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Socially Constructing Drug Addicts from the Poor: A Critical Discourse Analysis

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Socially Constructing Drug Addicts from the Poor: A Critical Discourse Analysis

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy in Public Policy

by

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Abstract

Welfare drug testing was authorized by the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, and has subsequently garnered extensive legislative interest in numerous states. This policy raises several questions, which are the subjects of the two journal articles and one manuscript included in this dissertation.

The first article addresses the question of a possible confluence of War on Drugs and Welfare Reform policies as evidenced through welfare drug testing policy, and indicated by continuity in policymakers' rhetoric. This study examines federal-level policymakers' debate discourse in these two policy streams. The analysis finds themes of the social pathology, crime, drug addiction, and welfare dependency present in both policy areas, and comparable in both debates, supporting other studies discussing the convergence of criminal justice and welfare systems.

The second article examines the social construction of welfare recipients through state legislators' public discourse on welfare drug testing. Proponent discursive statements outnumbered opponent statements nearly 5:1. Proponent discourse was overtly derogatory toward and disparaging of welfare recipients. Opponent discourse was generally more sympathetic and supportive of the target population. However, not all opponents were against welfare drug testing in principle or practice. The analysis demonstrates a strong negative construction of welfare recipients as deviants, and indeed as drug abusers.

The third manuscript examines the co-construction of policy discourse and race, class, and gender constructions of welfare recipients via state legislators' welfare drug testing discourse. Using an intersectional perspective, this study examines how categories of race, class, and gender give meanings to policy discourses concerning drug testing of welfare recipients, and

conversely, how policy discourses concerning welfare drug testing give meanings to categories of race, class, and gender. We find a move away from explicit racialized and gendered discourse toward implicit constructions of race and gender, and a virtually exclusive explicit focus on constructions of social class in the characterization of an unworthy, suspect, shiftless, and deviant poor population. The constructions of race, gender, and particularly social class effectively co-construct welfare drug testing discourse which justifies welfare drug testing policy in order to manage the derelict poor.

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Dedication

This work is dedicated to poor single mothers everywhere, who deserve respect and dignity in their struggle to provide for their children.

“Where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob and degrade them, neither persons nor property will be safe.” ~Frederick Douglass

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Original Articles

Chapter 1: Amundson, Kalynn, Anna Zajicek, and Valerie Hunt. 2014. "Pathologies of the Poor: What do the War on Drugs and Welfare Reform Have in Common?" in *Journal of Sociology and Social Welfare*. 41(1):5-28

Chapter 2: Amundson, Kalynn, Anna Zajicek, and J.B. Kerr. (in press in *Sociological Spectrum*). "A Social Metamorphosis: Constructing Drug Addicts from the Poor."

I. Introduction

This research is an examination of U.S. welfare drug testing policy and the social constructions of welfare recipients through legislators' discourse. Critical Discourse Analysis (CDA) was used to analyze social constructions of welfare recipients in determinations of worthiness and unworthiness of social assistance. This study examines the merging of U.S. War on Drugs and Welfare Reform policies through the welfare drug testing provision in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the social construction of welfare recipients as drug addicts through state level policymaker's discourse, and an analysis of race, class, and gender constructions and intersections through legislators' discursive arguments over drug testing policies. The introduction includes a brief history of U.S. cash assistance programs; a discussion of the federal authorization of drug testing policies and current state trends regarding such policies, the significance of political discourse in the policymaking process, a brief overview of the subsequent chapters, and the significance of this study.

From Aiding Dependent Children to Drug Testing of Welfare Recipients

Aid to Dependent Children (ADC) was established as an entitlement program by the Social Security Act of 1935 to provide cash assistance for needy children whose "father or mother was absent from the home, incapacitated, deceased, or unemployed" (U.S. Department of Health and Human Services 2008). The ADC program was intended to be a short-term program providing aid to children, but not their parents (DiNitto 2007:205). The needs of the parent, usually single mothers, were addressed in 1950 when they too became eligible for benefits. The program was revised and renamed Aid to Families with Dependent Children (AFDC) in 1962 "to emphasize the family unit," adding provisions for a second adult in circumstances where one

parent was debilitated (DiNitto 2007:206). In 1996, AFDC was replaced by Temporary Assistance for Needy Families (TANF), authorized by PRWORA, also known as the Welfare Reform Act of 1996.

From their inception, cash and in kind assistance programs have been means-tested to determine who is and who is not entitled to benefits. For means-tested programs, one determinant is economic need, which has been defined by a poverty threshold, or the determination of poverty based on income and other resources (Blank 2007:3). However, many individuals meeting economic eligibility fall short on other measures or considerations. Importantly, these other criteria have done much more than regulate the dispensation of supplementary funds to the poor; they have also served to distinguish the “worthy” from the “unworthy” and the “deserving” from the “undeserving” populations.

For instance, under ADC, “man-in-the-house” rules were used to deny benefits to mothers who were connected to a man in any way, particularly if he resided in her home (Piven and Cloward [1971] 1993:127). Beginning in the 1940s, “suitable home” rules were also used in benefit determination, where women “found “guilty” of violating social norms (usually bearing illegitimate children) were permitted to keep their offspring but had to rear them with without public aid” (Piven and Cloward [1971] 1993:139). The exclusions and humiliation of welfare recipients extend beyond the specific regulations; they are “integral” to how the recipients are treated by the welfare bureaucracy. As stated by Piven and Cloward ([1971] 1993),

A central feature of the recipient’s degradation is that she must surrender commonly accepted rights in exchange for aid. AFDC mothers, for example, are often forced to answer questions about their sexual behavior (“When did you last menstruate”), open their closets to inspection (“Whose pants are those?”), and permit their children to be interrogated (“Do any men visit your mother?”) Unannounced raids, usually after midnight and without benefit of warrant, in which a recipient’s home is searched for signs of “immoral” activities, have also been a part of life on AFDC (p. 166).

Of course, midnight home invasions and questions of recipient's sexual behavior are a thing of the past. However, the question remains as to whether society has truly evolved beyond such practices and tactics, or if they have merely changed form.

For instance, the Welfare Reform Act of 1996 added another criterion for eligibility determination by authorizing drug testing of welfare recipients. Section 902 of PRWORA states, "Notwithstanding any other provision of law, States shall not be prohibited by the Federal Government from testing welfare recipients for use of controlled substances nor from sanctioning welfare recipients who test positive for use of controlled substances." Congressional records concede, "the purpose of the drug provision was to further the goals of the War on Drugs" (ACLU 2003a:4), alluding to the assumption that welfare recipients are likely to be drug users.

Since 1996, several states implemented a non-invasive approach to drug testing in the form of drug use questionnaires, determining that questionnaires were at least as useful as drug testing and much more cost effective in identifying drug abuse (ACLU 2003b). Nonetheless, Michigan began random drug testing of welfare recipients in 1999; however, the policy was struck down in October 2002 by the Sixth Circuit Court of Appeals as violating Fourth Amendment rights against unreasonable search and seizure (*Marchwinski v. Howard*, 2002). In spite of this ruling, since 1999, 13 states have implemented welfare drug testing policies (Alabama, Arizona, Arkansas, Florida, Georgia, Kansas, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, Virginia, and Utah), and several others currently have proposals or pending legislation to implement drug testing of TANF recipients (National Conference of State Legislators 2015), a few going as far as to propose "testing for recipients of unemployment insurance, medical assistance and food assistance" (Lewis 2009:1).

What We Say Matters: The Significance of Policy Discourse

Policy discourse plays a significant role in the formation and justification of public policy (Fischer 2003; Schneider and Ingram 1993), communicating widespread beliefs regarding policy target populations, while simultaneously contributing to the social construction of these groups. For example, concerning welfare drug testing policy, California Assemblyman Benoit (R) asserts that the problem is “a welfare system that enables drug addicts with taxpayer money” (Belville 2008:1). Similarly, Arkansas Representative Frank Glidewell (R), “believes that alcohol and/or drug problems are ‘pretty widespread’ among recipients of public assistance” (Wickline 2008:1). Such statements parrot widespread beliefs about the poor (Weaver 2000) despite research that finds percentages of alcohol and drug abuse among welfare recipients to be in line with the general population, and ranging from three to six percent (Grant and Dawson 1996; Pollack et al 2001; ACLU 2003b). As such, welfare drug testing efforts and public rhetoric surrounding them reinforce and contribute to the social construction of welfare recipients as drug addicts.

What’s to Come?

What follows is multi-focal analysis of policymakers’ discourse surrounding welfare drug testing legislation. Article 1 (see Chapter 2) begins with an analysis of federal-level legislative discourse from the War on Drugs and Welfare Reform debates building on a study by McCorkel (2004) which assesses “whether and to what extent welfare and criminal justice policies are coordinated, and, more narrowly, how dependency discourses associated with welfare reform were used to justify implementation of get tough policies in women’s prisons” (p. 388). In an attempt to mirror McCorkel’s with a slight shift in focus, we examine whether and to what extent social pathology discourses are employed in both War on Drugs and Welfare Reform debates to determine 1) whether rhetoric used in both debates is similar, and 2) whether social pathology

themes that McCorkel (2004) found to be associated with the War on Drugs were present in Welfare Reform debates to justify drug testing welfare recipients.

Article 2 shifts the focus to state-level discourse regarding drug testing. The interest in investigating pronouncements made by state-level policymakers was prompted by a significant change in welfare reform policy under PRWORA: the devolution of policy formation and implementation to the states under the broad parameters set by the legislation, effectively leaving welfare drug testing policy to the discretion of the states. An ample body of literature examines PRWORA from its inception and adoption at the federal level (Weaver, 2000), to devolution to the states (Schram, 2000), to street-level implementation (Riccucci, 2005) and the agency of welfare workers (Morgen, 2001). Another significant body of research examines welfare policy effects and outcomes at the national and state-levels (Peck 1998; Nelson 2006; Bitler, Hoynes, Jencks, and Meyer 2010). However, analyses of welfare drug testing policies, the most recent and controversial evolution in welfare policy, are conspicuously missing. While states are not required to implement such policies, they have become popular across the nation. As such, in article 2 (see Chapter 3) we examine the social construction of welfare recipients through policymakers' discourse as welfare drug testing policies are proposed and implemented in numerous states. Specifically we ask, "How has the target population of welfare recipients been socially constructed through discursive frames employed by legislators via drug testing proposals and public statements, particularly with regard to establishing "worthiness" of recipients?"

Historically, public and political discourses related to social problems such as drugs or poverty have also been used to construct the meanings of race, gender, and class. Welfare policy in particular, while clearly having a basis in social class, also has distinct gender and racial connotations. Hence, a substantial body of literature examines issues of welfare and gender (e.g.

Folbre 1984; Orloff 1996; Brush 1997; Naples 1997; Mc Corkel 2004), and ample welfare research addresses issues of race and welfare policy (e.g. Piven and Cloward [1971] 1993; Gilens 1999; Schram 2005). However, only a minimal body of research examines how the intersections of race, class, and gender enter problem definitions and welfare policy discourse (e.g. Naples 1997; Quadagno 1990). Even more importantly, scant research examines how problem definitions and welfare policy discourse contribute to the discursive construction of the meaning of the intersections of race, class, and gender (see, Ferree 2009; Choo and Ferree 2010). In manuscript 3 (see Chapter 4), we address this gap with the application of an intersectional perspective in our analysis of state level legislators' welfare drug testing discourse to understand and assess how categories of race, class, and gender give meanings to policy discourses concerning drug testing of welfare recipients, and conversely, how policy discourses concerning welfare drug testing give meanings to categories of race, class, and gender.

What's the Point?: Significance of the Study

While there is abundant literature on social welfare programs in the United States (e.g. Townsend, 1970; Piven and Cloward, [1971] 1993; Elwood 1988; Schram 1995 and 2000; Gilens 1999; Kushnick and Jennings 1999; Weaver 2000; O'Connor 2001; Soss 2005; Kilty and Segal 2006; DiNitto 2007), empirical analyses of welfare drug testing policies are strikingly absent, despite the fact that this issue has been such a "hot topic" in recent policy debates. There is also a substantial body of literature examining the social construction of the poor as deserving or undeserving, and shedding light on discourse surrounding welfare worthiness (Adair 2001; Benson-Smith 2005; Brush, 1997; Fraser and Gordon 1994; Soss 2005). However, the bulk of this work is at least a decade old, and importantly, none addresses the social construction of welfare recipients with the advent of welfare drug testing policy.

Additionally, while issues of race, class, and gender have been analyzed with regard to poverty and welfare discourse, as well as with regard to policies related to the War on Drugs, there has been no analysis of the synthesis of these two policy arenas, welfare drug testing. Current proposed legislation to bring substance abuse into the determination of welfare worthiness, makes issues of race, class, and gender all the more relevant in light of the class and racial implications of the War on Drugs. Hence, the issues of discourse and the social construction of welfare recipients as a target population with regard to welfare drug testing policies and proposals are topics worthy of further analysis, and will make significant contributions to the current body of knowledge on welfare policy.

Each article included in this work offers a unique and significant contribution to the most recent eligibility criterion in U.S. social welfare policy, welfare drug testing. The examination of the merging of War on Drugs and Welfare Reform policies, and the discursive crossover between the two policy arenas with the application of social pathology discourse provides the foundation for the subsequent propagation of state-level welfare drug testing policies (see Chapter 2). The analysis of state-level legislators' discourse regarding welfare drug testing policy demonstrates the power of language and authority in the social construction of target populations, particularly those with little political clout and public favor (see Chapter 3). Finally, the study of the reciprocal relationship between welfare drug testing discourse and meanings of race, class, and gender demonstrates a significant shift in welfare policy discourse with the noteworthy absence of race and gender tropes (see Chapter 4). These three analyses taken together provide a more complete picture of welfare drug testing discourse, beginning with federal-level policymakers and the merging of War on Drugs and Welfare Reform policies, to state-level constructions of welfare recipients as drug addicts, to the evolution of racial,

gendered, and class constructions of welfare recipients.

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Chapter 1

Pathologies of the Poor:
What do the War on Drugs and Welfare Reform Have in Common?

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Abstract

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) authorized drug testing of welfare recipients as a criterion for assistance eligibility. This raises the question of a possible confluence of War on Drugs and Welfare Reform policies, as indicated by continuity in policymakers' rhetoric. To address this question, we examine federal-level policymakers' debates surrounding the authorization of drug testing welfare recipients. The analysis reveals that themes of the social pathology were present in both policy areas. Crime, drug addiction, welfare dependency, and drug testing themes are comparable in both debates. Teen pregnancy, out-of-wedlock birth, and female-headed households themes were more prevalent in Welfare Reform debates, with the exception of drug-addicted newborns, which crossed both policy streams.

Keywords: welfare drug testing, Welfare Reform, War on Drugs, social pathology, social construction of target populations, rhetoric

Pathologies of the Poor: What do the War on Drugs and Welfare Reform Have in Common?

The idea that politicians make effective use of rhetoric in the policymaking process has been widely acknowledged (Fischer, 2003; Rochefort & Cobb, 1994). It is through the use and manipulation of language that policy problems are defined and alternative solutions are considered. In the social ordering of relationships, some rhetorical strategies are more potent than others, particularly those that define and promote morality (Ben-Yehuda, 1990). This has far reaching implications for the social construction of target populations (Schneider & Ingram, 1993).

For decades, social pathology rhetoric, which constructs and promotes demarcation between deviance and acceptable behavior, has been used to shape public views of poverty and welfare (Ben-Yehuda, 1990; Chappell, 2010; Spector & Kitsuse, 2001). In public policy, social pathology rhetoric emerged in reference to welfare in 1965 with Moynihan's Department of Labor report *The Negro Family: The Case for National Action*. In his report, Moynihan describes the social ills plaguing poor black families as a "tangle of pathology" that includes matriarchal family structure and female-headed households, "illegitimate births," teen pregnancy, poverty and welfare dependency, delinquency and crime, and drug abuse (U.S. Department of Labor, 1965). Over the years, the concept of social pathology has been used to describe a range of deviations from mainstream norms and values which are "associated with the development of "dysfunctional" or "pathological" patterns of organization and behavior, that is, patterns that impede integration and subvert moral order" (Reed, 1999, p. 187).

The significance of social pathology rhetoric is related to the crucial role it plays in the social construction of target populations, which involves "1) the recognition of the shared characteristics that distinguish a target population as socially meaningful, and 2) the attribution

of specific valence-oriented values, symbols, and images to the characteristics” (Schneider & Ingram, 1993, p. 335). Such constructions, presenting groups in either a positive or negative light through the use and management of public and political rhetoric, become widely accepted throughout society, regardless of their accuracy (Brush, 1997; Fischer, 2003; Fraser & Gordon, 1994; Naples, 1997; O’Connor, 2001; Piven & Cloward, 1993). These constructions become so embedded in the public psyche that they can easily be deployed to justify otherwise unacceptable government actions, including those that radically restructure welfare policies (Chappell, 2010).

Research examining poverty and welfare has revealed the intrusive and paternalistic nature of the social welfare system (McCorkel, 2004; O’Connor, 2001; Piven & Cloward, 1971; Soss, 2000; Soss, 2005). Recently, the invasion of privacy of the poor in exchange for financial assistance has been legitimized through the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which authorized drug testing of welfare recipients as an additional criterion for eligibility, providing yet another articulation of how “the War on Drugs has become a war on the poor” (ACLU, 2003, p. 1).

The interface between the war on drugs and the poor has been noted by several scholars who identified the connection between drug use as social pathology and the social construction of welfare recipients (e.g., Brush, 1997; Fraser & Gordon, 1994; McCorkel, 2004). Brush (1997) for instance, demonstrated how “conservative policy reformers revived caricatures of single mothers that played on racist stereotypes of profligacy, dependency, irresponsibility, shiftlessness, and chiseling” (p. 739). This connection emerged from the concept of an ‘underclass,’ “which included by definition drug addicts, ex-convicts, former inhabitants of mental facilities, and single mothers” (Brush, 1997, p. 739). Brush (1997) argues that including

single mothers in the same category as drug addicts and the mentally ill promoted the position that they were undeserving poor who should not receive public support.

Fraser and Gordon (1994) make the connection through the discourse of dependency, which was used in the 1980s as a euphemism for addiction. They maintain, “because welfare claimants are often – falsely – assumed to be addicts, the pathological connotations of *drug dependency* tend also to infect *welfare dependency*, increasing stigmatization” (Fraser & Gordon, 1994, p. 325). This assertion is epitomized by Vice President Quayle’s (1992) infamous “Murphy Brown speech,” when he stated, “Our inner cities are filled with children having children...with people who are dependent on drugs and on the narcotic of welfare...this poverty is, again, fundamentally a poverty of values” (p. 2).

Noting an escalation in the public and political support for attitudes of condemnation, Beckett and Western (2001) argue that both criminal justice and social welfare policy have become more punitive and exclusionary reflecting “a larger shift in the governance of social marginality” (p. 44). Earlier, Garland (1981, 1985) observed an increase in social regulatory practices that involve normalization of behavioral “abnormalities” among “marginal” populations, including the poor, through the work of government agencies focused on social welfare which he terms “penal welfarism.” More recently, Garland (2001) notes that over time the two systems have become even more intertwined as they share “the same assumptions, harbor the same anxieties, deploy the same stereotypes, and utilize the same recipes for the identification of risk and the allocation of blame” (p. 201).

Despite growing recognition of the coupling of various punitive systems, much scholarship still focuses on only one or the other of two policy areas, War on Drugs or Welfare Reform. In this context, McCorkel (2004) argues, “separate spheres” scholarship tends to mask

“how shared or complementary mechanisms of social control, architectures of claims making and need construction, and institutional conceptions of subjectivity and pathology anchor race, class, and gender arrangements *across* state systems” (p. 387). While others (Brush 1997; Fraser & Gordon, 1994) have argued that the discourse of dependency bridges social pathology and welfare discourses, McCorkel’s (2004) institutional ethnography analyzes “how dependency discourses associated with welfare reform were used to justify implementation of get tough policies in women’s prisons” (p. 388). McCorkel’s study is the only analysis of rhetorical coordination of U.S. welfare and criminal justice policies. Yet, McCorkel (2004) only examines the co-opting of welfare reform dependency rhetoric by a state penal institution.

However, exploring possible rhetorical conflation of the poor and drug addicts in policy debates is a critical task. First, such conflation averts the focus from children, who constitute approximately 76 percent of welfare recipients (U.S. Department of Health and Human Services, 2012, p. X-69), and family, however family may be defined. Second, if policy rhetoric coalesces the poor and drug addicts into a single pathological population, this furthers the stigmatization of the poor and the questioning of their worthiness.

Building on and extending McCorkel’s (2004) research, this study examines federal-level policymakers’ rhetoric surrounding the authorization of drug testing welfare recipients. Specifically, we explore federal-level policymakers’ War on Drugs and Welfare Reform debates to establish 1) whether rhetoric used in both debates is similar, and 2) whether social pathology themes that McCorkel (2004) found to be associated with the War on Drugs were present in Welfare Reform debates to justify drug testing welfare recipients. We begin by briefly discussing the background and the context of the two policies.

