



The War on Poverty and Subsequent Federal Programs: What Worked, What Didn't Work, and Why? Lessons for Future Programs

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Did we ever have a real war on poverty in the United States?

When Ronald Reagan famously said, “We fought a war on poverty and poverty won,” was either part of his statement correct?

Could a federal program end domestic poverty all by itself?

The answers are: no, no, and yes but it wouldn't be a good idea.

First, we have never had in place the combination of public policies—let alone the even larger combination of public policies and private actions—that would have the maximum impact toward ending poverty in the United States.

Second, poverty did not “win.” Governmental policies relating to poverty are vastly better than they were in 1932 and are impressively successful in keeping tens of millions of people out of poverty.¹

Third, we could afford to give everybody with an income below the poverty line enough money to get out of poverty (putting aside whether the current measure is the right one), but that would be a bad idea.

Why? Because merely writing a check for everyone in need is bad public policy. For most nondisabled adults of working age, work (outside the home) is better than welfare. Some may dispute the point, but it is a widely held national value. On the one hand, public policy involving a good deal more than writing a check is necessary to assure realization of that value. On the other hand, we also have to have a decent safety net for people who are unable to find a job or have a good reason not to be in the

¹See ARLOC SHERMAN, CENTER ON BUDGET AND POLICY PRIORITIES, PUBLIC BENEFITS: EASING POVERTY AND ENSURING MEDICAL COVERAGE 3 (2005), www.cbpp.org/7-19-05acc.pdf (“An analysis of Census data for 2003 (the latest year for which these data are available) shows that [p]ublic income-support programs lifted 27 million Americans above the poverty line.... This constitutes a reduction of 47 percent in the number of people who lived in poverty.”). In 2002 approximately 14 million more Americans over the age of 65 would have lived in poverty but for social insurance, means-tested cash benefits, and means-tested noncash benefits—i.e., these benefits reduced the poverty rate for this group by 82 percent. See COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, 2004 GREEN BOOK H-36 (2004). Approximately 5.1 million more children under 18 would have lived in poverty were it not for social insurance, means-tested cash benefits, means-tested noncash benefits, and the earned income tax credit—i.e., the child poverty rate was reduced by 35.9 percent. See *id.* at H-39. Approximately 5.3 million more persons in single parent-headed households with children under 18 would have lived in poverty without social security, means-tested cash benefits, food and housing benefits, and the earned income tax credit—i.e. the poverty rate was reduced by 36.75 percent. See *id.* at H-41.

labor force. So there is a continuing argument (albeit too often in a politicized way) about the precise boundary line between work and welfare. But there is little argument over the basic point.

We hold these beliefs even though writing checks would probably be cheaper than paying for the complex set of policies needed to maximize the number of people who work for adequate pay outside the home. Creating the right mix of policies, including a balance of incentives and requirements to favor work over welfare in a fair and equitable way, is far from easy, although one would never know this from much of the rhetoric on the floor of Congress and the Sunday talk shows.

So ending poverty is more complicated than writing checks.

I. Did We Ever Fight a Real War on Poverty?

The commitment and symbolism of the “war on poverty”—and the energy and enthusiasm of those who fought it—were vital. For a brief period, the idea of conducting a war on poverty captured the nation’s imagination. The phrase is surely one of the most evocative in our history. Yet the war’s specific components were a tiny fraction even of the Great Society programs enacted between 1964 and 1968 during the administration of Lyndon Johnson, let alone those enacted during the New Deal and those added since, many during the presidency of Richard Nixon.² And, even considering all these, we never fought an all-out war on poverty. But we had some fabulous bumper stickers.

We could start with the Bible, or the Elizabethan poor laws, or the “indoor” and “outdoor” relief of nineteenth-century America.³ People have talked about how to help the poor, or not, from the beginning of time. People have drawn lines between the “deserving” and the “undeserving” poor for centuries.

The federal government began to play a substantial role in the thirties. Social security, unemployment compensation, aid to dependent children, and maternal and child health programs were all established in one historic statute.⁴ Another statute created the federal minimum wage, regulation of pay for overtime work, and other provisions for worker protection, and a third created the public housing program.⁵ Rural electrification and the Tennessee Valley Authority had important antipoverty implications.⁶ And the list goes on. The political stars were aligned, of course, with the Great Depression as the catalyst, but Franklin Roosevelt’s response was exceptional.⁷ It added up to a massive transformation in the federal role and responsibility to reduce poverty in America.

War overtook domestic initiatives, and the postwar recovery, in creating the vast “middle class” as we know it today, brought into the economic mainstream millions of people who were previously at or outside the margin. The GI Bill, with its powerful upward push for veterans and their families, was the model that today’s antipoverty advocates yearn to replicate—a popular program benefiting large numbers and bringing along less fortunate people in its wake without a

²See MICHAEL B. KATZ, *IN THE SHADOW OF THE POORHOUSE: A SOCIAL HISTORY OF WELFARE IN AMERICA* 265–66 (rev. ed. 1996) (“In fact, until Nixon abolished the Office of Economic Opportunity (OEO), in 1974, its spending never accounted for more than 3 percent of all federal social welfare expenses, or 6 percent of all federal funds for the poor.”).

³See, e.g., *id.* at 13–113.

⁴Social Security Act of 1935, ch. 531, 49 Stat. 620.

⁵Fair Labor Standards Act of 1938, ch. 676, 52 Stat. 1060; United States Housing Act of 1937, ch. 896, 50 Stat. 888.

⁶See, e.g., Hugh Hecl, *The Political Foundations of Antipoverty Policy*, in *FIGHTING POVERTY: WHAT WORKS AND WHAT DOESN’T* 312, 317 (Sheldon H. Danziger & Daniel H. Weinberg eds., 1986) (“[I]t was the more indirect methods of tackling longer-range problems of rural poverty, such as Rural Electrification and the Tennessee Valley Authority, that were more successful.”).

⁷See, e.g., KATZ, *IN THE SHADOW OF THE POORHOUSE*, *supra* note 2, at 224–55.

ripple of political hostility.⁸ Harry Truman also tried to institute national health insurance, and social security coverage for the disabled was enacted on Dwight Eisenhower's watch.⁹

With the 1960 election we turned a page—one that had begun to turn with the *Brown* decision in 1954 and the first broadly noticed student civil-rights sit-ins in Greensboro, North Carolina, in early 1960.¹⁰ Americans began to develop a consciousness of inequality in their midst: first and foremost racial inequality, but also inequality of income. John Kennedy's campaign in West Virginia is said to have opened his eyes to white poverty, and Michael Harrington's now-classic *The Other America* captured a surprising degree of attention.¹¹

Newly in office as the attorney general, Robert Kennedy installed his high-school friend David Hackett in an office opening directly into his and charged Hackett with developing a program to reduce juvenile delinquency.¹² The cadre of experts whom Hackett assembled from inside and outside the government developed key portions of what became the war on poverty, with White House involvement increasing in 1963 and the White House taking over the planning after President Kennedy's assassination. Kennedy is said to have been doodling the word "poverty" at the last Cabinet meeting before he was murdered.¹³

President Johnson dragooned Kennedy brother-in-law R. Sargent Shriver to pick up the mantle, assigning him the task of getting legislation drafted and setting up the new agency, all without leaving his already demanding position as director of the Peace Corps.¹⁴ The bill, formally the Economic Opportunity Act of 1964, was sent to Congress in March of that year after a frenetic six weeks of effort. On August 20, President Johnson signed the bill into law, and implementation followed at a similarly dizzying pace.¹⁵ The war on poverty was of course not a single program but a wide range of initiatives, each of which required major effort to make it operational.¹⁶ The scene at the Office of Economic Opportunity (OEO) was chaotic and frenzied.¹⁷ To those involved, the new initiative was truly a war on poverty, and confidence reigned that it was a war that would be won.¹⁸

But were the pieces of the war on poverty, complex and significant though they were, enough to end poverty in America if the war were fully funded on a sustained basis? With the addition of the other aspects of President Johnson's Great Society, were enough initiatives in place to accomplish the desired end?

The answer: no, but. No, because neither the war on poverty nor the Great Society as a whole paid enough attention to the bottom-line questions of jobs and

⁸Servicemen's Readjustment Act of 1944, ch. 268, 58 Stat. 284.

⁹For a discussion of Truman's efforts to provide national health care, see PHILIP J. FUNIGLIO, *CHRONIC POLITICS: HEALTH SECURITY FROM FDR TO GEORGE W. BUSH 62–87* (2005). For a brief discussion of the extension of social security to people with disabilities during the Eisenhower administration, see THEODORE SKY, *TO PROVIDE FOR THE GENERAL WELFARE: A HISTORY OF THE FEDERAL SPENDING POWER 328* (2003).

¹⁰See *Brown v. Board of Education*, 347 U.S. 483 (1954); TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954–63*, at 271–73 (1988).

¹¹See ROBERT F. CLARK, *THE WAR ON POVERTY: HISTORY, SELECTED PROGRAMS AND ONGOING IMPACT 23* (2002).

¹²See SCOTT STOSSEL, *SARGE: THE LIFE AND TIMES OF SARGENT SHRIVER 335* (2004).

¹³See *id.* at 335–40.

¹⁴See CLARK, *supra* note 11, at 26–28.

¹⁵Economic Opportunity Act of 1964, Pub. L. No. 88-452, 78 Stat. 508.

¹⁶See CLARK, *supra* note 11, at 29.

¹⁷See STOSSEL, *supra* note 12, at 395–96.

¹⁸See *id.* at xxvii (One OEO staffer said, "Nothing was impossible. And I think that was the hallmark of those days. We really believed that we were changing this country.").

income. When people were educated and trained and ready, would enough good jobs be available to ensure that everyone, especially those who still bore the weight of discrimination, could escape poverty? For those unable to obtain sufficient income from work, would a sufficiently strong safety net be in place?

The “but” is vital, however. The war on poverty and the Great Society were and remain positive and significant building blocks in an antipoverty strategy—building blocks that continue to make a substantial difference in the quality of life of millions of Americans. The war on poverty involved and energized thousands upon thousands of people across the country and served as a stepping stone into politics, continuing activism, civic participation, and economic success. If nothing else, there is a special legacy in the continuing contributions of the generation who participated in one of the myriad OEO programs during the heyday of the belief that the war on poverty could transform the country.

II. What Was the War on Poverty?

At its heart the war on poverty was a strategy to mold children, youth, and young adults into capable people who could function successfully in the job market and be good citizens. It was coupled with legal services to challenge laws and policies that victimized the poor, and with health clinics to improve access to medical care. And it was topped off by a dash—a highly controversial dash, as it turned out—of community organizing to help the poor gain political efficacy to improve their lives, both personally and communally.¹⁹

We must understand that nearly every piece of the war on poverty is still in

existence in some form. All are based in other federal agencies, of course, because President Nixon dismantled OEO, and some have missions that were pared down to achieve greater political acceptability than the missions of the war-on-poverty components from which they are descended.

The positive poster child of the poverty war was Head Start—the one piece of the effort that Ronald Reagan anointed as acceptable.²⁰ Not surprisingly, Americans responded with instinctive sympathy to a program that would give young children a “head start” in being prepared for school. However, Head Start’s early years were not without controversy. The power structure in Mississippi mounted a vicious attack on the program there, and there were dueling early evaluations about the efficacy of the program in general. But a consensus finally arose in the research community that the program worked. Its subsequent history offers both good news and bad news. The bad news is the same as the good news. Head Start reaches about half the eligible children in the country.²¹

The negative poster child of the poverty war was community action. The idea of community action was idealistic, but in retrospect we can see that it was destined for trouble. One point on which Robert Kennedy insisted during the planning of the community action program was that the people who would benefit from the other new programs would have a major say in their operation.²² As the community action program structure emerged, the centerpiece of activity in each low-income community was to be a “community action” agency.²³ The core strategic point was that traditional social service agencies had too often drawn a red line around low-income neighborhoods,

¹⁹See, e.g., PETER EDELMAN, *SEARCHING FOR AMERICA’S HEART: RFK AND THE RENEWAL OF HOPE* 37–38 (2001); KATZ, *IN THE SHADOW OF THE POORHOUSE*, *supra* note 2, at 265–69.

²⁰See CLARK, *supra* note 11, at 166.

²¹See DEPARTMENT OF HEALTH AND HUMAN SERVICES, *BUDGET IN BRIEF: FISCAL YEAR 2006* 88 (2005), www.hhs.gov/budget/06budget/FY2006BudgetinBrief.pdf; Head Start Program Fact Sheet, www.acf.hhs.gov/programs/hsb/research/2005.htm (last visited Feb. 2, 2006); see also Head Start Basics 2005, www.childrendefense.org/earlychildhood/headstart/headstartbasics2005.pdf (last visited Feb. 2, 2006) (“In FY 2003, Head Start only served about half of eligible preschool-age children, while Early Head Start served less than three percent of eligible infants and toddlers.”).

²²See STOSSEL, *supra* note 12, at 336.

²³See MICHAEL B. KATZ, *THE UNDESERVING POOR: FROM THE WAR ON POVERTY TO THE WAR ON WELFARE* 95 (1989).

especially neighborhoods of color, and would not serve those who lived there. In the South the line was simply racial, but similar lines were drawn in the North and West to exclude the neediest, especially at the intersection of race and poverty.

So, to assure that help would reach those who needed it, the war on poverty contemplated a new agency structure that would promote the “maximum feasible participation” of the poor to avoid capture by local political bosses or others who might see a new opportunity for patronage or revenue.²⁴ The new agency would receive funds directly from the federal government, bypassing city hall, and the agency could be designated as well (this was not automatic) to operate Head Start and most of the other component OEO programs locally.²⁵

Many mayors and other elected officials were negatively disposed from the outset.²⁶ New federal money was coming to town, and they had no say in how it would be spent. In some places, community action agency staff members, fed up with city hall’s lack of responsiveness to neighborhood needs, took residents downtown to voice their discontent in terms that were often far from polite.²⁷ Not surprisingly, mayors, particularly Mayor Richard J. Daley of Chicago, complained to President Johnson and Congress about the use of federal money to finance protests against local officials.²⁸ Nor did the backlash occur only among public officials. Landlords bridled at rent strikes organized by community action employees, and growers saw the hand of antipoverty activists in new ferment among migrant farmworkers.

Congress responded by amending the law to permit mayoral (or county government) control over community action agencies.²⁹ The confrontational behavior disappeared, but we need to understand that the agencies remained. They still exist all over the country, financed in part by the Community Services Block Grant housed in the Department of Health and Human Services. One might say that the block grant was the more placid pond into which the roiling waters of the OEO community action program poured when it was moved to the then Department of Health, Education, and Welfare. Community Services Block Grant funding had crept up to \$626 million by the 2005 fiscal year.³⁰

Did community action deserve the bad rap it received? The spectacular incidents of confrontation were relatively few, the time frame during which they occurred was about two years, and the funds that community action agencies received for their own activities never amounted to more than 10 percent of OEO’s overall appropriation. Nonetheless, coupled with a few badly misguided demonstration grants that OEO made to local groups such as the Blackstone Rangers, a Chicago gang, the community action program gave the entire poverty program a bad name.³¹ Some of the activities of federally financed antipoverty lawyers added to the political heat, as did local fights such as the Mississippi Head Start imbroglio, but community action was really at the heart of the bad political reputation that the war on poverty acquired almost instantly.³² One gets the idea that many local elected officials were on the lookout for points of attack.

²⁴See KATZ, *IN THE SHADOW OF THE POORHOUSE*, *supra* note 2, at 267.

²⁵See STOSSEL, *supra* note 12, at 402, 431.

²⁶See JAMES T. PATTERSON, *AMERICA’S STRUGGLE AGAINST POVERTY 1900–1994*, at 146 (1994).

²⁷See EDELMAN, *SEARCHING FOR AMERICA’S HEART*, *supra* note 19, at 38.

²⁸See STOSSEL, *supra* note 12, at 404–5.

²⁹See PATTERSON, *supra* note 26, at 147.

³⁰See CSBG Fact Sheet, www.acf.hhs.gov/programs/ocs/csbg/fact_sheets/fs_csbg.html (last visited Feb. 2, 2006).

³¹See CLARK, *supra* note 11, at 53 (discussing the controversy surrounding the community action program, including the grant for the Blackstone Rangers in Chicago).

³²See EDELMAN, *supra* note 19, at 37–38 (“The thing that caused most of the political trouble was community action, the idea of a new system of services for the poor that would be controlled by the poor themselves.”); PATTERSON, *supra* note 26, at 145 (“What hurt OEO most were grievances from state and local politicians who resented OEO’s ideas of community action.”).

Trouble for OEO also came from its historic grants of federal funds to lawyers who represented poor people and their organizations against state and local governments, private defendants with substantial political power, and even the federal government itself. The backlash against the Neighborhood Legal Services Program component of OEO began almost immediately when it was instituted a year after OEO's inception. That the program—reconstituted in 1974 as the Legal Services Corporation—still exists, albeit having suffered major funding cuts and crippling restrictions on categories of cases its lawyers can handle, is remarkable, really. But for leadership and support from the American Bar Association going back almost to the beginning, it might well be on the scrap heap by now.³³

The rest of the war on poverty was for the most part less controversial. Job Corps is now funded at some \$1.6 billion annually.³⁴ It is expensive because it is a residential program, but it has been rigorously evaluated and is widely regarded as worthwhile.³⁵ Vista (Volunteers in Service to America) experienced controversy in the sixties because of the activist behavior of some of its volunteers, but it shaved off its rough edges and now exists as a component of the AmeriCorps program enacted on the initiative of Pres. William J. Clinton.³⁶ Upward Bound and Foster Grandparents still operate and are very popular.³⁷ The Community Health Centers program, now based in the Department of Health and Human Services with an annual budget of \$1.8

billion, is a major success and enjoys wide bipartisan support.³⁸

That the war on poverty, even funded at levels far beyond those reached in the sixties, would never have been an all-out war should be evident from the foregoing. The war on poverty was a collection of programs—many excellent, many that made a great difference in the lives of millions of people—but nonetheless not a strategy that could ever have come close to ending American poverty.

Nor does the addition of the remaining elements of President Johnson's Great Society, which dwarfed the war on poverty in their size and scope, turn the Johnson programs into an all-out assault on poverty. When we talk of the Great Society, we are talking about Medicare, Medicaid, the historic civil rights statutes of the period, federal aid to education, housing and community development programs, employment and training programs far beyond Job Corps, and more. Critics are fond of mounting broad rhetorical assaults on Great Society programs, but a fair examination of each program would characterize few as failures.

Yet, with all the programs and all the spending, poverty did not disappear. It went down very substantially during the sixties—although credit for that decline has to be shared with the period's prosperity—but it did not disappear.³⁹

Conservatives say the lesson to be drawn is that government programs do not work and that the further initiatives of the seventies

³³See generally ALAN W. HOUSEMAN & LINDA E. PERLE, SECURING EQUAL JUSTICE FOR ALL: A BRIEF HISTORY OF CIVIL LEGAL ASSISTANCE IN THE UNITED STATES (2003), www.clasp.org/publications/Legal_Aid_History.pdf.

³⁴See Employment and Training Administration Summary of Budget Authority, Fiscal Years 2005–2006, [www.doleta.gov/BUDGET/06req\\$.pdf](http://www.doleta.gov/BUDGET/06req$.pdf) (last visited Feb. 3, 2006).

³⁵See PETER EDELMAN ET AL., RECONNECTING DISADVANTAGED YOUNG MEN 56–57 (2006).

³⁶See CLARK, *supra* note 11, at 125–45.

³⁷See *id.* at 227–33, 280–82.

³⁸See DEPARTMENT OF HEALTH AND HUMAN SERVICES, *supra* note 21, at 16.

³⁹The poverty rate dropped from 22.2 percent in 1960 to 12.1 percent in 1969. See U.S. CENSUS BUREAU, INCOME, POVERTY, AND HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2004, at 46 (2005), www.census.gov/prod/2005pubs/p60-229.pdf; see also Rebecca M. Blank & Alan S. Blinder, *Macroeconomics, Income Distribution, and Poverty*, in FIGHTING POVERTY: WHAT WORKS AND WHAT DOESN'T 180 (Sheldon H. Danziger & Daniel H. Weinberg eds., 1986) (“During the 1960s the percentage of people living below the poverty line fell rapidly and continuously—from about 22 percent in 1961 to about 12 percent in 1969. Poverty declined particularly rapidly during the boom years of 1965, 1966, and 1968 (which, of course, were also the years in which the Great Society programs were getting started)”).

and beyond only prove their point more emphatically.

New federal policy efforts to reduce poverty continued to be implemented after President Johnson left office, and others already in place grew. The Nixon presidency saw food stamps become a national program, social security benefits indexed to inflation, and the creation of Supplemental Security Income, Section 8 housing vouchers, and Pell Grants for college as well as substantial increases in spending on health care for low-income people.⁴⁰ Not much happened during the Carter presidency, and the Reagan presidency featured a concerted attack on federal policies to help the poor, but even then we achieved (through the determined efforts of Cong. Henry Waxman) Medicaid coverage for every poor child.⁴¹ A new federal program for child care was accomplished under the first President Bush, and President Clinton brought about a massive expansion of the earned income tax credit to add to the income of parents working in low-wage jobs.⁴²

All of these programs have had an impact. Without them vastly more people would be poor. Yet we continue to have thirty-seven million people in poverty.⁴³ Even crediting federal policy since 1932 for the positive impact the war on poverty has had, we have not yet mounted a truly comprehensive strategy to end poverty in our affluent nation.

III. