "[m]ost American women simply [did] not want work outside the home to be justified as a normal activity for married women."²² Despite many Americans' *desires* for family life, however, many changes in gender roles and family life already were underway. Increased economic pressures in the 1960s, changing cultural values, and the burgeoning women's movement were just some of the factors that contributed to noticeable changes in women's labor force participation rates and demographics. According to the U.S. Department of Labor's *1969 Handbook on Women Workers*, in 1968 more than twenty-nine million women were employed in the workforce. Of those women, fifty-eight percent were married (with their husband present), thirty-eight percent of them were mothers of children under the age of eighteen, and 1.5 million female family heads of household were the "sole breadwinners for their families."²³ As the decade wore on, it became clearer that fewer and fewer

women—by choice or by circumstance—could describe themselves as “just a housewife.”²⁴

Liberating Women and Families from Outdated Ideals: The Rhetoric of Condemnation in the 1970-1972 Pro-Equal Rights Amendment (ERA) Campaign

The women’s movement in the late 1960s drew political and national attention to the changes in gender roles and family life. Women’s rights advocates lobbied policymakers to promote progressive legislation that, they argued, would help women and families more effectively address the new social, economic, and political pressures they faced. The need for equal employment laws, maternity leave, day care centers, and reproductive rights were just a few of the specific demands the newly formed National Organization for Women (NOW) issued in its 1968 “Bill of Rights.”²⁵ First and foremost, NOW and other women’s rights advocates argued, the U.S. government needed to “immediately pass the Equal Rights Amendment to the Constitution,” a then forty-five-year-old legislative proposal designed to install a principle of sex equality in the Constitution.

First introduced into Congress in 1923, three years after the U.S. guaranteed women the right to vote, the ERA represented some women’s rights advocates’ next attempt to secure women’s full emancipation. ERA advocates asserted that the wide-reaching amendment, if passed, would improve women’s legal status by recognizing women as “persons, people, and citizens”²⁶ and by eliminating laws that “discriminate between the rights of men and women.”²⁷ For more than forty years, ERA supporters appealed to Congress on behalf of the amendment and demanded that policymakers

guarantee that “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.”²⁸

The ERA repeatedly sparked criticism from labor organizations, conservative groups, and even many women’s rights groups who rejected the amendment’s call for complete equality. Anti-ERA forces vehemently denied the amendment’s assumption that men and women were equal in all respects and advised Congress against ignoring sex-based differences when formulating national policies. Portraying the ERA as a menace to the unity of home and family, opponents demanded that Congress protect the “cornerstone of our American life” and defeat the ERA.²⁹ Despite an increase of support for the ERA in the 1940s and 1950s, labor opponents and several conservative groups ensured the ERA’s repeated defeat by emphasizing the amendment’s potentially negative effects on women workers and their families.

In 1970, when Congress reopened the debates over the ERA, there was increased political support for expanding women’s rights. But many policymakers continued to reject the amendment’s call for men’s and women’s complete equality and expressed the long-held concern that the ERA’s passage would wreak “havoc” on U.S. women and their families.³⁰ If the proponents were going to persuade both Congress and the nation to support the ERA, they needed to address these views. In the proponents’ congressional testimony offered in support of the amendment, they did this by using a rhetoric of condemnation. The proponents drew attention to the sex-based distinctions in the nation’s laws, highlighted the ways these laws supposedly prevented women and their families from addressing the new pressures they faced, and argued that Congress had an obligation to update the nation’s laws to reflect the changing times. Portraying American

women and their families as being constrained by “outmoded” conceptions of family life and gender roles, the proponents appealed to policymakers to update the nation’s laws and ideals.

The ERA was designed to revise existing laws that, they argued, promoted discrimination against women and families. It aimed to eliminate “restrictive, burdensome, and discriminatory” sex-based labor laws that inhibited women’s efforts to provide “proper support and care” for themselves and their dependents.³¹ Although these laws initially were enacted to protect mothers and potential mothers from exploitation, the proponents’ maintained, they allowed current employers to deny women “jobs, promotions, seniority benefits, wage increases, and overtime” solely because they were women.³² The ERA also targeted “archaic” family laws that, the proponents claimed, failed to “protect the woman in the home unless she currently [was] connected with a male wage earner” or take into account the “child’s welfare” when determining custody.³³ Instead of promoting the interests of the family and its respective members, the proponents argued, these laws deprived women *and* men their basic “rights, freedoms, and responsibilities” in regard to marriage and the family.³⁴ The proponents explained that the ERA aimed to revise existing economic and social welfare policies that discriminated against the husbands of women employees and failed to recognize the “contribution of homemaking and related duties being as vitally important a contribution as that of earning the family income.”³⁵ Insisting that any sex-based distinction hindered family well-being, the proponents called for a revision of the nation’s laws and legal conceptions of gender roles and family life.

These characterizations of the nation's laws helped to generate support for the ERA. The proponents' maintained that the nineteenth century family ideals that provided the grounding for the existing laws and policies clearly were inhibiting twentieth century families' efforts to provide for themselves. The advocates lamented that men had to work overtime and that female heads of household had to take on several low-paying jobs simply because women were denied access to the jobs and educational opportunities they needed to support their families. Similarly, these depictions disputed the long-held view that these laws and views about family life protected women and families. The ERA proponents acknowledged that these laws initially were well-intended, but maintained that they no longer served women's and families' best interests.

These depictions responded to those critics who warned that the ERA's call for complete equality would "wreak havoc" on family life. The advocates reassured policymakers that the ERA would not "revolutionize society," "destroy the difference between the sexes," or "separate women from their time honored roles as wives and mothers and homemakers."³⁶ Nor would it encourage American women to "become a nation of Amazons."³⁷ Instead, proponents argued that the ERA's passage would help alleviate legal sex-based inequalities in the nation's laws and practices by guaranteeing women *and* men their equal rights and opportunities. Adele T. Weaver, President-Elect of the National Association of Women Lawyers, stated: "It is my position that the equal rights amendment will correct legal deficiencies that exist and assure women the rights that they are entitled to legally in order to cope with their responsibilities in today's changing world."³⁸ ERA proponents argued that the amendment's passage would prohibit employers from imposing limits on women employees or from denying women equal

employment opportunities. It also would provide the legal grounding to prevent distinctions from being made between married men and women in regard to their claims to shared property, family rights, and family support obligations. All in all, proponents argued, the ERA would help women and families by promoting progressive policies that responded to the realities of modern family life. Without the ERA, the advocates maintained, American families would have to negotiate these new demands on their own.

After forty-nine years of congressional consideration, the ERA passed through Congress. In October 1971, the House of Representatives approved the ERA by a vote of 354-24, and in March 1972, the Senate approved it by a vote of 84-8.³⁹ The final version of the amendment read:

Section 1: Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2: The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3: This amendment shall take effect two years after the date of ratification.

The ERA's passage marked another significant milestone in U.S. family policy because it moved the nation one step closer to recognizing men and women as complete equals under the eyes of the law.

Promoting Family Egalitarianism

Scholars who have examined the 1962-1982 debates over women's rights and gender roles generally describe the women's movement as being ideologically opposed to traditional women's roles and even "hostile to the family."⁴⁰ Feminist legal scholar Mary Lydon Shanley asserts that the battle over women's rights "repeatedly pitted the image of woman as mother and homemaker against that of woman as worker and active citizen."⁴¹ Rhetoric scholar Sonya K. Foss added that proponents of the Equal Rights Amendment viewed the home as being "symbolic of entrapment and imprisonment."⁴² To be sure, many of the ERA advocates challenged the traditional conception of family life and gender roles. However, this analysis of the pro-ERA rhetoric provides support for Sandra Harding's claim that the feminist movement promoted an "egalitarian family" ideology that stressed ideals of "equality, individualism, and reason."⁴³ The proponents' calls for gender-neutral family laws, for instance, reinforced their claims that marriage was a "partnership" between men and women.⁴⁴ Their calls for "paternity benefits" and increased opportunities for men and women to "enjoy" and "encompass" the "full range of family, economic and political responsibilities" challenged the traditional assumptions about men's and women's natural gender roles.⁴⁵ Their suggestion that healthy relationships relied on men's and women's mutual respect and self-fulfillment shows a clear rejection of the traditional family model's hierarchical structure.

Although ERA supporters suggested that a more egalitarian conception of gender roles and family life would benefit all families, they ignored the social and economic challenges many low-income and female-headed homes faced. For example, the pro-ERA

forces' suggestion that men and women should share family responsibilities assumed a male's presence and willingness to provide additional support. Their assumptions that eliminating sex-based labor laws would inherently open opportunities for all women failed to acknowledge the challenges faced by women who lacked the training and education needed to fill many of the previously restricted positions. The ERA proponents failed to adequately respond to their opponents' concerns that the ERA's passage would create additional challenges for working women and single mothers who already managed full time jobs and homemaking responsibilities. When asked to address the claims that the ERA would benefit only business and professional women, author Caroline Bird insisted that "working women [were] even more bitter about the limitations of being a woman because they [were] right down there where they mop the floors. They ha[d] kids at home and they ha[d] fewer outs."⁴⁶ When further pushed to specify how the ERA would reduce the pressures these women faced or compel the women's husbands to assume a greater responsibility for the housework, Bird and other ERA proponents simply insisted that all women and men would benefit from greater equality under the law. In the ERA proponents' defense, neither they nor their opponents could adequately predict how the courts would interpret the amendment. But that did not stop either group from making such claims.

Protecting America's Families from a Feminist Assault: The Rhetoric of Condemnation in the 1972-1982 Anti-ERA Campaign Rhetoric

After forty-nine years in Congress, the ERA was sent to the states, where it was met with great enthusiasm. Almost immediately, twenty-two of the required thirty-eight

states ratified the amendment. Although Congress imposed a seven year ratification deadline, ERA supporters expressed confidence that the amendment “could be ratified in a record time.”⁴⁷ Historian Mary Frances Berry noted that the proponents were so “sure of success” that, in the first year, they “did not make major allocation of resources to ratification.”⁴⁸

ERA opponents, on the other hand, quickly mobilized to prevent the amendment’s ratification. In 1972, Phyllis Schlafly, a conservative Christian woman who was active in the Republican party, took the lead in organizing women and men in opposition to the bill. Schlafly’s organization, STOP ERA, became a central clearinghouse for anti-ERA materials. In a less than a year, Schlafly helped establish STOP ERA organizations in twenty-six states.⁴⁹ Additional organizations like the National Council of Catholic Women, Women Who Want to be Women (WWWW), and Happiness of Womanhood (HOW) joined in the efforts to bring about the ERA’s defeat.

As the success of both the *Equal Pay Act* and the Equal Rights Amendment suggested, many policymakers supported efforts to promote progressive policies that responded to the changes in family life. If Schlafly and other ERA opponents were going to convince twelve state legislatures to defeat the ERA, they needed to make a compelling case against the bill. In their public statements and campaign materials, they did this by using a rhetoric of condemnation. Portraying the ERA as a threat to American women and families, they appealed to the nation’s sense of fear and concern.

Whereas the ERA proponents highlighted how the bill could strengthen family life, ERA opponents spotlighted how it would “hurt the family.”⁵⁰ Anti-ERA groups warned that the bill would “invalidate all state laws which require[d] a husband to

support his wife,”⁵¹ eliminate women’s “special privilege” of being “given custody of her children in divorce,”⁵² and subject mothers and wives to the draft.⁵³ They maintained that the bill would “impose” on wives and mothers the “equal (50%) financial obligation” to support their spouses and children, thereby taking away a wife’s “legal right to be a fulltime homemaker, even while her babies are infants.”⁵⁴ In addition to threatening women’s special privileges, the opponents declared that the ERA would harm the “traditional family” and society by making abortions “available on demand,”⁵⁵ legalizing “homosexual ‘marriages,’” and permitting gay couples to “adopt children and to get tax and homestead benefits now given to husbands and wives.”⁵⁶ Describing both the ERA *and* the women’s movement as “anti-family, anti-children, and pro-abortion,”⁵⁷ the opponents implored the nation to protect “the family.”

These depictions helped justify the ERA’s defeat. The opponents maintained that the bill’s passage would not improve women’s rights and opportunities as the ERA proponents had claimed. Nor would the bill strengthen family life or improve men’s and women’s marital relationships. Instead, the opponents argued, it would undermine the “stability of families”⁵⁸ and force a “radical” definition of family life that conflicted with American values and desires. At a time when the traditional family already was struggling to counteract the effects of the sexual revolution, anti-ERA forces proclaimed, the nation could not afford to remain idle.

ERA opponents insisted that they supported the general goal of advancing women’s rights. For instance, Phyllis Schlafly stated that she and other anti-ERA advocates supported efforts to increase “opportunities for women, equal pay for equal work, appointments of women to high positions, admitting more women to medical

schools, and other desirable objectives which all women favor.”⁵⁹ But, they refused to support the “women’s lib” movement’s call for gender neutrality. If the government wanted to increase women’s rights, the ERA opponents explained, it needed to eliminate the individual laws that discriminated against women and retain those that privileged them.

The ERA opponents’ claims apparently persuaded many state legislators. Between 1973 and 1977, five states voted to rescind their ratifications and only thirteen more states ratified the amendment. Despite ERA proponents’ attempts to dispute their opponents’ claims and a three-year extension on the original ratification deadline, anti-ERA forces “eroded support for the ERA.”⁶⁰ On June 30, 1982, after being ratified by thirty-five of the needed thirty-eight states, the ERA died. The ERA’s failure marked an important success for the burgeoning conservative movement and indicates the nation’s growing anxiety about the changes in gender roles and family life.

Protecting the Hierarchical Family Ideal

Martha Solomon has suggested that the STOP ERA rhetoric appealed to many Americans because its message highlighted an “order in the universe, mandated by God, manifested in nature, and sanctioned by tradition.”⁶¹ This rhetoric, Solomon explained, created a “sense of destiny, continuity, and community for STOP ERA members” that provided the members “focus, direction, and purpose for their activities.”⁶² This analysis builds on Solomon’s work by illustrating how the anti-ERA campaign’s “pro-family” rhetoric further contributed to that vision and provided a sense of continuity and tradition

for those outside of the movement. The anti-ERA rhetoric reinforced and promoted the “natural” division of family roles with the woman as the full-time homemaker and mother and the husband as the primary breadwinner. The ERA opponents’ vision of family life and rhetoric emphasized the importance of Judeo-Christian morality and ideals which, they argued, conflicted with the feminists’ humanist values. The anti-ERA family rhetoric suggested the need to promote and protect these interests so as to promote continuity and “stability” for U.S. women and their families.

The anti-ERA campaign’s family ideal clearly diverged from the ERA proponents’ egalitarian ideal. Yet, the two reinforced some of the same biases about family life. Like the ERA proponents, the opponents promoted a middle-class conception of family life that assumed the presence and willing participation of both a husband and a wife. Indeed, the very foundation of the anti-ERA rhetoric relied on the existence of a man who served as the sole support for his wife and children, even in instances of divorce. The middle-class bias also was apparent in the ERA opponents’ repeated assumption that women had the *choice* whether to work. Phyllis Schlafly frequently celebrated American women’s “wonderful advantage” of having “all the rewards of that number-one career” as well as the ability to “moonlight with a second one to suit our intellectual, cultural or financial tastes or needs.”⁶³ This assumption, as many ERA proponents pointed out at the time, failed to reflect the pressures and realities of the growing number of working mothers and wives who lacked the ability to choose between motherhood and paid employment. Nonetheless, it appealed to many Americans who aspired to this vision for society.

Conclusion

The 1962-1982 debates over women's rights established the rhetorical boundaries for subsequent family policy debates. The passage of the *Equal Pay Act of 1963* (EPA) marked congress's recognition of women's changing family roles and provided a foundation for new policies designed to respond to the increased need for women to contribute to their families' economic stability. The Equal Rights Amendment's (ERA) passage in Congress indicates widespread agreement on the need to promote progressive policies that responded to the changing times. The ERA's defeat suggests that many policymakers were reluctant to endorse an egalitarian conception of gender roles and family life.

These debates introduced many issues that would permeate subsequent debates. They signaled the nation's recognition of the changes in gender roles and family life. A review of the arguments offered in support of the EPA and the ERA shows a stunning lack of change through the previous decades. The seemingly "sudden" effectiveness of the women's rights advocates' arguments that women needed and men needed equal rights and opportunities to support themselves and their families suggests that policymakers were no longer willing or able to deny the changing family demographics. The proponents were able to point to the statistics on family life as evidence that economic and social pressures—and not the bills themselves—had brought about changes in family life. Thus, the proponents were able to present the bills as responses to these variations rather than the cause of them.

The failure of the ERA shows the growing reluctance to embrace these changes. While ERA opponents seemed willing to acknowledge slight variations of the traditional family ideal, they refused to concede that these deviations were natural or permanent. Instead, they suggested that the discrepancies were the result of feminist pressures and, thus, could be reversed through the defeat of the feminist movement. These arguments also demonstrate a stunning similarity to those that anti-feminists offered in previous debates over women's rights.⁶⁴

These arguments indicate a new willingness on the part of the federal government to respond to changes in low-income and middle-class family life. The EPA and ERA, both of which were described as a means of fortifying family life, showed policymakers' recognition of the government's need to respond to these changes. Although many members of the anti-ERA campaign—most notably Schlafly—described any government intervention as a problem, the historical ERA opponents (who raised concerns during the congressional hearings) called for more supportive policies for families. Indeed, many ERA proponents and opponents came together in support of other progressive responses like child care and flexible work policies. But perhaps most significantly, these debates drew national attention to the changes in gender roles and family life and the need for a national response. The next chapter looks at how policymakers during the 1980s and 1990s tried to respond to these broader issues and, in the process, reopened an ongoing debate about the federal government's involvement in family life.

Notes

¹ Ester Peterson, "Statement," House Select Subcommittee of the Committee on Education and Labor, *Equal Pay for Equal Work: Part 2*, 87th Cong., 2d sess., 1962, 37; U.S. House, Committee on Ways and Means, *1998 Green Book*, 105th Cong., 2d sess., 1998, 661.

² Sandra Harding, "Family Reform Movements: Recent Feminism and Its Opposition," *Feminist Studies* 7, no. 1 (1981): 57.

³ See Sonya K. Foss, "Equal Rights Amendment Controversy: Two Worlds in Conflict," *Quarterly Journal of Speech* 65 (1979): 275-88; Martha Solomon, "The 'Positive Woman's' Journey: A Mythic Analysis of the Rhetoric of STOP ERA," *Quarterly Journal of Speech* 65 (1979): 262-74.

⁴ Executive Order, no. 10980, "Establishing the President's Commission on the Status of Women, , December 14, 1961," in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=58918> (accessed April 22, 2011). The task force was composed of the Secretary of Labor, the Attorney General, the Secretary of Commerce, the Secretary of Agriculture, the Chairman of the Civil Service Commission, the Secretary of Health, Education and Welfare, and twenty appointed people who had "a competency in the area of public affairs and women's activities."

⁵ John F. Kennedy, "Statement by the President on the Establishment of the President's Commission on the Status of Women, December 14, 1961," in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=8483> (accessed April 22, 2011).

⁶ "Equal Pay Act of 1963," in *From Suffrage to the Senate: America's Political Women: An Encyclopedia of Leaders, Causes and Issues* (Amenia, NY: Grey House Publishing, 2006), 237.

⁷ James Davison Hunter, *Culture Wars: The Struggle to Define America* (New York, NY: Basic Books, 1991), 182-183.

⁸ Arthur J. Goldberg, "Statement," House Select Subcommittee of the Committee on Education and Labor, *Equal Pay for Equal Work: Part 1*, 87th Cong., 2d sess., 1962, 15; Caroline Davis, "Statement," Senate Subcommittee of the Committee on Labor and Public Welfare, *Equal Pay Act of 1962*, 87th Cong., 2d sess., 1962, 90.

⁹ Howard Hicks, "Statement," House Special Subcommittee of the Committee on Education and Labor, *Equal Pay Act*, 88th Cong., 1st sess., 1963, 179.

¹⁰ Ester Peterson, “Statement,” Senate Subcommittee of the Committee on Labor and Public Welfare, *Equal Pay Act of 1962*, 87th Cong., 2d sess., 1962, 8.

¹¹ Ruth Thomson, “Statement,” House Special Subcommittee of the Committee on Education and Labor, *Equal Pay Act*, 88th Cong., 1st sess., 1963, 298.

¹² W. Willard Wirtz, “Statement,” House Special Subcommittee of the Committee on Education and Labor, *Equal Pay Act*, 88th Cong., 1st sess., 1963, 10.

¹³ Murray Plopper, “Statement,” Senate Subcommittee of the Subcommittee of the Committee on Labor and Public Welfare, *Equal Pay Act of 1962*, 87th Cong., 2d sess., 1962, 95.

¹⁴ Elizabeth S. Johnson, “Statement,” House Special Subcommittee of the Committee on Education and Labor, *Equal Pay Act*, 88th Cong., 1st sess., 1963, 267.

¹⁵ Hicks, “Statement,” 179.

¹⁶ Plopper, “Statement,” 95.

¹⁷ Peterson, “Statement,” House, 28.

¹⁸ When announcing the creation of the President’s Commission on the Status of Women, Kennedy declared that not enough had been done to “strengthen family life and at the same time encourage women to make their full contribution as citizens.” Kennedy, “Statement by the President.”

¹⁹ House Committee on Education and Labor, *Legislative History of the Equal Pay Act of 1963*, 88th Cong., 2d sess., 1963, Committee Print, 79. Because the bill was an amendment to the Fair Labor Standards Act, it did not cover women employed in “executive, administration, and professional capacities and those working in hotels, motels, and restaurants; those employed in laundries, dry cleaning establishments; in agriculture, and in hospitals.”

²⁰ Carl N. Degler, *At Odds: Women and the Family in America from the Revolution to the Present* (New York, NY: Oxford University Press, 1980), 442.

²¹ Reva Beck Basone, “Statement,” Senate Subcommittee of the Committee on Labor and Public Welfare, *Equal Pay Act of 1962*, 87th Cong., 2d sess., 1962, 59.

²² Carl N. Degler, “Revolution Without Ideology: The Changing Place of Women in America,” *Daedalus* 93, no. 2 (1964): 670.

²³ U.S. Department of Labor, *1969 Handbook on Women Workers*, Women’s Bureau, Bulletin 294, (Washington, D.C., GPO, 1969), 23, 41, 31.

²⁴ See chapter 8, Glenna Matthews, *“Just a Housewife”: The Rise and Fall of Domesticity in America* (New York, NY: Oxford University Press, 1987).

²⁵ National Organization for Women, “Bill of Rights, 1968,” <http://www.h-net.org/~hst203/documents/nowrights.html> (accessed April 22, 2011).

²⁶ Senate, *Questions and Answers on the Equal Rights Amendment*, report prepared by Helena Hill Weed, 78th Cong., 1st sess., 1943, Document 97, 5.

²⁷ *Ibid.*, 6.

²⁸ Senate Committee on the Judiciary, *Equal Rights Amendment*, 79th Cong., 2d sess., 1946, S. Rep. 1013, 1.

²⁹ *Ibid.*, 10.

³⁰ Mortimer Furay, “Statement,” Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 82.

³¹ Lucille H. Shriver, “Statement,” House Subcommittee of the Committee on the Judiciary, *Equal Rights for Men and Women 1971*, 92st Cong., 1st sess., 1971, 145.

³² Myra Ruth Harmon, “Statement,” Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 12.

³³ Martha W. Griffiths, “Statement,” Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 24; Hugh Scott, “Statement,” Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 673.

³⁴ Task Force on Family Law and Policy, “Report to the Citizen’s Advisory Council on the Status of Women,” 145, in Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 145.

³⁵ Adele T. Weaver, “Statement,” Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 499.

³⁶ Florence P. Dwyer, “Statement,” Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 28.

³⁷ Shirley Chisholm, “Statement,” Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 330

³⁸ Weaver, “Statement,” 499.

³⁹ National Organization for Women, “Chronology of the Equal Rights Amendment,” *National Organization for Women Web Site*, <http://www.now.org/issues/economic/cea/history.html> (accessed April 22, 2011).

⁴⁰ Jane Mansbridge, *Why We Lost the ERA* (Chicago, IL: University of Chicago Press, 1986), 103.

⁴¹ Mary Lyndon Shanley, *Women’s Rights, Feminism, and Politics in the United States* (Washington, DC: American Political Science Association, 1988), 33.

⁴² Foss, “The Equal Rights Amendment,” 278.

⁴³ Harding, “Family Reform Movements,” 58.

⁴⁴ Virginia Allen, “Statement,” House Subcommittee of the Committee on the Judiciary, *Equal Rights for Men and Women 1971*, 92st Cong., 1st sess., 1971, 126.

⁴⁵ Ibid.

⁴⁶ Caroline Bird, “Statement,” Senate Subcommittee of the Committee on the Judiciary, *The “Equal Rights” Amendment*, 91st Cong., 2d sess., 1970, 348.

⁴⁷ Martha Griffiths, “Statement,” House Subcommittee of the Committee on the Judiciary, *Equal Rights for Men and Women 1971*, 92st Cong., 1st sess., 1971, 48.

⁴⁸ Mary Frances Berry, *Why ERA Failed: Politics, Women’s Rights and the Amending Process of the Constitution* (Bloomington, IN: Indiana University Press, 1986), 65.

⁴⁹ Donald T. Critchlow, *Phyllis Schlafly and Grassroots Conservatism* (Princeton, NJ: Princeton University Press, 2005), 220.

⁵⁰ STOP ERA, *You Can’t Fool Mother Nature* (Alton, IL: STOP ERA, 1975).

⁵¹ National Council of Catholic Women, *ERA: Do You Know What It Means?* (Washington, D.C.: National Council of Catholic Women, n.d.)

⁵² Phyllis Schlafly, “What’s Wrong With Equal Rights for Women?” *Phyllis Schlafly Report* 5, no. 7 (1972): 3.

⁵³ Eileen Shanahan, “Opposition Rises to Amendment on Equal Rights,” *New York Times*, January 15, 1973.

⁵⁴ STOP ERA, *Beware of the Hook* (Alton, IL: STOP ERA, 1978).

⁵⁵ STOP ERA, *You Can’t Fool Mother Nature*.

⁵⁶ Ibid.

⁵⁷ Schlafly, “What’s Wrong With Equal Rights for Women?”: 3.

⁵⁸ National Council of Catholic Women, *ERA: Do You Know What It Means?*

⁵⁹ Schlafly, “What’s Wrong With Equal Rights for Women?”: 3.

⁶⁰ Mansbridge, *Why We Lost the ERA*, 20.

⁶¹ Martha Solomon, “Stopping ERA: A Pyrrhic Victory,” *Communication Quarterly* 31, no. 2: 109.

⁶² Solomon, “Stopping ERA: A Pyrrhic Victory,” 109.

⁶³ Schlafly, “What’s Wrong With Equal Rights for Women?”: 4.

⁶⁴ See Degler, *At Odds*.

Chapter 4

The Rhetoric of Family Values in the 1985-1993 “Family Policy” Debates

The “pro-family” movement of the 1970s and early 1980s contributed to the defeat of the Equal Rights Amendment. It did not, however, stall the changes in family life. Inflation, recession, high unemployment rates, and declining family income contributed to a further rise in the number of working wives and mothers. Between 1970 and 1985, the labor force participation rates of wives increased from 45.7% to 54.4%¹ and the rates of employed mothers with children under the age of eighteen rose from 42.4% to 62.1%.² Rising divorce, separation, and “illegitimate” birth rates contributed to an increasing number of single-female headed homes. By 1985, single-parent households accounted for 12% of all families.³ The decline in the number of “traditional” families generated national attention and laid the foundation for a contentious debate about how the federal government could help American families better address the pressures they faced.

The 1985-1993 “family policy” debates are important to a study of the rhetoric of family values in U.S. national policymaking because they solidified “the family” as an object of public policy and marked the first overt contemporary debate about the federal government’s “proper” role in family affairs. Writing in 1988, public policy scholars Mary Jo Bane and Paul A. Jargowsky noted: “Nary a political speech gets made these days without invoking the family. Nearly everyone believes that the government should either do more to help families or do less to hurt them.”⁴ Those who have studied these

debates focus primarily on the development of specific family-related policies and the points of consensus and contention within the broader debates over federal intervention in family life.⁵ This study builds on that work and analyzes how conservative and liberal policymakers invoked “the family” in three so-called “pro-family” policy proposals: the *Tax Reform Act of 1986*, which reduced taxes for many working families and removed several members of the working poor from the tax rolls; the 1990 Child Care bill, which provided federal funding for state-level child care initiatives and increased child care tax credits for working families; and the *Family and Medical Leave Act of 1993*, a federal mandate requiring employers to provide job security for workers who needed to take off time for personal illness, to care for a sick family member, or for the birth or adoption of a child.

The Reagan administration and other policymakers in the mid-1980s justified the passage of the *Tax Reform Act of 1986* by portraying America’s working families as being “burdened” by excessive taxes and government intervention. Liberal policymakers in the late 1980s contributed to the passage of the first federal child care bill for non-welfare families by portraying the bill’s intended recipients as helpless children worthy of the nation’s support. In the late 1980s and early 1990s, the proponents of the *Family and Medical Leave Act of 1993* (FMLA) helped bring about the bill’s success by portraying the FMLA as a progressive measure designed to help families negotiate their work-family demands. Although policymakers during the 1980s and 1990s offered widely disparate responses to the pressures working families faced, all of the proponents invoked similar compassionate depictions of American families. Moreover, advocates and opponents alike openly lamented the existing economic and employment policies that inhibited

families' efforts to fulfill their familial responsibilities and argued that the federal government had an obligation to help families better address these needs. These debates transformed the broader family policy conversations from disputes about which definition of family the government should endorse to discussions about how the federal government could more effectively support American families.

“Unburdening” America’s Working Families: The Rhetoric of Compassion in the 1985-1986 Tax Reform Debates

Welfare reform and women’s rights advocates in the 1960s and 1970s drew attention to the changes in family life and helped put “the family” on the political agenda. It was not until the mid-1970s, however, that “family policy” emerged as a national political issue. In 1976, then presidential candidate Jimmy Carter emphasized the significance of the nation’s lack of a coherent family policy. Carter stated: “It is clear that the national government should have a strong pro-family policy, but the fact is that our government has no family policy, and that is the same as an anti-family policy. Because of confusion or insensitivity, our government’s policies have actually weakened our families, or even destroyed them.”⁶ Four years later, the administration hosted a White House Conference on American families to serve as a “catalyst for a period of intense reassessment of programs and policies” and to solicit “constructive suggestions” on how society can “help families of all kinds.”⁷ The conference marked an important turning point in the development of family policy and led John J. Dempsey and some scholars at the time to conclude that the family and public policy would be “the [i]ssue of the 1980s.”⁸

Ronald Reagan's election to the presidency laid the foundation for a dramatic change in the government's involvement in family affairs. Sweeping into office on a tidal wave of popular support, the Reagan administration used its mandate to push forward a vision of an America returning to the conservative values of an earlier era. Shortly after Reagan entered office in 1981, Congress acknowledged the administration's anti-government mandate when it passed into law the *Economic Recovery Tax Act of 1981* (Pub. L. 97-34), which resulted in several tax cuts, and the *Omnibus Budget Reconciliation Act of 1981* (Pub. L. 97-35), which drastically cut social welfare spending. Four years later, Reagan laid the foundation for what he called the "second American revolution for hope and opportunity" when he introduced a tax reform initiative designed to "promote more fairness for families."⁹ The administration's plan for reform included provisions designed to increase personal exemptions and dependent tax credits, remove many working poor from the tax rolls, and enhance tax benefits for a spouse "working in the home."¹⁰ By allowing American families to keep more of their money, the administration reasoned, the federal government could reduce family stress and strengthen family life.

Liberal and conservative policymakers' previous efforts to reduce tax rates for the lowest income brackets had failed to generate political support in part because of its potential effects on those in the highest income brackets. C. Eugene Steuerle, an economist who served as the Deputy Assistant Secretary of the Treasury for Tax Analysis from 1987 to 1989, explained that "[l]ower taxes at the bottom almost inevitably mean[t] higher marginal rates, especially when comparing tax rate structures of equal yield."¹¹ If the Reagan administration and the other conservative and liberal proponents of tax reform

were going to generate support for a significant shift in the nation's tax burden, they needed to make a compelling case.¹² In the advocates' congressional testimony and public speeches on behalf of tax reform, they helped generate support for these changes by using a rhetoric of compassion. The proponents highlighted the inequalities in the nation's tax system, described how these inequalities allegedly inhibited working Americans' efforts to address their families' needs, and argued that the federal government had an obligation to reduce the financial stress low- and moderate-income families faced. Portraying American families as being burdened by unfair taxes, the proponents appealed to policymakers' sense of fairness.

Just as they had in the past, the proponents of reform depicted families as victims. They maintained that America's low-income and middle-class families were being treated "unfairly," insisting that they were forced to "subsidize excessive tax breaks for the wealthy."¹³ Although these men and women were simply "trying to get ahead"¹⁴ and provide a better future for themselves and their families, the system "penalize[d] work and saving and risk taking."¹⁵ These injustices were most burdensome for the poor "working people" who were being driven "deeper into poverty."¹⁶ However, they also negatively affected middle class families who bore the "bulk of the tax burden,"¹⁷ stay-at-home spouses whose "valuable service to the family"¹⁸ went overlooked in the tax system, low-income families who were "paying a larger share of their meager incomes"¹⁹ in federal taxes, and working parents who watched as the system took from them the "resources they need[ed] to raise their children."²⁰ Emphasizing the urgent need to demonstrate the country's "commitment to American families"²¹ and "family values,"

President Reagan urged Congress to “give the family a break”²² and restructure the tax system.

These depictions helped generate support for both the tax reforms and the nation’s taxpaying families. The proponents claimed that these families were hardworking, moral, and law-abiding. Unlike the corporations and extremely wealthy who evaded their tax responsibilities, these families maintained steady employment, supported themselves and their children, and paid more than their “fair share” of the nation’s taxes.²³ Many of these families required two incomes simply to keep themselves off welfare, while other families gave up an extra income so that one spouse could remain in the home. The advocates claimed that these families embraced the values of opportunity, hard work, and personal responsibility. And, for those reasons alone, the proponents maintained, these families “deserve[d] a break from high tax rates and a complex tax code.”²⁴ Invoking the image of the traditional family ideal, and arguing that Congress had an obligation to eliminate the barriers supposedly preventing families from achieving that ideal, the proponents convinced the nation of the need for reform.

Although no one overtly objected to “helping” families, policymakers struggled to develop a plan that could negotiate the competing interests of those at the lower and upper ends of the tax bracket.²⁵ After a series of compromises, the House passed a tax reform plan on September 25, 1986, by a vote of 292-136 and the Senate passed the legislation two days later by a vote of 74-23. On October 22, 1986, President Reagan signed into law the *Tax Reform Act of 1986* (Pub. L. 99-514). He lauded the bill’s proposals and described the legislation as the “best anti-poverty bill, the best pro-family measure and the best job-creation program ever to come out of the Congress.”²⁶

Preserving “The Family”

The passage of the *Tax Reform Act of 1986* marked an important moment in the contemporary family policy debates. Political scientists M. Stephen Weatherford and Lorraine M. McDonnell assert: “No president since Hoover had called for substantially diminishing the government’s role in redistributive social programs; Reagan accomplished it.”²⁷ Historian W. Elliot Brownlee added: “It can be argued that, as a result of the bipartisan effort, the Tax Reform Act of 1986 advanced a process of restoring to federal taxation the sense of balance sought by the founders of the republic.”²⁸ It also helped the administration move one step closer to fulfilling its promise to get the government off the backs of the nation’s families by increasing personal exemptions and deductions for dependents, reducing the amount of taxes low-income workers had to pay, and removing an estimated six million impoverished Americans from the tax rolls.²⁹

Although Reagan claimed that the “taxing power of government . . . must not be used to regulate the economy or bring about social change,”³⁰ the provisions belied the administration’s attempt to reverse or, at least, stall the changes in U.S. family life. The increase in the personal exemption and the reduction in the amount of taxes low- and moderate-income families faced was an apparent attempt to reduce the likelihood that more spouses “who would rather stay home with their children” would be “forced to go looking for jobs.”³¹ The elimination of the two-earner deduction and an increase in a non-working spouse’s allowable IRA contributions demonstrated an effort to eliminate the alleged discrimination against one-earner couples and homemakers. The increase in the child care exemption reflected the administration’s goal to “make it economical to raise

children again.”³² Perhaps most significantly, the removal of an estimated six million low-income families from the tax rolls marked an overt attempt to reward the “special effort and extra hard work” low-income families supposedly needed to make the “difficult climb up from poverty” and fulfill the traditional family ideal.³³ Even though administration officials publicly insisted that the tax plan was not intended to pit “lifestyle against lifestyle,”³⁴ the tax bill’s provisions uncover the White House’s attempt to privilege and promote the “traditional” family ideal.

Improving Working Families’ Child Care Options: The Rhetoric of Compassion in the 1987-1990 Debates over a Federal Child Care Bill

The Reagan administration’s efforts to “preserve” family life were not limited to tax policy alone. In February 1986, as Congress was debating the tax reform bill, the administration appointed twenty-one representatives to a family work group to “study how government at all levels could be more supportive of American families.”³⁵ The work group completed its assessment and, in December 1986, sent the White House a list of “additional steps” the nation “can and should take to preserve and protect the American family.”³⁶ The recommendations included proposals designed to “return to the community the authority to set norms and affirm values,”³⁷ compel estranged parents to pay child support, reduce teen “promiscuity” and “illegitimate” births,³⁸ and “aid” welfare recipients in the “acquisition of those values” assumedly needed for “upward mobility.”³⁹ Insisting that urgent action was needed to combat the effects of the “anti-family agenda” of the 1960s and 1970s, the work group implored the administration to use the federal government to “support and affirm” traditional family values.⁴⁰

The renewed focus on “strengthening” family life was not limited to the Reagan administration alone. In 1986, the Democratic National Commission revealed its own agenda for improving conditions for American families. The Commission called for a “commitment to stronger families” and appealed to the nation to enact “pro-family policies” designed to “raise family income, help keep families together and provide some assistance to parents in their day-to-day lives.”⁴¹ Shortly after the report’s publication, a group of primarily liberal policymakers and social activists began pursuing the Commission’s mandate for change. In 1987, 126 representatives and 22 senators introduced the Act for Better Child Care (ABC), a progressive measure designed to provide federal funding to states to increase the number, affordability, and quality of child care options available to low- and moderate-income families not on welfare.⁴² By improving these families’ child care options, the proponents maintained, the federal government could help working families better address the pressures they faced.

Historically, the nation had resisted efforts to promote federal involvement in child care on the grounds that it was a private matter best handled by the families themselves. During his 1971 veto of the most expansive and comprehensive child care bill ever passed through Congress, President Richard Nixon remarked that the nation “cannot and will not ignore the challenge to do more for America’s children in their all-important early years.”⁴³ But, he added, “our response to this challenge must be a measured, evolutionary, painstakingly considered one, consciously designed to cement the family in its rightful position as the keystone of our civilization.” Similar concerns about the federal government’s “proper” role inhibited subsequent efforts to enact a federal child care initiative. If child care advocates in the late 1980s were going to

convince Congress and the administration to take a more active role in addressing working families' child care needs, they had to make a compelling case. The proponents of reform attempted to do that by using a rhetoric of compassion during their statements before Congress. They drew attention to the rising number of children in need of child care, highlighted how the lack of "affordable" and "quality" child care options allegedly hindered both child and family well-being, and argued that the federal government had a responsibility to respond to the needs of America's children. Portraying the bill's intended recipients as helpless children worthy of the nation's support, the proponents appealed to policymakers' sense of pity and concern.

The ABC was targeted toward the children of low- and moderate-income female-headed and dual-income families who, the proponents claimed, were "most in need" of "affordable" and "quality" child care options.⁴⁴ The advocates noted that the majority of these children's mothers entered the workforce because they were the "sole providers for their children" or because their husbands' income was insufficient to meet their families' basic needs.⁴⁵ Many of these children did not have access to "relatives or parents or grandparents" who were willing or qualified to provide "quality" child care.⁴⁶ As a result, millions of families were forced to subject their children to "marginal or inadequate"⁴⁷ care or, worse, adopt "latchkey"⁴⁸ arrangements in which the children had to care for themselves. All things considered, the proponents argued, these children's families were committed to providing them "economic security"⁴⁹ and meeting their basic needs. The families just needed some assistance to ensure that their children received the quality child care they needed and deserved.

These depictions helped generate both support for the bill and compassion for the nation's working families. The advocates claimed that these children's mothers were not entering the workforce out of choice or to achieve self-fulfillment. Nor were the families trying to surrender their child care responsibilities. Instead, they were committed to the traditional family ideal and recognized that they had to make sacrifices to meet their families' economic needs. These depictions also responded to the critics' claims that the bill was a "middle-class entitlement that subsidize[d] child care for 'yuppie' professionals."⁵⁰ The proponents acknowledged that the bill's call for increased federal regulation of child care facilities would benefit "all working families," but maintained that the bill gave "top priority" to the families at the "lowest income levels."⁵¹ Insisting that the nation could not continue to "ignore the needs of the youngest segment of our population and their families,"⁵² the ABC proponents implored Congress to enact the child care bill.

As public support for a federal child care initiative grew, more policymakers—including President George H. W. Bush—expressed their support for a child care initiative.⁵³ Still, many disagreed with the ABC's provisions. Politicians on both sides of the aisle participated in heated debates about whether the bill should favor dual income earners or families who cared for children in their home; whether religious providers could receive federal funds; whether the government should employ a voucher program; and the eligibility requirements for child care providers.⁵⁴ President Bush eventually introduced a counter-proposal designed to provide tax breaks for businesses that provided child care, but the ABC proponents refused to endorse the administration's plan.

After much compromise and negotiation, the Senate passed a federal child care initiative by a voice vote on June 23, 1989, and the House of Representatives passed the bill on October 27, 1990, by a vote of 265-145. On November 5, 1990, President Bush approved the Child Care and Development Block Grant which was a part of the *Omnibus Reconciliation Act of 1990* (Pub. L. 101-508). The five-year, \$22.5 billion child care package included tax credits for families with at least one employed parent, financial support for low-income families not on welfare, and funding for new state initiatives designed to improve the quality of child care. The bill allowed religious institutions, but not schools, to receive funding and stipulated that the states should determine the regulations for its child care facilities.

Reinforcing Parental “Choice”

Social policy scholar Sally Solomon Cohen argued that the 1990 child care bill was another important touchstone in U.S. family policy because it “marked the first time politicians in the executive and legislative branches of government reached an agreement about the role of the federal government in the child care arena.”⁵⁵ To be sure, the bill’s passage suggested that policymakers endorsed the need to expand the child care options available for working parents. The rhetoric of the debates, however, suggests that this consensus was largely built around support for the traditional value of parental “choice” and family autonomy. The bill’s proponents insisted that, if “forced to work to make ends meet,” every mother should have a “range of day care options” from which to choose.⁵⁶ Similarly, the bill’s opponents insisted that one-earner couples should not be “force[d]”

to “pay for the privilege of rearing their children” or subsidize married women who entered the workforce for extra spending money.⁵⁷ The child care bill’s increased tax credits for single-earner couples—which were not a part of the initial Act for Better Child Care proposal—reflected more conservative policymakers’ attempt to reward single-earner families for their “choice” to give up one income so as to allow one parent to remain in the home to care for a child.

The issue of parental choice was seemingly so central to justifying the bill’s passage that President Bush singled out the child care provision during his signing statement of the larger budget bill that enacted the child care initiatives. Bush lauded the bill for increasing parents’ opportunities “to obtain the child care they desire”—including religious facilities “if the parents so choose”—and for providing tax credits and block grants for new measures designed to “enable parents to exercise their own judgment” when choosing a child care arrangement or program.⁵⁸ Bush’s approval of the child care provisions suggested that his administration, unlike the Reagan administration, was willing to enact new social welfare programs to respond to working families’ needs. However, Bush’s repeated refusal to endorse a proposed Family and Medical Leave Act showed the limits of his support.⁵⁹

Helping Families Negotiate Their Work-Family Demands: The Rhetoric of Compassion in the 1985-1993 Debates over the *Family and Medical Leave Act*

Many policymakers identified child care as one of the central “issues for the 1980s.”⁶⁰ But U.S. families faced other work-related issues. During the mid-1980s, some feminist organizations and family interest groups drew policymakers’ attention to the

growing number of workers who complained that outdated employment workplace standards had forced them to “choose between their families and their jobs” during a family emergency.⁶¹ In 1985, in response to these complaints, some federal representatives and senators introduced the Family and Medical Leave Act (FMLA), a federal mandate that would require employers to grant leaves of absence for employees who had a serious illness or who had to care for a parent, spouse, sick child, a newborn, or a newly adopted child.⁶² By granting employees leave time during temporary moments of family transition and personal stress, the FMLA proponents argued, the federal government could help the nation’s millions of working families secure a measure of job security and protection not available at that time.

Although many policymakers and employers endorsed the FMLA’s goals, few agreed that the federal government should determine what benefits employers needed to provide their employees. If the proponents were going to generate support for the bill, they needed to show why a federal mandate was both needed and desirable. In their statements to Congress on behalf of the bill, the proponents tried to do this using a rhetoric of compassion. The proponents highlighted the changes in family life, described how existing employment laws and practices supposedly hindered employees’ efforts to fulfill their work and families’ needs, and argued that the federal government had an obligation to compel the nation’s employers to update their policies to respond to the changes in family life. Portraying the FMLA as a progressive measure that would help employees better negotiate their work-family demands, the advocates contributed to the bill’s success.

The proponents offered a positive description of the FMLA, describing it as a “starting point for the entire Nation to treat our families reasonably and compassionately.”⁶³ They maintained that the bill would “support working parents” by establishing “flexible leave options” that promoted “family stability and job security.”⁶⁴ In doing so, the proposal would prevent a “single mother” from being “forced to lose her job to take care of a dangerously ill child,”⁶⁵ allow a father to “count on returning to work after taking care of his family’s emergency at home,” and give either parent the “opportunity to care for their newborn or newly adopted children, and share in the emotional rewards of so doing.”⁶⁶ The bill’s benefits, however, were not limited to parents alone. The proponents noted that the FMLA would “ease the burdens”⁶⁷ of millions of adults who were “struggling to make sure their parents live[d] a quality life to the end” and employees who needed to care for a spouse during “a transition period of serious illness or perhaps more permanently.”⁶⁸ In short, the proponents argued, the FMLA would “help mitigate the stress that result[ed] in times of family crisis.”⁶⁹

These depictions helped generate support for the FMLA. The proponents argued that the bill reflected a “true pro-family philosophy”⁷⁰ by recognizing the family’s important social and emotional functions and providing employees increased opportunities to address their families’ needs during stressful and transitional family moments. Whereas other family-related bills addressed the needs of a few family types, the FMLA responded to the needs of a “wide range of family patterns.”⁷¹ For instance, Bishop James W. Malone pointed out that the bill would address the “human tragedy” that touched “urban families, rural families, and suburban families; families that come from every walk of life.”⁷² Insisting that it was “time to stop paying lip service to family

values,” the FMLA proponents appealed to Congress to take the “first step toward ensuring that a worker’s right to care for his or her family will be protected” by passing the FMLA.⁷³

When the FMLA advocates first proposed the bill, few came forward in opposition to the initiative. As the bill began to generate support, a backlash developed. The U.S. Chamber of Commerce and other members of the small-business community organized a countermovement to spotlight the ways, they argued, the bill would hinder businesses. President George H. W. Bush joined in the efforts to steer the conversation away from a federal mandate, calling instead for tax credits for businesses that offered their employees leave time. Other conservative critics charged that the bill would harm working families by limiting their benefit options and forcing them to subsidize other workers’ absences. Despite FMLA opponents’ efforts, however, the bill’s supporters could not be swayed.

After much negotiation and compromise about the amount of leave time employees should receive and the number of businesses that should be forced to comply, Congress passed the bill in both 1990 and 1992. Both times President Bush vetoed the legislation on the grounds that it failed to “meet the diverse needs” of employers, families, and the nation.⁷⁴ President William J. Clinton’s election in 1992 signaled a turning point in the debate over the FMLA. On February 3, 1993, the House passed the bill by a vote of 265-163 and the next day the Senate passed it by a vote of 71-27. On February 5, 1993, the newly inaugurated President Clinton signed into law the *Family and Medical Leave Act of 1993* (Pub. L. 103-3). According to the new mandate, businesses with fifty or more employees were supposed to provide their employees with

twelve weeks of unpaid leave to recover from an illness or to care for a parent, spouse, newborn, or a newly adopted child. The law also required employers to maintain an employee's health insurance during his or her absence and provide the employee the same or comparable job and salary benefits upon his or her return. During the signing ceremony, President Clinton heralded the bill as a major success in the nation's efforts to "balance the demands of the workplace with the needs of families."⁷⁵

Reinforcing Familial Care

The passage of the *Family and Medical Leave Act of 1993* (FMLA) marked another important touchstone in the nation's ongoing efforts to respond to working families' changing needs. The progressive bill recognized both working women's *and* men's need to provide care for themselves, their children, their spouses, and their elderly parents. At the same time, the arguments the proponents offered in support of the FMLA were grounded in the long-held view that the family unit was best equipped to meet the needs of its individual family members. Throughout the debates, the proponents repeatedly argued that all employees should have the "right" to care for their children, spouses, and parents when their families needed them most.⁷⁶ The advocates insisted that family leave was especially important for young infants, for whom there was "total agreement" among family experts that a parent was the "best caretaker for the child in the first few months of life."⁷⁷

The arguments offered on behalf of the FMLA ostensibly supported the proponents' claim that family and medical leave should be a "minimum standard of

benefits” for all of America’s working families.⁷⁸ The bill’s provisions, however, favored middle-class families and dual-earner couples. The leave’s unpaid status failed to acknowledge the constraints of low-income and single-parent families for whom any absence contributed to economic hardship. Labor Counsel Lisa Bornstein asserts that by failing to provide wage replacement or paid leave, the bill “privilege[d] those who have the financial resources to support themselves for twelve weeks.”⁷⁹ Likewise, the bill’s exemption of businesses with less than fifty employees excluded many of the lowest-paying jobs and those most frequently filled by female workers. The proponents tried to diffuse their critics’ claims that the FMLA was a “yuppie bill,” insisting that “the fundamental goal” was “job protection for those now at risk of job loss when a crisis hits.”⁸⁰ Suggesting that some coverage was better than no coverage at all, the FMLA supporters dismissed their opponents’ criticisms.

The bill also had implications for extended families, military families, and heterosexual and same-sex cohabitating couples, although no one addressed them at the time. By limiting the bill’s definition to spouses, children, and birth or adoptive parents, policymakers excluded many people who fulfilled the family’s “traditional” care giving functions but lacked a formal legal or immediate biological family relationship. The U.S. Department of Labor (DOL) eventually modified the FMLA to alleviate some of these discrepancies. On November 17, 2008, the DOL published its “final rule,” which created two new initiatives to assist military families.⁸¹ The “Military Caregiver Leave” provided for an immediate or extended family member to take time off to care for a service member “with a serious illness or injury incurred in the line of duty on active duty.” The “Qualifying Exigency Leave” allowed the families of active National Guard members to

take off additional time to manage the service person's affairs in his or her absence. The DOL also responded to increased demands to provide coverage to same-sex couples and other "nontraditional" families. On June 26, 2010, DOL officials stated that an "employee who assumes the role of caring for a child" would receive "parental rights to family leave regardless of the legal or biological relationship."⁸² A press release announcing the clarification quoted Secretary of Labor Hilda L. Solis as stating: "The Labor Department's action today sends a clear message to workers and employers alike: All families, including LGBT families, are protected by the FMLA."

Conclusion

The 1985-1993 "family policy" debates highlight the conflicting perspectives about the federal government's "proper" role in contemporary family life. The passage of the *Tax Reform Act of 1986* suggests that policymakers at the time embraced the view that the government could alleviate family stress by reducing families' financial burden. The 1990 child care bill illustrates policymakers' view that the government should increase the number of supportive policies available to the growing number of employed single and married mothers. The success of the *Family and Medical Leave Act of 1993* indicates that policymakers from across the political spectrum endorsed the federal government's attempts to reorient the nation's workplaces to provide more flexibility for families during periods of stress and transition.

On the surface, the 1985-1993 family policy debates illustrate the competing worldviews that linguist George Lakoff has argued dominate contemporary politics with

the child care and family leave proponents adopting the liberal “Nurturant Parent model”—which emphasizes love, empathy, and nurturance—and the tax reform proponents adopting the conservative “Strict Father model”—which emphasizes moral authority, self-reliance, and self-discipline.⁸³ A closer look at the rhetoric of these debates, however, suggests that the policymakers shared more points of consensus than contention.

The diversity of the measures and the introduction of counterproposals indicate that policymakers at the time agreed that the federal government should take action to alleviate family stress. Whereas most of the previous debates regarding welfare reform and women’s rights surrounded questions of *whether* the specific policy in question was needed, the bulk of the “family policy” debates was focused on *how* the federal government could best secure those goals. As a result, the final bills reflected a blend of conservative and liberal policy proposals. The Reagan administration’s tax reform bill was a counterproposal issued in response to earlier reform bills introduced by Democrats, and its passage relied on bi-partisan efforts to promote tax reform.⁸⁴ Likewise, the final child care bill included block grants—the hallmark of the Act for Better Child Care bill—and tax credits—the basis of the Bush administration’s counter proposal. Social policy scholar Steven Wisensale asserted that the bill’s final version likely “revealed more about the state of Congress in the 1990s than the nation’s commitment to children.”⁸⁵

These debates also point to a shared recognition that the “traditional” family model, for better or worse, was no longer the norm. Although the Reagan administration made what appeared to be an effort to stall these changes with its tax reform proposals, its emphasis on “preserving” the traditional family indicates an urgent concern that the

model was in decline. Less than two years later, the advocates of the child care and FMLA bills repeatedly pointed to the growing chasm between the family “ideal” and the “reality” of family life as evidence of the need to enact new work-related family policies.

The rhetoric of the 1985-1993 family policy debates and the successful passage of three so-called “pro-family” policies seemed to support both conservative and liberal policymakers’ assertions that they were all “pro-family.” And yet, while federal policymakers in the 1980s and early 1990s demonstrated a willingness to acknowledge and respond to the diversity of family life, elected officials in the mid-1990s and 2000s would come to show the limits of their support.

Notes

¹ U.S. Department of Labor, *Women in the Labor Force: A Databook (2010 Edition)*, <http://www.bls.gov/cps/wlf-table23-2010.pdf>.

² House, Committee on Ways and Means, *1998 Green Book*, 105th Cong., 2d sess., 1998, 661.

³ U.S. Bureau of the Census, *America's Families and Living Arrangements: 2007*, Current Population Reports prepared by Rose M. Kreider and Diana B. Elliot, Bureau of the Census, 2000, 9.

⁴ Mary Jo Bane and Paul A. Jargowsky, "The Links Between Government Policy and Family Structure: What Matters and What Doesn't," in *The Changing American Family and Public Policy*, ed. Andrew J. Cherlin (Washington, D.C.: Urban Institute, 1988), 219.

⁵ See Joan Aldous and Wilfried Dumon, "Family Policy in the 1980s: Controversy and Consensus," *Journal of Marriage and the Family* 52, no. 4 (1990): 1136-1151; Steven K. Wisensale, "Family Values and Public Policy During the Bush Years: The Case of the Family and Medical Leave Act," in *Principle Over Politics?: The Domestic Policy of George H. W. Bush*, eds. Richard Himelfarb and Rosanna Perotti (Westport, CT: Praeger, 2004), 263-277; Steven K. Wisensale, "Family Policy During the Reagan Years: The Private Side of the Conservative Agenda," in *Ronald Reagan's America*, eds. Eric J. Schmertz, Natalie Datlof, and Alexei Urginsky (Westport, CT: Greenwood Press, 1997) 1: 257-270; Steven K. Wisensale, "The White House and Congress on Child Care and Family Leave Policy: From Carter to Clinton," *Policy Studies Journal* 25, no. 1 (1997): 75-86; Steven K. Wisensale and Michael D. Allison, "Family Leave Legislation: State and Federal Initiatives," *Family Relations* 38, no. 2 (1989): 182-189.

⁶ U.S. Government Printing Office, "A Statement in New Hampshire, August 3, 1976," *The Presidential Campaign, 1976, Jimmy Carter* (Washington, D.C.: U.S. Government Printing Office, 1978), 1.

⁷ White House Conference on Families, *Listening to America's Families: Action for the 80's. The Report to the President, Congress and Families of the Nation* (Washington, D.C.: White House Conference on Families, 1980), 5.

⁸ John J. Dempsey, *The Family and Public Policy: The Issue of the 1980s* (Baltimore, MD: Paul H. Brookes Publishing Co., 1981).

⁹ Ronald Reagan, "Address to the Nation on Tax Reform May 28, 1985," in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=38697> (accessed April 22, 2011); James

A. Baker, "Statement," House Committee on Ways and Means, *Comprehensive Tax Reform: Part I*, 99th Cong., 1st sess., 1985, 18.

¹⁰ Baker, "Statement," House, 10.

¹¹ C. Eugene Steuerle, *The Tax Decade: How Taxes Came to Dominate the Public Agenda* (Washington, D.C.: Urban Institute Press, 1992), 89.

¹² Reagan's plan called for the "largest corporate tax increase in history and the most drastic crackdown on loopholes for the affluent." Jeffrey H. Burnbaum, *Showdown at Gucci Gulch: Lawmakers, Lobbyists, and the Unlikely Triumph of Tax Reform* (New York, NY: Random House, 1987), xii.

¹³ Mary Bourdette, "Statement," Senate Committee on Finance, *Tax Reform Proposals—IV*, 99th Cong., 1st sess., 1985, 45.

¹⁴ Richard A. Gephardt, "Statement," House Subcommittee of the Committee on Ways and Means, *Tax Burdens of Low-Income Wage Earners*, 99th Cong., 1st sess., 1985, 13.

¹⁵ Martin Feldstein, "Statement," House Committee on Ways and Means, *Comprehensive Tax Reform: Part I*, 99th Cong., 1st sess., 1985, 539.

¹⁶ Monsignor Jerome Boxleitner, "Statement," Senate Committee on Finance, *Tax Reform Proposals—IV*, 99th Cong., 1st sess., 1985, 24.

¹⁷ James A. Baker, "Statement," Senate Committee on Finance, *Tax Reform Proposals—I*, 99th Cong., 1st sess., 1985, 18.

¹⁸ Baker, "Statement," House, 10.

¹⁹ Bourdette, "Statement," 41.

²⁰ Dan Coats, "Statement," House Select Committee on Children, Youth, and Families, *Tax Policy: What Do Families Need?*, 99th Cong., 1st sess., 1985, 3.

²¹ Reagan, "Address to the Nation on Tax Reform, May 28, 1985."

²² Ronald Reagan, "Radio Address to the Nation on the Major Legislative Achievements of 1985, December 21, 1985," in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=38195> (accessed April 22, 2011).

²³ Bill Bradley, "Statement," Senate Committee on Finance, *1985 Tax Reform*, 99th Cong., 1st sess., 1985, 42.

²⁴ Robert W. Kasten Jr., “Statement,” Senate Committee on Finance, *1985 Tax Reform*, 99th Cong., 1st sess., 1985, 180.

²⁵ For an overview of the development of the *Tax Reform Act*, see chapter seven in Steuerle, *The Tax Decade*. Steuerle asserts that the “desire to achieve fairer taxation of the poor or taxation of the family” was “fairly widespread” (97).

²⁶ Ronald Reagan, “Remarks on Signing the Tax Reform Act of 1986, October 22, 1986,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=36629> (accessed April 22, 2011).

²⁷ M. Stephen Weatherford and Lorraine M. McDonnell, “Ideology and Economic Policy,” in *Looking Back on the Reagan Presidency*, ed. Larry Berman (Baltimore, MD: Johns Hopkins University Press, 1990), 131.

²⁸ W. Elliot Brownlee, “Taxation for a Strong and Virtuous Republic: A Bicentennial Retrospective,” *Tax Notes* 45, no. 13 (December 1989): 1620.

²⁹ For a more detailed description of the bill’s achievements and limitations, see Steuele, *The Tax Decade*, 121-162.

³⁰ Ronald Reagan, “Address Before a Joint Session of the Congress on the Program for Economic Recovery, February 18, 1981,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=43425> (accessed April 22, 2011).

³¹ Reagan, “Remarks on Signing the Tax Reform Act.”

³² Ibid.

³³ Ibid.

³⁴ William Kronholm, Associated Press, “Tax Bill Criticize[d] as Weighted Toward One-Earner Families,” June 15, 1985.

³⁵ U.S. Executive Office of the President, *The Family: Preserving America’s Future: A Report of the White House Working Group on the Family* (Washington, D.C.: Domestic Policy Council, White House, 1986), n.p.

³⁶ Ibid.

³⁷ Ibid., 12.

³⁸ Ibid., 25.

³⁹ Ibid., 19.

⁴⁰ Ibid., 1, 3.

⁴¹ Quoted in E. J. Dionne, Jr., “Special Panel Report Assails Soviet ‘Empire’ and Stresses Family, *New York Times*, September 21, 1986.

⁴² Ibid., 94.

⁴³ Richard Nixon, “Veto of the Economic Opportunity Amendments of 1971, December 9, 1971,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=3251> (accessed April 22, 2011).

⁴⁴ Dennis DeConcini, “Statement,” Senate Subcommittee of the Committee on Ways and Means, *Act for Better Child Care Services of 1987*, 100th Cong., 2d sess., 1988, 112.

⁴⁵ Christopher J. Dodd, “Statement,” Senate Subcommittee of the Committee on Ways and Means, *Act for Better Child Care Services of 1987*, 100th Cong., 2d sess., 1988, 210.

⁴⁶ Matthew G. Martinez, “Statement,” House Committee on Education and Labor, *Hearings on Child Care*, 101st Cong., 1st sess., 1985, 6.

⁴⁷ Edward Zigler, “Statement,” House Committee on Education and Labor, *Hearings on Child Care*, 101st Cong., 1st sess., 1985, 36.

⁴⁸ Mickey Seligson, “Statement,” House Subcommittee of the Joint Economic Committee, *Latchkey Children*, 100th Cong., 2d sess., 1988, 13.

⁴⁹ Dodd, “Statement,” *Act for Better Child Care Services of 1987*, 210.

⁵⁰ Ibid., 211.

⁵¹ Ibid., 211.

⁵² Spark M. Matsunaga, “Statement,” Senate Committee on Finance, *Federal Role in Child Care*, 100th Cong., 2d sess., 1988, 2.

⁵³ George H. W. Bush, “Proclamation 5948—National Child Care Awareness Week, 1989, April 2, 1989,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=20448> (accessed April 22, 2011).

⁵⁴ For a detailed discussion of the bill's development and the points of contention, see chapter 4 in Sally Solomon Cohen, *Championing Child Care* (New York, NY: University Press, 2001).

⁵⁵ Ibid., 134. For a discussion of the federal government's temporary child care initiatives during World War II, see Emilie Stoltzfus, *Child Care: The Federal Role During World War II*, CRS report prepared for Congress, June 29, 2000. <http://congressionalresearch.com/RS20615/document.php?study=CHILD+CARE+THE+FEDERAL+ROLE+DURING+WORLD+WAR+II> (accessed April 22, 2011).

⁵⁶ William Donald Schaefer, "Statement," Senate Subcommittee of the Committee on Labor and Human Resources, *Act for Better Child Care Services of 1989*, 101st Cong., 1st sess., 1989, 33; Jerry E. Abramson, "Statement," House Subcommittee of the Committee on Education and Labor, *H.R. 3660, The Act for Better Child Care*, 100th Cong., 2d sess., 1988, 12.

⁵⁷ Concerned Women for America, "Statement," House Subcommittee of the Committee on Ways and Means, *Child Care Needs of Low-Income Families*, 100th Cong., 2d sess., 1988, 140.

⁵⁸ George H. W. Bush, "Statement on Signing the Omnibus Budget Reconciliation Act of 1990, November 5, 1990," in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=19000> (accessed April 22, 2011).

⁵⁹ George H. W. Bush, "Message to the House of Representatives Returning Without Approval the Family and Medical Leave Act of 1990, June 29th, 1990," in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=18653> (accessed April 22, 2011).

⁶⁰ See House Select Committee on Children, Youth, and Families, *Working Families: Issues for the 1980s*, 98th Cong., 2d sess., 1984.

⁶¹ American Association of University Women, "Statement," Senate Subcommittee of the Committee on Labor and Human Resources, *Parental and Medical Leave Act of 1987*, 100th Cong., 1st sess., 1987, 233.

⁶² The original Family and Medical Leave Act did not include parents and spouses. For a detailed account of how the bill developed, see Ronald D. Elving, *Conflict and Compromise: How Congress Makes a Law* (New York, NY: Simon and Schuster, 1995).

⁶³ Mary Rose Oakar, "Statement," House Committee on Post Office and Civil Service, *Parental and Medical Leave Act of 1986*, 99th Cong., 1st sess., 1986, 13.

⁶⁴ Bob Packwood, “Statement,” Senate Subcommittee of the Committee on Labor and Human Resources, *Family and Medical Leave Act of 1989*, 101st Cong., 1st sess., 1989, 5.

⁶⁵ Packwood, “Statement,” 4.

⁶⁶ Eleanor Holmes Norton, “Statement,” House Subcommittee of the Committee on Post Office and Civil Service, *Family and Medical Leave Act of 1987*, 100th Cong., 1st sess., 1987, 46.

⁶⁷ Joan Curry, “Statement,” House Subcommittee of the Committee on Education and Labor, *Hearing on H.R. 770, the Family and Medical Leave Act of 1989*, 101st Cong., 1st sess., 1989, 14.

⁶⁸ Martha McSteen, “Statement,” House Subcommittee of the Committee on Education and Labor, *Hearing on H.R. 2, the Family and Medical Leave Act of 1991*, 102d Cong., 1st sess., 1991, 218.

⁶⁹ John J. Curtin, Jr., “Statement,” Senate Subcommittee of the Committee on Labor and Human Resources, *The Family and Medical Leave Act of 1991*, 102d Cong., 1st sess., 1991, 94.

⁷⁰ Gene Boyer, “Statement,” House Subcommittee of the Committee on Education and Labor, *Family and Medical Leave Act of 1987*, 100th Cong., 1st sess., 1987, 86.

⁷¹ Ibid.

⁷² James W. Malone, “Statement,” Senate Subcommittee of the Committee on Labor and Human Resources, *The Family and Medical Leave Act of 1991*, 102d Cong., 1st sess., 1991, 20.

⁷³ Marge Roukema, “Statement,” House Subcommittee of the Committee on Education and Labor, *Hearing on H.R. 770, the Family and Medical Leave Act of 1989*, 101st Cong., 1st sess., 1989, 2; Patricia Thomas, “Statement,” House Committee on Post Office and Civil Service, *Parental and Medical Leave Act of 1986*, 99th Cong., 1st sess., 1986, 51.

⁷⁴ George H. W. Bush, “Message to the Senate Returning Without Approval the Family and Medical Leave Act of 1992, September 22, 1992,” in *The American Presidency Project*, eds. John T. Woolley and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/?pid=21490> (accessed April 22, 2011).

⁷⁵ William J. Clinton, “Statement on Signing the Family and Medical Leave Act of 1993, February 5, 1993,” in *The American Presidency Project*, eds. John T. Woolley

and Gerhard Peters (Santa Barbara, CA) <http://www.presidency.ucsb.edu/ws/index.php?pid=46777#axzz1GmYHiAmk> (accessed April 22, 2011).

⁷⁶ Claiborne Pell, "Statement," Senate Subcommittee of the Committee on Labor and Human Resources, *Family and Medical Leave Act of 1989*, 101st Cong., 1st sess., 1989, 9.

⁷⁷ Edward Zigler, "Statement," Senate Subcommittee of the Committee on Labor and Human Resources, *Parental and Medical Leave Act of 1987*, 100th Cong., 1st sess., 1987, 87.

⁷⁸ Roukema, "Statement," 2.

⁷⁹ Lisa Bornstein, "Inclusions and Exclusions in Work-Family Policy: The Public Values and Moral Code Embedded in the Family and Medical Leave Act," 10 Colum. J. Gender & L. 77, 113 (2000-2001).

⁸⁰ Christopher J. Dodd, "Statement," Senate Subcommittee of the Committee on Labor and Human Resources, *The Family and Medical Leave Act of 1991*, 102d Cong., 1st sess., 1991, 2.

⁸¹ U.S. Department of Labor, "DOL'S Final Rule on Family and Medical Leave: Providing Military Family Leave and Updates to the Regulations," *The U.S. Department of Labor*, <http://www.dol.gov/whd/fmla/finalrule/factsheet.pdf> (accessed April 22, 2011). The provisions became effective in 2009.

⁸² U.S. Department of Labor, "US Department of Labor Clarifies FMLA Definition of 'Son and Daughter': Interpretation is a Win for All Families No Matter What They Look Like," *The Department of Labor*, <http://www.dol.gov/opa/media/press/WHD/WHD20100877.htm> (accessed April 22, 2011).

⁸³ George Lakoff, *Moral Politics: What Conservatives Know That Liberals Don't* (Chicago, IL: University of Chicago Press, 1996), 33.

⁸⁴ For a detailed account of the bipartisan efforts, see Burnbaum, *Showdown at Gucci Gulch*.

⁸⁵ Wisensale, "Family Values and Public Policy During the Bush Years," 270.

Chapter 5

The Rhetoric of Family Values in the 1996-2006 Same-Sex Marriage Debates

The 1985-1993 “family policy” discussions responded primarily to the rising number of dual-income and employed single-female headed homes, but U.S. families faced other demographic changes as well. Shifting cultural attitudes about gender roles, increased tolerance toward gays and lesbians, and advances in reproductive technology contributed to a rise in the visibility of same-sex couples and parents. In 1990, the first year the census bureau enabled gays and lesbians to report their relationship status, 145,000 same-sex couples identified themselves as “unmarried partners.”¹ Of those couples, 21.7% of partnered lesbians and 5.2% of partnered gay men reported raising children in their homes.² The growing number of same-sex families and their increased demands for the same legal rights and recognition afforded to opposite-sex families set the stage for a contentious debate about same-sex marriage.³

The 1996-2006 same-sex marriage debates are important to a study of the rhetoric of family values in U.S. national policymaking because they politicized both “the family” and “marriage,” drew attention to the increasing diversity in U.S. family life, and forced the nation to reconsider the federal government’s role in regulating family affairs.

Writing in 2003, Lynn D. Wardle, Mark Strasser, William C. Duncan, and David Orgon Collidge asserted that future historians would “likely identify” the debates over same-sex marriage and domestic partnerships as “one of the defining domestic policy issues” at the turn of the millennium.⁴ Three years later, Craig A. Rimmerman and Clyde Wilcox

argued that same-sex marriage had “replaced abortion as the focal issue of cultural conflict.”⁵ Several communication scholars have analyzed the central arguments, rhetorical strategies, and media coverage of the state and federal-level debates over same-sex marriage and domestic partnerships.⁶ This study builds on that work by exploring how same-sex marriage proponents and opponents invoked “the family” in discussions surrounding the *Defense of Marriage Act of 1996*, a federal law that both defined marriage as a union between one man and one woman and enabled states to refuse to recognize same-sex marriages performed in other states; the 2003 *Goodridge v. Massachusetts Department of Public Health* case, the first state court decision that declared that gays and lesbians had a fundamental right to marry a member of the same sex; and the proposed Federal Marriage Amendment, a constitutional amendment designed to codify marriage as an exclusively heterosexual, monogamous institution.

During the mid-1990s, supporters of the *Defense of Marriage Act of 1996* (DOMA) contributed to the bill’s success by portraying DOMA as a moderate tool for protecting the “traditional” definition of marriage and the people’s right to define it. In the early 2000s, same-sex marriage proponents in Massachusetts helped justify the legalization of same-sex marriage—and an expansion of existing conceptions of “the family”—in the *Goodridge v. Massachusetts Department of Public Health* (2003) case by portraying the plaintiffs and other same-sex couples as loving, committed families worthy of the same marital rights and recognition afforded to opposite-sex couples. Following the *Goodridge* decision, same-sex marriage opponents tried to generate support for a Federal Marriage Amendment (FMA) by portraying same-sex marriage as a dangerous threat to “traditional” marriage and “the family.” Although the proponents and opponents

of same-sex marriage offered competing depictions of same-sex couples, they both endorsed marriage as a privileged and valuable social institution and the best environment to raise children. In the end, these debates shifted the larger family discussions from questions about what types of policies the government should enact to questions about what types of relationships the nation should recognize as legitimate families.

Defending America's Families and Values: The Rhetoric of Protection in the Debates over the *Defense of Marriage Act of 1996*

Same-sex marriage became a national issue in the early 1990s when the Hawaii Supreme Court held in *Baehr v. Lewin* (1993) that prohibiting same-sex marriage constituted sex discrimination under state law. Although the court did not legalize same-sex marriage, its ruling marked an important gain for the gay rights movement. Historian George Chauncey described the decision as a “historic breakthrough that far surpassed the dreams of gay litigators and activists.”⁷ The Hawaii Supreme Court’s mandate that the lower court provide a “compelling reason” to maintain the ban on same-sex marriage also created a legal basis for further challenges. If the state’s high court rejected the lower court’s arguments and ruled in favor of same-sex marriage, out-of-state same-sex couples could marry in Hawaii and try to compel their home states to give “full faith and credit” to their marriages as was the norm for opposite-sex marriages performed in other states.⁸ Although the legality of this maneuver remained uncertain, some gay rights organizations immediately made same-sex marriage a political goal and laid out a plan to challenge other states’ marriage laws.⁹

In May 1996, four months before the Hawaii court was expected to rule in favor of same-sex marriage, a group of conservative and liberal policymakers introduced a federal bill designed to “define and protect the institution of marriage.”¹⁰ If passed, the Defense of Marriage Act (DOMA) would provide that one state did not have to give “full faith and credit” to same-sex marriages performed in another state. It also would establish a federal definition of marriage that recognized the institution as being limited to a union between one man and one woman as husband and wife. Although federal policies influenced family formation and development, the states had jurisdiction over all matters pertaining to marriage, divorce, inheritance rights, and social welfare. If the DOMA proponents were going to generate support for expanding the federal government’s role in marriage law and family life, they needed to explain why a national marriage bill was needed. In their congressional testimony offered on behalf of the DOMA, the proponents tried to do this by combining a rhetoric of compassion and a rhetoric of condemnation into a rhetoric of protection. The proponents highlighted the historical support for the heterosexual definition of marriage, drew attention to the perceived threats against this conception of marriage and family life, and argued that the federal government had an obligation to respond to these challenges. Portraying the DOMA as a tool for protecting “traditional” marriage and the people’s right to define it, the bill’s advocates generated political support for the initiative.

DOMA proponents offered a positive portrayal of the bill, describing it as a “sensible and germane” “reaction” to the perceived “threat” against marriage and “the family.”¹¹ The advocates maintained that the bill would “help the Federal Government defend the traditional and common-sense” definition of marriage by “mak[ing] clear” that

marriage was the “legal union of one man and one woman as husband and wife.”¹² The advocates pointed out that this definition was not “novel,”¹³ but rather set a “default standard”¹⁴ that was a “very consistent” interpretation of what Congress “ha[d] intended” when it used the word “marriage” “over the past 200 years.” The DOMA’s reach, however, was not limited to federal law alone. The proponents claimed that by “removing the confusion” around the Full Faith and Credit Clause, the DOMA would “protect the authority of each state to choose for itself whether to recognize same-sex marriage.”¹⁵ Insisting that the federal government could not “afford to let judges usurp any more power and tyrannize an already besieged moral code,”¹⁶ DOMA supporters appealed to Congress to take action to protect the “people of the states and the people of the United States”¹⁷ against “those who would manipulate federal laws to force same-sex marriage upon them.”

These depictions helped justify the creation of a federal bill. The proponents repeatedly argued that an “unelected court” and “activists” in any state should not be able to “mak[e] law for the rest of [the] nation” or be able to “impose their personal political views upon an unwilling public under the guise of interpreting the Constitution.”¹⁸ Nor should one state be able to “dictate to the federal government how it must regulate behavior, define terms, [or] what standards it [should] use to grant or restrict benefits in federal programs, agencies, and laws.”¹⁹ The bill was not an aggressive attempt on the part of the federal government to usurp state power, the DOMA advocates argued. Instead, it was a “neutrality provision” designed to promote a “balance of power and comity” among the individual states and between the states and the federal government.²⁰

The depictions also responded to the bill's critics who accused the proponents of "fueling the fires of ignorance, intolerance, and hatred."²¹ DOMA proponents insisted that they were not trying to be "mean-spirited" or promote discrimination against gays and lesbians.²² Instead, they were advancing the interests of the millions of "ordinary people" who upheld the view that marriage was "about bringing the two sexes together in a biological, social, economic, spiritual union."²³ The bill also affirmed the belief that the "traditional" conception of marriage was the "ideal structure within which to beget and raise children."²⁴ At a time when society was already struggling with the existing "social costs" of the "decline in marriage" and the "breakdown of the family," DOMA proponents' maintained, it was imperative that Congress do everything in its power to "protect and preserve" traditional conceptions of marriage and family life.²⁵

Although the DOMA's passage would result in a dramatic expansion of the government's role in family life, few policymakers and activists spoke out against the bill. Those who did, argued that the bill was both unnecessary and discriminatory toward same-sex couples. In an apparent effort to counteract the DOMA's potential effects, the bill's opponents tried to amend the bill's two provisions. They also introduced a job bias bill to prevent discrimination against gays and lesbians in the workplace. Neither the amendments nor the job bias bill, however, generated much support. The DOMA, however, passed quickly through Congress. On July 12, 1996, the House approved the bill by a vote of 342-67, and on September 10, 1996, the Senate endorsed the bill by a vote of 85-14. Eleven days later, President William J. Clinton signed into law the *Defense of Marriage Act of 1996* (Pub. L. 104-199) and the federal government went on record in support of the "traditional" definition of marriage.²⁶

Reaffirming “Traditional” Marriage

Since at least the rise of the pro-family campaign in the early 1970s, conservative advocacy groups had called upon the federal government to take a more active approach in promoting “traditional” family values and counteracting the alleged effects of the sexual revolution. The *Defense of Marriage Act*, in putting the “nation’s imprimatur on one man and one woman in sacred union,” seemingly answered their calls.²⁷ The bill’s emphasis on one man and one woman reinforced the heteronormative assumption that men and women possessed unique gender-based traits that could be neither duplicated nor replaced by a member of the opposite sex. The bill also codified monogamy as the “preferred” relationship structure and suggested that socially—and, for some of the proponents, religiously—sanctioned heterosexual, monogamous unions were and should remain privileged above all other relationship types.

Although the bill’s text and provisions did not mention children, the DOMA proponents repeatedly pointed to marriage’s procreative and childrearing functions as justification for reaffirming the heterosexual, monogamous ideal. U.S. Representative Charles T. Canady (R-FL) overtly declared: “Marriage exists so that men and women will come together in the type of committed relationships that are uniquely capable of producing and nurturing children.”²⁸ Others, like Gary Bauer, president of the Family Research Council and a former advisor for the Reagan administration, pointed to the “mounting evidence that the mother and father family [was] the foundation of civilization” as evidence of the need to maintain the existing heterosexual definition of marriage.²⁹ And yet, while the DOMA proponents argued that marriage was the most

stable environment for children, they refused to discuss how the bill might affect the well-being and security of the children of same-sex couples. DOMA opponents repeatedly tried to force the bill's supporters to confront the bill's potential implications for these children. DOMA proponents evaded the topic, however, pointing out the DOMA retained each state's ability to perform and recognize same-sex marriages if they chose. For federal purposes, the advocates maintained, the "traditional" definition of marriage as a union between one man and one woman as husband and wife would remain the privileged family form.

Legitimizing Same-Sex Relationships: The Rhetoric of Compassion in the *Goodridge v. Massachusetts Department of Public Health* (2003) Court Case

DOMA's passage seemingly settled the same-sex marriage debate at the federal level. However, the state debates had only begun. In December 1996, the Hawaii Supreme Court upheld its earlier ruling and subsequently declared that gay and lesbian couples were entitled to the same marital rights as heterosexual couples. The court's ruling was voided in 1998, however, when Hawaii citizens voted to amend the state constitution to prohibit same-sex marriage. Same-sex couples in Alaska experienced a similar fate that same year. In February, the Alaska Superior court ruled in the *Brause v. Bureau of Vital Statistics* (1998) case that the state needed to have a compelling reason to uphold its ban on same-sex marriage. Ten months later, after the Alaska Supreme Court ruled in favor of same-sex marriage, Alaskan voters amended the constitution to restrict marriage to opposite-sex couples. Between 1996 and 2002, a total of twenty-four states enacted DOMAs or constitutional amendments prohibiting same-sex marriage and, in

2001, 57% of Americans polled on the issue reported that they opposed legalizing the unions.³⁰

Despite the opposition to same-sex marriage, gay and lesbian couples continued to pursue legal recognition for their relationships at the state level.³¹ Gay rights advocates experienced an important gain in April 2000, when Vermont became the first state to formally recognize gay and lesbian relationships. Although the state refused to recognize same-sex “marriage” in name, the newly created “civil unions” provided its gay and lesbian residents access to the same rights, protections, and benefits afforded to married couples. Moreover, the *Baker v. Vermont* (1999) decision that prompted the development of civil unions provided a legal foundation for further efforts to secure same-sex marriage. In April 2001, the Gay and Lesbian Advocates and Defenders (GLAD) organization cited the *Baker* ruling when it filed a lawsuit in Massachusetts on behalf of seven same-sex couples who had been denied marriage licenses. Arguing that the state’s marriage laws violated gay and lesbian individuals’ rights, GLAD appealed to the court to eliminate the state’s ban on same-sex marriage and to grant same-sex couples the same rights, protections, and formal legal recognition available to married couples.

The passage of the federal and several state-level DOMAs suggested that many policymakers upheld the “traditional” view that marriage should be confined to opposite-sex couples. If GLAD and other gay rights proponents were going to persuade the Massachusetts court to lift the ban on same-sex marriage, they needed to show why same-sex couples deserved the same rights and recognition as opposite-sex couples. In their court briefs offered on behalf of the plaintiffs, the proponents tried to do this by using a rhetoric of compassion. They highlighted the inequalities same-sex couples faced,

described how these inequalities supposedly hindered these families' security and well-being, and argued that the court had an obligation to eliminate these barriers. Portraying same-sex couples as loving, committed families worthy of full marital rights and recognition, the proponents appealed to the Court's sense of fairness and pity.

The advocates of same-sex marriage offered a positive depiction of the plaintiffs and other same-sex couples, maintaining that the couples had "formed families of love, commitment and affection."³² The proponents explained that the plaintiffs "value[ed] their families, pointing out the couples had been living together in "committed partnership[s]" from between six to thirty years and "intend[ed] to do so for life."³³ Like their "married neighbors," the couples "organized themselves into economically integrated households," "assumed joint responsibility" for each other's debts, and owned their homes together as "joint tenants with rights of survivorship."³⁴ Four of the plaintiff couples, like other gays and lesbians, were "raising children born or adopted into the relationship."³⁵ Others had formed "blended families" with their children from previous relationships.³⁶ The plaintiffs' lives, proponents maintained, spoke to their "*cultural* inclusion in 'family' and the larger Massachusetts community."³⁷ Denying the families access to the same rights as opposite-sex couples was both discriminatory and detrimental to the families' well-being.

These depictions helped explain why these couples were "worthy" of marriage. Like their married neighbors, the plaintiffs and other same-sex couples "cherish[ed] their families" and "share[d] the same aspirations."³⁸ Despite lacking the same legal and financial protections and benefits, the couples were committed to fulfilling their "traditional" familial obligations like childrearing, caring for elderly relatives, and

providing financial support. At the same time, the depictions seemingly minimized the alleged “threat” same-sex couples posed. The proponents showed that these couples were not extremists or activists conducting a concerted plan to revolutionize or redefine marriage and the family. Instead, they were “deeply loyal and committed” couples who recognized that marriage was a “special expression of commitment which [was] uniquely understood by others.”³⁹ They wanted to “make a statement for themselves and others about their enduring love and commitment to one another,” “provide legal protection for themselves and their family,” and secure for their children the “social recognition and security which comes from having married parents.”⁴⁰ These families had clearly demonstrated that they were willing and able to accept the responsibilities of marriage and family life. As a result, the court had an obligation to provide them with the “status of a marital relationship, as well as the protections, benefits and obligations—financial, legal, emotional and others—afforded to married couples.”⁴¹

In May 2002, the Superior Court denied the plaintiffs’ claim on the grounds that the state had an interest in regulating marriage because “procreation” was “marriage’s central purpose.”⁴² The plaintiffs appealed the decision and helped secure a landmark victory for the gay rights movement. In November 2003, the Massachusetts Supreme Court lifted the state’s ban on same-sex marriage and declared that same-sex couples were entitled to the same rights, privileges, and formal recognition as opposite-sex married couples. The Court acknowledged that its decision “mark[ed] a change in the history of [Massachusetts] marriage law” and that many people held “deep-seated religious, moral, and ethical convictions that marriage should be limited to the union of one man and one woman, and that homosexual conduct is immoral.”⁴³ “But as a matter of

constitutional law,” it noted, “neither the mantra of tradition, nor individual conviction, can justify the perpetuation of a hierarchy in which couples of the same sex and their families are deemed less worthy of social and legal recognition than couples of the opposite sex and their families.”⁴⁴ In spite of a challenge from the state legislature and Governor Mitt Romney, the court’s ruling held and Massachusetts became the first state in the nation to declare that its gay and lesbian residents possessed a “fundamental right” to marry someone of the same sex.⁴⁵

“Normalizing” Same-Sex Couples

The 2003 *Goodridge v. Massachusetts Department of Public Health* ruling marked another important turning point in the same-sex marriage debates and the larger drive for gay rights. Historian George Chauncey asserts that, in legalizing same-sex marriage, the court “made clear that a separate and unequal remedy such as civil unions would not suffice.”⁴⁶ But, while same-sex marriage advocates helped gay and lesbian couples in Massachusetts achieve marital equality, they continued to endorse the “traditional” family model as the unspoken ideal. Throughout the court documents, the proponents used comparative statements to draw attention to how same-sex couples and their families both endorsed and resembled the traditional family model. The proponents argued that “like mixed-sex couples,” the plaintiffs sought to marry to “declare their love, commitment and fidelity to each other and to the public.”⁴⁷ And, like their “non-gay neighbors,” these couples recognized that marriage was a “union that creates a family and

indicates that those involved share values that dictate the way in which they want to live their lives.”⁴⁸

The proponents also directly addressed the issue of procreation, which their opponents identified as the central factor contributing to same-sex couples’ supposed inferiority. The advocates declared that “same-sex couples and different sex couples *are* similarly situated with respect to procreation.”⁴⁹ They explained that both same-sex and heterosexual couples may be “unable to procreate or uninterested” in the prospect and noted that “[b]oth same-sex and different sex couples” gave birth to, fostered, and adopted children.⁵⁰ The advocates also pointed out the similar experiences children with same-sex and different-sex parents shared. The proponents added that medical and child welfare organizations like the American Academy of Pediatrics, the American Psychological Association, and the National Association of Social Workers had reached a “scientific consensus” that there was “no systematic difference between gay and lesbian parents and other parents, or any detriment to children raised by gay and lesbian parents.”⁵¹ Same-sex and opposite-sex couples, the proponents suggested, shared the same conceptions of marriage and family life, adopted the same family patterns, and performed the same family functions. With the single exception of the partners’ gender, they implied, same-sex and different sex couples and families were virtually interchangeable.

The proponents’ “sameness” argument, which the Massachusetts Supreme Court embraced and later spotlighted in its opinion and ruling, helped contribute to the legalization of same-sex marriage in Massachusetts. These arguments, however, had some larger implications for same-sex couples. Family scholars David H. Demo and

Katherine R. Allen contend that lesbian and gay families “demonstrate a variety of intergroup and intra-group diversity” that provides a “fertile testing ground for family theories” and poses “interesting and provocative challenges for dominant family theories.”⁵² In seemingly erasing the differences between same-sex and different-sex couples, same-sex marriage proponents failed to recognize and embrace the diversity of gay and lesbian family life or acknowledge the possibility that these families offered unique benefits. The “sameness” arguments also hindered efforts to promote a more diverse conception of family life. Valerie Lehr, a political scientist and feminist scholar, maintains that by “drawing on the dominant language of family,” gay rights advocates “create conditions that make the development of a radical democratic movement around family issues less likely, while simultaneously restricting the extent to which gays and lesbians can exercise agency in creating conditions that might better meet human needs.”⁵³ Inadvertently reinforcing the “traditional” family ideal as the norm and standard by which all families should be judged, these arguments thus functioned as both a help and a hindrance.

Maintaining “Traditional Marriage”: The Rhetoric of Condemnation in the 2003-2006 Debates over the Federal Marriage Amendment

The *Goodridge* decision sparked an enthusiastic response from same-sex marriage proponents across the nation. Government officials in cities ranging from San Francisco, California, to New Paltz, New York, to Sandoval, New Mexico, tried to provoke a similar—albeit temporary—change in their jurisdictions’ marriage laws. Between February and April 2004, these county clerks and mayors issued more than 7,000

marriage licenses and performed twenty-five marriage ceremonies for gay and lesbian couples.⁵⁴ Gay rights advocates tried to enact change through the judicial system as well. Energized by the legal success in Massachusetts, same-sex couples in California, Washington, New Jersey, Maryland, and other states challenged or appealed previous rulings against same-sex marriage.⁵⁵

The *Goodridge* decision incited a fervent backlash as well. In 2003, in an effort to counteract the current and future efforts to legalize same-sex marriage, U.S. Representative Marilyn Musgrave (R-CO) and U.S. Senator Wayne Allard (R-CO) introduced the Federal Marriage Amendment (FMA) into Congress. If passed, the FMA would declare that:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution or the constitution of any State, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.⁵⁶

By codifying marriage as an exclusively heterosexual and monogamous institution, the FMA supporters claimed, the nation could both preserve and strengthen the institution of marriage and “the family.”

Massachusetts’ legalization of same-sex marriage and Vermont’s creation of civil unions suggested that some Americans were becoming more tolerant of gay and lesbian couples. If the FMA proponents were going to convince the nation that “marriage” should be reserved exclusively for opposite-sex couples, they had to make a compelling case. In their congressional testimony offered in support of the FMA, the advocates tried to do this by using a rhetoric of condemnation. Portraying same-sex marriage as a threat to

families and society, the proponents' appealed to policymakers' sense of fear and concern.

FMA proponents spotlighted the “irreversible harm” that, they argued, same-sex marriage would “wreak” on American families and society.⁵⁷ They claimed that by “weakening the legal status of marriage”⁵⁸ and widening the “separation between marriage and parenthood,”⁵⁹ same-sex marriage would “exacerbate”⁶⁰ the nation’s “soaring divorce rates,” “out-of-wedlock birth rates,” and “fatherless families.” They added that the “weakening of the ethos of marriage among the middle and upper-middle classes would likely undo the progress made since welfare reform in stemming the tide of single parenthood among the urban poor.”⁶¹ In addition to magnifying existing family and social pathologies, FMA supporters claimed, same-sex marriage would create a series of new problems. Granting gay and lesbian couples marital equality, they warned, would “open up a Pandora’s box” of questions about what qualified as a legitimate relationship and pave the way for the legalization of other historically taboo relationships.⁶² U.S. Representative Steve King (R-IA) declared that he did “not predict that polygamy or incestual marriages” would soon “become the norm,” but maintained that “every time our social mores change to accept non-traditional marriage, we slide further down the values slope.”⁶³ Allowing gays and lesbians to marry members of the opposite sex, the proponents declared, would “not simply undermine traditional marriage,” it would “transform . . . society and the nature and reach of government” and lead to “more, not less, government growth and social chaos.”⁶⁴

These depictions helped refute opponents' claims that same-sex marriage would strengthen marriage and the family. The proponents pointed to some European countries'

experiences as evidence that recognizing same-sex relationships “on the same level as traditional marriage” was not as harmless or beneficial as their opponents suggested.⁶⁵ Legalizing same-sex marriage in France did “not extend marital rights,” they claimed, but rather “abolishe[d] marriage” and put a “new, flimsier institution in its place.”⁶⁶ Nor did Scandinavia’s version of same-sex marriage promote the idea that “marriage is for everyone” as its advocates had predicted.⁶⁷ Instead, the FMA advocates claimed, the country’s declining marriage and rising “out-of-wedlock” birth rates suggested that “gay marriage seem[ed] to be spreading the idea that no kind of family [was] preferable to any other.”⁶⁸ Implying that a similar outcome would occur in the United States if the nation failed to reserve marriage for heterosexual, monogamous couples, the FMA proponents reinforced their call for a complete ban on same-sex marriage.

The FMA advocates’ predictions also helped respond to the bill’s critics who, once again, accused same-sex marriage opponents of trying to promote discrimination against gays and lesbians. The proponents repeatedly claimed that they were not trying to “disparage” same-sex couples and other “non-traditional” family arrangements. Reverend Richard Richardson, for instance, remarked that people were “working hard and doing the best they can to raise children.”⁶⁹ But, he and other FMA supporters maintained, those circumstances did “not change the fact that there [was] an ideal” family form and that opposite sex marriage was the “most stable foundation for families and in the best interests of children.”⁷⁰ Placing children and society’s need for stable families and marriages above same-sex couples’ supposed personal desires for legal recognition was not discrimination, the proponents declared. Instead, it was “a sound policy judgment.”⁷¹

Despite an endorsement from President George W. Bush and with 51% of Americans polled in 2004 reporting that they favored a federal marriage amendment, FMA advocates could not generate enough congressional support for the proposal.⁷² In 2004 and 2006, the House voted to approve the bill by a vote of 227-186 and 236-187 respectively. Both times, however, FMA supporters failed to secure the two-thirds majority vote needed to pass a constitutional amendment. The bill experienced even less success in the Senate. On July 14, 2004, the Senate voted 50-48 against a motion to bring the bill up for a formal vote and on June 7, 2006, it voted 49-48 on a similar motion.

Nevertheless, FMA advocates seemingly secured their mandate at the state-level. In November 2004, citizens in eleven states passed constitutional amendments restricting marriage to one man and one woman, with eight of those states prohibiting civil unions or extending any other legal benefits to same-sex couples.⁷³ By October 2006, all but five states and Washington, D.C., had enacted a law or constitutional amendment banning same-sex marriage. Five years later, ten states currently offer some sort of domestic partnership, civil union, or other form of legal recognition for same-sex couples.⁷⁴ For the most part, however, the nation remains “on record” in support of the “traditional” heterosexual definition of marriage.

Reinforcing the Cultural Divide

The failure of the Federal Marriage Amendment (FMA) marked an important moment in the same-sex marriage debates and provides an opportunity to explore the limits of the rhetoric of family values in U.S. national policymaking. Like the *Defense of*

Marriage Act (DOMA), the FMA was designed to establish a national definition of marriage as a union between one man and one woman. Both bills also seemed to reflect the public's attitudes toward same-sex marriage at the time. But, whereas the DOMA passed quickly through Congress, the FMA repeatedly stalled.

Those who have studied the debates over the FMA have identified one reason for the bill's failure. Legal scholar Lynn Wardle explains that some conservatives raised concern or opposed the amendment on the grounds that it would "violate the traditional notion of federalism in family law."⁷⁵ Former U.S. representative Bob Barr (R-GA), the primary author and sponsor of DOMA, conveyed these views in his congressional testimony about the FMA. Barr explained that he viewed the family as the "fundamental building block of [U.S.] society and all civilized society" and, like the FMA supporters, was disturbed by the "move to cheapen marriage from the standpoint of redefining it out of existence."⁷⁶ But, he continued, he "also ha[d] tremendous regard" for the U.S. system of government.⁷⁷ Dismissing the need for and the appropriateness of a federal constitutional amendment, Barr and other opponents of same-sex marriage called upon policymakers and citizens to "work at the community, at the family, [and] at the grass roots level" to "shore up" their states' efforts to protect marriage and the family.⁷⁸

A comparison of the rhetoric surrounding the FMA and the DOMA provides some additional insights as to why the FMA may have failed to elicit a similar response. During both discussions, the bill's advocates acknowledged the competing perspectives about same-sex marriage. But whereas DOMA proponents seemingly tried to avoid disparaging same-sex marriage, FMA proponents actively employed a rhetoric of polarization to undermine same-sex marriage proponents and their cause. Throughout the

hearings, FMA supporters repeatedly described their opponents as “unelected, unaccountable judges” and “homosexual activists” who, they claimed, were trying to use “judicial fiat” to obtain “moral approbation” for homosexuality.⁷⁹ Unlike the “vast majority of all Americans” who recognized that marriage was “in the best interest of children,” FMA proponents maintained, same-sex marriage advocates were convincing judges that “marriage [was] about discrimination” and would “not stop until a national definition of marriage [was] legislated from the bench.”⁸⁰ Highlighting the supposed differences between same-sex marriage proponents’ goals and values and those possessed by “the American people,” FMA supporters tried to both discredit their adversaries’ claims and compel the nation’s policymakers to reject gay rights advocates’ call for “radical change.”⁸¹ The proponents’ strategy illustrates the advantages and disadvantages of a rhetoric of polarization. The FMA proponents appeared to have succeeded in rallying many same-sex marriage opponents behind the call for a national ban on same-sex marriage, especially at the state level. At the same time, the strategies reinforced the existing cultural divisions over same-sex marriage and left little room for the deliberative discussion and political compromise needed to amend the nation’s most powerful political document.

Conclusion

The 1996-2006 same-sex marriage debates drew attention to the conflicting perspectives about homosexuality and the increasing diversity of family life. The 1996 *Defense of Marriage Act* reinforced the heterosexual, monogamous family model as the

ideal and temporarily suppressed gays' and lesbians' attempts to gain legitimacy for their relationships. The plaintiffs in the *Goodridge v. Massachusetts Department of Public Health* (2003) case and their supporters promoted a compassionate depiction of same-sex couples and helped prompt the first legal ruling that gay and lesbian couples had a “fundamental right” to marry. Support for the Federal Marriage Amendment and state-level bans on same-sex marriage illustrates many Americans' refusal to endorse a more inclusive conception of family life and gender roles.

The debates over same-sex marriage revived some of the specific issues and tensions that ran through previous family policy debates. Once again, they prompted Americans to confront the changes in gender roles and family structure and to consider what types of families are “worthy” of the nation's support. Perhaps most significantly, these debates forced Americans to determine what “counts” as a “family” in contemporary society although few people in the debates directly raised this question.

The widespread support for the DOMA and the state-level bans on same-sex marriage suggests that many policymakers and Americans remained hostile toward gay and lesbian relationships. In *Feminism, the Family, and the Politics of the Closet: Lesbian and Gay Displacement*, philosophy and feminist scholar Cheshire Calhoun noted that Americans historically have depicted gays and lesbians as “highly stigmatized outsiders to the family who engage in family disrupting behavior.”⁸² Same-sex marriage opponents both reinforced and appealed to these anxieties when they claimed that legalizing same-sex marriage would weaken marriage and family life.

These debates over same-sex marriage also uncover a change in the political parties' perspectives about the federal government's role in family affairs. In nearly all of

the previous family policy debates, liberal policymakers and activists generally spearheaded the efforts to increase the federal government's intervention. During the same-sex marriage debates, the nation's policymakers seemingly switched their positions, with conservatives calling for federal bills and amendments to "defend" marriage and liberals demanding that states maintain jurisdiction over their family laws. This change suggests that, when it comes to "the family," policymakers will employ the strategies most likely to advance their cause.

Despite their contrasting views about the legitimacy of same-sex couples' relationships and whether the state or federal government should define marriage, all of the participants in the 1996-2006 same-sex marriage debates viewed marriage and the family as important social issues. All of them endorsed the view that marriage was a privileged institution that offered irreplaceable benefits for individuals and society. For the most part, they all claimed to support the view that the two-parent family—with the traditional values of the stereotypical heterosexual, two-parent, monogamous family—was the most stable environment for raising children.

Notes

¹ Gary J. Gates, *Geographic Trends Among Same-Sex Couples in the U.S. Census and the American Community Survey* (Los Angeles, CA: The Williams Institute, 2007), 1, <http://www2.law.ucla.edu/williamsinstitute/publications/ACSBriefFinal.pdf>. Maxine Baca Zinn and D. Stanley Eitzen estimate that same-sex couples account for 5% of the U.S. population. (See Maxine Baca Zinn and D. Stanley Eitzen, *Diversity in Families*. 5th ed. (New York, NY: Longman: 1999).

² 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, no. 2 (2000): 150.

³ In 2000, nearly 1.2 million same-sex couples identified themselves as “unmarried couples” on their census form. The dramatic increase in these numbers more likely reflects a shift in gay and lesbian couples’ attitudes toward self-reporting rather than a sudden rise in the number of same-sex families. Amanda K. Baumle, D’Lane Compton, and Dudley L. Poston Jr., *Same-Sex Partners: The Social Demography of Sexual Orientation* (Albany, NY: State University of New York Press, 2009), 41.

⁴ Lynn D. Wardle, Mark Strasser, William C. Duncan, and David Orgon Collidge, “Preface,” in *Marriage and Same Sex Unions: A Debate*, eds. Lynn D. Wardle, Mark Strasser, William C. Duncan, and David Orgon Collidge (Westport, CT: Praeger, 2003), xi.

⁵ Clyde Wilcox, “Preface,” in *The Politics of Same-Sex Marriage*, eds. Craig A. Rimmerman and Clyde Wilcox (Chicago, IL: University of Chicago Press, 2007), ix.

⁶ See Peter Dickinson, “Love is a Battlefield: The Performance and Politics of Same-Sex Marriage in North America,” *Text & Performance Quarterly* 28, no. 3 (2008): 277-297; Davin Grindstaff, “Queering Marriage: An Ideographic Interrogation of Heteronormative Subjectivity,” *Journal of Homosexuality* 45, no. 2 & 4 (2003): 257-275; Kathleen E. Hull, “The Political Limits of the Rights Frame: The Case of Same-Sex Marriage in Hawaii,” *Sociological Perspectives* 44, no. 2 (2001): 207-232; Carol M. Liebler, Joseph Schwartz, and Todd Harper, “Queer Tales of Morality: The Press, Same-Sex Marriage, and Hegemonic Framing,” *Journal of Communication* 59, no. 4 (2009): 653-675; Marcus O’Donnel, “Going to the Chapel: Same Sex Marriage and Competing Narratives of Intimate Citizenship,” *Pacific Journalism Review* 10, no. 1 (2004): 9-28; Heather Stassen and Benjamin Bates, “Constructing Marriage: Exploring Marriage as an Ideograph,” *Qualitative Research Reports in Communication* 11 (2010): 1-5.

⁷ George Chauncey, *Why Marriage?: The History Shaping Today’s Debate Over Gay Equality* (New York, NY: Basic Books, 2004), 125.

⁸ Under the federal Full Faith and Credit Clause, states must recognize other states' legislative acts, court rulings, and public records.

⁹ For an illustration of the Lambda Legal Defense and Education Fund, Inc.'s strategy, see Lambda Legal Defense and Education Fund, Inc. "Winning and Keeping the Freedom to Marry for Same-Sex Couples—What Lies Ahead After Hawaii, What Tasks Must We Begin Now? (April 19, 1996)," in House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 9-12; Lambda Legal Defense and Education Fund, Inc., "Marriage Project: Historical Parallels, (n.d.)" in House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 13; Lambda Legal Defense and Education Fund, Inc., "Winning and Keeping Equal Marriage Rights: What Will Follow Victory in *Baehr v. Lewin*? A Summary of Legal Issues, (March 20, 1996)," in House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 14-31.

¹⁰ Congress, House, *Defense of Marriage Act*, 104th Cong., 2d sess., H. R. 3396 (1996): <http://thomas.loc.gov/cgi-bin/query /D?c104:5:./temp /~c104RGMx9f:> (accessed April 22, 2011).

¹¹ Hadley Arkes, "Statement," House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 26; Bob Barr, "Statement," House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 37; Lynn D. Wardle, "Statement," Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 68.

¹² Don Nickels, "Statement," Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 18; Orrin G. Hatch, "Statement," Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 1; Jay Alan Sekulow, "Statement," House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 228.

¹³ Wardle, "Statement," Senate, 38.

¹⁴ Lynn D. Wardle, "Statement," House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 158.

¹⁵ Sekulow, "Statement," House, 1996, 226; Wardle, "Statement," Senate, 39.

¹⁶ Gary L. Bauer, "Statement," Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 23.

¹⁷ Wardle, "Statement," Senate, 27.

¹⁸ Don Nickles, "Statement," Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 7; Barr, "Statement," House, 37; Sekulow,

“Statement,” House, 1996, 214; Terrance Tom, “Statement,” House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 56.

¹⁹ Wardle, “Statement,” House, 170-171.

²⁰ Jay Alan Sekulow, “Statement,” Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 228.

²¹ Edward Fallon, “Statement,” House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 57.

²² Marilyn Musgrove, “Statement,” House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 62.

²³ Bauer, “Statement,” 21.

²⁴ Charles T. Canady, “Statement,” House Subcommittee of the Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 1.

²⁵ David Zwiebel, “Statement,” Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 52; Gary Baur, “Statement,” Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 22; Russell D. Feingold, “Statement,” Senate Committee on the Judiciary, *Defense of Marriage Act*, 104th Cong., 2d sess., 1996, 15; Wardle, “Statement,” Senate, 40.

²⁶ The day before he signed the bill, Clinton noted that, despite the “fierce and at times divisive rhetoric” surrounding the DOMA, the bill was not meant to “provide an excuse for discrimination, violence, or intimidation against any person on the basis of sexual orientation.” William J. Clinton, “Statement on Same-Gender Marriage, September 20, 1996,” John T. Woolley and Gerhard Peters, *The American Presidency Project*, Santa Barbara, CA, 25 March 2011, <http://www.presidency.ucsb.edu/ws/?pid=51969> (accessed April 22, 2011).

²⁷ Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), 221.

²⁸ Canady, “Statement,” 1-2.

²⁹ Bauer, “Statement,” 21.

³⁰ See ALA. CODE § 30-1-19 (1998); ALASKA STAT. § 25.05.013 (Michie 2002); ARIZ. REV. STAT. ANN. § 25-101 (West 2000); ARK. CODE ANN. § 9-11-107 (Michie 2002); DEL. CODE ANN. tit. 13, § 101 (1999); GA. CODE ANN. § 19-3-3.1 (1999); HAW. REV. STAT. § 572-1 (Supp. 1999); IDAHO CODE § 32-209 (Michie 1996); 750 ILL. COMP. STAT. ANN. 5/212 (West 1999); IND. CODE § 31-11-1-1 (1998); IOWA CODE § 595.2 (2001); KAN. STAT. ANN. § 23-101 (Supp. 2002); KY.

REV. STAT. ANN. § 402.040 (Michie 1999); ME. REV. STAT. ANN. tit. 19–A, § 701 (West 1998); MO. REV. STAT. § 451.022 (Supp. 2002); MONT. CODE ANN. § 40–1–401 (1997); NEB. CONST. art. I, § 29 (2000); NEV. CONST. art. I, § 21(2000, 2002); OKLA. STAT. ANN. tit. 43, § 3.1 (West 2001); 23 PA. CONS. STAT. ANN. § 1704 (West 2001); S.D. CODIFIED LAWS § 25–1–1 (Michie 1999); TENN. CODE ANN. § 36–3–113 (2001); VA. CODE ANN. § 20–45.2 (Michie 2000); W. VA. CODE ANN. § 48–2–603 (Michie 2001). This information came directly from the prepared testimony of Dwight Duncan, “Statement,” House Subcommittee of the Committee on the Judiciary, *Legal Threats to Traditional Marriage: Implications for Public Policy*, 108th Cong., 2d sess., 2004, 8.

³¹ According to a 2001 Pew Research Center poll, 57% of Americans polled on the topic of same-sex marriage “opposed” or “strongly opposed” the unions. Pew Research Center, *Support for Same-Sex Marriages Edges Upward* (Washington, D.C.: Pew Research Center, 2010), <http://pewforum.org/Gay-Marriage-and-Homosexuality/Support-For-Same-Sex-Marriage-Edges-Upward.aspx> (accessed April 22, 2011).

³² Memorandum in Support of Plaintiffs’ Motion for Summary Judgment of Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton, Michael Horgon and Edward Balmelli, Maureen Brodorff and Ellen Wade, Gary Chalmers and Richard Linnell, Heidi Norton and Gina Smith, and Gloria Bailey and Linda Davies, *Goodridge v. Department of Health*, No. 01-1647-A *29 (Mass. Cmmw. Aug. 20, 2001) <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2001-08-20-goodridge-plaintiffs-sj-memo.PDF> (accessed April 22, 2011).

³³ Reply Brief of Plaintiffs-Appellants of Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton, Michael Horgon and Edward Balmelli, Maureen Brodorff and Ellen Wade, Gary Chalmers and Richard Linnell, Heidi Norton and Gina Smith, and Gloria Bailey and Linda Davies, *Goodridge v. Department of Health*, No. SJC-08860 *2 (Mass. Nov. 8, 2002) <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2003-01-30-goodridge-plaintiffs-sjc-reply-brief.pdf>; Verified Complaint of Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton, Michael Horgon and Edward Balmelli, Maureen Brodorff and Ellen Wade, Gary Chalmers and Richard Linnell, Heidi Norton and Gina Smith, and Gloria Bailey and Linda Davies, *Goodridge v. Department of Health*, Civil Action No 01-1647-A *3 (Mass. Cmmw. Apr. 11, 2001) <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2001-04-11-goodridge-complaint.PDF> (accessed April 22, 2011); Verified Complaint at *3.

³⁴ Brief of Plaintiffs-Appellants of Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton, Michael Horgon and Edward Balmelli, Maureen Brodorff and Ellen Wade, Gary Chalmers and Richard Linnell, Heidi Norton and Gina Smith, and Gloria Bailey and Linda Davies, *Goodridge v. Department of Health*, No. SJC-08860 *66

(Mass. Nov. 8, 2002) <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2002-11-08-goodridge-appelants-brief.pdf> (accessed April 22, 2011); Memorandum at *26; Verified Complaint at *22; Memorandum at *27.

³⁵ Memorandum at *28.

³⁶ Brief of Plaintiffs at *66.

³⁷ Reply Brief at *2. Original author's italics.

³⁸ Brief of Plaintiffs at *110.

³⁹ Memorandum at *4; *2.

⁴⁰ Ibid., *3; *3; *2.

⁴¹ Verified Complaint at *6.

⁴² *Goodridge v. Department of Public Health* *25 (Mass. Cmmw. 2002) <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2002-05-08-goodridge-sup-ct-decision.pdf> (accessed April 22, 2011).

⁴³ *Goodridge v. Department of Public Health* 798 N.E.2d 941 (Mass. 2003) http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/goodridge_decision.pdf (accessed April 22, 2011).

⁴⁴ The Court citing the U.S. Supreme Court ruling in the *Lawrence v. Texas* (2003) court case, which held that “moral disapproval, with no other valid State interest, cannot justify law that discriminates against groups of persons,” as justification for their ruling that same-sex couples had a fundamental right to marry. See *Lawrence v. Texas*, 123 S. Ct. 2472, 2486 (2003).

⁴⁵ *Goodridge* (2003).

⁴⁶ Chauncey, *Why Marriage?*, 135.

⁴⁷ Brief of Plaintiffs at *3.

⁴⁸ Ibid., *30.

⁴⁹ Ibid., *66.

⁵⁰ Ibid.

⁵¹ Ibid., *105.

⁵² David H. Demo and Katherine R. Allen, “Diversity within Lesbian and Gay Families: Challenges and Implications for Family Theory and Research,” *Journal of Social and Personal Relationships* 16 (1996): 423.

⁵³ Valerie Lehr, *Queer Family Values: Debunking the Myth of the Nuclear Family* (Philadelphia, PA: Temple University, 1999), 109.

⁵⁴ Chauncey, *Why Marriage?*, 137.

⁵⁵ Karen O’Connor and Alixandra B. Yanus, “‘Til Death—Or the Supreme Court—Do Us Part,” in *The Politics of Same-Sex Marriage*, eds. Craig A. Rimmerman and Clyde Wilcox (Chicago, IL: University of Chicago Press, 2007), 303.

⁵⁶ Congress, House, *Federal Marriage Amendment*, 108th Cong., 1st sess., H. J. Res 56.IH, (2004): <http://thomas.loc.gov/cgi-bin/query/z?c108:H.J.RES.56>:. (accessed April 22, 2011).

⁵⁷ Jay Alan Sekulow, “Statement,” House Subcommittee of the Committee on the Judiciary, *Federal Marriage Amendment (The Musgrave Amendment)*, 108th Cong., 2d sess., 2004, 33.

⁵⁸ Orrin Hatch, “Statement,” House Subcommittee of the Committee on the Judiciary, *Federal Marriage Amendment (The Musgrave Amendment)*, 108th Cong., 2d sess., 2004, 132.

⁵⁹ Stanley Kurtz, “Statement,” House Subcommittee of the Committee on the Judiciary, *Legal Threats to Traditional Marriage: Implications for Public Policy*, 108th Cong., 2d sess., 2004, 20.

⁶⁰ Hatch, “Statement,” House, 111.

⁶¹ Kurtz, “Statement,” 21.

⁶² Teresa Collett, “Statement,” House Subcommittee of the Committee on the Judiciary, *Federal Marriage Amendment (The Musgrave Amendment)*, 108th Cong., 2d sess., 2004, 49.

⁶³ Steve King, “Statement,” House Subcommittee of the Committee on the Judiciary, *Federal Marriage Amendment (The Musgrave Amendment)*, 108th Cong., 2d sess., 2004, 112.

⁶⁴ Sekulow, “Statement,” House, 2004, 33.

⁶⁵ Ibid.

⁶⁶ David Frum, "The Fall of France: What Gay Marriage Does to Marriage," *National Review* (November 1999) quoted in Sekulow, "Statement," House, 2004, 33.

⁶⁷ Kurtz, "Statement," 15.

⁶⁸ Ibid.

⁶⁹ Richard Richardson, "Statement," Senate Committee on the Judiciary, *A Proposed Constitutional Amendment to Preserve Traditional Marriage*, 108th Cong., 2d sess., 2004, 36.

⁷⁰ Richardson, "Statement," 36; Cass R. Sunstein, "Statement," Senate Committee on the Judiciary, *A Proposed Constitutional Amendment to Preserve Traditional Marriage*, 108th Cong., 2d sess., 2004, 40.

⁷¹ Jay Allen Sekulow, "Statement," House Subcommittee of the Committee on the Judiciary, *Federal Marriage Amendment (The Musgrave Amendment)*, 108th Cong., 2d sess., 2004, 34.

⁷² Alec M. Gallup and Frank Newport, *The Gallup Poll: Public Opinion 2004* (Lanham, MD: Rowman & Littlefield, 2006), 86.

⁷³ Kavan Peterson, "50-State Rundown on Gay Marriage Laws," *Stateline*, November 8, 2004, <http://www.stateline.org/live/ViewPage.action?siteNodeId=136&languageId=1&contentId=15576> (accessed April 22, 2011).

⁷⁴ Human Rights Campaign, "Marriage Equality & Other Relationship Recognition Laws," http://www.hrc.org/documents/Relationship_Recognition_Laws_Map.pdf (accessed April 22, 2011).

⁷⁵ Lynn D. Wardle, "Tyranny, Federalism, and the Federal Marriage Amendment," 17 *Yale J.L. & Feminism*, 221, 222(2005).

⁷⁶ Rob Barr, "Statement," Senate Committee on the Judiciary, *Preserving Traditional Marriage: A View from the States*, 108th Cong., 2d sess., 2004, 35.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Phyllis Schlafly, "Statement," House Subcommittee of the Committee on the Judiciary, *Limiting Federal Court Jurisdiction to Protect Marriage for the States*, 108th Cong., 2d sess., 2004, 8; Marilyn Musgrave, "Statement," Senate Committee on the Judiciary, *Preserving Traditional Marriage: A View from the States*, 108th Cong., 2d sess., 2004, 85; Lindsey Graham, "Statement," Senate Subcommittee of the Committee on the Judiciary, *What is Needed to Defend the Bipartisan Defense of Marriage Act of*

1996?, 108th Cong., 1st sess., 2003, 51; Daniel De Leon, Sr., "Statement," Senate Subcommittee of Committee on the Judiciary, *Judicial Activism vs. Democracy: What Are the National Implications of the Massachusetts Goodridge Decision and the Judicial Invalidation of Traditional Marriage Laws*, 108th Cong., 2d sess., 2004, 13.

⁸⁰ Richardson, "Statement," 36; John Cornyn, "Statement," Senate Subcommittee of Committee on the Judiciary, *Judicial Activism vs. Democracy: What Are the National Implications of the Massachusetts Goodridge Decision and the Judicial Invalidation of Traditional Marriage Laws*, 108th Cong., 2d sess., 2004, 3; Richardson, "Statement," 36; Musgrave, "Statement," Senate 18.

⁸¹ Musgrave, "Statement," Senate 18; Orrin G. Hatch, "Statement," Senate Committee on the Judiciary, *Preserving Traditional Marriage: A View from the States*, 108th Cong., 2d sess., 2004, 71.

⁸² Cheshire Calhoun, *Feminism, the Family, and the Politics of the Closet: Lesbian and Gay Displacement* (New York, NY: Oxford University Press, 2000), 141.

Chapter 6

Conclusion

Few issues generate as much passion in U.S. politics as debates about “the family” and “family values.” While other industrialized countries have had similar debates about “the family,” feminist sociologist Judith Stacey has argued, “no society has yet to come close to our expenditure of politicized rhetoric over family crisis.”¹ And yet, despite the intensity and frequency of these debates, rhetoric scholars have paid limited attention to the rhetoric of family values. Dana Cloud has suggested that these omissions may be because of a perception that such rhetoric has been “marginal to mainstream politics” or “unsuccessful in the long term.”² This study analyzed the rhetoric of family values in U.S. national policymaking over the last fifty years in an effort to challenge these two assumptions. This analysis reveals that “the family” has served as a potent political and rhetorical resource in debates ranging from welfare reform and women’s rights to tax reform, workplace issues, and same-sex marriage. In each of these debates, conservative and liberal policymakers and activists alike invoked “the family” as a means of promoting and defeating policies. These constructs have functioned rhetorically to both expand public conceptions of “the family” and reinforce the value of the “traditional” family ideal.

During the early 1960s, liberal and conservative policymakers invoked “the family” in debates over welfare reform. In the 1961 discussions about the Aid to

Dependent Children—Unemployed Parents program (ADC-UP), the Kennedy administration’s attempt to temporarily expand welfare coverage and funding, the proponents justified the program’s passage by portraying the bill’s intended recipients as moral families worthy of national support. Conservative policymakers at the state level responded to rising welfare costs by introducing their own plans for welfare reform. The supporters of the Newburgh Plan, one small city’s proposal to reduce welfare costs and caseloads, justified the passage of its controversial measures by depicting the bill’s targeted recipients as cheats, chiselers, and social parasites. During the congressional debates over the *Public Welfare Amendments of 1962*, the bill’s supporters tried to negotiate these competing depictions and generate support for their bill by portraying impoverished families as “fixable” deviants and thus a good investment for the nation’s future. These conversations politicized “the family,” endorsed the “traditional” family model as the ideal, and established the foundation for the federal government’s increased involvement in family affairs.

Conservative and liberal policymakers and activists also employed the rhetoric of family values during the 1962-1982 debates over women’s rights and changing gender roles. In the debates over the *Equal Pay Act of 1963* (EPA), a federal bill designed to eliminate sex-based discrimination in the nation’s wage system, the bill’s proponents justified the measure by portraying the bill’s recipients as hardworking women struggling to support themselves and their families. Advocates of the Equal Rights Amendment (ERA)—a federal bill designed to install a principle of sex-based equality in the Constitution—helped generate congressional support for the bill in the early 1970s by portraying American women and families as being constrained by outdated conceptions

of gender roles and family life. ERA opponents during the mid-1970s and early-1980s helped bring about the amendment's defeat by portraying the ERA—and the women's movement—as a threat to “the family” and “traditional” family values. These debates further politicized “the family,” helped solidify women and family issues on the national agenda, and established the rhetorical boundaries of the contemporary family policy debates.

“The family” once again functioned as a site of cultural conflict during the “family policy” debates of the 1980s and early 1990s. The Reagan administration and other advocates of decreased federal involvement helped justify the *Tax Reform Act of 1986* by portraying America's working families as being burdened by excessive taxes and federal intervention. During the late 1980s, a group of primarily liberal policymakers and activists helped generate support for a federal child care initiative by depicting the bill's intended recipients as helpless children worthy of the nation's support. At the same time, advocates of the *Family and Medical Leave Act (FMLA)* helped to justify the passage of a federal mandate—which required employers to grant their workers leave for personal illness or to care for a spouse, parent, or new child—by portraying the bill as a progressive response to the changes in family life. These debates helped reinforce “the family” as an object of public policy and reinforced the view that the federal government had an obligation to address the pressures families faced.

More recently, opponents and proponents of same-sex marriage have invoked “the family” in support of their positions on the issue. Conservative and some liberal policymakers helped generate support for the *Defense of Marriage Act of 1996* (DOMA)—which established a federal definition of marriage and provided that no state

had to recognize a same-sex marriage performed in another state—by portraying the bill as a moderate tool for protecting “traditional” marriage and the people’s right to define it. In the early 2000s, advocates of same-sex marriage helped persuade the Massachusetts Supreme Court to eliminate the state’s ban on same-sex marriage by portraying the plaintiffs in the *Goodridge v. Massachusetts Department of Public Health* and other gay and lesbian couples as loving, committed families worthy of the same rights, privileges, and protections guaranteed to married couples. Same-sex marriage opponents tried to counteract the existing and future efforts to legalize same-sex marriage by proposing a Federal Marriage Amendment (FMA) designed to codify marriage as an exclusively heterosexual and monogamous institution. The opponents tried to garner support for the bill by portraying same-sex marriage as a dangerous threat to “traditional” marriage and “the family.” These debates politicized “the family” and “marriage,” drew attention to the increasing diversity in U.S. family life, and re-entrenched the “traditional” family ideal as the standard to which all families should be compared.

This study of the rhetoric of family values over the last fifty years provides a unique opportunity to identify the patterns of continuity and change within the debates. The most prominent point of continuity is the unspoken presence and power of the “traditional” family model. In her analysis of the 1996 welfare reform debates, rhetoric scholar Lisa Gring-Pemle found that policymakers held up the “classic normal family” as the ideal for family life and used it to justify a responsibility-based approach to the welfare reform legislation.³ This analysis suggests that the “traditional” family ideal permeates all debates that invoke “the family” and family values regardless of the topic. In each of these discussions, policymakers and activists directly or indirectly referred to

this model when describing the bills' intended recipients, the proposed bill, and the conditions that prompted the need for reform. "The family" model thus served as a point of comparison used to judge whether a bill should be passed or to determine whether a bill's intended recipients were "worthy" of federal support or intervention. In the debates over expanding welfare coverage during the early 1960s, for instance, the bill's proponents tried to justify the passage of the ADC-UP and the *Public Welfare Amendments of 1962* by suggesting that the families aspired to uphold the ideal, but lacked the resources needed to attain it. In contrast, the advocates of the Newburgh Plan tried to justify cutting welfare funding by highlighting how the bill's intended recipients seemingly failed to uphold "traditional" family values. ERA proponents and opponents adopted a similar strategy with the proponents highlighting how the bill would supposedly strengthen family life and the opponents describing the ways it would assumedly harm family life.

The persuasive power of "the family" construct also shaped the rhetorical frameworks advocates employed to promote their policies. Each of the debates fostered the use of a rhetoric of compassion—in which the proponents tried to elicit sympathy for families or support for bills that supposedly helped "the family"—or a rhetoric of condemnation—in which the proponents criticized the families or policies that allegedly hindered family life. Although one framework often dominated the discussions, both were always present in the debates. During the debates over tax reform, for example, the bill's proponents condemned the nation's tax system that supposedly treated hardworking American families "unfairly" and suggested that the Reagan administration's tax reform proposals would increase families' autonomy and economic resources. Similarly, during

the congressional debates over the FMLA, the proponents condemned the laws that supposedly hindered family life and argued that the FMLA would help families better negotiate their work-family demands. In instances in which neither the compassion nor condemnation perspective was dominant, the proponents combined the two perspectives to develop a new rhetorical framework. During the debates over the *Public Welfare Amendments of 1962* and the DOMA, the proponents avoided overtly condemning impoverished families and same-sex couples while indirectly condemning specific conditions or actions. Although the participants in all of the debates had the option of invoking either perspective, liberal policymakers and activists more frequently employed a rhetoric of compassion, and conservatives more frequently employed a rhetoric of condemnation. This was most likely because liberal policymakers more often tried to justify increased federal support for families who—by choice or by circumstance—deviated from the “traditional” family ideal whereas conservatives largely rejected these efforts.

This study documents how the rhetoric of family values and policymakers’ conceptions of “the family” have changed over the last fifty years. The participants in the early 1960s unquestionably promoted the “traditional” family model as the ideal even though the welfare reform and Equal Pay Act proposals clearly responded to the growing number of single-female headed homes and working mothers and wives. The participants in the 1970s discussions helped promote the need for refining conceptions of women’s “traditional” gender roles although they could not agree on how much change these conceptions should endorse. The rhetoric of the 1980s and early 1990s family policy debates suggests that policymakers and activists at the time acknowledged the long-term

nature of the changes in family life, however reluctantly. But they failed to agree as to whether the government should enact remedial programs that tried to stall or reverse these changes or supportive programs that responded to the new challenges families faced. The same-sex marriage debates of the 1990s and 2000s forced the nation to confront the diversity of family life and to recognize the increasing flexibility of the boundaries surrounding conceptions of “the family.” These challenges also appear to have rallied many conservatives and some liberals behind more vigorous efforts to try to reinforce the boundaries and “traditional” conception of “the family.” With the exception of the same-sex marriage discussions, the family policy discussions were directly connected to women’s changing gender roles, suggesting that policymakers continued to view women’s “traditional” family roles as natural.

We also can observe the broader trends in policymakers’ and activists’ attitudes toward the federal government’s involvement in family affairs. Over the last fifty years, the changes in family life followed a clear trajectory with the percentage of “traditional” breadwinner-homemaker families declining each decade. The federal government’s willingness to respond to policymakers’ and activists’ calls for new policies, however, was less direct. If visually plotted, these debates would more closely resemble a wave-like pattern with support for the federal government’s intervention reaching a high point and then briefly subsiding. An analysis of the congressional make-up and administration’s position on these issues reveals that the moments of high support for increased federal support corresponded with instances in which the Democratic Party was in power. A similar review of the dates the bills were enacted shows that many were

passed immediately prior to or shortly after important political elections further illustrating how “the family” can serve as a persuasive political resource.

Whereas many scholars and ordinary Americans discount the significance of the rhetoric of family values, this study illustrates the importance of recognizing its political and rhetorical power. This analysis shows how “the family” can be used as a means to encourage discussion about an issue, as it did during the debates over the Equal Pay Act and tax reform. Likewise, arguments about “the family” can be used as a means to discourage a bill’s passage, as it did during the ratification of the ERA. We also can see how certain sympathetic images of families can be used to generate support for a measure. Conservative and liberal advocates frequently invoked the image of the “hardworking” American family supposedly “struggling” to “get by” to generate support for increased welfare coverage, equal pay for women, tax reform, and child care. Middle- and upper-class families had much to gain by the passage of many of these same bills, but the prospect of challenging the images of hardworking Americans made it difficult—although not impossible—to question the bill’s intentions and benefits. The debates over the child care bill and FMLA indicate that, in these instances, the opponents’ most effective strategy was to introduce a counter proposal that more closely aligned with their views about the government’s proper role in family life. This approach appears to have allowed them to support the goals of the policy in question without overtly subjecting themselves to be depicted as seeming “anti-family.” The apparent power of the “pro-family” and “anti-family” labels underscores the need to interrogate the rhetoric of family values and its use in contemporary policymaking.

The nature of policymaking often results in the privileging of one group's interests over another. This study demonstrates the importance of critiquing the rhetoric of family values and the depictions policymakers invoke. The hegemonic assumptions about "the family" enabled policymakers to ignore the diversity of family life and to evade questions about how race, class, gender, and sexuality shaped families' experiences and posed unique challenges. As families become more diverse, it becomes more and more imperative that policymakers, activists, and citizens more closely consider which types of families and family values advocates of reform are including and excluding when they invoke "the family" in U.S. national policymaking.

This study analyzed the rhetoric of twelve different policymaking discussions in an effort to provide an overview of the rhetoric of family values over the last fifty years. The participants in these debates invoked "the family" in a variety of ways, whether it was to help establish a need for the bill, to justify the bill's passage, or to respond to the bill's critics. Further studies can analyze each of these debates in greater detail, drawing upon speeches, congressional floor debates, and other texts to provide a richer description of the rhetoric of these debates and greater detail about policymakers' specific strategies. While these debates represented some of the more prominent moments in the contemporary "family policy" debates, they are but a small sample of the many instances in which the rhetoric of family values has influenced policymaking discussions. Future studies could provide an even broader evolutionary scope, focusing on how the rhetoric of family values and conceptions of "the family" have changed throughout U.S. history.

The Constitution of the United States does not include the words "family" or "family values." Nor does it directly mention marriage, divorce, or other family issues.

These exclusions reflected the views of colonial Americans that the national government should be one of limited, enumerated powers and “avoid direct consideration of family affairs.”⁴ This study shows that, despite these constitutional limitations, the federal government has, in fact, played a significant role in shaping and regulating family life since at least the 1960s. In the process, this study has highlighted the important role that the rhetoric of family values has had in shaping conceptions of “the family” and the federal government’s involvement in family affairs.

Notes

¹ Judith Stacey, *In the Name of the Family: Rethinking Family Values in the Postmodern Age* (Boston, MA: Beacon Press, 1996), 47.

² Dana Cloud, "The Rhetoric of <Family Values>: Scapegoating, Utopia, and the Privatization of Social Responsibility," *Western Communication Journal* 62 (1998): 388.

³ Lisa Gring-Pemle, *Grim Fairy Tales: The Rhetorical Construction of American Welfare Policy* (Westport, CT: Praeger, 2003).

⁴ Robert M. Rice, *American Family Policy: Content and Context* (New York, NY: Family Service Association of America, 1977), 79. To be sure, the federal government's domestic and foreign policies and activities inherently affected family. However, the responsibility to regulate family life and to provide relief assistance rested with each individual state.

Bibliography

- Abramovitz, Mimi. *Regulating the Lives of Women: Social Welfare Policy from Colonial Times to the Present*. Rev. ed. Boston: South End Press, 1996.
- Aldous, Joan, and Wilfried Dumon. "Family Policy in the 1980s: Controversy and Consensus." *Journal of Marriage and the Family* 52, no. 4 (1990): 1136-1151.
- Asen, Robert. *Visions of Poverty: Welfare Policy and Political Imagination*. East Lansing, MI: Michigan University Press, 2002.
- Bane, Mary Jo, and Paul A. Jargowsky, "The Links Between Government Policy and Family Structure: What Matters and What Doesn't." In *The Changing American Family and Public Policy*, edited by Andrew J. Cherlin, 219-255. Washington, D.C.: Urban Institute, 1988.
- Bardis, Panos D. "Changes in the Colonial and Modern American Family Systems." In *The Sociology of the Family: An Interdisciplinary Approach*, edited by Mafooz A. Kanwar, 165-82. Hamden, CT: Shoe String Press, 1971.
- Baumle, Amanda K., D'Lane Compton, and Dudley L. Poston Jr. *Same-Sex Partners: The Social Demography of Sexual Orientation*. Albany, NY: State University of New York Press, 2009.
- Bell, Winifred. *Aid to Dependent Children*. New York: Columbia University Press, 1965.
- Bennetts, Leslie. "Conservatives Join on Social Concerns." *New York Times*, 30 July 1980, A.1.
- Berry, Mary Frances. *Why ERA Failed: Politics, Women's Rights and the Amending Process of the Constitution*. Bloomington, IN: Indiana University Press, 1986.
- Black, Dan, 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, no. 2 (2000): 139-154.
- Boles, Janet K. *The Politics of the Equal Rights Amendment: Conflict and the Decision Process*. New York, NY: Longman Inc., 1979.
- Bornstein, Lisa. "Inclusions and Exclusions in Work-Family Policy: The Public Values and Moral Code Embedded in the Family and Medical Leave Act." *10 Colum. J. Gender & L.* 77-124 (2000-2001).

- Boyea, Ray, Frank Konysz, and Irving Weiner. "Report of the Committee to Study Welfare Operations to City Manager Joseph McDowell Mitchell, May 8, 1961."
- Brief of Plaintiffs-Appellants of Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton, Michael Horgon and Edward Balmelli, Maureen Brodorff and Ellen Wafe, Gary Chalmers and Richard Linnell, Heidi Norton and Gina Smith, and Gloria Bailey and Linda Davies. *Goodridge v. Department of Health*, No. SJC-08860 (Mass. Nov. 8, 2002) <http://www/glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2002-11-08-goodridge-appelants-brief.pdf> (accessed April 22, 2011).
- Brownlee, W. Elliot, "Taxation for a Strong and Virtuous Republic: A Bicentennial Retrospective." *Tax Notes* 45, no. 13 (December 1989): 1620.
- Bryner, Gary. *Politics and Public Morality: The Great American Welfare Reform Debate*. New York, NY: W.W. Norton and Company, 1998.
- Burgess, Ernest W. "The Family in a Changing Society." In *The Sociology of the Family: An Interdisciplinary Approach*, edited by Mafooz A. Kanwar, 141-50. Hamden, CT: Shoe String Press, 1971.
- Burnbaum, Jeffrey H. *Showdown at Gucci Gulch: Lawmakers, Lobbyists, and the Unlikely Triumph of Tax Reform*. New York, NY: Random House, 1987.
- Bush, George H. W. "Message to the House of Representatives Returning Without Approval the Family and Medical Leave Act of 1990, June 29, 1990." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=18653> (accessed April 22, 2011).
- _____. Proclamation 5948—National Child Care Awareness Week, 1989, April 2, 1989." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=20448> (accessed April 22, 2011).
- _____. "Statement on Signing the Omnibus Budget Reconciliation Act of 1990, November 5, 1990." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=19000> (accessed April 22, 2011.)
- Calhoun, Cheshire. *Feminism, the Family, and the Politics of the Closet: Lesbian and Gay Displacement*. New York, NY: Oxford University Press, 2000.
- Chauncey, George. *Why Marriage? The History Shaping Today's Debate over Gay Equality*. New York, NY: Basic Books, 2004.

- Clinton, William J. "Statement on Same-Gender Marriage, September 20, 1996." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=51969> (accessed April 22, 2011).
- _____. "Statement on Signing the Family and Medical Leave Act of 1993, February 5, 1993." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/index.php?pid=46777#axzz1GmYHiAmk> (accessed April 22, 2011).
- Cloud, Dana. *Control and Consolation in American Culture and Politics: Rhetoric of Therapy*. Thousand Oaks, CA: Sage, 1998.
- _____. "The Rhetoric of <Family Values>: Scapegoating, Utopia, and the Privatization of Social Responsibility." *Western Communication Journal* 62 (1998): 387-419.
- Cohen, Sally Solomon. *Championing Child Care*. New York, NY: University Press, 2001.
- Collins, Patricia Hill. "It's All in the Family: Intersections of Gender, Race, and Nation." *Hypatia* 13, no. 3 (Summer 1998): 62-82.
- Coltrane, Scott, ed. *Families and Society: Classic and Contemporary Readings*. Belmont, CA: Wadsworth/Thomas, 2004.
- Committee on Economic Security. "Report to the President of the Committee on Economic Security (1934)." <http://www.ssa.gov/history/reports/ces5.html> (accessed April 22, 2011).
- Coontz, Stephanie. *The Way We Never Were: American Families and the Nostalgia Trap*. New York, NY: Basic Books, 1992.
- _____. *The Way We Really Are: Coming to Terms with America's Changing Families*. New York, NY: Basic Books, 1997.
- Cott, Nancy F. *Public Vows: A History of Marriage and the Nation*. Cambridge, MA: Harvard University Press, 2000.
- Critchlow, Donald T. *Phyllis Schlafly and Grassroots Conservatism*. Princeton, NJ: Princeton University Press, 2005.
- Degler, Carl N. *At Odds: Women and the Family in America from the Revolution to the Present*. New York, NY: Oxford University, 1980.
- _____. "Revolution Without Ideology: The Changing Place of Women in America." *Daedalus* 93, no. 2 (1964): 653-670.

- Demo, David H., and Katherine R. Allen. "Diversity within Lesbian and Gay Families: Challenges and Implications for Family Theory and Research." *Journal of Social and Personal Relationships* 16 (1996): 415-434.
- Dempsey, John J. *The Family and Public Policy: The Issue of the 1980s*. Grand Rapids, MI: Paul H. Brookes Publishing Co., 1981.
- Dionne, Jr., E. J. "Special Panel Report Assails Soviet 'Empire' and Stresses Family." *New York Times*, September 21, 1986.
- Deutchman, Iva E., and Sandra Prince-Embury. "Political Ideology of Pro- and Anti-Era Women." *Women and Politics* 2, no. 1/2 (Summer 1982).
- Elving, Ronald D. *Conflict and Compromise: How Congress Makes a Law*. New York, NY: Simon and Schuster, 1995.
- "Equal Pay Act of 1963." In *From Suffrage to the Senate: America's Political Women: An Encyclopedia of Leaders, Causes and Issues*, 237. Amenia, NY: Grey House Publishing, 2006.
- "Executive Order, no. 10980, Establishing the President's Commission on the Status of Women, December 14, 1961." In *The American Presidency Project*, edited by John T. Woolley and Gerard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=58918> (accessed April 22, 2011.)
- Foss, Sonya K. "Equal Rights Amendment Controversy: Two Worlds in Conflict." *Quarterly Journal of Speech* 65 (1979): 275-288.
- Gallup, Alec M., and Frank Newport. *The Gallup Poll: Public Opinion 2004*. Lanham, MD: Rowman & Littlefield, 2006.
- Gates, Gary J. *Geographic Trends Among Same-Sex Couples in the U.S. Census and the American Community Survey*. Los Angeles, CA: The Williams Institute, 2007. <http://www2.law.ucla.edu/williamsinstitute/publications/ACSBriefFinal.pdf> (accessed April 22, 2011).
- Gilens, Martin. *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy*. Chicago, IL: University of Chicago Press, 1999.
- Gillis, John. *A World of Their Own Making: Myth, Ritual, and the Quest for Family Values*. Cambridge, MA: Harvard University Press, 1996.
- Goodridge v. Department of Public Health* (Mass. Cmmw. 2002). <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2002-05-08-goodridge-sup-ct-decision.pdf> (accessed April 22, 2011).

- Goodridge v. Department of Public Health* 798 N.E.2d 941 (Mass. 2003).
http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/goodridge_decision.pdf (accessed April 22, 2011).
- Gordon, Linda. *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1890-1935*. New York: Free Press, 1994.
- Greenfield, Meg. "The Welfare Chiselers of Newburgh, N.Y.," *Reporter Magazine (New York)*, August 17, 1961, 37.
- Gring-Pemble, Lisa. *Grim Fairy Tales: The Rhetorical Construction of American Welfare Policy*. Westport, CT: Praeger, 2003.
- Hailey, Foster. "Newburgh is Firm on Welfare Shift." *New York Times*. July 9, 1961, 47.
- Harding, Sandra. "Family Reform Movements: Recent Feminism and Its Opposition." *Feminist Studies* 7, no. 1 (1981): 57-75.
- Hawkins, Alan J., Lynn D. Wardle, and David Orgon Coolidge, eds. *Revitalizing the Institution of Marriage for the Twenty-First Century*. Westport, CT: Praeger, 2002.
- Hobson, Barbara, ed. *Making Men into Fathers: Men, Masculinities, and the Social Politics of Fatherhood*. Cambridge, U.K.: Cambridge University Press, 2002.
- Human Rights Campaign. "Marriage Equality & Other Relationship Recognition Laws." http://www.hrc.org/documents/Relationship_Recognition_Laws_Map.pdf (accessed April 22, 2011).
- Hunter, James Davison. *Culture Wars: The Struggle to Define America*. New York, NY: Basic Books, 1991.
- Jacobs, Francine H. "Child and Family Policy: Framing the Issues." In *More Than Kissing Babies?: Current Child and Family Policy in the United States*, edited by Francine H. Jacobs and Margery W. Davies, 9-35. Westport, CT: Auburn House, 1994.
- Jacobs, Francine H., and Margery W. Davies. "Introduction." In *More Than Kissing Babies? Current Child and Family Policy in the United States*, edited by Francine H. Jacobs and Margery W. Davies, 1-8. Westport, CT: Auburn House, 1994.
- , eds. *More Than Kissing Babies*. Westport, CT: Auburn House, 1994.
- Kahn, Alfred K., and Sheila B. Kamerman. *Not for the Poor Alone: European Social Services*. Philadelphia, PA: Temple University Press, 1975.

- Kanwar, Mahfooz A., ed. *The Sociology of the Family: An Interdisciplinary Approach*. Hamden, CT: Shoe String Press, 1971.
- Kennedy, John F. "Special Message to the Congress: Program for Economic Recovery and Growth, February 2, 1961." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=8111> (accessed April 22, 2011).
- _____. "Statement by the President on the Establishment of the President's Commission on the Status of Women, December 14, 1961." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=8483> (accessed April 22, 2011).
- Kozal, Wendy. "'The Kind of People Who Make Good Americans': Nationalism and Life's Family Ideal." In *Looking for America*, edited by Ardis Cameron, 173-211. Malden, MA: Blackwell Publishing, 2005.
- Kronholm, William. Associated Press. "Tax Bill Criticize[d] as Weighted Toward One-Earner Families." June 15, 1985.
- Laing, R.D. *The Politics of the Family, and Other Essays*. New York, NY: Routledge, 1999. First published 1969 by Tavistock Publications Limited.
- Lakoff, George. *Moral Politics: What Conservatives Know That Liberals Don't*. Chicago, IL: University of Chicago Press, 1996.
- Lawrence v. Texas*, 123 S. Ct. 2472, 2486 (2003).
- Lehr, Valerie. *Queer Family Values: Debunking the Myth of the Nuclear Family*. Philadelphia, PA: Temple University, 1999.
- Levenstein, Lisa. "From Innocent Children to Unwanted Migrants and Unwed Moms: Two Chapters in the Public Discourse on Welfare in the United States, 1960-1961." *Journal of Women's History* 11, no. 4 (2000): 10-33.
- Mansbridge, Jane J. *Why We Lost the Era*. Chicago, IL: University of Chicago Press, 1986.
- Matthews, Glenna. *"Just a Housewife": The Rise and Fall of Domesticity in America*. New York, NY: Oxford University Press, 1987.
- Memorandum in Support of Plaintiffs' Motion for Summary Judgment of Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton, Michael Horgon and Edward Balmelli, Maureen Brodorff and Ellen Wade, Gary Chalmers and Richard Linnell, Heidi Norton and Gina Smith, and Gloria Bailey and Linda Davies. *Goodridge v. Department of Health*, No. 01-1647-A (Mass. Cmmw. Aug.

- 20, 2001) <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2001-08-20-goodridge-plaintiffs-sj-memo.PDF> (accessed April 22, 2011).
- Mitchell, Joseph McDowell. "Address before Newburgh Optimist Club, March 2, 1961." In Edgar May, *The Wasted Americans: Cost of Our Welfare Dilemma*, 19. New York, NY: Harper and Row, 1964.
- Mitchell, Joseph McDowell. "The Revolt in Newburgh: The Failure of the Welfare Program (November 20, 1961)." *Vital Speeches of the Day* 28, no. 7 (January 1962): 214-220.
- Mittelstadt, Jennifer. *From Welfare to Workfare: The Unintended Consequences of Liberal Reform, 1945-1965*. Chapel Hill, NC: University of North Carolina Press, 2005.
- Nadasen, Premilla. *Welfare Warriors: The Welfare Rights Movement in the United States*. New York, NY: Routledge, 2005.
- National Council of Catholic Women. *ERA: Do You Know What It Means?* Washington, D.C.: National Council of Catholic Women, n.d.
- National Organization for Women. "Bill of Rights, 1968." <http://www.h-net.org/~hst203/documents/nowrights.html> (accessed April 22, 2011).
- _____. "Chronology of the Equal Rights Amendment." *National Organization for Women*. <http://www.now.org/issues/economic/cea/history.html> (accessed April 22, 2011).
- "New Policy Deplored." *New York Times*. June 27, 1961, 66.
- "New York: The Welfare City." *Time*. July 28, 1961.
- "Newburgh Welfare Rules." *New York Times*. June 24, 1961, 7.
- Nixon, Richard. "Veto of the Economic Opportunity Amendments of 1971, December 9, 1971." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=3251> (accessed April 22, 2011).
- O'Connor, Karen, and Alixandra B. Yanus. "'Til Death—Or the Supreme Court—Do Us Part." In *The Politics of Same-Sex Marriage*, edited by Craig A. Rimmerman and Clyde Wilcox, 291-312. Chicago, IL: University of Chicago Press, 2007.
- Oláh, Livia Sz., Eva M. Bernhardt, and Frances K. Goldscheider. "Coresidential Paternal Roles in Industrialized Countries: Sweden, Hungary and the United States." In *Making Men into Fathers: Men, Masculinities, and the Social Politics of*

- Fatherhood*, edited by Barbara Hobson, 25-60. Cambridge, U.K.: Cambridge University Press, 2002.
- Patterson, James T. *America's Struggle Against Poverty 1900-1985*. Cambridge: Harvard University Press, 1986.
- Pauley, Garth. *The Modern Presidency and Civil Rights: Rhetoric of Race from Roosevelt to Nixon*. College Station, TX: Texas A&M University Press, 2001.
- Peterson, Kavan. "50-State Rundown on Gay Marriage Laws," *Stateline*, November 8, 2004. <http://www.stateline.org/live/ViewPage.action?siteNodeId=136&languageId=1&contentId=15576> (accessed April 22, 2011).
- Pew Research Center. *Support for Same-Sex Marriages Edges Upward*. Washington, D.C.: Pew Research Center, 2010. <http://pewforum.org/Gay-Marriage-and-Homosexuality/Support-For-Same-Sex-Marriage-Edges-Upward.aspx> (accessed April 22, 2011).
- Popenoe, David. *War Over the Family*. New Brunswick, NJ: Transaction Publishers, 2005.
- "President Calls for Constitutional Amendment Protecting Marriage." *White House*. <http://www.whitehouse.gov/news/releases/2004/02/20040224-2.html> (accessed April 22, 2011).
- "President Defends Sanctity of Marriage." *White House*. <http://www.whitehouse.gov/news/releases/2003/11/20031118-4.html> (accessed April 22, 2011).
- Quadagno, Jill. *The Color of Welfare: How Racism Undermined the War on Poverty*. New York, NY: Oxford University Press, 1994.
- Raskin, A. H. "Newburgh's Lessons for the Nation." *New York Times*, December 17, 1961, SM 7.
- Reagan, Ronald. "Address Before a Joint Session of the Congress on the Program for Economic Recovery, February 18, 1981." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=43425> (accessed April 22, 2011).
- _____. "Address to the Nation on Tax Reform May 28, 1985." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=38697> (accessed April 22, 2011).
- _____. "Radio Address to the Nation on the Major Legislative Achievements of 1985, December 21, 1985." In *The American Presidency Project*, edited by John T.

Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=38195> (accessed April 22, 2011).

_____. "Remarks on Signing the Tax Reform Act of 1986, October 22, 1986." In *The American Presidency Project*, edited by John T. Woolley and Gerhard Peters. Santa Barbara, CA. <http://www.presidency.ucsb.edu/ws/?pid=36629> (accessed April 22, 2011).

Reply Brief of Plaintiffs-Appellants of Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton, Michael Horgon and Edward Balmelli, Maureen Brodorff and Ellen Wade, Gary Chalmers and Richard Linnell, Heidi Norton and Gina Smith, and Gloria Bailey and Linda Davies. *Goodridge v. Department of Health*, No. SJC-08860 (Mass. Nov. 8, 2002) <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2003-01-30-goodridge-plaintiffs-sjc-reply-brief.pdf> (accessed April 22, 2011).

"Report of the Ad Hoc Committee on Public Welfare to The Secretary of Health, Education, and Welfare (September 1961)." Reprinted in House Committee on Ways and Means, *Public Welfare Amendments of 1962*, 87th Cong., 2d sess., 1962, 65-106.

Ribicoff, Abraham. "The New Administration Looks at Social Welfare." In *The Social Welfare Forum, 1961: Official Proceedings, 88th Annual Forum National Conference on Social Welfare Minneapolis, Minnesota, May 14-19, 1961*, 23. New York, NY: Columbia University Press, 1961.

Rice, Robert M. *American Family Policy: Content and Context*. New York, NY: Family Service Association of America, 1977.

Ritz, Joseph P. *The Despised Poor: Newburgh's War on Welfare*. Boston, MA: Beacon Press, 1966.

Scalia, Antonin. "Opinion of J. Scalia." *Lawrence v. Texas* No. 01-102, 26 June 2003, no. Available at "Legal Information Institute," Cornell Law School, <http://www.law.cornell.edu/supct/html/02-102.ZD.html> (accessed April 22, 2011).

Schlafly, Phyllis. "What's Wrong With Equal Rights for Women?" *Phyllis Schlafly Report* 5, no. 7 (1972).

Schorr, Alvin L. "Family Policy in the United States." *International Social Science Journal, UNESCO* 14, no. 3 (1962): 452-467.

Shanahan, Eileen. "Opposition Rises to Amendment on Equal Rights." *New York Times*. January 15, 1973.

- Shanley, Mary Lyndon. *Women's Rights, Feminism, and Politics in the United States*. Washington, DC: American Political Science Association, 1988.
- Solomon, Martha. "The 'Positive Woman's' Journey: A Mythic Analysis of the Rhetoric of STOP ERA." *Quarterly Journal of Speech* 65 (1979): 262-74.
- _____. "Stopping ERA: A Pyrrhic Victory." *Communication Quarterly* 31, no. 2 (1983): 109-117.
- Stacey, Judith. *In the Name of the Family: Rethinking Family Values in the Postmodern Age*. Boston, MA: Beacon Press, 1996.
- Steuerle, C. Eugene. *The Tax Decade: How Taxes Came to Dominate the Public Agenda*. Washington, D.C.: Urban Institute Press, 1992.
- Stoltzfus, Emilie. *Child Care: The Federal Role During World War II*. CRS report prepared for Congress, June 29, 2000. <http://congressionalresearch.com/RS20615/document.php?study=CHILD+CARE+THE+FEDERAL+ROLE+DURING+WORLD+WAR+II> (accessed April 22, 2011).
- STOP ERA. *Beware of the Hook* (Alton, IL: STOP ERA, 1978).
- _____. *You Can't Fool Mother Nature* (Alton, IL: STOP ERA, 1975).
- Task Force on Family Law and Policy. "Report to the Citizen's Advisory Council on the Status of Women." In the Senate Subcommittee of the Committee on the Judiciary, *The "Equal Rights" Amendment*, 91st Cong., 2d sess., 1970, 137-214.
- Task Force on Social Security. *Health and Social Security for the American People: A Report to President-Elect John F. Kennedy*. Ann Arbor, MI: Task Force, 1961.
- "Text of Changes Ribicoff Ordered to Curb Abuses and Help Recipients." *New York Times*. December 12, 1961, 46.
- Trattner, Walter I. *From Poor Law to Welfare State: A History of Social Welfare in America*. 4th ed. New York, NY: Free Press, 1989.
- U.S. Bureau of the Census. *America's Families and Living Arrangements: 2007, Current Population Reports*. Prepared by Rose M. Kreider and Diana B. Elliot. Bureau of the Census, 2000.
- U.S. Congress. House. Committee on Education and Labor. *Hearings on Child Care*. 101st Cong., 1st sess., 1989.
- _____. Committee on Education and Labor. *Legislative History of the Equal Pay Act of 1963*. 88th Cong., 2d sess., 1963, Committee Print.

- _____. Committee on Post Office and Civil Service. *Parental and Medical Leave Act of 1986*. 99th Cong., 1st sess., 1986.
- _____. Committee on Small Business. *Parental Leave*. 100th Cong., 1st sess., 1987.
- _____. Committee on Ways and Means. *1998 Green Book*. 105th Cong., 2d sess., 1998.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 1*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 2*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 3*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 4*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 5*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 6*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 7*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 8*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Comprehensive Tax Reform: Part 9*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Fundamental Tax Reform and Other Issues*. 99th Cong., 1st sess., 1985.
- _____. Committee on Ways and Means. *Public Welfare Amendments of 1962*. 87th Cong., 2d sess., 1962.
- _____. Committee on Ways and Means. *Temporary Unemployment Compensation and Aid to Dependent Children of Unemployed Parents*. 78th Cong., 1st sess., 1961.
- _____. *Defense of Marriage Act*. 104th Cong., 2d sess., H. R. 3396 (1996): <http://thomas.loc.gov/cgi-bin/query/D?c104:5:./temp/~c104RGMx9f:> (accessed April 22, 2011).

- _____. *Federal Marriage Amendment*, 108th Cong., 1st sess., H. J. Res 56.IH, (2004): <http://thomas.loc.gov/cgi-bin/query/z?c108:H.J.RES.56>: (accessed April 22, 2011).
- _____. Select Committee on Children, Youth, and Families. *A Family Tax Report Card*. 99th Cong., 1st sess., 1985. Committee Print.
- _____. Select Committee on Children, Youth, and Families. *A Family Tax Report Card: Round II*. 99th Cong., 1st sess., 1985. Committee Print.
- _____. Select Committee on Children, Youth, and Families. *Tax Policy: How Do Families Fare?* 99th Cong., 1st sess., 1985. Committee Print.
- _____. Select Committee on Children, Youth, and Families. *Tax Policy: What Do Families Need?*, 99th Cong., 1st sess., 1985.
- _____. Select Committee on Children, Youth, and Families. *Working Families: Issues for the 1980s*. 98th Cong., 2d sess., 1984.
- _____. Special Subcommittee of the Committee on Education and Labor. *Equal Pay Act*. 88th Cong., 1st sess., 1963.
- _____. Select Subcommittee of the Committee on Education and Labor. *Equal Pay for Equal Work: Part 1*. 87th Cong., 2d sess., 1962.
- _____. Select Subcommittee of the Committee on Education and Labor. *Equal Pay for Equal Work: Part 2*. 87th Cong., 2d sess., 1962.
- _____. Subcommittee of the Committee on Education and Labor. *Child Care*. 100th Cong., 2d sess., 1988.
- _____. Subcommittee of the Committee on Education and Labor. *Equal Pay for Equal Work*. 87th Cong., 2d sess., 1962.
- _____. Subcommittee of the Committee on Education and Labor. *Family and Medical Leave Act of 1987*. 100th Cong., 1st sess., 1987.
- _____. Subcommittee of the Committee on Education and Labor. *H.R. 3660, The Act for Better Child Care*. 100th Cong., 2d sess., 1988.
- _____. Subcommittee of the Committee on Education and Labor. *Hearing on H.R. 2, The Family and Medical Leave Act of 1991*. 102d Cong., 1st sess., 1991.
- _____. Subcommittee of the Committee on Education and Labor. *Hearing on H.R. 770, The Family and Medical Leave Act of 1989*. 101st Cong., 1st sess., 1989.

- _____. Subcommittee of the Committee on Education and Labor. *Legislative Hearing on H.R. 1, The Family and Medical Leave Act*. 103d Cong., 1st sess., 1993.
- _____. Subcommittee of the Committee on Education and Labor. *The Parental and Medical Leave Act of 1986*. 99th Cong., 2d sess., 1986.
- _____. Subcommittee of the Committee on Post Office and Civil Service. *Family and Medical Leave Act of 1987*. 100th Cong., 1st sess., 1987.
- _____. Subcommittee of the Committee on Post Office and Civil Service. *The Parental and Medical Leave Act of 1986*. 99th Cong., 1st sess., 1986.
- _____. Subcommittee of the Committee on Post Office and Civil Service and the Subcommittee of the Committee on Education and Labor. *Parental and Disability Leave*. 99th Cong., 1st sess., 1985.
- _____. Subcommittee of the Committee on Small Business. *Child Care and Small Business*. 100th Cong., 2d sess., 1988.
- _____. Subcommittee of the Committee on Small Business. *Day Care: Its Importance to Small Business*. 100th Cong., 2d sess., 1988.
- _____. Subcommittee of the Committee on the Judiciary. *Defense of Marriage Act*. 104th Cong., 2d sess., 1996.
- _____. Subcommittee of the Committee on the Judiciary. *Equal Rights for Men and Women 1971*. 92st Cong., 1st sess., 1971.
- _____. Subcommittee of the Committee on the Judiciary. *Federal Marriage Amendment (The Musgrave Amendment)*. 108th Cong., 2d sess., 2004.
- _____. Subcommittee of the Committee on the Judiciary. *Legal Threats to Traditional Marriage: Implications for Public Policy*. 108th Cong., 2d sess., 2004.
- _____. Subcommittee of the Committee on the Judiciary. *Limiting Federal Court Jurisdiction to Protect Marriage for the States*. 108th Cong., 2d sess., 2004.
- _____. Subcommittee of the Committee on Ways and Means. *Child Care Needs of Low-Income Families*. 100th Cong., 2d sess., 1988.
- _____. Subcommittee of the Committee on Ways and Means. *How to Help the Working Poor; And the Problems of the Working Poor*. 101st Cong., 1st sess., 1989.
- _____. Subcommittee of the Committee on Ways and Means. *Tax Burdens of Low-Income Wage Earners*. 99th Cong., 1st sess., 1985.

- _____. Subcommittee of the Joint Economic Committee. *Latchkey Children*. 100th Cong., 2d sess., 1988.
- U.S. Congress. Senate. Committee on Finance. *1985 Tax Reform*. 99th Cong., 1st sess., 1985.
- _____. Committee on Finance. *Aid to Dependent Children of Unemployed Parents*. Report prepared by Robert Byrd. 87th Cong., 1st sess., 1961.
- _____. Committee on Finance. *Child Care Welfare Programs and Tax Credit Proposals*. 101st Cong., 1st sess., 1989.
- _____. Committee on Finance. *Federal Role in Child Care*. 100th Cong., 2d sess., 1988.
- _____. Committee on Finance. *Public Assistance Act of 1962*. 87th Cong., 2d sess., 1962.
- _____. Committee on Finance. *Tax Reform Proposals—I*. 99th Cong., 1st sess., 1985.
- _____. Committee on Finance. *Tax Reform Proposals—IV*. 99th Cong., 1st sess., 1985.
- _____. Committee on the Judiciary. *Defense of Marriage Act*. 104th Cong., 2d sess., 1996.
- _____. Committee on the Judiciary. *Equal Rights 1970*. 91st Cong., 2d sess., 1970.
- _____. Committee on the Judiciary. *Equal Rights Amendment*. 79th Cong., 2d sess., 1946, S. Rep. 1013.
- _____. Committee on the Judiciary. *Preserving Traditional Marriage: A View from the States*. 108th Cong., 2d sess., 2004.
- _____. Committee on the Judiciary. *A Proposed Constitutional Amendment to Preserve Traditional Marriage*. 108th Cong., 2d sess., 2004.
- _____. *Questions and Answers on the Equal Rights Amendment*. Report prepared by Helena Hill Weed. 78th Cong., 1st sess., 1943, Document 97.
- _____. Subcommittee of the Committee on Labor and Human Resources. *Act for Better Child Care Services of 1989*. 101st Cong., 1st sess., 1989.
- _____. Subcommittee of the Committee on Labor and Human Resources. *Parental and Medical Leave Act of 1987*. 100th Cong., 1st sess., 1987.
- _____. Subcommittee of the Committee on Labor and Human Resources. *Family and Medical Leave Act of 1989*. 101st Cong., 1st sess., 1989.

- _____. Subcommittee of the Committee on Labor and Human Resources. *The Family and Medical Leave Act of 1991*. 102d Cong., 1st sess., 1991.
- _____. Subcommittee of the Committee on Labor and Human Resources. *The Family and Medical Leave Act of 1993*. 103d Cong., 1st sess., 1993.
- _____. Subcommittee of the Committee on Labor and Public Welfare. *Equal Pay Act of 1962*. 87th Cong., 2d sess., 1962.
- _____. Subcommittee of the Committee on Labor and Public Welfare. *Equal Pay Act of 1963*. 88th Cong., 1st sess., 1963.
- _____. Subcommittee of the Committee on the Judiciary. *The “Equal Rights” Amendment*. 91st Cong., 2d sess., 1970.
- _____. Subcommittee of the Committee on the Judiciary. *An Examination of the Constitutional Amendment on Marriage*. 109th Cong., 1st sess., 2005.
- _____. Subcommittee of the Committee on the Judiciary. *Judicial Activism vs. Democracy: What are the National Implications of the Massachusetts Goodridge Decision and the Judicial Invalidation of Traditional Marriage Laws*. 108th Cong., 2d sess., 2004.
- _____. Subcommittee of the Committee on the Judiciary. *What is Needed to Defend the Bipartisan Defense of Marriage Act of 1996?*. 108th Cong., 1st sess., 2003.
- _____. Subcommittee of the Committee on Ways and Means. *Act for Better Child Care Services of 1987*. 100th Cong., 2d sess., 1988.
- U.S. Department of Labor. *1969 Handbook on Women Workers*. Women’s Bureau, Bulletin 294. Washington, D.C., GPO, 1969.
- _____. “DOL’S Final Rule on Family and Medical Leave: Providing Military Family Leave and Updates to the Regulations.” *The U.S. Department of Labor*. <http://www.dol.gov/whd/fmla/finalrule/factsheet.pdf> (accessed April 22, 2011).
- _____. “US Department of Labor Clarifies FMLA Definition of ‘Son and Daughter’: Interpretation is a Win for All Families No Matter What They Look Like.” *The Department of Labor*. <http://www.dol.gov/opa/media/press/WHD/WHD20100877.htm> (accessed April 22, 2011).
- _____. *Women in the Labor Force: A Databook*. 2010 Edition. <http://www.bls.gov/cps/wlf-table23-2010.pdf> (accessed April 22, 2011).
- U.S. Executive Office of the President. *The Family: Preserving America’s Future: A Report of the White House Working Group on the Family*. Washington, D.C.: Domestic Policy Council, White House, 1986.

- U.S. Government Printing Office. "A Statement in New Hampshire, August 3, 1976," *The Presidential Campaign, 1976, Jimmy Carter*. Washington, D.C.: U.S. Government Printing Office, 1978.
- Verified Complaint of Hillary Goodridge and Julie Goodridge, David Wilson and Robert Compton, Michael Horgon and Edward Balmelli, Maureen Brodorff and Ellen Wade, Gary Chalmers and Richard Linnell, Heidi Norton and Gina Smith, and Gloria Bailey and Linda Davies, *Goodridge v. Department of Health*, Civil Action No 01-1647-A (Mass. Cmmw. Apr. 11, 2001) available at <http://www.glad.org/uploads/docs/cases/goodridge-et-al-v-dept-public-health/2001-04-11-goodridge-complaint.PDF> (accessed April 22, 2011).
- Wardle, Lynn D. "The Proposed Federal Marriage Amendment and the Risks to Federalism in Family Law." 2 Univ. St. Thomas L.J. 137-198 (2004).
- _____. "Tyranny, Federalism, and the Federal Marriage Amendment." 17 Yale J.L. & Feminism 221-265 (2005).
- Wardle, Lynn D., Mark Strasser, William C. Duncan, and David Orgon Collidge. "Preface." In *Marriage and Same Sex Unions: A Debate*, edited by Lynn D. Wardle, Mark Strasser, William C. Duncan, and David Orgon Collidge, xi-xiii. Westport, CT: Praeger, 2003.
- Weatherford, M. Stephen, and Lorraine M. McDonnell. "Ideology and Economic Policy." In *Looking Back on the Reagan Presidency*, edited by Larry Berman, 122-155. Baltimore, MD: Johns Hopkins University Press, 1990.
- White House Conference on Families. *Listening to America's Families: Action for the 80's. The Report to the President, Congress and Families of the Nation*. Washington, D.C.: White House Conference on Families, 1980.
- Wilcox, Clyde. "Preface." In *The Politics of Same-Sex Marriage*, edited by Craig A. Rimmerman and Clyde Wilcox. Chicago, IL: University of Chicago Press, 2007.
- Wisensale, Steven K. "Family Policy at the End of the 20th Century." In *Redefining Family Policy: Implications for the 21st Century*, edited by Joyce M. Mercier, Steven Garasky, and Mark C. Shelley, 3-20. Ames, IA: Iowa State University Press, 2000.
- _____. "Family Policy During the Reagan Years: The Private Side of the Conservative Agenda." In *Ronald Reagan's America*, edited by Eric J. Schmertz, Natalie Datlof, and Alexei Urginsky, 257-270. Westport, CT: Greenwood Press, 1997.
- _____. "Family Values and Public Policy During the Bush Years: The Case of the Family and Medical Leave Act." In *Principle Over Politics?: The Domestic Policy of*

George H. W. Bush, edited by Richard Himelfarb and Rosanna Perotti, 263-277. Westport, CT: Praeger, 2004.

_____. "The White House and Congress on Child Care and Family Leave Policy: From Carter to Clinton." *Policy Studies Journal* 25, no. 1 (1997): 75-86.

Wisensale, Steven K. and Michael D. Allison. "Family Leave Legislation: State and Federal Initiatives." *Family Relations* 38, no. 2: 182-189.

Zarefsky, David. *President Johnson's War on Poverty*. University, AL: University of Alabama Press, 1986.

Zigler, Edward, Katherine Marsland, and Heather Lord. *The Tragedy of Child Care in America*. New Haven: Yale University, 2009.

Zinn, Maxine Baca, and D. Stanley Eitzen. *Diversity in Families*. 5th ed. New York, NY: Longman: 1999.

VITA
JILL MARY WEBER

Education

Ph.D., Communication Arts and Sciences, The Pennsylvania State University, August 2011. (Emphasis: Rhetorical Criticism, Public Address, Political Communication, and Feminist Criticism)

- Dissertation: *For the Good of "The Family": The Rhetoric of Family Values in U.S. National Policymaking*
- Dissertation Committee: Thomas W. Benson (Director), Deborah F. Atwater, Jeremy Engels, and Michael P. Johnson

M.A., Communication Arts and Sciences, The Pennsylvania State University, May 2005.

- Thesis: *The Rhetoric of the Fatherhood Movement*
- Thesis Committee: J. Michael Hogan (Director), Thomas W. Benson, and Rosa A. Eberly

Teaching Positions

Instructor, Hollins University, 2008-Present

Graduate Student Teacher, The Pennsylvania State University, 2002-2008

Selected Publications

Weber, Jill M. "James Danforth Quayle, III: 'Murphy Brown Speech' (19 May 1992)." *Voices of Democracy* 4 (2009): 83-96, online at www.voicesofdemocracy.umd.edu.

Weber, Jill M. "Gloria Steinem: 'Testimony Before Senate Hearings on the Equal Rights Amendment' (6 May 1970)." *Voices of Democracy* 3 (2008): 162-181, online at www.voicesofdemocracy.umd.edu.

Weber, Jill M. "Minister Louis Farrakhan: 'Million Man March' (16 October 1995)." *Voices of Democracy* 2 (2007): 170-188, online at www.voicesofdemocracy.umd.edu.

Selected Awards

Sparks Fellowship, College of the Liberal Arts, The Pennsylvania State University, Spring 2008.

Outstanding Teaching Award for Graduate Students for the College of the Liberal Arts, The Pennsylvania State University, January 2008.

Second Place Award, Liberal Arts Division, Graduate Exhibition, The Pennsylvania State University, March 2008.

Second Place Award, Liberal Arts Division, Graduate Exhibition, The Pennsylvania State University, March 2007.