Policy Backgrounds and Contexts

President Nixon initiated the National War on Drugs in 1971, and signed it into law in January 1972. This policy approach continued to gain traction through the mid- 1980s with Nancy Reagan’s slogan, “Just Say No,” peaking in 1989 – 1990 with the passage of additional policies aimed at fighting “the war” on a variety of fronts. During this time span, the focus of the drug war also shifted. The Nixon administration allocated two thirds of federal spending for prevention and treatment and one third for interdiction and enforcement; the Reagan and subsequent administrations reversed the distribution, allocating two thirds to interdiction and enforcement and one third to prevention and treatment (Califano, 2010).

In the context of the War on Drugs, interdiction and enforcement efforts included tougher sentencing (truth in sentencing, mandatory minimum sentences, three strikes laws, and restrictions on sentencing discretion) and increases in prison spending and space (Donovan, 2001; McCorkel, 2004; Sharp, 1994), as well as an effort to implement drug testing for several groups. This latter endeavor began toward the end of the Vietnam War (1955-1975), when returning veterans were found to be addicted to narcotics.

Arguments for drug testing additional groups of U.S. citizens escalated when the focus shifted from veterans to transportation and federal employees. In 1984, the Federal Railroad Administration developed more rigorous and uniform drug and alcohol testing for railway employees in the wake of a number of train accidents involving drug or alcohol use (Rasky, 1984, p. B4). Between 1986 and 1998, drug testing was expanded to all federal employees as well as new groups of transportation workers, including airline pilots, flight attendants, and truck drivers (*Pittsburgh Post Gazette*, 1988, p. 1-2).

Following these drug-testing policies, proposals to test welfare recipients were introduced in 1989 when Louisiana Representative David Duke gained committee passage of a bill requiring welfare recipients to take drug tests. The bill, as proposed, also blocked benefits for anyone testing positive or anyone convicted of a drug offense (*The Advocate*, 1989). While this measure ultimately failed, calls for welfare-related drug testing did not cease.

A few years later, Welfare Reform, or “ending welfare as we know it,” rose to the policy agenda with President Clinton’s bid for reelection in 1994. The aim was to replace entitlement programs with block grants, implement time limits and work requirements for recipients, and give states greater power and flexibility in providing welfare benefits (Ricucci, 2005). In 1996, this effort was concluded as the Aid to Families with Dependent Children (AFCD) entitlement program was replaced with the Temporary Assistance for Needy Families (TANF) program. TANF was authorized by PRWORA, also known as the Welfare Reform Act of 1996.

Drug testing of welfare recipients as an eligibility criterion was authorized by Section 902 of PRWORA. Whereas the American Civil Liberties Union (ACLU) (2003) argues “the purpose of the drug provision was to further the War on Drugs,” (p.4) this has yet to be established. The policy, however, has maintained a place on the legislative agenda in a growing number of states, as states now, under PRWORA, have authority to design and implement cash assistance programs under the parameters they see fit.

Extant Research: Dependency Rhetoric

Linkages between state institutions are facilitated by rhetorical strategies as well as interpretive frames (psychological, criminological, medical), which operate in one system and are adopted by other systems “to inform institutional conceptions of deviance and pathology, needs, and subjectivities” (McCorkel, 2004, p. 388). One noticeable rhetorical link between the

welfare system and the criminal justice system is that of dependency. Dependency rhetoric was central to the Welfare Reform Act of 1996 (Naples, 1997), and also “played a central role in the implementation and legitimation of ‘get tough’ policies in the criminal justice system” (McCorkel, 2004, p. 388).

McCorkel (2004) argues that the “welfare and criminal justice systems share a set of assumptions, concerns, and stereotypes” (p. 391) The characterization of dependency within the women’s prison system as being an individual foible rather than a systemic problem, as well as a moral or psychological defect that could be resolved, is the same characterization that was espoused in the Welfare Reform debates of 1996 and was subsequently codified in PRWORA (McCorkel, 2004). This was a substantial shift in prison rhetoric, which historically favored a more paternalistic attitude toward women inmates, encouraging dependence and maintaining “women’s place in a larger gender order” (McCorkel, 2004, p. 401). The more recent view of dependency stresses “dependency would be on a man for money, or welfare, or even on (a) drug to feel good about. But you get dependent on one thing, these women in particular, and it leads to all sorts of behavioral deviance” (McCorkel, 2004, p. 401). As such, dependency is equated with pathology, a conclusion also drawn by Fraser and Gordon (1994).

The duration of the dependency issue, on the one hand, and drug issue, on the other, on the public radar and political agenda is remarkable. Policy issues typically have a limited lifespan due to the sheer number of problems in need of policymakers’ attention (Sharp 1994). However, “if a problem can be recast or repackaged in a different light, it can continue to capture attention” (Sharp, 1994, p.102). The boundaries between drug war and welfare policy regimes appear to have blurred further under PRWORA wherein Section 115 denies welfare benefits to convicted drug felons including TANF, food stamps, and housing assistance. Welfare drug

testing also appears to blur the lines raising questions regarding the possible merging of the War on Drugs and Welfare Reform through the policy rhetoric that recasts welfare reform issues in a new light.

Method

In this study, we examine federal-level policymakers' debates surrounding the authorization of drug testing welfare recipients and to establish whether, and the extent to which, themes of the social pathology rhetoric are present in the War on Drugs and Welfare Reform debates. The primary sources of data are Congressional Record documents containing debates over the War on Drugs from the 101st (1989 - 1991) through the 106th (1999 – 2001) Congresses, and Welfare Reform debate documents, particularly those discussing issues of drug use, drug testing, and disqualification for drug related felonies, from the 104th Congress (1995 - 1997). Congressional documents and reports were collected via The Library of Congress THOMAS. Availability of documents on THOMAS (from the 101st through the 111th Congresses) established the range of documents included in this study. Search terms included: “War on Drugs,” and “Welfare Reform.”

In the majority of the documents in the initial pool (See Table 1), the War on Drugs or Welfare Reform were mentioned but not debated. Only documents containing legislative debates on War on Drugs or Welfare Reform were used in the analysis. Since some of the debate-centered documents included duplicate speeches and statements by legislators, the duplicate documents were also eliminated from the analysis. Ultimately, 26 War on Drugs documents from 101st through 106th Congresses (see Table 2) and 33 Welfare Reform documents from the 104th Congress were analyzed.

Table 1: Number of Congressional Debate Documents Identified in Initial Search

Congress	War on Drugs	Welfare Drug Testing
101 st (1989 – 1991)	819	4
102 nd (1991 – 1993)	256	0
103 rd (1993 – 1995)	155	0
104 th (1995 – 1997)	166	345
105 th (1997 – 1999)	254	0
106 th (1999 – 2001)	214	0

Table 2: Congressional Distribution of War on Drugs Documents Used in Analysis

Congress	Number of War on Drugs Documents Analyzed
101 st (1989-1991)	4
102 nd (1991 – 1993)	1
103 rd (1993 -1995)	1
104 th (1995 – 1997)	17
105 th (1997 – 1999)	1
106 th (1999 – 2001)	2

Ethnograph, a qualitative data analysis program, was used to analyze the data. Data files were downloaded into the *Ethnograph*. Deductive, a priori, coding was used, beginning with focused codes. The overarching code in this analysis was social pathology, with sub-categories including: crime, drug addiction, teen pregnancy, out-of-wedlock birth, female-headed household, and welfare dependency. Additional codes included in the analysis were poverty, pregnancy, prevention/education, affected infants, treatment, drug testing, enforcement/interdiction, trafficking, civil rights penalty, race/ethnicity, social class, and gender, and stigma. The two groups of documents were compared for the presence of the specified codes.

Results

General Themes

In general, War on Drugs documents discussed drug use and abuse as a great national problem, and major source of social ills, inextricably linking crime and drugs/drug use. Solutions to these problems centered on enforcement and interdiction. Enforcement rhetoric focused on stiffer prison sentences, truth in sentencing, limiting judicial discretion, and three strikes laws. Harsher penalties were called for, including life sentences and the death penalty for using children in drug trafficking and the use/possession of firearms with drug crimes. Additionally, there was a push to extend punishment beyond the criminal justice system and into the social welfare system by the denial of welfare benefits to individuals convicted of felony drug crimes, the removal of drug addiction and alcoholism as eligible categories for Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI) benefits, and moves to implement drug testing for welfare recipients. Examples of the rhetoric follow in subsequent findings subsections (Social Pathology, Crime and Drug Addiction, Poverty and Welfare as Social Pathology, Drug Testing, Teen Pregnancy, Out of Wedlock Births, and Female Headed Households).

The dominant rhetoric in the Welfare Reform documents focused on moving recipients into the workforce, time limited assistance, collection of child support, devolution to the states, personal responsibility, and self-sufficiency. Welfare itself was referred to as a drug or a narcotic. Alternate or opposition rhetoric included concerns over unfunded mandates, unemployment and lack of jobs paying viable wages, corporate welfare, reductions in school lunch programs and heating assistance, and lack of child care. Issues of economic downturn and

the provision of sufficient social support in times of recession were also raised in arguments opposing the welfare reform strategies.

The dominant rhetoric for both sets of documents was generally punitive in nature. The Congressional debate over the War on Drugs advocated greater spending on interdiction and enforcement efforts along with harsher punishments for offenders. Welfare Reform documents focused on increased restrictions, rules, and regulations for welfare recipients. The overall tone of both debates in regard to the target populations was derogatory and reproachful, with numerous examples of social pathology rhetoric.

Social Pathology

Two of the 26 War on Drugs documents (See Table 3) explicitly contained the phrase “social pathology.” First, Senator Hatch (R – Utah) entered into Congressional Record a policy document developed by the Task Force on National Drug Policy: “Setting the Course – A National Drug Strategy.” This document states, “The American public recoiled at the social pathologies associated with the illegal drug epidemic then (in the 1960s and 1970s), and recent polls indicate that they are just as concerned today that we are about to repeat history because we failed to learn our lesson” (U.S. Congress, 1996c, S9016). The Task Force, composed of nine Senators and nine Representatives, asserts that “many of our social pathologies, in addition to drug use, arise from causes directly related to a climate that disparages essential moral and ethical principles of personal behavior” (U.S. Congress, 1996c, S9016).

Such social pathology rhetoric is directly in line with Welfare Reform rhetoric, without direct use of the term. In support of “true welfare reform,” Representative Shaw (R - FL.) lists the horrors of the “killing compassion of the welfare state” including

crack babies who start out life from the first day with two strikes against them.
The plague of illegitimacy in our inner cities, as high as 80% in some areas.

Children giving birth to children who, we know, will be dramatically more susceptible to low birth weight, disease, physical abuse and drug addiction. An epidemic of violence the likes of which this country has never seen before, so bad that by 1970 a child raised in our nation's biggest cities was more likely to be killed than an American soldier serving on the battlefield during World War II. And the latest phenomenon: police departments in our cities warn of a new generation of 'super predators,' children growing up in a shattered society riddled with drugs who have no compunction about taking a human life (U.S. Congress, 1996a, p. E857).

These examples of rhetoric from both policy areas illustrate a broad view of social pathology, touching on several sub-categories (e.g. crime, drug addiction, teen pregnancy, out-of-wedlock births).

Crime and Drug Addiction

Sub-categories of crime and drug addiction were apparent in the majority of both sets of documents (See Table 3). In fact, they represent the greatest rhetorical crossover that occurred between the two policy debates. Both debates discussed crime and drug abuse in pathological and criminal frames with punitive and harsh solution proposals. Specifically, crime was a rhetorical category in 20 out of 26 War on Drugs documents and 18 of 33 Welfare Reform documents. Drug abuse was a rhetorical category in 25 of the 26 War on Drugs documents and 25 of the 33 Welfare Reform documents. These subcategories of social pathology dominated policymakers' remarks and were referred to in tandem in 18 of the War of Drugs documents, as well as 18 of the Welfare Reform documents. For instance, Representative Solomon (R – NY) states,

Illegal drugs play a part in half of all homicides. In fact, 48 percent of all men arrested for homicide test positive for illicit drugs at the time of arrest. Over 60 percent of prison inmates are there for drug related crimes. Illegal drug use is a factor in half of all family violence. Most of this violence is directed against women. Over 30 percent of all child abuse cases involve a parent using illegal drugs (U.S. Congress, 1995b, p. E9).

Much of the discussion throughout the War on Drugs documents is aimed at expansion of law enforcement, interdiction efforts, and prisons, as well as tougher sentencing requirements, including mandatory minimum sentences and limitation of judicial discretion. Yet, there are also appeals to

deny Federal benefits upon conviction of certain drug offenses; ensure quality assurance of testing programs; require employer notification for certain drug crimes; require mandatory drug testing for all Federal job applicants; provide the death penalty for drug kingpins; prohibit federally sponsored research involving the legalization of drugs (U.S. Congress, 1995b, p. E9).

Senator Gramm (R – TX), a proponent of drug conviction eligibility restriction, argues “if we are serious about our drug laws, we ought not to give people welfare benefits who are violating the Nation’s drug laws” (U.S. Congress, 1996b, p. S8498). The call for denial of benefits for drug related convictions was initiated in the War on Drugs, but ultimately realized under Section 115 of PRWORA.

Most references to drug addiction, in both War on Drugs and Welfare Reform documents, were largely from a punitive criminal justice frame advocating punishment, rather than a medical frame, which views addiction as a medical condition requiring treatment, although there were some mentions of treatment and rehabilitation. The main thrust of medically framed discussion in both debates was a dearth of treatment availability and concomitant funding. However, Senator Kennedy (D – MA), in speaking against denial of assistance for individuals with drug convictions, argued that “it would undermine the whole notion of providing drug treatment as an alternative sentence to a first-time drug offender if the individual requires Federal assistance to obtain the treatment... if you are a murderer, a rapist, or a robber, you can get Federal funds; but if you are convicted even for possession of marijuana, you cannot” (U.S. Congress, 1996b, p. S8498). Kennedy’s concerns were realized with the passage

of PRWORA in that individuals convicted of felony drug crimes, including possession, use, or distribution of controlled substances, are not eligible for SSI/SSDI, TANF, or food stamps; although, States have the ability to opt out of this regulation.

Poverty and Welfare as Social Pathology

While the War on Drugs congressional documents were replete with drug related rhetoric, there was also ample discussion of poverty and welfare in a pathological sense; the concern over welfare dependency was raised in 10 of the 26 documents (See Table 3). The distinction between poverty and welfare dependency is not apparent in the War on Drugs debates. Welfare dependency/poverty and drug abuse were linked in 13 documents. Welfare dependency/poverty, crime, and drug abuse were linked in 12 documents. There were several significant statements linking drugs, crime, poverty, and welfare dependency. In one case, Senator Kohl (D – WI) states, “Alcohol and drug abuse costs Wisconsin’s economy \$3 billion a year for medical care, crime, lost productivity, and welfare” (U.S. Congress, 1989c, p. S5950). Representative Moakley (D – MA) asserts that War on Drugs strategy “should include a strong policy to help the many in this country who are poor” (U.S. Congress, 1989d, p. E3042). Such statements rhetorically connect poverty and drug use/abuse, contributing to the social construction of the poor as drug addicts.

Welfare Reform debates have comparable rhetorical threads making similar connections. In those documents, welfare dependency/poverty and drug abuse were discussed in tandem in 24 out of 33, and welfare dependency/poverty, drug abuse, and crime were discussed in tandem in sixteen documents. Moreover, in one of numerous examples citing welfare dependency, identified in 26 of the 33 documents analyzed, Senator Nunn (D - GA) contends, “The problems we are trying to address in this legislation--welfare dependency and the illegitimacy, violence,

and drug abuse that it engenders--are probably the most complex, troubling, and intractable problems facing American society” (U.S Congress, 1995c, p. S14562). Representative Chabot (R – OH) raises the level of the rhetoric, not merely linking poverty and drug abuse, but by equating the use of the social safety net with addiction in his claim, “The lessons of history show conclusively the continued dependence upon relief induces a spiritual and moral disintegration fundamentally disruptive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit...” (U.S. Congress, 1995e, p. H3704). Chabot continues with his welfare reform proposal, which “eliminates taxpayer-financed subsidy payments for drug addicts and alcoholics,” arguing, “We have been paying drug addicts and alcoholics welfare benefits and SSI benefits. It is disgraceful” (U.S. Congress, 1995e, p. H3704). And, in fact, in 1996, as part of welfare reform, Congress removed drug addiction and alcoholism as eligible categories in the Social Security disability programs (DiNitto 2007). Drug testing welfare recipients would soon be proposed and passed to further these goals.

Teen Pregnancy, Out of Wedlock Births, and Female Headed Households

Other aspects of social pathology, teen pregnancy, out-of-wedlock births, and female-headed households, were largely absent from the War on Drugs discourse based on this analysis (See Table 3). In half of the instances where pregnancy and childbirth were discussed, the rhetoric centered on drug use during pregnancy and drug exposed/addicted infants. Senator Inouye (D – HI) submitted a briefing to address this issue and to further the War on Drugs in light of innocent infant victims. This brief asserts,

The real victims in the war against drugs...are the children born to today’s drug-users and who, tomorrow will constitute a large percentage of the members of our society. The infants being born today that endure the perinatal trauma induced by their parents’ drug addictions, may experience throughout their lives the effects of their early drug exposure; the potential costs are incalculable to society (U.S. Congress, 1990, p. S580).

This problem is linked to poor women in the claim, “The case of large numbers of drug-exposed newborns is straining the resources of hospitals serving poor inner city neighborhoods and is very costly” (U.S. Congress, 1990, p. S580). Representative Shaw contends “as many as ten percent of all babies born in America are exposed to cocaine or crack in the womb,” and that “as many as 200,000 drug exposed babies are born annually to mothers on AFDC” (U.S. Congress, 1996a, p. E857). However, recent studies indicate that up to 70 percent of infant drug tests record false positives which can be triggered by commonly used baby soaps, among other things (Cotton, Duncan, Burch, Seashore, & Hammet-Stabler, 2012).

Furthermore, hospital personnel make determinations as to whether mothers are considered at risk for drug abuse and which infants should be tested, ostensibly based on factors such as admission of prior drug use or lack of prenatal care; but, race has also proven to be a determining factor (Kunins, Bellin, Chazotte, Du, & Arnsten, 2007). Researchers recommend that hospitals testing for maternal drug use conduct confirmatory or forensic testing to verify results, but many hospitals do not (Szalavitz, 2012). This calls into question the validity of claims used to bolster the War on Drugs debate, as well as the legitimacy and validity of drug testing, at least in this setting.

In contrast, Welfare Reform documents focused more on bringing men back into the family and reducing teenage pregnancy, topics not addressed in the War on Drugs documents. Senator Mikulski (D – MD) asserts,

We want men back into the family. We want to remove the barriers to family, the barriers to marriage, because we believe the way the family is going to move out of poverty is the way people move into the middle class, with two-parent wage earners... The Democratic plan also tackles the growing problem of teenage pregnancy. Under our bill, teen mothers must stay in school and stay at home as a condition of receiving benefits. If they stay in a home that is not desirable, where they are a victim of abuse, or where there is alcoholism or drug abuse, we create a network of second-chance homes (U.S. Congress, 1995f, p. S11327).

The plan centers on parental responsibility and “addresses two of the key causes of welfare dependency – teen pregnancy and unpaid child support” (U.S. Congress, 1995f, p. S11327).

Table 3: Number of Documents Containing Social Pathology Themes

	War on Drugs (N = 26)	Welfare Reform (N = 33)
Social Pathology	2	0
Crime	20	18
Drug Abuse	25	25
Teen Pregnancy	2	10
Female Headed Households	2	14
Welfare Dependency	13	26
Out of Wedlock Birth	1	16

Drug Testing

The second part of the research question examines the degree to which social pathology rhetoric is used to justify drug testing welfare recipients. Support for the expansion of drug testing policies was apparent in the War on Drugs debate, and present in five of the War on Drugs documents (see Table 4). Social pathology themes of crime (five out of five documents), drug abuse (five out of five documents), and welfare dependency (four out of five documents) were used to support increased drug testing in a number of venues including prison inmates and arrestees, State and local governments, and the private sector.

Table 4: Number of Documents Using Social Pathology Themes in Drug Testing Debate

	War on Drugs (101 st Congress) (N=5)	Welfare Reform (104 th Congress) (N=6)
Crime	5	4
Drug Abuse	5	6
Teen Pregnancy	0	2
Female-Headed Households	0	1
Out of Wedlock Birth	0	2
Welfare Dependency	4	5

Drug testing was discussed in six Welfare Reform documents (see Table 4), and included the argument that drug testing is prevalent in private sector employment such as transportation and manufacturing, which was authorized through the War on Drugs' efforts. The contention is that since the focus is on "welfare to work," recipients should be job ready. Social pathology themes of crime (in four of the six documents), drug abuse (in all six documents), and welfare dependency/poverty (in five of the six documents) were present in the drug testing debate in Welfare Reform documents. Senator Ashcroft (R – MO) argues,

Since the resources are scarce, let us focus them on individuals who are responsible enough, who care enough about their families, who care enough about their future to be able to benefit from the training program because they are not high on drugs. Let us not stick our heads in the sand, while someone else is sticking a needle in his arm (U.S. Congress, 1995c, p. S14975).

Welfare Reform documents also include anecdotes to support drug testing for welfare recipients that include social pathology themes. For instance, Senator Bond (R – MO) reported that "some welfare recipients who are turned down for employment because they flunk an employer's drug test, then turn around and use the results as proof they are actually seeking employment and deserve to remain on welfare" (U.S. Congress, 1996a, p. E857). Representative Shaw (R – FL) uses this anecdote to argue states' rights to require drug testing, and further, to support vouchers in place of cash payments to prevent purchase of drugs and alcohol (U.S. Congress, 1996a, p. E857).

Senator Kennedy (D – MA) was one of a few who stood in opposition to drug testing. In response to Ashcroft, Kennedy states, "Effectively, what this senator is saying is that every worker in this country is somehow under the suspicion of drug usage... The case has not been made." (U.S. Congress, 1995c, p. S14975). Ultimately, drug testing for welfare recipients was codified in PRWORA, Section 902, which states: "Notwithstanding any other provision of law,

States shall not be prohibited by the Federal Government from testing welfare recipients for use of controlled substances nor from sanctioning welfare recipients who test positive for use of controlled substances.”

However, the prevalence of substance use and abuse among welfare recipients is contested. Studies vary greatly in their findings, presenting rates from four to 37 percent, depending on “data sources, definitions and measurement methods, particularly the different thresholds used to define substance abuse” (U.S. Department of Health and Human Services, 2011). The inclusion of alcohol and/or prescription drug abuse also factors into the variance. The general consensus is that welfare recipients are no more likely to have substance abuse issues than the general population (Center for Addiction and Mental Health n.d.; Grant and Dawson 1996; Danziger et. al. 2002; Pollack et. al. 2002; Metsch and Pollack 2005). In practice, welfare drug testing has not yielded a substantial number of positive tests. In 1999, Michigan conducted drug tests on TANF recipients for a five week period before the program was halted by U.S. District Judge, Victoria Roberts. Of the 281 recipients screened for drug use, 21 tested positive, most for marijuana (Narcotics Enforcement & Prevention Digest, 2003). More recently, in Florida, in the four month span of drug testing TANF recipients in 2011, 108 of the 4,086, individuals screened, tested positive for illicit substances, mostly marijuana (Alvarez, 2012).

Discussion

The findings of this analysis lend credence to McCorkel’s (2004) claim that “welfare and criminal justice systems share a set of assumptions, concerns, and stereotypes” (p. 391) regarding policy target populations. Social pathology rhetoric is present in both War on Drugs and Welfare Reform Congressional debates. Sub-categories of social pathology rhetoric that were prominent in both policy arenas include crime, drug addiction, poverty, and welfare dependency. Drug

addiction rhetoric in particular was a focus of both policy debates, and was utilized to support expanded drug testing efforts for multiple groups, including welfare recipients. In regard to teen pregnancy, out-of-wedlock births, and single parent households, the common rhetorical themes between the two policy arenas revolved around drug addiction and included a focus on drug-addicted infants. However, these were marginal in both congressional conversations.

It appears that several themes of social pathology rhetoric utilized in the War on Drugs debate were subsequently utilized in the Welfare Reform debate, particularly those focusing on crime, drug abuse, and welfare dependency/poverty. This supports previous studies (Beckett and Western 2001; Garland 1985 & 2001; McCorkel 2004) arguing that the criminal justice and welfare systems are intertwined. In fact, social pathology rhetoric contributes to the social construction of target populations of both policies. Evidence of a confluence of War on Drugs and Welfare Reform policies at the Federal level, is apparent in welfare drug testing policy, which can be viewed as punishment or penalty. According to Schneider and Ingram (1993), “public officials commonly inflict punishment on negatively constructed groups which have little or no power, because they need fear no electoral retaliation from the group itself and the general public approves of punishment for groups that it has constructed negatively” (p. 336).

With regard to drug addiction and drug testing policies, the aims of both policy debates appear conjoined, and more in line with Garland’s (2001) concept of “penal welfarism.” Indeed, between the two policy regimes common suppositions and inferences are shared, fear mongering is interchangeable, stereotypes are cloned and disseminated, and “the same recipes for the identification of risk and the allocation of blame” (Garland, 2001, p. 201) are put forth. The attachment of the stereotype of a drug addict to the poor may deter some from seeking assistance, in addition to inciting public hostility toward the population. It also has implications

for democratic participation in that such constructions have the tendency to cultivate withdrawal and passivity (Schneider & Ingram, 1993).

The rhetorical similarities between the War on Drugs and Welfare Reform debates support an ostensible convergence of the respective target populations in that the drug addicts and the poor are often referred to similarly, and sometimes interchangeably, in the same conversations. However, this work is limited to an analysis of the discourse at the Federal level from a social pathology perspective.

Although this study examines Congressional debates from the 1990s, it was these two policy arenas, in tandem, that set the stage for today's welfare drug testing agenda, indicating that the aims of the War on Drugs and Welfare Reform remain ongoing and conjoined. Proposals for screening recipients of social services, including TANF, Supplemental Nutrition Assistance Program (SNAP), Unemployment Insurance, SSI/SSDI, and Medicaid, for illicit drugs have been put forth in 42 states to date, including 29 states just in 2013 (National Conference of State Legislators, 2013; Pollack, 2013). Also, since the 1990s several states have passed welfare drug testing legislation. For instance, Michigan implemented welfare drug testing in 1999; however, the law was struck down by the 6th Circuit Court of Appeals in 2003. Florida enacted a similar law in 2011 which was halted by U.S District Judge Mary Scriven. Georgia also passed a welfare drug testing law in 2012, but is waiting for the Florida case to play out in the courts before implementation. This opens an opportunity for research of state level policymakers' discourse surrounding welfare drug testing legislation, the apparent intersection of the War on Drugs and Welfare Reform.

In all, this research offers insight into the merging of policy debates, particularly those affecting marginal populations regulated by the criminal justice and welfare institutions. While

the deservingness of the poor has long been questioned, they are now asked not only to justify their worthiness, but also to prove that they abide by drug laws. Policymakers should be cognizant of the impact of their proposals, debates, and rhetoric on their constituents, particularly marginalized groups. This analysis is perhaps more useful for researchers and those working on social justice in that it contributes to a growing body of literature on the criminal marginalization of the poor and encroachments on their civil liberties. These threats can only be countered by a strong opposition, which such policies have been shown to stifle and discourage. However, as Soss (2005) contends, “By pursuing this dialog, scholars may yet contribute to public policies that support a stronger and more inclusive democracy” (p. 326).

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Chapter 2

A Social Metamorphosis: Constructing Drug Addicts from the Poor

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A Social Metamorphosis: Constructing Drug Addicts from the Poor

ABSTRACT

The worthiness of welfare recipients has long been questioned. However, their stereotypic depictions have changed throughout the decades. In 1996, The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) authorized drug testing welfare recipients and denial of benefits for testing positive. The subsequent proliferation of drug testing policy proposals in states across the U.S. raises questions regarding the portrayal of the drug testing target population. We examined state legislators' public discourse, proponent and opponent, in the welfare drug testing debate, to assess the social construction of welfare recipients. Proponent discursive statements outnumbered opponent statements nearly 5:1. Proponent discourse was overtly derogatory toward and disparaging of welfare recipients. Opponent discourse was generally more sympathetic and supportive of the target population. However, not all opponents were against welfare drug testing in principle or practice. The analysis demonstrates a strong negative construction of welfare recipients as deviants, and indeed as drug abusers.

Key words: welfare drug testing, social construction, target populations, discourse

A Social Metamorphosis: Constructing Drug Addicts from the Poor

Since the inception of U.S. government funded welfare programs in 1935, the provision of social welfare and the worthiness of welfare recipients have been questioned by the general public, the media, and policymakers (Gilens 1999; Somers and Block 2009). The stereotypes and stigma associated with social welfare have been so pervasive that even beneficiaries themselves doubt the worthiness of other beneficiaries (Seccombe, James, and Walters 1998). After extensive and contentious national debate, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) largely accomplished President Clinton's 1991 campaign promise to "end welfare as we know it" (Carcasson 2006). Changes to U.S. welfare policy through PRWORA include the provision for drug testing welfare recipients and sanctioning those who test positive for controlled substances (PRWORA, Section 902, 1996). Since 1996, PRWORA's drug testing provision has been the focus of controversy in a growing number of states (U.S. Department of Health & Human Services 2011) and has generated two lines of research.

First, PRWORA's authorization for welfare drug testing was initiated during a period of increased testing for a number of populations such as transportation workers, military troops, and private employees (Lamothe 2005). This height of the War on Drugs coincided with changes in the criminal justice system reverting back to a more punitive approach with policies such as truth-in-sentencing and three strikes laws. In this context, Reinerman and Levine (1995:147-148) contend that drug scares, that is "periods when antidrug crusades achieve great prominence and legitimacy, [...] typically link a scapegoated drug to a troubling subordinate group – working-class immigrants, racial or ethnic minority, rebellious youth" and provide ideologically acceptable explanations "for enduring and ever growing urban poverty" (1995:151). Such scares

also make “it easier for politicians and legislatures to openly express punitive sentiments and to enact more draconian laws” (Garland 2002:9).

Since criminal justice and social welfare systems and discourses are connected (McCorkel 2004; Amundson, Zajicek, and Hunt 2014), discursive shifts that occur in one of these systems tend to be transmitted into the other one (Baumgartner and Jones 1993). Accordingly, “the new world of crime control provides, in its turn, important sources of legitimation for an anti-welfare politics and for a conception of the poor as an undeserving underclass” (Garland 2002:xii). A handful of studies demonstrate convergence of welfare and criminal justice systems and policies in recent decades, a trend that has subsequently fostered a coalescing negative perception of the target populations entangled in these systems (Reinarman and Levine 1995; Garland 2002; McCorkel 2004; Amundson, Zajicek, and Hunt 2014). While these studies inform the current project, they are more focused on the criminal justice aspect of discursive coupling between social welfare and criminal justice systems.

Second, PRWORA itself has been studied from a variety of angles, including how and why this policy came to be (Weaver 2000), devolution of social welfare to the states (Schram 2000), street-level implementation (Riccucci 2005), the agency of welfare workers (Morgen 2001), and policy effects and outcomes at the national and state levels (Peck 1998; Nelson 2006; Bitler, Hoynes, Jencks, and Meyer 2010). However, even though PRWORA’s drug testing policies are designed and implemented at the state level, analyses of public discourses surrounding state-level initiatives to implement drug-testing policies are lacking. Over the years, and especially in the 1980s and the 1990s, research examining drug testing focused on workplace drug testing programs (e.g. Wisotsky 1986; Lifshitz, Mazura, and Tilson 1989; Zwerling, Ryan , and Orav 1990; Konovsky and Cropanzano 1991; Normand, Lempert, and O’Brien 1994; Lange,

Cabanilla, Moler, Bernachi, Frankenfield, and Fudala 1994; Sujak, Villanova, and Daly 1995; Comer and Buda 1996), as drug screenings were on the rise. Studies examined the efficacy of such policies (e.g. Zwerling et al 1990; Zwerling 1992; Comer 1994) and instrumental and symbolic rationales for workplace drug testing (e.g. Wisotsky 1986; Thompson, Riccucci, and Ban 1991; Comer and Buda 1996). More recent work in this area examines state level policy processes and adoption of workplace drug testing (Lamothe 2005). With regard to PRWORA-related drug testing policies, recent scholarship analyzed legal implications of welfare drug testing policies (Budd 2011; Wurman 2013; Player 2014) and welfare drug testing discourse at the federal level (Amundson, Zajicek, and Hunt 2014).

Finally, while ample research analyzes the stereotypes and social constructions of the poor and the discourse of poverty and welfare policy (e.g. Piven and Cloward 1971; Fraser and Gordon 1994; Brush 1997; Seccombe, James, and Walters 1998; Soss 2002), no study to date examines state level policymakers' construction of welfare recipients in light of drug testing measures, which presume drug use. This gap is disconcerting because policymakers are not simply "passive reflectors of prevailing values;" they influence the formation and reproduction of values "as they design and justify policy" (Ingram and Schneider 1993:70). In doing so, policymakers shape images of and attitudes toward policy targets, advantaging some groups while disadvantaging others (Ingram and Schneider 1993).

We address this specific and significant gap by analyzing public statements and arguments made by state-level elected officials. Our overall goal is to explore the social construction of welfare recipients through discursive frames employed by state legislators. Toward this end, we ask, "How has the target population of welfare recipients been socially constructed through discursive frames employed by legislators via drug testing proposals and

public statements, particularly with regard to establishing “worthiness” of recipients?” We begin with a brief historical overview of welfare drug testing policy, the articulation of criminal justice and welfare policies and systems, and the merging of War on Drugs and Welfare Reform policies.

Welfare Drug Testing and the Merging of War on Drugs & Welfare Reform Policies

The idea of drug testing welfare recipients emerged in the late 1980s during the expansion of the War on Drugs (McCarty, Falk, Aussenberg, and Carpenter 2012). However, it was not until the 1996 Welfare Reform that drug testing of welfare recipients as an eligibility criterion was authorized. Under Section 902 of PRWORA, states acquired authority to design and implement cash assistance programs under the parameters they deem appropriate. Hence, since 1996, states have been able to make eligibility for cash assistance programs conditional on the results of drug screening.

Several states opted for drug-use questionnaires rather than actual drug testing. While less invasive than testing, questionnaires were thought to be as useful and more cost effective (ACLU 2008). However, in 1999, Michigan took the next step and began random drug testing of Temporary Assistance for Needy Families (TANF) recipients. Michigan’s policy was ultimately struck down by the Sixth Circuit Appellate Court in April 2003 in *Marchwinski v. Howard*, with the opinion that it violated Fourth Amendment rights against unreasonable search and seizure, as being poor does not constitute reasonable suspicion for drug use.

In spite of this decision and mounting controversy, a growing number of states are working to tie assistance eligibility to drug testing. While this tends to be a popular policy among the GOP and the general public in that it purports to protect taxpayers by ensuring that public funds are not used to fuel drug habits (Fischer 2009; Sharockman 2011; “Committee

Seeks” 2012), others argue that it is a mean-spirited and unconstitutional attack on the poor (CNN Wire Staff 2011; Peterson 2011; Murphy 2012; Scram 2012). At present, numerous states are in different phases of the policy process with regard to testing welfare recipients for an array of social assistance programs, including TANF, Supplemental Nutrition Assistance Program (SNAP), Medicaid, Supplemental Security Income (SSI), and unemployment (See National Conference of State Legislatures for current information on policies nationwide).

Social Construction and Welfare Worthiness

Welfare recipients have faced scrutiny from the outset of social support provision. The disapproving, and sometimes condemning, attitude toward welfare recipients stands in stark opposition to the general support for social welfare, which is seen as “a necessary and desirable function of government” (Gilens 1999:2). In this context, Gilens (1999:3) argues that how the public views welfare is also shaped by the belief that most welfare recipients “would rather sit home and collect benefits than work hard to support themselves.” These beliefs correlate with stereotypes of African Americans, who are inaccurately believed to comprise the majority of welfare recipients (Gilens 1999). So where do these social constructions, widespread ideologies, myths, and understandings come from? In policy conflicts, finding the true cause of harms is often not the issue (Stone 1989). As Stone reminds us, the location of moral responsibility is dictated more by the political strength of groups, than by proof, facts, or logic (1989).

Schneider and Ingram (1993:334) emphasize the social construction of target populations to describe “the cultural characterizations or popular images of the persons or groups whose behavior and well-being are affected by public policy. These characterizations are normative and evaluative, portraying groups in positive or negative terms”. Social science scholars point to two

mechanisms behind the social construction and dissemination of problem definitions: news media and policymakers. Kendall (2011:2) discusses how the media

contribute[s] to the social construction of reality about class in the United States, including the manner in which myths and negative stereotypes about the working class and the poor create a reality that seemingly justifies the superior positions of the upper-middle and upper classes and establishes them as entitled to their privileged position in the stratification system.

Issue framing in the media affects not only the general public's beliefs about the worthiness of the poor, but the beliefs of policymakers as well, which are in turn recycled through the media.

Policymakers are not only influenced by problem definitions perpetuated in the media, they themselves also frame issues and engage in the social construction of target populations through policy proposals, public statements, and debates in order to establish, promote, and justify their policy agendas and efforts (Schram 1996; Guetzkow 2010). For example, in discussing President Clinton's welfare reform efforts, Piven (1996:XIII) asserts,

The administration has brought welfare to the center of the political stage in order to point to poor women, especially minority women, as the source of America's troubles. Welfare and women who depend on it have been cast as the locus of a kind of moral rot, as the cause of changing gender and family norms (family breakdown, "illegitimate" births), for example, or of poverty and an eroding work ethic (dependency, work disincentives), or of crime, drug use, and so on.

Piven (1996, XIII) contends, "The marginalization of the poor is accomplished in part through words about policy, especially words of political leaders searching for easy ways to divert widespread public discontent over the shocks of economic decline and changing social mores."

To be sure, these ideas not only reinforce widespread beliefs about welfare recipients, but also influence how welfare recipients view their counterparts. Secombe, James, and Walters (1998) found that welfare recipients held contradictory perspectives on poverty. On the one hand, the respondents used individualistic and culture of poverty perspectives to explain the situation of other welfare mothers, linking it to "laziness, drug use, lack of human capital,

personal choice, or other personal shortcomings or irresponsible behavior” (Seccombe, James, and Walters 1998:855). On the other hand, when explaining their own situation “respondents were more likely to invoke structuralist or fatalist perspectives” (Seccombe, James, and Walters 1998:857), including low wage work, lack of safe and affordable child care, absentee fathers, transportation issues, bad luck, health problems, and/or other circumstances beyond their control.

According to Ingram and Schneider (1993:720), public policy presupposes beliefs and perceptions about target populations, such as, “whether the groups are ‘good,’ ‘bad,’ ‘intelligent,’ ‘stupid,’ ‘deserving,’ ‘undeserving,’ ‘respected,’ ‘feared,’ ‘hated,’ or ‘pitied’”. Moreover, policymakers are not simply “passive reflectors of prevailing values; instead they actively participate in values’ formation and perpetuation as they design and justify policy” (Ingram and Schneider 1993:70). Individualistic and culture of poverty constructions of the poor tend to reinforce the idea that this group is largely undeserving. However, welfare recipients are predominantly mothers and their children, two populations that are often viewed as weak and dependent, albeit warmly. Hence, they are not easily associated with deviance and included in deviant categories, which consist of criminals, drug addicts, flag burners, and gangs. Although their negative construction is not straightforward, their positive construction is dubious (Ingram and Schneider 1993). In the debate over drug testing “welfare dependents,” the categorization of this group comes into question, as does their social construction.

Social Construction of Poor as Drug Users

While welfare recipients are generally perceived and depicted as “dependent,” hence not abiding by mainstream society’s norms and values, they are not typically categorized as “deviants.” Yet, exceptions to this general rule exist (Amundson, Zajicek, and Hunt 2014), one being the co-articulation of “dependency” and “substance abuse.” The characterizations of

welfare recipients as addicts, including accusations of alcoholism, became widespread in the 1990s, when, in the context of welfare reform, liberal professionals and advocates began lobbying for the expansion of treatment services (Jayakody, Danziger, Seefeldt, and Pollack 2004). In fact, in 1995, one advocacy group argued that “welfare reform is doomed to fail if it does not address the needs of individuals with alcohol and drug problems” (Legal Action Center 1995). Made as part of good faith efforts to assist welfare recipients suffering from addictions, such statements buttressed the belief that “substance use disorders among public aid recipients [are] widespread and severe” (Metsch and Pollack 2005:67). Over time, the notion that many, or even the majority of mothers on welfare are alcoholics and drug addicts has filtered into public consciousness as demonstrated by a Rasmussen (2011) opinion poll wherein 95 percent of respondents supported drug testing of welfare recipients whether automatically, randomly, or when suspect.

These beliefs and assertions are contradicted by research on substance abuse among welfare recipients, as well as by the results of welfare drug testing programs. Although studies demonstrate a broad range in prevalence of substance use and/or abuse among welfare recipients, from four to 37 percent, depending on data sources, methodology, defining parameters for abuse, and substances considered (U.S. Department of Health and Human Services 2011), there is broad agreement that substance abuse is no greater for welfare recipients than for the general population (Center for Addiction and Mental Health, n.d.; Grant and Dawson 1996; Danziger et al. 2002; Pollack, Danziger, Jayakody, and Seefeldt 2002; Metsch and Pollack 2005).

Despite the lack of convincing evidence supporting a connection between poverty and drug use, poverty has been a prevalent theme in drug policy discourse. According to Sharp (1994b:48), the American public has “typically been galvanized toward antidrug activity when

drugs can be linked to underclass elements and alien outsiders.” Reinerman and Levine’s (1995: 152) analysis demonstrates how in 1986 “[c]rack attracted the attention of politicians and the media because of its downward mobility and increased visibility in ghettos and barrios.” The association of the poor and otherwise marginalized groups with drug abuse is generally accompanied by derogatory characterizations of the purported users.

Leading up to the passage of the 1988 Anti-Drug Abuse Act, drug users were labeled by policymakers as real drug kingpins, “unproductive citizens,” “losers,” and “zombies,” and explicitly compared to “Nazi collaborators” (Donovan 2001). As part of her “Just Say No” campaign, Nancy Reagan deemed casual drug users accomplices to murder (Sharp 1994b). Methamphetamine users have been the focus of recent attention with characterizations of ignorance, dirtiness, and poverty. The drug itself is referred to as “redneck cocaine,” “redneck crack,” and the “trailer trash drug,” alluding to use by a “white trash” underclass (Armstrong 2007). Armstrong (2007:432) establishes the construction of this group of drug users as “inherently inferior and notoriously lazy... a dangerous group in need of monitoring... meth heads – rednecks whose teeth have fallen out”.

To summarize, criminal justice and welfare policies and systems are demonstrated to be conjoined (Garland 2002; McCorkel 2004). Welfare drug testing policies, a furthering of the efforts of the War on Drugs, appear to be yet another link between them (Amundson, Zajicek, and Hunt 2014). Discourse plays a significant role in the linkage of these systems (McCorkel 2004; Amundson, Zajicek, and Hunt 2014). Target populations of both systems, namely welfare recipients and drug users, are weak in terms of political power. However, current discourse and policy moves welfare recipients from the dependent category, which is generally positively

constructed, to the deviant category, which is negatively constructed. This transition has far reaching implications.

On a macro level, legislators are prone to inflicting punishment on such groups “because they need fear no electoral retaliation from the group itself and the general public approves of such punishment” (Schneider and Ingram 1993:336), which only serves to reinforce public perceptions. On a micro level, there are social psychological implications for individuals in the target population resulting from this shift in perception. “Inequality concerns the power and control over how you are constructed, by whom, and, most importantly, how much influence those perceptions and stereotypes have in your day-to-day existence” (Benson-Smith 2005:258). Aside from the increased stigmatization of deviant drug abusing characterizations and the additional hurdles to access needed assistance, now including the procurement of bodily fluids, such punitive and paternalistic policies serve to “undermine citizenship for the welfare poor” (Soss 2005). Soss (2005:323) asserts that welfare policy designs “are active forces that shape patterns of status, belief, and action in the citizenry,” which directly impact social identity and political behavior.

Method

This study examines the public discourse of state level policymakers regarding welfare drug testing policy to better understand the social construction of welfare recipients as drug abusers. Schneider and Ingram (1993:335) contend, “social constructions of target populations are measurable, empirical phenomena. Data can be generated by the study of texts, such as legislative histories, statutes, guidelines, speeches, media coverage, and analysis of the symbols contained therein.” Accordingly, this study analyzes data in the form of press releases, speeches,

and media coverage of state level legislators whose statements engage the broader debate over drug testing welfare recipients.

Relevant news articles on welfare drug testing containing quotes from lawmakers were gathered via ProQuest and Google alerts between March 1, 2009 and July 31, 2012. Press releases from bill sponsors were located on legislators' websites. In all, 2166 articles, press releases, and video clips were reviewed. After eliminating immaterial articles, including those lacking policymakers' quotes and those with duplicate text, 420 articles remained covering policy proposals for 42 states¹. These were entered into *Ethnograph*, a qualitative data analysis program. Deductive, a priori coding was used to code for state, proponent discourse, opposition discourse, and policy implementation and logistics, such as specific programs requiring testing and ramifications for failing tests. Inductive, emergent themes coding, was used to analyze proponent and opposition discourse.

Results

While the documents in the data set were generally balanced in their presentation of both sides of the welfare drug testing debate, when examining only policymakers' discourse, the discussion was heavily weighted in favor of drug testing. Of the 420 documents analyzed, 394 contained proponent discourse, while only 158 contained opposition discourse. The difference in the number of quotes is starker with 1951 discrete statements in favor of drug testing policies, and only 410 statements in opposition. The bulk of the arguments against drug testing policies

¹ States included in this analysis are: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Main, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

were presented by various agencies, organizations, and advocacy groups including the ACLU, social service agency administrators, and the Louisiana Conference of Catholic Bishops.

Proponent Discourse

Numerous topics were evident in proponent discourse and were organized into four overarching themes: worthiness of recipients (56 percent), policy benefits/justification (27.7 percent), paternalism (13.6 percent), and welfare reform (2.6 percent) (See Table 1).

Worthiness of Recipients

Worthiness was the dominant theme with 1095 out of 1951 statements focused on assessing or questioning the worthiness of recipients. This theme included 14 subcategories (See Table 1). “Drug abuse,” was the largest subcategory with 33 percent of the statements, followed by “no financial support for drugs,” 17.4 percent of the statements in the theme. In reference to welfare recipients abusing drugs, New Jersey Assemblyman Gary Chiusano (R) purports, “I don’t need a study. They’re spending taxpayers’ money on drugs. This is common knowledge” (*Star-Ledger* Editorial Board 2011). Colorado Representative, Jerry Sonnenburg (R) asserts, “If you have enough money to be able to buy drugs, then you don’t need the public assistance. I don’t want tax dollars spent on drugs” (KDVR FOX31 2012). These statements, and others in this category, presume that public assistance recipients are using benefits to purchase drugs, are therefore, unworthy of support. Other statements go further in disparaging this population. Oklahoma Rep. Guy Liebmann (R) states, “Law-abiding citizens should not have their tax payments used to fund illegal activity that puts us all in danger” (Smith 2012), insinuating a clear distinction between upstanding, tax-paying citizens and dangerous criminals on the dole.

Deservingness, in general, and morality were also subcategories under this theme, with 10.9 percent of legislators’ statements falling into this category. South Dakota Representative,

Mark Kirkeby (R) argues, “If we are going to be that compassionate, giving society, heaven forbid we make sure that our support goes to those people truly in need and not those people on illegal drugs” (Montgomery 2012). Virginia Delegate, Margaret Ransone (R) equates welfare drug testing with resume building, arguing, “It’s really good to have the character skills. It’s just a good notion to consider that quality in a person that they’re not using drugs” (Davis Jan. 2012). Clearly, in these statements, drug users are deemed undeserving and immoral. The implication is that drug users and welfare recipients are one in the same, or at the very least, that welfare recipients fall under the cloud of suspicion for drug use, and need to prove their worthiness.

More generally speaking to worthiness of recipients, Illinois Representative Jim Sacia (R), argues that while not wanting to believe it, “the evidence is increasingly clear” that we are a nation of freeloaders. “Why work if the government will pay me” (Sacia 2012)? Similarly, in a speech at Mars Hill College, North Carolina Speaker of the House, Thom Tillis (R), stated,

Did you know that health and human services are sending checks to a woman who has chosen to have three or four kids out of wedlock? Then at some point you need to say first kid we’ll give you a pass, second, third, and fourth kid, you’re on your own. What we have to do is find a way to divide and conquer the people who are on assistance... And we need those folks to look down at these people who choose to get into a condition that makes them dependent on the government and say at some point you’re on your own. We may end up taking care of those babies, but we’re not going to take care of you (Somander 2011).

Both speakers express an apparent disdain toward welfare recipients. Such statements also allude to a lack of personal responsibility and accountability among the poor.

Subcategories of “personal responsibility and accountability” and “fraud and abuse” each accounted for approximately 6.5 percent of the statements under the theme of worthiness of recipients. For example, Minnesota Representative Drazkowski (R) asserts, “The whole drumbeat of accountability and welfare spending seems to be getting stronger. We’re sending welfare money to people that are turning it around and pumping it into their veins” (Anderson

2011). Florida Governor, Rick Scott (R) argues, “While there are certainly legitimate needs for public assistance, it is unfair for Florida taxpayers to subsidize drug addiction. This new law will encourage personal accountability and will help to prevent the misuse of tax dollars” (Risinit 2011). This line of argument links welfare use, irresponsible behavior, and drug abuse, as well as fraud and abuse of the system as illustrated by Oklahoma Representative John Bennett (R),

Under current law, welfare benefits can indirectly subsidize an individual’s drug habit, so we must make sure there are penalties for people who take advantage of the system. If this bill is signed into law it will stop recipients from abusing our taxpayer money to fund their drug habits, and it will ensure that needy children still get the food and other support they need and deserve (“Committee seeks” 2012).

In this rhetoric, since welfare recipients are suspect of illicit behavior, taxpaying citizens are in need of protection, which provides justification for welfare drug testing policies.

Policy Benefits/Justification

The theme of policy benefits/justification includes subcategories of “tax payer protection,” “employee drug tests/work readiness,” “saving money/limited funds,” “constituent support,” “fairness,” “common sense,” and “deterrence from welfare.” There were a total of 542 statements under this theme, with the majority, 35 percent, arguing the need to protect taxpayers from welfare recipients. Arizona Senator Pearce (R) proclaims,

A lot of the folks that are in desperate need are (that way) because they have a substance abuse problem. So I’m hoping that this will drive them to get help -- or at least protect the taxpayer from funding folks who need to get their act together (Fischer 2009).

Statements citing employee drug testing and work readiness were the second most frequent (24 percent). Florida’s Governor Rick Scott’s (R) position illustrates these ideas:

If you go apply for a job today, you are generally going to be drug tested. The people that are working are paying the taxes for people on welfare. Shouldn’t the welfare people be held to the same standard? We shouldn’t have long-term

welfare or someone who is using drugs or not out trying to get a job (Sharockman 2011).

Representing 10 percent of statements with the theme “constituent support,” Oklahoma Representative John Bennett (R) declares, “We work for the taxpayers....They have told us overwhelmingly to do something about us paying for these parents who use their kids’ money that we give to buy food on drugs” (“Committee seeks” 2012). Again, the presumption in these statements is that welfare recipients and drug users are one in the same.

Paternalism

Paternalism, i.e., “the interference of a state or an individual with another person, against their will, and defended or motivated by a claim that the person interfered with will be better off or protected from harm” (Stanford Encyclopedia of Philosophy 2014) was also expressed in policymakers’ rhetoric, albeit to a lesser degree than other themes. The theme of paternalism, present in 13.4 percent of statements, included subcategories of “helping addicts,” “protecting children,” “deterrence from drugs,” “enabling drug use,” and “tough love.” West Virginia Delegate Craig Blair’s (R) statement epitomizes paternalism asserting that welfare recipients “are children of the state, so to speak,” and argues that “the state has certain expectations for getting them back on track” (Beard 2009). The largest subcategory of paternalism, “helping addicts,” was represented by 40 percent of paternalism-related statements. This theme is exemplified by Georgia Senator Buddy Carter (R), “We want to help them get better. We want to help them to better themselves and to get off of these drugs, and this is a way we can do it. That was really the view I took of the legislation” (Mach 2012). The theme of “helping addicts” was often accompanied by idea of “protecting children.” New Hampshire Representative Whitehead (R) says, “We are not only doing the recipient a favor, we are also helping the children of those recipients. It is in the child’s best interest that the parent not participate in drugs” (Landrigan

2011). Similarly, Arkansas Representative Glidewell (R) contends, “There’s just so many issues that go with the drugs and alcohol, and we just want to get them help, and we can’t allow the provider, the guardian of children to be on drugs and alcohol” (“Proposed Legislation” 2008). The impetus of the policy according to these legislators is to help drug addicts and, even more importantly, to protect children based on the supposition that most welfare recipients are drug addicts in need of help.

Welfare Reform

Although welfare drug testing is ostensibly a policy strategy produced by merging the War on Drugs and Welfare Reform, welfare reform is a minor theme in these data, accounting for only 2.6 percent of statements. The theme included the subcategories “temporary assistance,” “welfare reform,” and “attack on welfare.” The topic of temporary assistance was the most prominent subcategory represented by 61.5 percent of the statements. Georgia State Senator John Albers (R) articulated this position in stating, “Welfare is designed to be a very temporary solution to help people get back on their feet because ultimately we really care about people” (“Welfare drug testing” 2012). However, Albers continues, “But if they’re using illegal drugs, we’re actually enabling that dependency and true compassion is doing what’s best for people, not easiest” (“Welfare drug testing” 2012). Michigan Representative Jeff Farrington (R) illustrates the topic of welfare reform (accounting for 21 percent of the statements in the theme) in stating, “No matter how many - or few – recipients test positive for using illegal drugs, Michigan taxpayers should not have to contribute their hard earned dollars to those who choose an illegal lifestyle. It’s time we reformed the welfare system to make sure our limited resources are spent on those who are truly in need” (Stemen 2011).

Table 1: Proponent Themes and Subcategories Numbers and Percentages of Legislators' Statements.

Proponent Discourse		
Codes (Themes and Subcategories)	Count (N = # of policymakers' statements)	Percentages of policymakers' statements
Worthiness of Recipients	1095	56
Drug Abuse	365	33.33
No financial support for drugs	191	17.44
Deservingness/Morality	120	10.96
Personal Responsibility and Accountability	73	6.67
Fraud and abuse	69	6.30
Criminalizing/Convicts	58	5.30
Money for nothing	51	4.66
Help who help themselves/Lazy	39	3.56
Not picking on poor	31	2.83
Percentage of users (high or irrelevant)	27	2.47
Anecdotal Evidence	26	2.37
Reasonable suspicion	23	2.10
Nothing to hide?	16	1.46
Sending a message	6	.55
Policy Benefits/Justification	542	27.72
Tax payer protection	192	35.42
Employee drug tests/Work readiness	132	24.35
Saving money/Limited funds	84	15.50
Constituent support	55	10.15
Fairness	37	6.83
Common sense	28	5.17
Deterrence from welfare	14	2.58
Paternalism	266	13.61
Helping addicts	106	39.85
Protect children	85	31.95
Deterrence from drugs	32	12.03
Enabling drug use	23	8.65
Paternalism	11	4.14
Tough love	9	3.38
Welfare Reform	52	2.66
Temporary assistance	32	44.23
Welfare reform	11	21.15
Attack on welfare	9	17.31
Total	1955	100

Opposition Discourse

Fewer topics emerged in the opposition discourse, which is not surprising since there were fewer statements in opposition to welfare drug testing policies. As reported in Table 2, the topics were organized into four overarching themes: defense of recipients (39.8 percent of statements), ambivalence (25.4 percent of statements), political arguments (19 percent of statements), and legalities (15.8 percent of statements).

Defense of Recipients

“Defense of recipients” was the dominant theme of opposition discourse (163 statements) and included arguments such as: the policy singles out the poor (42.9 percent), there is a low percentage of drug users making the policy unnecessary (17.2 percent), it is stigmatizing (16.6 percent), it assumes guilt (13.5 percent), it is “mean spirited” (7.4 percent), and the economy is the problem (2.5 percent). The largest oppositional subcategory--singling out the poor--is illustrated by Alabama Representative Napoleon Bracy’s (D) argument, “We’re singling out certain groups of people, particularly the poor and powerless, and punishing them. Sadly, not much has changed since the civil rights days” (Talbot 2011). Similarly, Virginia Delegate Mark Herring (D) maintains, “It feeds a misimpression of a group of people and singles them out, and there is underlying the bill an assumption that those who qualify for public assistance have a higher incidence of drug use than the general population” (Davis Feb. 2012). Florida Senator Arthenia Joyner (D) asserts mean-spiritedness to the Florida bill, in addition to invoking the argument of the economic crisis in her statement, “We’re talking about people who are coming to say ‘I have nothing and I am coming for funds so I can feed my children, so I can house my children.’ This is the worst time in our country since the Great Depressions. Now is not the time to throw them to the wolves. Shame on us if we pass this bill” (Peterson 2011). Louisiana

Representative Jared Brossett (D) echoes these sentiments: “You’re singling out the poor. I think the reason why they’re doing that is because it’s the easy population to target” (Murphy 2012).

In general, the statements in this theme do not link welfare recipients and drug users, and often directly attempt to refute such connections. However, some of the “oppositional” statements do not wholly object to drug testing policies. For example, Representative Brossett continues, “We have individuals who have Fortune 500 corporations that receive government subsidies. We have individuals who receive all types of government benefits. If we’re going to do it, let’s do it across the board” (Murphy 2012). In this illustration, it appears that members of all social classes are potential drug users. Hence the issue is not drug testing per se; it is the use of a double standard when it comes to testing the poor.

Ambivalence

Other oppositional statements expressed a similar ambivalence regarding welfare drug testing policies. Ambivalence was found in 25.4 percent of the opposition statements. Reasons for policymakers’ ambivalence included implementation and program costs (52.9 percent), concern for children due to reduced support (17.3 percent), the policy would not solve the drug problem (11.5 percent), general ambivalence (10.6 percent), and withdrawal of support might lead to other problems (eight percent). Arguing the issue of cost, Missouri Representative Jake Hummel (D) states, “We are going to cost taxpayers \$1 million, and then we are not going to treat the people who get kicked off those rolls so they struggle even more” (Berg 2011). West Virginia Senator Prezioso (D) raised several concerns in his emblematic comment,

I wouldn’t have a problem with it, but I think it is problematic for the state. I know people feel as though everyone in these programs should be tested, but there is a constitutional and ethical question there. When someone in one of these programs tests drug positive, who pays for their cost for rehabilitation? Is it the state’s responsibility? Then there are children who are involved and always end

up getting the short end of the stick in these situations if the parents lose that money (Coil 2012).

In terms of welfare drug testing not solving the drug problem, Missouri Representative Genise Montecillo (D) argues, “until we solve the underlying problem of drug abuse, you can take the money away all you want, those parents are going to find a way to get the drugs” (Castillo 2012).

In these statements, while being opposed to welfare drug testing policy, policymakers do not refute the connection between welfare recipients and drug users. Instead, they object drug-testing policies without challenging the discourse linking the poor with drug addiction.

Political Arguments

Political arguments, those aimed at welfare drug testing proponents, accounted for 19 percent of opposition statements and included topics of drug testing all recipients of government benefits (47.4 percent), drug testing legislators (38.5 percent), political move (8.9 percent), and financial incentive (5.1 percent). Tennessee Democratic Caucus Chairman, Mike Turner argues, “We give subsidies to farmers. We’re not drug testing farmers in this state. We give subsidies to veterans. We don’t drug test veterans in this state. We’re testing the poorest of the poor in this state” (Sisk 2012). West Virginia Delegate Carrie Webster (D) asks, “If we’re going to drug test welfare recipients, are we going to drug test Promise Scholars that receive public money?” (“Drug Testing Bill Dies” 2009).

A significant number of opposition statements supported drug testing legislators as illustrated by Virginia Delegate Lionel Spruill’s (D) question, “What about us in the General Assembly? Why don’t we do drug tests on us? We make a big \$17,600 a year, and that’s taxpayer money” (“Drug Tests Could Be Coming” 2012). However, many welfare drug testing proponents were not opposed to the idea of testing policymakers as well. Colorado

Representative Jerry Sonnenberg (R) responded to critics, “That’s a valid argument. I’d be willing to do that” (Hoover 2012). West Virginia House Minority Leader Tim Armstead (R) stated, “If it were pursued for the government officials, I would take the test. It wouldn’t offend me as I have nothing to hide” (Coil 2012). In general, propositions to expand drug testing were not serious and were more rhetorical in nature. Such proposals did not detract from the association of welfare recipients and drug users, and in the case of proponents, they accommodated the argument that drug testing is not an issue if you have nothing to hide. They also failed to address the legal issues with welfare drug testing legislation.

Constitutional Concerns

Even though previous policies were struck down based on Fourth Amendment challenges, only 15.8 percent of opposition statements addressed the legality of welfare drug testing. In 2003, the U.S. Court of Appeals for the Sixth Circuit struck down Michigan drug-testing policy in *Marchwinski v. Howard* (113 F. Supp. 2d 1134), and more recently, in 2013, the 11th Circuit Court of Appeals struck a similar policy in *Lebron v. Florida Department of Children and Families* (No. 11-5258 11th Cir. Feb. 26, 2013). Of the arguments in this theme, 61.5 percent raised concerns over the general constitutionality of the policies, while 24.6 percent specifically addressed civil rights concerns, and 13.8 percent cited invasion of privacy. Florida Representative Alice Hastings (D) addressed constitutional concerns generally in her statement, “Gov. Scott’s new drug testing law is not only an affront to families in need and detrimental to our nation’s ongoing economic recovery, it is downright unconstitutional” (Chamlee 2011).

In some cases the concerns with constitutionality were articulated in terms of infringement on civil rights or privacy. Louisiana Representative Regina Barrow (D) argues, “It is an infringement on their Fourth Amendment rights” (Scram 2012). Florida Representative

Corrine Brown's (D) position is indicative of all subcategories in this theme, that the tests "represent an extreme and illegal invasion of personal privacy. Indeed, investigating people when there is no probable cause to suspect they are abusing drugs is one thing. But, these tests amount to strip searching our state's most vulnerable residents merely because they rely on the government for financial support during these difficult economic times" (CNN Wire Staff 2011). However, not all statements grouped under this theme expressed genuine opposition to welfare drug testing. For example, Florida Senator Gary Siplin (D) states, "You must have probable cause. Before it is challenged, let's make your bill better" (Dixon 2011).

Table 2: Opposition Discourse Themes and Subcategories – Numbers and Percentages of Legislators’ Statements.

Opposition Discourse		
Code (Themes and Subcategories)	Count (N = # of statements)	Percentages of policymakers’ statements
Defense of Recipients	163	39.76
Singles out poor	70	42.94
Low % users/Unnecessary	28	17.18
Stigmatize	27	16.56
Assumes guilt	22	13.50
Mean spirited	12	7.36
Poor economy	4	2.45
Ambivalence	104	25.37
Cost	55	52.88
Concern for children	18	17.31
Won’t solve drug problem	12	11.54
Ambivalence	11	10.58
Cut off = other problems	8	7.69
Political Arguments	78	19.02
Test all recipients	37	47.44
Drug test legislators	30	38.46
Political move	7	8.97
Financial incentive	4	5.13
Constitutional Concerns	65	15.85
Illegal/Unconstitutional	40	61.54
Civil rights	16	24.62
Invasion of privacy	9	13.85
Total	410	100

Discussion

Political and economic climates are often significant factors in policy debates. The analysis presented here is important and unique not only in its examination of the social construction of welfare recipients in light of welfare drug testing legislation, but also because the analysis coincided with the Great Recession and the 2012 election season. As such, it offers potential avenues for contestation of the false image of a drug addled welfare population. This is even more significant since with rising levels of income inequality and greater attention to wage disparities and low wage work, there is a growing understanding that current economic

conditions are attributable to larger structural problems rather than individual failings (Wessler 2014). Thus, the time may be ripe to dispute the negative images of welfare recipients.

Yet, and interestingly, in the midst of the economic crisis, the drive for drug testing escalated and included proposals to drug test for unemployment benefits. Additionally, political polarization in the U.S. has reached a 20 year peak (Pew Research Center 2014). In this context, Ingram and Schneider (1995:442) warn us about the tenor of politics that are

formulated within a highly politicized environment in which officials are motivated by concern over reelection, albeit constrained by the need to appear interested in solving important social problems... The dynamics of the U.S. political system motivate officials, especially elected ones, to provide beneficial policy to target populations who have political power and are constructed as *deserving* and punishment or other costs to those who lack political clout and are constructed as *undeserving*, deviant, or violent.

Since, “people of a lower socioeconomic status are more apathetic towards politics, have a low level of political efficacy, and participate less in the voting process” (Brown and Smith 2009:1), the poor in many legislative districts are a safe target for policymakers in an election season, which may well have contributed to the vehemence and ferocity of the drug testing debate.

In fact, much of the welfare drug testing debate occurred in the context of election campaigns—and the lines between campaigning and governing have become increasingly blurred (Arnold 1990). The political debate was largely divided along party lines, with Republicans favoring drug testing policies, and Democrats in opposition, which might have resulted from poverty cause attribution (Krogstad and Parker 2014) described by Robinson (2009) as a conservative-liberal continuum, which aligns with individualistic-structural poverty cause attribution, ultimately distinguishing between the “deserving” and “undeserving” poor. Indeed, the discourse employed by drug testing supporters was largely harsh, rigid, hard-lined, accusatory, unsympathetic, and in some instances outright defamatory toward welfare recipients.

Such a tone is typically absent when addressing dependents, which tend to be positively constructed (Schneider and Ingram 1993). Welfare recipients are arguably dependents, predominantly women and children. However, they are depicted as deviants by welfare drug testing advocates through the derogatory nature of the discourse as illustrated by this analysis.

In this context, our study contributes to the previous conceptualization of deserving and undeserving poor, including Schneider and Ingram's (1993) work which shows how different categories of deservedness are constructed in order to single out different groups as deserving better or inferior treatment. Specifically, Schneider and Ingram (1993) imply that the messages are sent to the entire populations of "deviants" that they are bad, their problems are their own personal responsibility, and they should be treated with disrespect and hostility by the government. In this regard, our analysis suggests that the specific subcategories (drug using welfare recipients) of the "marginally deserving" groups (welfare recipients) may also be "used to damage the image of the whole group that might otherwise be perceived more sympathetically." Accordingly, the policy-related political discourse examined in this study provides an interesting insight into "creeping undeservedness," wherein "the existence of a few bad apples" is used to question the deservingness of a much larger group of welfare recipients, paving the way to punitive policy proposals.²

In this debate, recipients of social support are discursively associated with drug abuse, child abuse and neglect, welfare fraud and abuse, freeloading, and other deviant and unscrupulous behaviors. With such charges, policymakers contribute to the construction of this group as not only deviant, but devious, corrupt, and pathological. Perhaps most egregiously, in reference to welfare provision, South Carolina's Lieutenant Governor, Andre Bauer cautioned,

² We would like to thank one of our reviewers for this idea and language, and for suggesting the concept of "creeping undeservedness."

“My grandmother was not a highly educated woman, but she told me as a small child to quit feeding stray animals. You know why? Because they breed! You’re facilitating the problem if you give an animal or a person ample food supply. They will reproduce, especially the ones that don’t think too much further than that” (Associated Press 2010). Such outspokenness, de-humanization perhaps, is present in no small measure in proponent discourse.

Opposition discourse was generally more sympathetic and supportive of welfare recipients and their families. The only discourse in the welfare drug testing debate that refuted a connection between drug use and receipt of welfare was found in opposition arguments, primarily in the “defense of recipients” theme which demonstrated a sensitive portrayal of the target population. However, of the legislators expressing opposition to these policies, not all were opposed to the idea of drug testing in general, or testing welfare recipients in particular. For some it was an issue of cost, for others legal concerns were at issue. Others were concerned that taking away benefits from drug users would cause additional problems, harm the children involved, and would not solve the drug problem.

Indeed, one concern that both sides shared was for children. Proponents wished to protect them from drug addicted parents. Opponents wanted to protect them from loss of social support when parents failed the drug test. In these arguments, there was no challenge to a presumed link between welfare receipt and drug use, and in some cases a connection was supported. This is significant in that arguments by the opposition are far less frequent. Furthermore, the arguments rarely refute a welfare/drug connection, effectively contributing to the social construction of welfare recipients as drug users.

The suggestion has been made that “welfare moms” fall midway between the categories of dependents and deviants (Schneider & Ingram, 1997). More recent research determines that

welfare recipients are socially constructed, minimally as a suspect population, and largely as undeserving deviants. However, the question remains, are they constructed as drug addicts? “Most policy initiatives are motivated by the desire to solve, or at least appear to be solving, a public problem” (Donovan 2001:100). As such, welfare drug testing policy in itself is enough to raise suspicion of this population. This analysis substantiates welfare recipients’ social construction specifically as drug addicts, through state legislators’ discourse and policymaking, clearly moving them from the dependent to the deviant category, including them with populations such as criminals, communists, and gangs (Schneider and Ingram 1993). This conflation has grave implications for welfare recipients both as a group and as individuals in terms of stigmatization, citizenship, and political participation.

Proponent discourse was infused with references to drug users and addicts, in many cases to the complete exclusion of references to the poor, the actual target population for social welfare policy. However, the target of drug testing policy is, ostensibly, drug users, thus comingling the images of the two populations. Proponent discourse, regardless of the theme, whether overtly or inadvertently, inextricably melds these two distinct populations; although, there were some denials of this assertion. Proponent discourse, which comprises most of the debate, overwhelmingly links welfare receipt with drug use. Even when welfare drug testing is presented as an effort to help recipients, the presumption is that they need help for drug abuse. Based on the arguments presented by welfare drug testing proponents, there is little to distinguish welfare recipients from drug abusers. While this connection is refuted by some in opposition to drug testing policies, unfortunately, this position is marginalized in the debate. Although empirical evidence does not support a connection between welfare receipt and drug use, the findings in this

analysis attest to the social construction of welfare recipients as drug users and abusers by policymakers.

Why do most legislators behave in this fashion? Why are proponent statements more likely to be made? Arnold (1990), as part a broader theory on legislative action, argues that legislators are worried about how their own public statements and roll call votes may be used against them in the next election. This generalization applies to members of sub-national legislatures as well. Arnold (1990) maintains that even if citizens are not attentive and have no opinion on a particular issue, legislators still calculate potential preferences and reactions. Although most state legislators have little to fear electorally from welfare recipients, who have historically low turnout rates, they may have much to fear from instigators who may work to turn the inattentive into attentive citizens, newly attentive citizens who are likely to vote against supporters of welfare rights.

Welfare drug testing policy is the progeny of the coupling of War on Drugs and Welfare Reform policies. It is akin to initiating a drone strike on a paper tiger, as the problem of drug abuse among welfare recipients is itself socially constructed. Furthermore, in two cases the policies have been overturned on Fourth Amendment search and seizure grounds (*Marchwinski v. Howard*; *Lebron v. Florida Department of Children and Families*). Thus, it is plausible that the push for welfare drug testing is a case of a threat-reassurance scenario, or symbolic politics “...first raising public concerns about an issue, then offering an apparently effective policy response that assuages public concerns” (Sharp 1994a:109), which is not unprecedented in either drug or welfare policy.

Unfortunately, however, “if [people] define their situations as real, they are real in their consequences” (Thomas and Thomas 1928:572). The consequences of the social construction of

welfare recipients as drug abusers through welfare drug testing are serious because “[p]olicy teaches lessons about the type of groups people belong to, what they deserve from government, and what is expected of them” (Schneider and Ingram 1993:340). Moreover, as Soss (2002:186) notes, social constructions of welfare clients may also have implications for the political participation of target populations because “[d]epending on their designs, welfare systems can draw the poor into a more inclusive and active polity or treat them in ways that reinforce their marginality.” Undoubtedly, welfare drug testing reinforces marginality and further stigmatizes this population, and may increase reluctance to seek assistance, thus harming our most vulnerable citizens—our children. It is imperative that legislators are cognizant of the impact that their words and policies have on target populations, being especially sensitive to already marginalized groups. We are not, however, sanguine about this possibility.

Our findings would seem to be a reflection of broader trends in U. S. policymaking, particularly those in legislative bodies. Many legislators, particularly Republicans, may lack electoral incentives to be sensitive to members of marginalized groups. Mann and Ornstein (2012:xiv), relatively conservative scholars at the Brookings Institution and the American Enterprise Institute, respectively, argue that “[t]he Republican Party has become an insurgent outlier—ideologically extreme; contemptuous of the inherited social and economic policy regime; scornful of compromise; unpersuaded by conventional understanding of facts, evidence, and science; and dismissive of the legitimacy of its political opposition.” As the GOP gains more electorally-safe seats in state legislatures, and as they secure majorities in more of these bodies, the dominant images of welfare recipients in standing committees and on chamber floors is unlikely to change. Indeed, the images may become incrementally more negative.

Negative images are largely constructed by politicians and the media. Perhaps, with more social science research, through these venues, images can be reconstructed to present a more accurate view of the actual circumstances and impediments in the lives of welfare recipients. In this context, the creation and mobilization of a coalition consisting of current and former welfare recipients, academics, poverty organizations, social service agencies, and sympathetic policymakers is necessary to refute inaccurate images of welfare recipients, as welfare drug testing policies continue to proliferate across the nation. Otherwise, these dominant images in state legislative venues are likely ingredients for the further incremental erosion of welfare rights (Baumgartner and Jones 1993). If rhetoric does not change in support of welfare rights, different venues must be sought. Historically, welfare rights have fared better in the courts than in legislatures. This is unlikely to change without a concerted and enduring effort of an organized opposition, whose outcry must exceed that of welfare critics in order to counter current constructions.

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Chapter 3

A Case Study of State Level Policymakers' Discursive Co-Constructions of Welfare Drug Testing Policy and Gender, Race, and Class

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A Case Study of State Level Policymakers' Discursive Co-Constructions of Welfare Drug Testing Policy and Gender, Race, and Class

ABSTRACT

Social welfare provision is distributed based on determinations of recipient worthiness, in the past, commonly assessed by racial and gender specific characterizations of the poor as constructed through policy discourse. Social constructions of the poor also contribute to the construction of welfare policy discourse. Welfare drug testing policy, authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), raises questions of the co-constructions of race, class, and gender and welfare drug testing discourse. We explore these ideas in our case study of state-level legislators' discourse on welfare drug testing. Using an intersectional perspective, this study examines how categories of race, class, and gender give meanings to policy discourses concerning drug testing of welfare recipients, and conversely, how policy discourses concerning welfare drug testing give meanings to categories of race, class, and gender. We find a move away from explicit racialized and gendered discourse toward implicit constructions of race and gender, and a virtually exclusive explicit focus on constructions of social class in the characterization of an unworthy, suspect, shiftless, and deviant poor population. The constructions of race, gender, and particularly social class effectively co-construct welfare drug testing discourse which justifies welfare drug testing policy in order to manage the derelict poor.

Key Words: Social Class, Race, Gender, Intersectionality, Welfare Drug Testing Policy, Discourse, and Co-Construction

A Case Study of State Level Policymakers' Discursive Co-Constructions of Welfare Drug Testing Policy and Gender, Race, and Class

In the United States, government assistance for poor families with children, since its inception, has been gendered and racialized. Arising in the early 20th century with state and local “mothers’ aid” or “mothers’ pension” programs, government aid was initially designed to provide for children whose fathers had died (DiNitto & Cummins, 2007). The first federal program, Aid to Dependent Children (ADC), part of the 1935 Social Security Act, was designed to assist single mothers “on behalf of their children” (DiNitto & Cummins, 2007, p. 205). Yet, assistance was primarily provided to white widowed women, to the exclusion of women of color.

With regard to gender, ADC was charged with contributing to fathers’ abandonment of families due to the prohibition of assistance to families with an able-bodied father in the home (DiNitto & Cummins, 2007). Accordingly, in 1961 the program was changed, allowing assistance to children in poor husband-and-wife families with unemployed fathers. In 1962, the program was renamed Aid to Families with Dependent Children (AFDC) in an effort to emphasize the family unit. While the program expanded to meet the needs of more families, continued racial discrimination was overt and apparent in both ADC and AFDC programs as evidenced by lower payments for black mothers, higher rates of termination, and eligibility criteria directly targeting black women, particularly in Southern states during cotton picking season (Gooden & Douglas, 2006; Piven and Cloward, 1971/1993).

In the 1970s, President Nixon’s widely supported proposal to reform welfare through the Family Assistance Plan (FAP), which included guaranteed minimum income as well as work requirements (Gamson & Lasch, 1981), faltered over ideologies of race and gender: “If the public believed that support would benefit African American women on welfare, political resistance swelled. The racial and gender stereotypes long associated with AFDC doomed the

passage of any guaranteed-income legislation” (Nadasen, 2005, p. 158). In a somewhat contradictory manner, the failed attempt to reform the welfare system was accompanied by vilification of welfare policy and welfare recipients, which dates back to President Nixon’s proclamation that “the current welfare system has become a monstrous, consuming, outrage – an outrage against the community, against the taxpayer, and particularly against the children it is supposed to help” (Nixon, 1971, p. 51). Similar attitudes and political condemnations continue to date because “welfare bashing strikes a chord with the American public” (Gilens, 1999, p. 1). The most recent evolution in welfare policy, welfare drug testing, effectively merges welfare reform and war on drugs policies (Amundson, Zajicek, & Hunt, 2014), essentially accusing welfare recipients of drug abuse (Amundson, Zajicek, & Kerr, in press).

Specifically, welfare drug testing was authorized, but not mandated, by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), though the development of policy guidelines was left to the discretion of the states. Changes implemented under PRWORA included a provision to permit states to drug test welfare recipients and to sanction those testing positive for controlled substances (PRWORA, Section 902, 1996), which furthers the goal of reducing welfare rolls (Hays, 2003; Kilty, 2006; Riccucci, 2005), while advancing the goals of the War on Drugs (Amundson, Zajicek, & Hunt, 2014). Although early state welfare drug testing policies (e.g., Michigan and Florida) were challenged and ultimately struck down by Federal Courts (*Marchwinski v. Howard*, 2002; *Lebron v. Florida Department of Children and Families*, 2013) due to violations of Fourth Amendment protections against unreasonable search and seizure, welfare drug testing policies have been enacted in 13 states (Alabama, Arizona, Arkansas, Florida, Georgia, Kansas, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, and Utah), with proposals presented in many other states

(National Conference of State Legislators, 2015). Although many legislators deny that welfare drug testing targets the impoverished (Stemen, 2011; Talbot, 2011, Arnold, 2012), ostensibly, the target population of welfare policy, welfare drug testing included, is the poor.

Discourse plays a central role in the discussion, formation, justification, and promotion of such policies (Fischer, 2003), as well as in the social construction of policy target populations (Schneider & Ingram, 2005). In the case of welfare policy, powerful discursive frames are embedded in welfare legislation, legislators' rhetoric, and media representations, which serve to justify and routinize not only determinations of welfare eligibility, but also the perceptions and images of the recipients themselves. In the past, welfare recipients have been socially constructed as "the other," "undeserving," overly dependent, lazy, and promiscuous (Piven and Cloward 1993; Fraser and Gordon 1994; Brush 1997; Naples 1997; O'Connor 2001; Fischer 2003). Current rhetoric and policy effectively constructs welfare recipients as drug abusers (Amundson, Zajicek, & Hunt, 2014; Amundson, Zajicek, and Kerr, in press). Consequently, people who do not have to rely on welfare are being absolved from collective responsibility.

Additionally, political discourse has the power to inform widespread beliefs and ideas concerning race, class, and gender (Winter, 2008). Poverty research, and subsequently poverty policy, has tended to discursively construct the poor as a homogenous group. Historically, poverty studies' "emphasis on class struggle as the central dynamic has led class analyses to ignore a defining feature of social provision: its organization around race and gender" (Quadagno, 1990:11). In more recent years, poverty studies began to recognize the importance of race (i.e., poor blacks) or gender (i.e. poor women) or race and gender (poor white women) in shaping the experience of poverty (Norris, 2012; Norris, Zajicek, & Murphy-Erby, 2010). In doing so, poverty studies place each and all of these categories in "a larger context" of social

inequality (Benson-Smith, 2005, p. 243). However, the recognition of race, social class, and gender, does not necessarily signify a deliberate and systematic analysis of the complex interactions of class, race, and gender, the three social locations that define “distinctive yet interlocking structures of oppression,” or privilege (Collins, 1993, p. 558). Yet, as intersectional scholars have argued (Murphy et al., 2009), a more adequate understanding of social inequalities and the consequences of public policies require an intentional conceptualization of policy issues from an intersectional perspective.

Intersectionality, the analytic focus on the social locations created by the intersections of and interactions between categories of difference, including but not limited to race, class, and gender (Hancock, 2007; Landry, 2007), developed as a theoretical and methodological stance in the realm of feminist studies, primarily by Black women intellectuals (e.g. Anna Julia Cooper, 1988 [1892]; Mary Church Terrell, 1940), who emphasized the importance of race and gender in shaping Black women’s experiences. While these early Black intellectuals were aware of their privileged social class status, discussion of social class did not occupy the center of their analysis (Ken 2007). Following the second wave of feminism, African American women scholars challenged the neglect of their experiences and perspectives by white feminists, on the one hand, and the disregard of their gender by those studying race, on the other (Collins, 1998; Crenshaw, 1991). Still, with some notable exceptions (e.g., McCall 2001; Manuel & Zambrana, 2009), discussions of social class-based inequalities in the intersectional scholarship are only relatively marginally documented. Moreover, intersectional research tends to conceptualize race, class, and gender as static variables and/or categories rather than “interactive dynamic processes” (Erez, Adelman, & Gregory, 2008).

This study addresses the importance of a dialog between intersectionality, poverty studies and welfare policy discourse analysis as U.S welfare policy continues to evolve. Building on extant arguments for the integration of the intersectional perspective in poverty and policy studies and the integration of social class analysis in intersectionality, we apply an intersectional perspective in our analysis of state level policymakers' discourse in the welfare drug testing debate. Our intersectional approach uses the concept of "co-construction" to highlight the interactive and dynamic processes "whereby some categories [...] co-constitute one another and, as a result, are never neatly separable" (Wadsworth, 2011). Accordingly, we ask "How do categories of race, class, and gender give meanings to policy discourses concerning drug testing of welfare recipients?" and conversely, "How do policy discourses concerning welfare drug testing give meanings to categories of race, class, and gender?" We begin with a review of extant research on welfare policy through social class, gender, and racial lenses, and a discussion of the application of an intersectional perspective in welfare policy research, particularly in welfare drug testing policy analysis.

Extant Research on U.S. Welfare Policy: Race, Class, and Gender

U.S. welfare policies, including PRWORA, have been extensively analyzed from numerous perspectives, ranging from the analyses of political rhetoric surrounding welfare policies (e.g. Kilty & Segal, 2006), the social construction of welfare recipients (e.g. Nicholson-Crotty & Meier, 2005; Schneider & Ingram, 2005), to the relationship between gender and class or race and class, and assessments of recipients' worthiness of assistance (Adair, 2001; Brush, 1997; Fraser & Gordon, 1994; Naples, 1997; Seccombe, James, & Battle-Walters, 1998). Specifically, the articulations of gender and class in welfare policies have been analyzed from discourse, policy, and social construction perspectives (e.g. Brush, 1997; Fraser & Gordon, 1994;

Mc Corkel, 2004; Naples, 1997), with a particular attention paid to the constructions of proper motherhood (e.g. Brush, 1997; Folbre, 1984; Gordon, 2001; Kortweg, 2003; Seccombe, James, Battle-Walters, 1998), deserving and non-deserving poor women in the pre-welfare reform era (e.g. Brush, 1997; Gordon, 2001), assignations of gender in welfare reform debates (e.g. Naples, 1997), and the effects of welfare policy on gender relations (e.g. Orloff, 1996). A smaller body of research has focused on welfare and gender in the post-welfare reform era, including research on welfare reform and the safety needs of battered women (George, 2006), and welfare reforms' focus on ending single motherhood (Mink, 2006).

Similarly, there is a large body of research on race and welfare prior to welfare reform. For example, the Moynihan Report, *The Negro Family: The Case for National Action* (U.S. Dept. of Labor, 1965), concluded that a “tangle of pathology,” including female-headed households, illegitimate births, teen pregnancy, poverty and welfare dependency, delinquency and crime, and drug abuse, was responsible for the downfall of the black family. Subsequently, a number of studies criticized The Moynihan Report for pathologizing the Black family, Black women in particular (Benson-Smith, 2005; Schram, 2005). Additional analyses of race and welfare have followed. For instance, Gilens (1999) analyzed Americans' attitudes towards welfare and welfare recipients largely based on beliefs and attitudes towards Blacks; Gooden and Douglas (2006), examined African Americans' experiences of welfare depending on states' racial demographic; Fujiwara (2006) focused on new citizenship rules re-defining immigrants' eligibility under PROWRA.

Importantly, recent studies of racial discourse, note that, in the current era of political correctness, overt references to race in welfare discourse have declined; insinuation and racialized code are now more common (Bonilla-Silva, 2002; Schram, 2005). Yet, recent remarks

by prominent politicians certainly continue to co-construct race (blackness) and welfare (social class) in discussions of social provision. For example, in the 2012 Presidential Primary, Rick Santorum (R) stated, “I don’t want to make black people’s lives better by giving them someone else’s money; I want to give them the opportunity to go out and earn the money” (Madison, 2012). Similarly, Newt Gingrich stated, “And so I’m prepared, if the NAACP invites me, I’ll go to their convention to talk about why the African-American community should demand pay checks and not be satisfied with food stamps” (McCaffrey, 2012).

Finally, there are examples of research that, while not directly claiming an intersectional approach, maintain some of the qualities associated with this perspective, including analysis of the combined effects of race, class, and gender and the power relations involved in discriminating the “worthy” from the “unworthy” poor (Brush, 1997). Race and gender are the focus of Fraser and Gordon’s (1994) analysis of racial and gender subtexts of welfare discourse and Benson-Smith’s (2005) study of the constructions and stereotypes of poor black women, such as jezebels, matriarchs, and welfare queens. Importantly, both studies implicitly construct intersectionality as a function of race, class, and gender; though, the race/gender nexus is the main focus, relegating discussion of class inequality to the margins.

Intersectionality and Welfare Policy Discourse

Recent emergence of welfare drug testing discourse at the national and state levels (Amundson, Zajicek, & Hunt, 2014; Amundson, Zajick, & Kerr, in press) provides a suitable case to examine the processes of mutual construction of a welfare policy and welfare recipients in terms of social class, racial/ethnic, and gender identities. Welfare drug testing policy is essentially the progeny of the War on Drugs and Welfare Reform policies, with apparent discursive crossover between the two policy streams (Amundson, Zajicek, & Hunt, 2014). As

such, U.S. drug policy discourse is also related to this analysis. Extant research demonstrates that racial meanings are prevalent in drug policy discourse, dating back to the late 1800s with the threat of the “Yellow Peril,” targeting Chinese immigrants in an opium scare (Morgan, 1978), to the 1930s “reefer madness” targeting blacks and Hispanics (Musto, 1987), and more recently in the 1980s and 1990s to the crack cocaine “epidemic,” targeting poor African Americans (Reinarman & Levine, 1995; The Sentencing Project, 2001).

U.S. drug policy has also targeted women, pregnant women in particular, with passage of laws to charge mothers with assault if a child is born addicted to or harmed by her use of illegal narcotics during pregnancy (Boyd, 2004; Chokshi, 2014; Mariner, Glantz, & Annas, 1990; Reinarman & Levine, 1997). Research demonstrates that such legislation serves to prevent women from seeking not only financial assistance, but also prenatal care and treatment for substance abuse (American Congress of Obstetricians and Gynecologists, 2011), and places an undue burden on poor women (Roberts, 1991). Importantly, much of discourse surrounding these policies is also racialized, gendered, and social class-biased, constructing the meanings of poor Black womanhood and motherhood (Benson-Smith, 2005; Brush, 1997; Fraser & Gordon, 1994; Schram 2005; Schram 2006). The “crack baby” scare of the 1980s and 1990s also utilized and perpetuated racial stereotypes and misinformation that largely implicated poor black mothers (Litt, 1997; Logan, 1999; Williams, 2014). Discursively, “concern for children” not only serves as “a rhetorical tool used to define poor and minority women as bad mothers” (Springer, 2010, p. 476); it has also become a key discursive category deployed to construct the meaning of drug testing policies (Amundson, Zajicek, & Kerr, in press).

In all, our understanding of welfare policies and the gendered and racialized social constructions of welfare recipients continue to evolve. Earlier research shows there are strong

gender, racial, and class tropes within welfare and drug policies and discourse. The more recent social science scholarship suggests poverty discourse is becoming less overtly racialized and more racially coded. At the same time, we still observe overtly racialized but genderless public statements from prominent politicians regarding welfare. These contradictory tendencies of raise the question as to whether poverty, race, and gender discourses continue to co-construct one another and, if yes, then how. Further, while both the history of welfare discourse and its most recent renditions, i.e., discourses surrounding PRWORA and TANF, have been analyzed extensively, one provision, welfare drug testing, has not been a focus of much analysis despite the proliferation of drug testing proposals and policies throughout the U.S. Also, while numerous analyses of poverty, welfare policy, and drug-related policies examine categories of class, race, and gender, to our knowledge, no study examines the interactions of these categories and the concomitant co-constructions of welfare drug-testing policy and race, class and gender. In this research, we address these gaps by examining whether and how welfare drug testing discourse and gender, race, and class co-construct one another.

Methods

This study examines the public speech of state level legislators concerning welfare drug testing, both supporters and challengers from all 42 states³ considering adoption of such policies, to assess whether/how statuses of class, race, and gender give meanings to these policy discourses, and conversely, whether/how the policy discourses concerning welfare drug testing

³ States included in this analysis are: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Main, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

give meanings to, or co-construct, categories of race, class, and gender. The data set includes media quotations from lawmakers gathered through ProQuest and Google alerts from April 1, 2008 to July 31, 2012. Press releases gathered from welfare drug testing bill sponsors were retrieved from legislators' websites. The initial data set consisted of 2166 articles, press releases, and video clips. All sources included in the data set were TANF related; few sources included references to unemployment and other programs in addition to mentioning TANF. The initial data set was narrowed down with the elimination of articles lacking legislators' quotations as well as those containing duplicate quotes and content. The final data set includes 405 documents representing policy proposals for 42 states. *Ethnograph*, a qualitative data analysis program, was used to analyze the data. Deductive, a priori coding was used to code for the states, proponent and opposition discourse, and for class, race, and gender. Inductive, emergent theme coding was used to analyze proponent and opposition discourse in terms of both explicit and implicit language regarding class, race, and gender, where explicit language is a direct reference to race, class, and/or gender, and implicit language includes insinuation, veiled remarks, and code words whose racialized, gendered, and social class meanings have been established by previous research (Bonilla-Silva, 2002; Schram, 2006).

Results

Discursive Eclipses and Co-constructions of Gender, Race, and Social Class

Since most adult TANF recipients (85.2 percent) are women with children, with women of color constituting the majority (USDHHS, 2014), welfare is ostensibly about women, especially women of color, as mothers. Similarly, while the racial demographic of welfare recipients fluctuates, currently approximately 60 percent of TANF families belong to black and Hispanic (of any race) minority groups (USDHHS, 2014). However, in sharp contrast to past

welfare discussions (Benson-Smith, 2005; Brush, 1997; Fraser & Gordon, 1994; Mink, 2006; Quadagno, 1990; Schram, 2006), overt references to gender and race in drug-testing discourse were remarkably negligible. Explicitly, gender was present in only 16 of the 405 documents in this analysis, with drug testing proponents making more overt references to gender than the opposition, 14 statements to two. Only one statement in the proponent discourse made reference to men, making women/mothers the focus of the gendered discourse. Simultaneous explicit references to gender and race were absent, but some implicit gendered and racialized tropes were still discernible.

With regard to gender (and race), dominant tropes in past welfare debates include out-of-wedlock births, unwed mothers, and uncontrolled childbearing, especially among Black women (U.S. Dept. of Labor, 1965). These tropes are only marginally present in welfare discourse surrounding drug testing. For example, Illinois Representative Mitchell (R) illustrates the “out-of-wedlock births” trope in his statement, “The numbers are shocking when you take a look at how many out-of-wedlock births are taking place in Illinois. Many of these births are paid for with taxpayer dollars, while the unmarried fathers are nowhere to be found” (Barlow, 2011). Regarding unwed mothers, North Carolina Representative Tillis⁴ (R) decries, “Did you know that health and human services are sending checks to a woman who has chosen to have three or four kids out of wedlock? Then at some point you need to say, first kid we’ll give you a pass, second, third, and fourth kid, you’re on your own” (“NC Speaker Tillis,” 2011). In a more egregious statement, South Carolina Lt. Governor Bauer (R) declared,

My grandmother was not a highly educated woman, but she told me as a small child to quit feeding stray animals. You know why? Because they breed. You’re facilitating the problem if you give an animal or person ample food supply. They will reproduce, especially ones that don’t think too much further than that. And so

⁴ Thom Tillis is currently serving as a U.S. Senator from North Carolina.

what you've got to do is you've got to curtail that type of behavior. They don't know any better" (Raymond, 2010).

Here, policy discourse constructs the class/gender nexus, with motherhood depicted as problematic, but only for poor women, who are also contradictorily constructed as either blatantly irresponsible or as simply ignorant. While these statements eschew constructing an explicit race/gender/class nexus, the implicit nexus can be discerned in references to unwed mothers and unchecked reproduction that have become widespread since Moynihan's critique of Black families (U.S. Dept. of Labor, 1965). Lt. Governor Bauer's comment equating poor women with animals also infers race as, historically, animalistic behaviors have been used to talk about black people. In effect, statements such as these construct meanings of class, gender, and race, which in turn, co-construct the meaning of welfare discourse, and drug testing policies as the necessary strategy to curtail undesirable behaviors enacted by deviant others (poor women of color).

Another co-construction of gender and drug testing policy in proponent discourse is visible in statements focusing on drug abuse during pregnancy. Missouri Representative Ellen Brandom (R) expressed concern for the unborn, arguing that drug testing welfare recipients "would help protect the health of babies who otherwise would be born to mothers who are drug addicted" asserting that "half of the babies born in her area have mothers who test positive in drug screenings" (Ganey, 2009). Brandom argues that "if mothers know they will be drug tested before getting their welfare check, they're more likely to stay away from drugs" (Blood, 2011). She further asserts that the children born with drug addictions are the ones most hurt by mothers' actions; however, the costs to society are also an unfair burden because these children "need a lot of medical attention and are placed in public schools where they are disruptive" (Blood, 2011). Here, drug discourse constructs poor women as negligent, irresponsible, and abusive parents, not

only harming their children, but also costing society, which in turn serves to construct the value of drug testing policies. Importantly, Springer's recent (2010) analysis of how the *New York Times* represents pregnant drug-using women confirms the continued "racialization and class typing" of drug-addicted women as poor minority women and illegitimate mothers.

Drug-testing opponents built their oppositional discourse by constructing poor women in more sympathetic and compassionate terms. Indiana Representative Ed Delaney (D) expressed concerns that "this bill would leave the mother with the choice of no income for the child, or give up the child" (Carden, 2012). Tennessee Representative JoAnne Favors (D), an African-American, invoked gender from a different perspective asserting, "As a mother, a female, as a relative, most of us have had some experience, with relatives and friends, who have been substance abusers. As a compassionate individual and a mother, I would think that most of us would be concerned about interventions and preventions first, rather than initiating and enacting a bill like this" (Hale, March 29, 2012). In contrast to the proponent co-construction of punitive policy and heinous drug addicted fiends, oppositional discourse co-constructs anti-drug testing arguments and sympathetic images of poor mothers. Poor mothers are responsible caregivers, even if they are drug users, and compassionate interventions rather than punishment and retribution are called for.

With regard to race/ethnicity, three opposition statements and four proponent statements made explicit references to racial/ethnic identities. Welfare drug testing opponents drew attention to the implicit racist undertones in drug testing discourse. For example, Tennessee Democratic Caucus Chairman, Mike Turner, questioned Representative Julia Hurley (R), asking whether the rationale for the bill was "because this group of people was poor or because "they're people of color"" (Hale, April 11, 2012). Similarly, Alabama Representative Bracy (D) charged, "We're

singling out certain groups of people, particularly the poor and powerless, and punishing them. Sadly, not much has changed since the civil rights days” (Talbot, 2011). While opposition statements raised the issue of how drug-testing discourse is constructed by and constructs race and racism, proponents’ discourse both refuted and substantiated these charges. West Virginia Delegate Blair (R) declares that his bill “is not racist at all” but “has everything to do with helping people that are addicted to drugs get their life back” (Greenblatt, 2010).

Explicit racial/racist discourse is also present with a focus on Hispanic immigrants, whether documented or not. For example, Maine Senate Majority Leader John Courtney (R) boasted of structural reforms “that will help people escape welfare and ensure scarce resources assist our most vulnerable people” (Courtney, 2011). This was accomplished in part by ending “MaineCare benefits for all legal non-citizens,” (Courtney, 2011) which means that, according to Maine Senator Roger Katz (R) “Taxpayers will no longer shoulder the MaineCare burdens for legal non-residents” (Katz, 2011). Illinois Representative Bill Mitchell (R) is also candid in his assertion that “taxpayers should not have to pay for welfare benefits for illegal aliens and drug abusers” (Barlow, 2011). Here, the race/ethnicity/social class nexus is present, effectively mutually constructing the meaning of drug-testing policy and immigrants, who are presented as poor drug addicts and a drain on society.

Overall, we find the continued co-construction of welfare and drug-testing policies via both explicit and implicit gender/race/class nexus, even as we observe the peculiar eclipse of race and, to a lesser extent, gender in the discourse. Interestingly, the race/class nexus is most apparent in focus on immigrants, with the presumption of poverty. However, where race/class nexus is explicit, gender is obscured. The statements also indicate a move away from identity-based co-constructions of target populations and welfare policies to emphasis on behavioral and

moral aspects of policy interventions. As we discuss next, social class defined in moral and behavioral terms has emerged as the central mechanism in the mutual construction of drug-testing policies and target populations.

The Peculiar Eclipse of Gender and the Construction of the Poor in Drug Testing Discourse

For both positions, the preponderance of the data focused on social class, with 331 out of 405 files reflecting proponent discourse containing references to social class; in opposition discourse, social class was salient in 114 out of the 405 files. In general, social class was presented in “us versus them” frames, with proponents distinguishing between the poor/welfare recipients and everybody else, while the opposition drew the line between “the 99 percent” and “the one percent.”

While social scientists generally divide social classes into several discrete categories based on income (Beeghley, 2004) or socioeconomic status (Gilbert, 2002), the legislators’ discourse contained different categorizations. First, unless legislators spoke directly of the poor and/or welfare recipients, they made few specific references to a particular social class. Second, welfare drug testing proponents’ discourse constructed several false binary distinctions between people who work and those who do not, on the one hand, and those who constructively contribute to society and the parasites who give nothing, only take, on the other. In contrast to past welfare debates where motherhood took precedence over employment and was considered an important social contribution, today women are viewed as individuals and workers first, thus obscuring the focus on gender. The distinction between working and non-working individuals also bypasses the fact that some working class individuals qualify for public assistance, and welfare programs such as TANF have work requirements, with over 40% of adult TANF recipients working (USDHHS, 2014). The distinction between productive citizens and social

parasites made references to citizens, taxpayers, voters, society members, and the public versus the poor and welfare recipients, as if the latter are not also citizens, taxpayers, voters, and members of society.

Finally, welfare drug testing proponents made references to specific, largely male dominated, occupations/ professions whose members are subject to drug testing policies, arguing that if those upstanding citizens must submit to drug testing so should people relying on public assistance, largely poor mothers. However, contradictorily, they also argued that mandated testing for recipients of government benefits across the board, such as for small business loans, student loans, or farm subsidies, was an unnecessary waste of taxpayer dollars. In what follows, we present the data showing how the legislators' discourse constructed binary distinctions between poor/welfare recipients and working classes, on the one hand, and welfare recipients and professionals, on the other hand.

Proponent Discourse

Proponent discourse largely focused on the poor and welfare recipients, with 64.01 percent of statements referencing this class (see Table 1). This theme was broken down into subcategories of welfare recipients (including codes of assistance, welfare, TANF, cash benefits, free government handout, and welfare dependency), the poor (including codes of needy, low socioeconomic status, and homeless), the deserving (including children), welfare abuse, criminals, and unemployed (see Table 1). The vast majority of discourse on the poor, 90.88 percent, centered on the “undeserving” poor. Presented in contrast to welfare recipients and the poor, and representing approximately one third of the proponent statements, was “everybody else.” Subcategories of this theme included taxpayers, citizens (including codes of society,

society members, the public, non-welfare public, and “the rest of the population”), employees/workers, constituents/voters, legislators, and employers (see Table 1).

Within the category of the poor and welfare recipients, there was an apparent contrast between the deserving and undeserving poor as illustrated by Massachusetts Senator Baddour’s (D) statement, “We’re trying to stop people from gaming the system. There are people who legitimately need a hand up in these tough economic times. We’re trying to protect these individuals and trying to get at the people who abuse the system” (Messenger, 2012). Similarly, Mississippi Senator Michael Watson (R) stated,

Our system is abused. Across the state lawmakers have big hearts and truly want to help people, but we want to help people who also want to help themselves. To the people who are taking advantage of the generosity and hardworking Mississippian’s tax dollars, we want to say no more. The folks that can work, need to get a job and stop taking advantage of our system (Ward, 2012).

This statement draws a line between welfare recipients and hardworking taxpayers, and infers that welfare recipients are work averse, clearly delineating between the worthy and unworthy. It also has racial undertones in that such characterizations have historically been made with reference to African Americans.

Further distinguishing between the deserving and undeserving poor, North Carolina Representative Thom Tillis (R) actually argued that they should be pitted against one another in stating,

What we have to do is find a way to divide and conquer the people who are on assistance. If we have to show respect for the woman who has cerebral palsy and had no choice in her condition, that needs help, and we should help. And we need those folks to look down at these people who choose to get into a condition that makes them dependent on the government and say at some point you’re on your own. We may end up taking care of those babies, but we’re not going to take care of you (Somander, 2011).

This statement also invokes the category of gender, arguing that some poor women are worthy while others are not. Similarly, Arkansas Representative Glidewell (R) cements the distinction between welfare recipients and other classes by invoking citizenship status on the non-welfare public in his statement, “Instead of her being on the state’s payroll, she might get a job. She might be an active citizen. She might become a taxpaying citizen” (“Proposed legislation,” 2008). The assertion here is clear that welfare recipients are women who are not considered full citizens, and paternalistically, either need to be taken care of or disciplined. However, that they are also mothers is not acknowledged. Additionally, there was no recognition or consideration within proponent discourse that many women who receive government aid are employed.

Other statements demonstrating unreservedness made explicit accusations of drug abuse. For example, Colorado Representative Sonnenberg (R) posits, “If you can spend money on drugs, why do you need the government’s check” (Hoover, 2012). Similarly, Arizona Senator Pearce (R) claims, “A lot of the folks that are in desperate need are (that way) because they have a substance abuse problem. So, I’m hoping that this will drive them to get help or at least protect the taxpayer from funding folks who need to get their act together” (“Drug test for Arizona,” 2009). Alabama House Speaker, Mike Hubbard (R)⁵ concurs with his statement, “I think most everyone agrees that there are better uses for the taxpayers’ hard-earned money than subsidizing the lifestyles of those who continue to abuse drugs” (Rawls, 2011).

Such statements not only construct welfare recipients as likely drug abusers, they simultaneously construct the non-welfare population as model citizens. Arizona Senator Antenori (R) distinguishes welfare recipients from the working/middle class in stating, “If people are wanting to gain benefits at the expense of someone else’s sweat and labor, they should at

⁵ In October 2014, House Speaker Mike Hubbard was arrested on 23 felony ethics charges, accused of using public office for personal gain (“Alabama House Speaker Arrested”, 2014).

least submit to the fact that they're not using those benefits for the purpose of subsidizing an illicit drug habit" (Fischer, 2011). The connection between citizenship and employment is only posed in relation to the poor, not to other groups such as the elderly or middle class mothers. Members of classes other than the poor were commonly characterized as being hard working, tax paying citizens. Such statements clearly draw a line between "them" (poor, parasitic, drug abusing welfare recipients) and "us" (hardworking, taxpaying, drug-free citizens), and contribute to the construction of the poor as deviant drug abusers. While there is no explicit reference to race, drug abuse discourse is historically racialized, particularly when talking about poor drug users. Thus, accusations of drug abuse in this population have racial implications.

However, in an interesting twist in this "us versus them" argument, drug testing proponents appear to say "why should welfare recipients be any different than everybody else who is subject to drug testing for employment?" This common trope is expressed in Indiana Representative VanNatter's (R) statement, "If people who pay the taxes to support these programs have to be drug-tested to get a job, it's only fair that the people who are receiving the benefits should have to be drug-tested too" (Hayden, 2011). Similarly, Illinois Representative Jim Saicia (R), asserts, "If the average citizen who works and pays taxes must take a drug test, often in order to have a job, wouldn't it stand to reason that people who are the recipients of those tax dollars, namely welfare recipients, should take a drug test as well" (Brewster, 2011). The assumption is clear in these statements that welfare recipients are distinct from hard-working, tax paying citizens, but at the same time should not be treated differently.

Only a very few statements referenced classes other than the poor and "hardworking citizens," namely professionals and the elite, and all were used similarly in the justification for drug testing the poor. For example, Florida Senator John Thrasher (R) makes a direct reference

to the elite in his statement, “I believe in the golden rule. He who has the gold makes the rules, and the rule should be: If you’re taking public assistance, you will not use drugs” (Cox, 2011). Other statements referencing professionals were in reference to workplace drug testing policies. For example, Tennessee Representative Rick Womick stated, “As an airline pilot, I get drug tested every time I turn around” (Sisk, 2012). This argument for drug testing was also put forth regarding truck drivers, doctors, and nurses. However, such testing has been justified by public safety concerns (Zwerling, 1993), which are not at issue in the case of welfare recipients (“Citing “Dangerous Precedent,”” 2000). These statements serve to set the poor apart from the elite and professionals, constructing them as deviant. While race and gender are not explicit, legislators (gold laden rule makers) and professionals are predominantly financially secure white men.

Characterizations of the poor as lazy, deviant, welfare cheats align with previous research on welfare recipients, separating the worthy from the unworthy (Adair, 2001; Brush, 1997; Naples, 1997; Seccombe, James, & Battle-Walters, 1998), and serve to construct the poor as parasites suspect of taking advantage of both the system and hard-working citizens, with the government in a paternalistic role of providing for the worthy, and disciplining the problem children. What is more significant is the contradictory nature of the discourse with regard to being gendered on the one hand and de-gendered, de-racialized and/or implicitly gendered and racialized on the other.

Table 1: Proponent Constructions of Social Class: Themes and Subcategories

Proponent Discourse – Social Class		
Codes (Themes and Subcategories)	Count (N = # of policymakers' statements)	Percentages of policymakers' statements
Poor/Welfare Recipients	660	64.01
Welfare Recipients	379	36.76
Deserving	94	9.12
Poor	73	7.08
Welfare Abuse	53	5.14
Criminals	33	3.20
Unemployed	28	2.72
Everybody Else	371	35.98
Taxpayers	173	16.78
Citizens	79	7.66
Employees/Workers	75	7.27
Constituents/Voters	24	2.33
Legislators	14	1.36
Employers	6	.58
Total	1031	100

Opposition Discourse

Opposition discourse also centered predominantly (overtly) on the dimension of social class with overarching themes of poor/welfare recipients, working/middle class, and professional class. The poor/welfare recipient theme included subcategories of poor/needy, welfare recipients, criminals, low income/working poor, unemployed, and elderly/pensioners, subcategories similar to those found in the proponent discourse (see Table 2). The poor and welfare recipients were referenced in 82.69 percent of opposition statements. Just over 10 percent of opposition statements addressed the working/middle class with codes including taxpayers, citizens, middle class, employees/workers, and middle class, while seven percent referenced the professional class, the majority arguing for drug testing legislators who are also recipients of taxpayer dollars.

As a whole, critics of welfare drug testing policy were much more sympathetic and supportive of welfare recipients. For example, Florida Representative Corrine Brown (D) argued,

“Indeed, investigating people when there is probable cause to suspect they are abusing drugs in one thing. But these tests amount to strip searching our state’s most vulnerable residents merely because they rely on the government for financial support during these difficult economic times” (CNN Wire Staff, 2011). Tennessee Democratic House Caucus Chairman Mike Turner stated,

We kind of indicate by doing this that everyone on food stamps is possibly a drug addict. We put a stigma to it. We’re kind of pointing a finger at them. It had to be embarrassing enough for a lot of people to do it. It would be embarrassing for me to go on food stamps if I had to, but I would to feed my family. That’s what concerns me about this bill (Hale, March 29, 2012).

While such statements are sympathetic to the plight of welfare recipients, they also serve to socially construct this population as weak and pitiful, common stereotypical constructions of women.

However, the opposition at least acknowledges that not all welfare recipients are pathetic, unemployed freeloaders. For example, Florida Senator Joyner (D) asserts, “These people have pride and dignity, they don’t just arbitrarily surface and say, ‘Oh I can apply for some money’” (Rohrer, 2011). Ohio Representative Hagan (D) admonishes, “Quit picking on the poor. The Republicans have already gone against the middle class, and now they’re going against our working poor” (Conti, 2011). In regard to welfare drug testing, Georgia Senator Fort (D) states, “This is my 16th year in the Legislature and I’ll be very honest...the Republican majority has engineered the worst attack on working families that I’ve ever seen” (Haines, 2012). Such statements presume that the poor and welfare recipients are not distinct from working citizens, in contrast to proponent discourse, which draws a clear line between the two groups. However, in this line of discourse, gender is again eclipsed.

Indeed, the opposition argues that drug testing policy singles out the poor, when all social classes benefit from taxpayer dollars, thus erasing the line drawn by proponents between the

poor and everyone else. For example, Tennessee House Democratic Caucus Chairman, Mike Turner argues, “We give subsidies to farmers. We’re not drug testing farmers in this state. We give subsidies to veterans. We don’t drug test veterans in this state. We’re testing the poorest of the poor in this state” (Hale, April 11, 2012). Interestingly, farmers and veterans are predominantly men, which brings veiled gender reference to the discourse. Similarly, West Virginia Senate Candidate Bright states, “If you want to drug test society, test them all because there’s none of us that don’t get a benefit from the government one way or another” (Hunt, 2012).

While such statements do acknowledge a differentiation between social classes, implications of morality or deservingness are not made based on need or class. The fact that workers can also find themselves in need of assistance is recognized by Wisconsin Representative Gwen Moore (D), who purports, “One of the most egregious aspects of this bill is that it promotes state drug testing for workers to qualify for unemployment benefits” (Schneider, 2011). The implication is that drug testing TANF recipients is acceptable. Highlighting the differential burden of welfare drug testing on the classes, Oklahoma Senator Jim Wilson (D) posits,

The point is, if we’re going to be concerned about taxpayer dollars, then we need to test everybody who works in the aerospace industry who works for the taxpayers; everybody who works for the oilfields on taxpayer dollars; everybody who’s making money of the taxpayers. We need to just go right up the street to the university and test everybody up there if that’s what we’re concerned about. I know that’s being facetious, but we seem to have this need to pick on poor people, and we’re just hurting the kids. We’re not going to stop the parents (Snell, 2011).

This statement is also implicitly gendered in that the occupations discussed are male dominated; yet, reference to picking on the poor and hurting children returns the focus to women.

However, while welfare drug testing opponents discursively link the poor with average citizens, they highlight class contrast between the average citizen and the elite. Several statements focused on drug testing legislators. To illustrate, Ohio Representative Robert Hagan (D) argues, “It is hypocritical to demand that the average Ohioan and working poor should be held to a higher standard than the political elite in this state” (Siegel, 2011). Similarly, Colorado Representative Rhonda Fields (D) argues “As an elected official whose salary is paid by taxpayers, then I think everyone in the House of Representatives and the Senate should also be required” (“Bill would require,” 2012). In contrast to proponents who argue for drug testing of welfare recipients, poor women, so as not to set them apart from the “common man,” welfare drug testing opponents argue for drug testing of legislators, predominantly white men, so as to bring them on even footing with the would-be drug tested welfare recipients and other working citizens, again in an effort to remove the lines of difference drawn between these groups.

Table 2: Opposition Constructions of Social Class: Themes and Subcategories

Opposition Discourse – Social Class		
Codes (Themes and Subcategories)	Count (N = # of policymakers’ use of code word)	Percentages of policymakers’ use of code word
Poor/Welfare Recipients	234	82.69
Poor/Needy	139	49.12
Welfare Recipients	66	23.32
Criminals	15	5.30
Low Income/ Working Poor	6	2.12
Unemployed	6	2.12
Elderly/Pensioners	2	.71
Working Class/Middle Class	29	10.25
Taxpayers	12	4.24
Citizens	11	3.88
Employees/Workers	4	1.41
Middle Class	2	.71
Professional Class	20	7.07
Legislators & other professionals	20	7.07
Total	283	100

Discussion

The U.S. poor have historically been constructed as different, with key differences noted in terms of race (e.g. poor Blacks) and gender (e.g. poor women). We expected to find similar distinctions and ample explicit references to race and gender in welfare drug testing discourse. More specifically, based on extant research pointing to racialization of the war on drugs (Morgan, 1978; Musto, 1987; Reinerman & Levine, 1995; The Sentencing Project, 2001) and both racialized and gendered discourse surrounding welfare policies (Benson-Smith, 2005; Gooden & Douglas, 2006; Schram, 2006), we expected the drug testing discourse to be simultaneously racialized and gendered. However, our findings allude to a more complicated construction of difference wherein race and gender are effectively concealed, and social class

becomes the strongest overt narrative theme. In this regard, our findings are similar to what Naples (1997) established in her analysis of race, class, and gender in welfare policy in the 1987-1988 U.S. Congressional Hearings on Welfare Reform. In line with Naples' study, we found explicit references to race and gender to be largely left out from the drug testing discourse. This is accomplished by focusing on and restricting discourse to individualist and behavioral analyses of poverty, implicitly invoking racialized and gendered stereotypes of the poor welfare recipients and drug-addicts. At the same time, we have found implicit, subtle ways in which gender, race/ethnicity, and social class co-construct one another, and simultaneously contribute to the construction of welfare drug testing discourse. We discuss our findings below.

First, and surprisingly, there were scant overt references to gender in the data, in spite of the fact that the overwhelming majority of welfare recipients are women. This is a significant finding in the analysis, as welfare debates of the past had obvious gender components expressing expected behavior for women and mothers. The meaning of welfare progressed from seeing it as way to assist widows such that they are able to remain at home as full-time mothers to requiring welfare recipients to work (Gordon, 2001; Korteweg, 2003). Over time, the references to supporting mothers to stay home vanished; the word mother has increasingly been used in the context of "teenage mothers" or "unwed mothers" (Mink, 2006). Such constructions of gender, with a focus on working women rather than motherhood, facilitate the co-construction of welfare drug testing discourse as a move to promote work readiness.

This trend is discernible in our data. When gender did appear in the discourse, it was not to talk about the importance of full-time motherhood; it was only in reference to welfare recipients, primarily women, and mainly in the proponent discourse. Old tropes of poor women's uncontrolled child bearing and out-of-wedlock births were raised. Worries were also expressed

for drug-exposed fetuses due to poor pregnant women's abuse of drugs, and for children being raised by drug addicts. All of these concerns play into and perpetuate stereotypes of poor women as irresponsible mothers, all the while focusing on their "unwillingness to work." At the same time, the invisible gendered norm of a breadwinner working in male dominated occupations, i.e. the occupations that require drug-testing, is used to judge poor mothers.

When women were discussed in terms of welfare receipt, they were addressed with paternalistic overtones of needing either support or assistance on the one hand, or discipline and punishment on the other; thus, constructions of womanhood co-constructed the policy discourse, with welfare drug testing proposed as a legitimate means of managing women on welfare and guiding them toward employment. While the gender/class nexus is evident in this circumscribed line of discourse, race is also implicitly present; these themes of social pathology (out-of-wed lock birth, uncontrolled reproduction, and substance abuse) arose in the 1965 Moynihan Report, which pathologized poor black women.

Interestingly, opponents of welfare drug testing also furthered the pathological social construction of poor women. In apparent presumption of guilt regarding drug use, the opposition raised the concern that poor women may have to choose between financial assistance and giving up their children. However, at the same time, this concern paints poor women as dutiful mothers, even if they are drug users. It also raises a valid concern for poor women with substance abuse issues, since this population is treated quite differently regarding drug use in and of itself, but also with regard to their children and charges of abuse and neglect (Litt, 1997; Logan, 1999; Springer, 2010; Williams, 2014). Accusations of drug use during pregnancy have racial implications as well, since poor women of color have been disproportionately prosecuted for drug use. Thus, raising the specter of drug abuse among welfare recipients has latent racial

overtones. The links are strengthened by the fact that, today, African Americans are still more likely to be arrested, prosecuted, and incarcerated on drug charges, even though rates of drug use and sales are similar across racial groups (The Sentencing Project, 2001). Thus, this line of discourse serves to co-construct categories of race, class, and gender, further pathologizing poor minority women, while normalizing the non-welfare population. At the same time, such implicit gendered and racialized constructions of the poor support the promotion of welfare drug testing policy as a means of managing this population, effectively co-constructing welfare policy discourse.

Explicit discussion of race was limited to denial of benefits to non-citizens, regardless of legal status, another change in welfare provision permitted by PRWORA, one responsible for 44 percent of budgetary savings from the passage of the legislation (Fujiwara, 2006). The concept of citizenship was also present in proponent discourse regarding welfare recipients with clear connections between taxpayers, voting, and citizenship and social class position, indicating that poor welfare recipients are not recognized as full citizens. This position is interesting in light of the fact that individuals with felony drug convictions, a majority of whom are African American due to unjust sentencing policies, often lose rights to vote, effectively demoting their citizenship status (Alexander, 2010). Furthermore, those with felony drug convictions are can be denied welfare assistance. As such, there are citizenship implications at stake with welfare drug testing policy, even for U.S. citizens. However, welfare recipients need not be convicted felons to have their citizenship status questioned as, according to welfare drug testing proponents, citizenship is reserved for hardworking, taxpaying individuals. This line of discourse falls under the race/class nexus, albeit with predominantly subtextual racial connotations. It also contributes to the construction of welfare drug testing discourse by intoning a characterization of the unworthy,

“un-American” welfare recipient, which contributes to the justification of the policy and the co-construction of policy discourse.

Since approximately two thirds of welfare recipients belong to minority groups (USDHHS, 2014), the near absence of explicit discussion of race is conspicuous, particularly in comparison to welfare debates of the past where racial discourse was clear and evident (Benson-Smith, 2005; Schram, 2006). Looking at a broader context, the de-racialization of welfare drug-testing discourse might be related to the ascendance of “color blind racism” (Bonilla-Silva, 2002). According to Bonilla-Silva (2002, p. 41), in recent years, “traditional racism” has given way to “color blind racism,” which is characterized by “white’s avoidance of direct racial language [and] central rhetorical strategies or ‘semantic moves’ used by whites to safely express their racial views.” For example, while in our data welfare recipients were not explicitly referred to as lazy, irresponsible, and lacking in discipline, prevalent African American stereotypes (Peffley, Hurwitz, & Sniderman, 1997), their work ethic was clearly called into question by drug testing proponents’ charges of abuse of the welfare system in lieu of participating in legitimate work. In all, a more thorough excavation of the discourse does yield racial connotations framed by the language of abstract liberalism and cultural racism (Bonilla-Silva, 2002).

The majority of discursive tropes centered on social class, with contrasts distinguishing between the worthy and unworthy poor, an expected and recurrent theme in welfare discussion; however, definitions of worthiness differed between proponents and opponents. A central feature of proponent discourse was the demarcation between poor welfare recipients and the working poor, effectively constructing two separate classes despite the fact that, during the Great Recession, 45.3 million U.S. citizens lived below the poverty line (U.S. Census Bureau, 2013),

many of whom were “hard-working, tax paying citizens” who qualified for assistance. There was also a moral assumption that the welfare recipients were not working by choice. While unemployment rates have dropped since 2010, during the period under study (2008 – 2012) rates began at 10.5 and climbed to a high of 16.7 percent (BLS, 2015). It is also important to recognize the number of underemployed and discouraged workers, figures ranging from 6.8 percent to 11.1 percent during the period under study (BLS, 2015), which indicates a desire for full employment. Furthermore, adult recipients of TANF are required, in most cases, “to work at least part time to continue receiving benefits” (“Child Recipients of Welfare,” 2014). However, ignoring these points is necessary to rationalize welfare drug testing policy.

This line of discourse is also subtly gendered, and reflects a documented shift in expectations of motherhood, wherein historically, mothers’ primary “jobs” were allocated to the domestic sphere, child rearing and housework; however today, women are expected to be self-sufficient and independent workers. That the target population is mothers is not evident in this aspect of the debate. Moreover, when workplace drug testing was used as an argument to justify welfare drug testing, the normative occupations were in male dominated fields, essentially constructing another male-based standard to be applied to poor women.

Additionally, numerous proponent arguments constructing welfare recipients as clearly different from other social classes, whether based on work status, citizenship status, or undeserving designations of motherhood, were used to justify welfare drug testing. According to welfare drug testing advocates, taxpayers need protection from the poor and their abuse of the system, much of which involves the use of tax dollars to subsidize drug abuse. Such constructions of the target population in turn co-construct and bolster policy discourse. However, contradictorily, proponents also made the argument that if hardworking citizens are subject to

workplace drug testing, that welfare recipients should be held to the same standard for the receipt of income so generously provided by the “working man.” On the one hand, proponents construct welfare recipients as deserving different treatment, i.e. drug testing without a reasonable suspicion, because they *are different* from (hard)working citizens; on the other hand, however, they argue that welfare recipients should be treated the same as the hardworking citizens who are drug tested for work, effectively reinforcing welfare drug testing discourse.

Opposition discourse, in contrast, clearly included welfare recipients and the working poor in the same category, and blurred distinctions between the poor, working class, and middle class asserting that everyone benefits from tax dollars, and that no one group should be singled out, or indeed is more likely to use drugs. However, rather than call into question the sagacity of workplace drug testing, opponents’ strategy was reminiscent of an Oprah give away show - Students? You get a drug test! Farmers? You get a drug test! Legislators? You get a drug test! So everyone gets a drug test because if welfare recipients are to be drug tested as a determinant of eligibility, then so should everyone else receiving government benefits including students, farmers, business owners, CEOs, and even legislators. Thus, both welfare drug testing proponents and opponents argue for the expansion of drug testing based on groups already being tested, or being proposed for testing. The difference lies in the co-construction of the groups and the rationales for testing.

In sum, while proponent discourse, predominantly conservative/Republican, expressed a decidedly moral/social perspective on the discussion of poverty and welfare, particularly regarding drug use, the opposition, predominantly liberal/Democratic used economic arguments. Opposition discourse repeatedly referenced “tough economic times” as the major issue, as opposed to welfare abuse. Hence, although conservatives have charged liberals with promoting

class warfare (Nunberg, 2007), it is largely conservative/Republican discourse that constructs class distinctions by portraying non-poor as honest, hardworking, taxpaying citizens, and attacking and demonizing the poor. Constructions of the poor as shiftless suspect deviants serve to co-construct the policy discourse in terms of seeking legitimate policy alternatives to manage this degenerate population. Welfare drug testing is proposed to incentivize the parasitic poor to “stay clean” and get jobs. The opposition constructed the poor, working class, and middle class as one group with everyone working hard to make ends meet in a challenging economy. In welfare drug testing opponent discourse, the main class division was that between the upper class elite that is exempt from such demeaning treatment, and everyone else. Here again, social class is explicitly the dominant category. However, on closer examination, references to the elite are also gendered and racialized; the elite is largely comprised of white men, making the race/class/gender nexus salient, but implicit.

Ultimately, in terms of implications for intersectional analysis, this study supports the idea that we cannot a priori assume that race, gender, and class are always salient. The importance of these categories and their intersections must be studied empirically. At the same time, the ultimate salience of one intersectional category, social class in this case, does not simply mean that other intersectional categories do not matter. A more likely implication is that the salient category colonizes the discourse precluding the emergence of other categories. Similar to Naples’ (1997), in our study, it appears that focus on social class in terms of individual behaviors and morality limited the space “available in which to address the complex interplay of racism, sexism, and capitalism” (p. 932). In all, both Naples’ work and current study demonstrate how policy discourse can be manipulated to exclude certain arguments from consideration in policy debates. As Ferree (2009) contends,

authoritative texts such as constitutions, laws, judicial decisions, treaties, and administrative regulations...offer a discursive structure – an institutionalized framework of connections made among people, concepts and events – that shapes the opportunities of political actors by making some sorts of connections appear inevitable and making others conspicuously uncertain and so especially inviting for debate. (p. 87)

Thus, intersectionality in this case is implicitly constructed as a race, class, and gender nexus that is vital to, yet precluded from the debate. At the same time, these constructions are crucial to and serve to co-construct welfare drug testing policy discourse.

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V. Conclusion

This dissertation is an analysis of the social construction of welfare recipients through legislators' discourse regarding welfare drug testing policy. It is comprised of two articles and one manuscript, each exploring welfare drug testing discourse from a different vantage point. The poor have long been a marginalized population, divided into deserving and undeserving categories based on a variety of criteria in addition to economic determinants of eligibility, many concerning stereotypical racial and gendered conceptions of the proper roles and behaviors for women and mothers. Today, proof of being drug free is proposed as an additional measure of worthiness of government aid, likely adding to the negative imagery of welfare recipients. The purpose of this research is to examine the social construction of welfare recipients in light of welfare drug testing policies as determinants of worthiness of social support, and the impact of the policy discourse on the image of the poor.

The idea that “what we say matters” is the center point of this research. Noted social theorists such as Foucault (1971) and Fairclough ([1989] 2001) articulate the power of language, and the language of power. Policymakers in particular are not simply “passive reflectors of prevailing values; instead they actively participate in values’ formation and perpetuation as they design and justify policy” (Schneider and Ingram 1993:70). Public policy presupposes beliefs and perceptions about target populations: “whether the groups are “good,” “bad,” “intelligent,” “stupid,” “deserving,” “undeserving,” “respected,” “feared,” “hated,” or “pitied” (Schneider and Ingram 1993:72). Ultimately, the final determination is one of morality or deviance. These intimations are depicted through and apparent in policy discourse, which Fischer (2003:90) describes as “an ensemble of ideas and concepts that give social meaning to social and physical relationships” which “both transmit the cultural traditions of society and mediate everyday social

practice and political interactions.” Public policy itself is not merely conveyed by language, “it is literally ‘constructed’ through the language(s) in which it is described” (Fischer 2003:43). As such, discourse analysis is a vital component of policy studies.

Schneider and Ingram (1993) apply these ideas to the public policy process with their theory of the social construction of target populations, asserting that the relative political clout of policy targets in combination with either their positive or negative social construction will determine the types of policies, benefits or burdens, under which they will be managed. Populations weak in terms of political power have less influence in the policy process; thus, their positive (the dependent) or negative (the deviant) construction is a deciding factor in the sorts of policies that will govern them (Schneider and Ingram 1993). Target populations are viewed as sharing common characteristics and, from the purview of policymakers, “are bound by their connection to a problem” (Donovan 2001:1). Donovan (2001:1) states that these groups “may also be connected by public stereotypes about who they are and whether they are worthy of support or deserve punishment. Thus, the selection and treatment of target populations is at once a highly abstract and intensely intimate exercise in governmental power.”

Government’s distribution of benefits and burdens provides an “official statement” of the characterization of group members and their perceived social worth (Donovan 2001). While initially welfare recipients (mothers, children, and the disabled) were included in the dependent category, more recently Schneider and Ingram (1997) placed welfare mothers midway between dependents and deviants. Yet, the recent policy trend of welfare drug testing raises questions regarding a possible reconstruction of welfare recipients as a deviant and criminally suspect population.

While, ostensibly, the purpose of welfare support is to aid the poor, children in particular, Piven and Cloward's ([1971] 1993) groundbreaking work argues that the ultimate purpose of welfare policy is the regulation of the poor as required by the low wage labor market. Today the criminal justice system is used similarly, and there is evidence of the merging of criminal justice and welfare systems and policies, essentially coalescing the target populations of these two systems into one pathological population (Alexander 2010; Garland 2001; Herivel and Wright 2003; Wacquant 2006). However, the bulk of research in this area focuses on the criminal justice side of the conjoined policy streams, with little analysis of the effects on welfare policy and recipients. Yet, in terms of welfare policy, crossover is apparent in the provision precluding individuals with felony drug convictions from welfare assistance, as well as in the progeny of War on Drugs and Welfare Reform policies, welfare drug testing.

Research on social welfare policy is an ongoing endeavor with each new strategy and policy attempt to address poverty and manage the poor opening new subjects for analysis. While PRWORA and TANF have been analyzed extensively from multiple perspectives, Section 902, which authorized welfare drug testing and the sanctioning of welfare recipients who test positive for controlled substances, has received little academic attention, despite welfare drug testing being such a hot button issue. This significant gap in welfare policy analysis is addressed by this research.

The first article is an effort to further explore the merging of criminal justice and welfare policies from the welfare side. "Pathologies of the Poor" What Do the War on Drugs and Welfare Reform Have in Common?" (Amundson, Zajicek, and Hunt 2014) analyzes federal-level legislators' rhetoric in War on Drugs and Welfare Reform congressional debates from the 1990s to assess the merging of these policy streams and the conflation of their target populations

into one pathological population. With a focus on social pathology discourse including tropes of “matriarchal family structure,” out-of-wedlock births, teen pregnancy, poverty and welfare dependency, delinquency and crime, and drug abuse, this study examines “1) whether rhetoric used in both debates is similar, and 2) whether social pathology themes that McCorkel (2004) found to be associated with the War on Drugs were present in Welfare Reform debates to justify drug testing welfare recipients” (Amundson et al. 2014).

Garland (2001:xii) asserts,

The new world of crime control provides, in its turn, important sources of legitimation for an anti-welfare politics and for a conception of the poor as an undeserving underclass. The mutually supportive character of today’s penal and welfare policies...is indicated by an analysis of the discursive tropes and administrative strategies that run through both of these institutions.

Indeed, this analysis finds that themes of social pathology migrated from the war on drugs debate to the welfare reform debate, particularly those of crime, drug addiction, welfare dependency, and drug testing. These themes, used to further the war on drugs, were also employed to justify drug testing welfare recipients. Increasingly, the populations managed by the criminal justice and welfare systems are converging into a single marginalized group, constructed as deserving of suspicion and derision. Negative constructions of welfare recipients as a pathological population are reinforced and furthered through federal-level lawmakers’ drug testing policy justifications, which arose with the expansion of the War on Drugs. However, it is unclear as yet, what subsequent impact welfare drug testing authorization will have on the social construction of welfare recipients. The following is an exploration of this question, taken up in the second article.

The broader ideas underlying this study are the discursive constructions regarding the worthiness of the poor for social support and the power of policymakers in this regard. Rochefort

and Cobb (1994:9) maintain, “Language can be the vehicle for employing symbols that lend legitimacy to one definition and undermine the legitimacy of another.” As narratives are constructed, passed along, promoted, and reinforced by numerous institutions including government, the academy, and the media, the images of the targeted groups can take on a life of their own, becoming hegemonic definitions. Those presumably not adhering to U.S. core values of hard work, self-sufficiency, and independence, tend to be perceived as deviant and undeserving at worst, and at best must prove and justify their worthiness (Piven and Cloward [1971]1993; Fraser and Gordon 1994; Brush 1997; O’Connor 2001). Such determinations of worthiness speak directly to the social context in which welfare drug testing policies are situated; welfare recipients are viewed by many, including policymakers and the general public, as not adhering to society’s values, and thus are generally undeserving of support. Welfare drug testing institutes one more hurdle, one more requirement for welfare recipients to prove their worthiness of support, that they are not on drugs.

However, TANF, welfare drug testing policy included, is now designed, implemented, and managed at the state-level, which raises questions regarding the social construction of welfare recipients by state legislators through welfare drug testing discourse, which may differ geographically. Thus, article two, “A Social Metamorphosis: Constructing Drug Addicts from the Poor” (Amundson, Zajicek, and Kerr in press), examines state-level lawmakers’ public discourse regarding welfare drug testing policy proposals during the Great Recession and the 2012 election season to answer the question, “How has the target population of welfare recipients been socially constructed through discursive frames employed by legislators via drug testing proposals and public statements with regard to establishing “worthiness” of recipients?”

This study indicates that the discourse of drug testing proponents outnumbered that of the opposition nearly 5:1. Proponent discourse, strikingly similar across the country, was largely negative, harsh, hard-lined, and denigrating of welfare recipients, effectively contributing to the social construction of the poor as undeserving drug addicts. Arguments for drug testing welfare recipients took an overwhelmingly individualistic view of poverty to the exclusion of structural and economic concerns, despite the dismal economic climate of the time. The marginalized voice of the opposition was more sympathetic of welfare recipients; however, rather than contesting the image of a drug addled poor, welfare drug testing opponents argued that drug testing policies would be too costly, would take money away from children in need, and do not provide sufficient opportunities for rehabilitation, thus effectively contributing to the construction of welfare recipients as drug addicts.

These findings appear to reflect broader U.S. policymaking trends in that electoral incentive for lawmakers to be sensitive to the needs and concerns of marginalized groups such as welfare recipients is lacking. According to Fischer (2003:43), political agendas are derivatives “of the history, traditions, attitudes, and beliefs of a people encapsulated and codified in the terms of its political discourse.” DiNitto (2007:10) argues that policymakers are often more motivated to “maximize their own rewards - power, status, reelection, money and so on” than to base their decisions on social causes and concerns. The pursuit of a punitive policy toward a negatively constructed target population may actually aid legislators in this endeavor.

Schneider and Ingram (1993) contend that politicians are cognizant of stereotypes as well as their ability to actively contribute to public perceptions of the images of target groups, and that they use this power of image construction to their political advantage. In essence, political officials are complicit and active participants in this process, and are prone to imposing sanctions

on groups considered deviant, those negatively constructed and politically weak. Such groups are easy political scapegoats because there is little concern over “electoral retaliation” and such treatment is typically lauded by the public (Schneider and Ingram 1993:336). That welfare recipients as a population lack organization, political clout, lobbyists, and public sympathies, makes them an easy target for such policies.

Historically, for similar reasons, many policy decisions have been influenced by the race and gender of policy targets, often excluding already marginalized groups from the policy purview or derailing the policies providing benefits to such groups. These points provide the basis for the third manuscript in this study. Welfare policies had apparent gendered and racial biases which contributed to the social construction of welfare recipients as deserving or undeserving (Piven and Cloward [1971]1993). As such, categories of social class, race, and gender have been a prevalent focus of welfare studies (Adair 2001; Brush 1997; Quadagno 1990; Schram 1995; Schram 2005; Seccombe, James, and Battle-Walters 1998). Racialized and gendered language in particular was common in past debates over ADC and AFDC (Benson-Smith 2005; Fraser and Gordon 1994; Piven and Cloward [1971]1993; Schram 2005).

However, recent social science scholarship (e.g., Bonilla-Silva 2002) suggests that, in the current era of political correctness, overt references to race in general are less prevalent, having been replaced with racialized code words and colorblind racism. In an effort to explore current class, race, and gender constructs in welfare policy discourse, the third manuscript, “A Case Study of State Level Policymakers Discursive Co-Constructions of Welfare Drug Testing Policy and Gender, Race, and Class,” analyzes state-level legislators’ discourse in the welfare drug testing debate to examine how categories of race, class, and gender give meanings to policy

discourses concerning welfare drug testing, and conversely, how policy discourses concerning welfare drug testing give meanings to categories of race class, and gender.

Prevailing theory on race, class, and gender argues for an intersectional perspective asserting that these categories cannot be analyzed in isolation as individuals occupy race, class, and gender statuses simultaneously, and they have differing impacts dependent on their categorical intersections (Hancock 2007; Landry 2007). The basis of intersectional studies is the embeddedness of social categories in relations of inequality, where a thorough understanding of an issue requires analysis on a number of different dimensions. Intersectionality “addresses the way that specific acts and policies create burdens that flow along these intersecting axes contributing actively to create a dynamic of disempowerment” (Patel 2004: 3). This has certainly been true regarding past welfare policy implementation, which disproportionately disempowered poor Black women. Yet, is this also true in the case of welfare drug testing policy?

While the data in this analysis was viewed through an intersectional lens, intersections of race, class, and gender were not readily apparent in the discourse. Contrary to welfare debates of the past, race and gender were not explicitly prevalent categories in welfare drug testing discourse, each being overtly referenced only a handful of times. While class is assumed in any discussion of poverty and welfare, as a category its discursive absence in past welfare debates has been conspicuous, until this study where social class was the most salient overt category in welfare drug testing discourse. Thus, this analysis reveals a marked transformation in welfare discourse with a shift in focus away from categories of race and gender and toward conceptions of social class. Through the construction of poor welfare recipients as “the undeserving other,” the discourse effectively constructs everybody else as the deserving norm.

However, Schram (2005:262) suggests that scholarship on racial representations of welfare “often fails to appreciate the political complexities of race and welfare,” and argues that “welfare discourse has become implicitly encoded with racial connotations.” This may be the case for gender and sexism as well. Careful reading of the data, bearing in mind historic and current gender and racial stereotypes, indeed revealed veiled references to these categories, and interesting co-constructions of race, class, and gender. In general, welfare drug testing discourse paints poor mothers as ignorant at best, and as irresponsible, negligent, and abusive parents at worst. Much of this construction is in relation to paid labor, wherein poor mothers are expected to be independent and self-sufficient and are criticized for “dependence” on state support. This reflects a shift from early days of social support where the impetus was to allow single mothers to stay at home and care for their children. Tropes of out-of-wedlock births and unchecked child bearing dating back the infamous Moynihan Report (U.S. Dept. of Labor, 1965) contribute to the continued construction of poor (Black) women as immoral and feckless mothers.

Additional racial implications enter the discourse through drug testing promotion as U.S. drug policy in general has strong racialized connotations [e.g. the “Yellow Peril” of the late 1800s stereotyping the Chinese as degenerate heroin addicts (Morgan, 1978), “Reefer Madness” of the 1930s targeting Blacks and Hispanics as marijuana fiends (Musto, 1987), and more recently the 1980s and 1990s “Crack Epidemic” targeting poor African Americans (Reinarman & Levine, 1995; The Sentencing Project 2001)]. Thus, suspicion of drug abuse in itself has racial implications. Other racialized discourse included accusations of laziness, unwillingness to work, and cheating the system, which are common stereotypes of African Americans. Through this rhetoric, the government is compelled to step in paternalistically and manage this population with oversight, discipline, and punishment when necessary.

In summary, with each new policy comes a new round of policy analysis. Studies have been conducted on the War on Drugs, as well as on Welfare Reform. The most recent policy trend, drug testing welfare recipients, which appears to be a merging of these two policy arenas, has yet to gain attention from the research community. Combined, these three studies present a multidimensional picture of the most recent social construction of welfare recipients and the power of political discourse in the management of this target population. This analysis demonstrates a progression in the War on Drugs through welfare drug testing policy, as well as further entanglement of welfare and criminal justice systems and policies, resulting in the reconstruction of welfare recipients from deserving dependents to undeserving deviant drug addicts. It further indicates a move from overt racialized and gendered discourse with a marked absence of reference to social class to a clear class driven content lacking recognition of the feminization of poverty and the disproportionate impact of poverty on minorities. However, perhaps of greater significance are the implicit racialized and gendered stereotypes which contribute to the negative social construction of poor mothers, minorities in particular. This has several implications for practice and policy.

Implications for practice and policy

These three studies taken together provide a detailed overview of the social construction of welfare recipients under the new welfare policy focus of drug testing as a determinant of eligibility for assistance. The first article contributes to a growing body of literature on the criminal marginalization of the poor and encroachments on their civil liberties. The second article leads to the conclusion that the demonization of the welfare recipients is indeed utilized, likely consciously, as an effective political strategy. The third article indicates that despite the feminization and racialization of poverty in the U.S., categories of race and gender have

effectively been sidelined in the overt discourse resulting in a binary construction of social class, the unworthy poor non-citizens and the worthy hardworking, tax paying citizens (the remainder of the population). However, implicit racial and gendered constructions of these classes demonstrate that common stereotypes of poor mothers are still present, and are used to justify this punitive policy. Rather than addressing an actual objective social problem such as poverty, welfare drug testing appears to be symbolic policy designed to rally political bases, and unfortunately, welfare drug testing proponents dominate the debate. This assessment indicates that legislators and policy alternatives are not likely avenues for addressing these concerns.

Overall, the study indicates that policymakers are generally unsympathetic of this population. However, a number of welfare and poverty scholars argue that social movements representing marginalized groups give lawmakers impetus to change their positions (Abramovitz, 2006, Nadasen, 2005; Naples, 1998; Swank, 2006). As such, alternatives to reliance on policymakers are necessary to change the prevailing image of welfare recipients, as well as to improve their circumstances. Weaver (2000:26) posits, “the limited political and organizational resources of the poor [have] allowed their interests to be ignored except when they were sufficiently organized to seem to pose a threat to the established political order.” Harkening back to the “welfare warriors” of the 1960s and 70s, poor minority women joined together to fight against systemic “racism, sexism, and dehumanizing poverty...in the halls of Congress, the streets of urban communities, and inside the progressive movement itself” (Ransby 2005:back cover). Although these women were not altogether victorious in changing the system and their circumstances, their efforts were successful in challenging policymakers and the status quo, and perhaps more importantly, in empowering themselves and each other. “Historically, when left unchecked rising poverty and glaring inequality often become fertile breeding ground

for the rise of social movements that disrupt the status quo” (Abramovitz, 2006, p. 35). It may be that today’s grassroots efforts such as Occupy Wall Street, fast food workers strikes, and the growing minimum wage movement will do more to contest prevailing images of poor and working class Americans, empowering them and forcing policymakers to recognize their broader constituency.

Alternate voices in the form of welfare workers, lobbyists, and/or the poor are also needed to present facts that counter political rhetoric, and may prove to be effective in changing the policy focus. For example, Indiana Representative Terry Goodin (D) recently proposed welfare drug testing as an effort to “help fight a recent HIV outbreak in Southern Indiana” (Associated Press 2015). However, “in Scott County, where the HIV outbreak is centered, only nine adults receive TANF payments. Another 60 more receive benefits on behalf of 93 children” (Associated Press 2015). After being presented with this information, Goodin sought to drop his proposal, stating

There’s this urban myth that there are all these people taking welfare money and buying drugs with it. Maybe there’s not as much fraud as people say there is...it even makes me rethink my position. Since now we found out the drug testing isn’t going to reach many people, maybe there’s a different way to reach these people who are hooked on drugs (Cook and Kwiatkowski 2015).

As such, it is likely that legislators are themselves deceived by prevailing images of welfare recipients, and some may actually consider countervailing arguments in their decision making processes were they to receive accurate information.

Many legislators state that the intent of welfare drug testing is to help people: the poor, their children, and drug addicts. Were policymakers authentically inclined to help the two distinct populations of welfare recipients and drug addicts, strategies other than welfare drug testing would be required. For example, policy alternatives to aid the poor and working classes

must include a shift away from an individual focus and toward a structural focus such as raising the minimum wage, granting paid sick leave, addressing child care issues, and working to resolve untenable and unreliable employer scheduling practices (National Women’s Law Center 2014). The criminal justice focus on managing people with substance abuse issues has not been effective, as drug addiction and alcoholism are diseases, not issues of criminality and morality. Thus, a more effective use of tax dollars would focus on increasing treatment and rehabilitation services, rather than on drug testing and incarceration. The success of Housing First projects, which focus on services for the homeless with mental illness or substance abuse issues, demonstrate that stabilizing the lives of these individuals with the provision of decent housing goes a long way in also stabilizing their mental health and reducing substance abuse (Padgett, Stanhope, Henwood, and Stefancic 2011). Regardless of the target population, denigration and humiliation are not effective means to uplift and empower people, but only serve to create and reinforce divisions in society.

Limitations and Recommendations for Future Research

While the third manuscript examined the intersectionality of state legislators’ discourse, we did not consider the race, class, and gender of the legislators themselves in our analysis. Future studies would be strengthened with a consideration of not only the political parties of lawmakers, but their social locations as well, as these may well be salient in the discursive equation.

Additionally, other stakeholder discourses are relevant to the welfare drug testing debate and contribute the social construction of welfare recipients. Public opinion is salient in the policy process, as noted by lawmakers’ assertion of constituent and voter support for welfare drug testing. As welfare workers implement and negotiate welfare policies, their voice is also germane

to the debate. The target population of welfare recipients, while generally excluded from policy discussions that directly affect them, should also be heard and considered. Each of these stakeholder groups has a role to play in the policy process, albeit with differing levels of power and voice. Furthermore, they may reveal contestations of the construction of welfare recipients as undeserving drug addicts. Analyses of these additional discourses would provide a more thorough assessment of the perceptions of welfare recipients and welfare drug testing policy, and are thus worthy of analysis.

In terms of further policy analysis, it would be appropriate to explore the effects of welfare drug testing policies on welfare recipients and welfare workers. As one of the purported purposes of the legislation is saving taxpayer dollars, a cost benefit analysis of the policy, including legal costs in defending challenged policies, would also be in order. Additionally, studies of even more restrictive emerging welfare policies would be worthwhile. For example, Kansas recently implemented greater restrictions on welfare recipients including a maximum withdrawal of 25 dollars a day with their Kansas Successful Families Program (TANF) benefit cards. Additionally,

No TANF cash assistance is allowed for use in a liquor store, casino, gaming establishment, jewelry store, tattoo or body piercing parlor, spa, massage parlor, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, pari-mutuel facility, or an adult sexually oriented retail business or establishment (Kansas HB2258 2015).

Such policy likely further contributes to the negative construction of welfare recipients, including insinuations of lewd and lascivious behaviors, as well as lavish spending of taxpayer dollars, giving the impression of quite the welfare party.

While ongoing analysis of legislators' continued attempts to regulate the poor, and the concomitant effects on the social construction and stereotypes of welfare recipients are important, it is equally important to examine refutation of these images. For example, additional qualitative and/or ethnographic research of the actual lived experiences of welfare recipients could be useful in refuting images of jewel draped, mani/pedicured, lingerie wearing welfare recipients on the deck of a cruise ship, or alternately, drunken and stoned, tattooed and pierced, cigarette dangling welfare recipients at the craps table or horse races flashing their TANF and SNAP cards. Additionally, recent efforts to speak truth to power, such as the Occupy Wall Street movement, active during the time of this analysis, and more recently the fast food workers strikes and movements to raise the minimum wage are important to study and contribute an alternate voice, undoubtedly more supportive of low income Americans. Indeed, community action and grassroots movements of the past have been successful in fighting for economic and social justice (Nadasen 2005; Naples 1998; Pope, 1999), and may offer insight on alternatives to the political process for marginalized groups. "Perhaps it will be as Gandhi predicted: "First they ignore you. Then they laugh at you. Then they fight you. Then you win" (Abramovitz, 2006, p. 35).

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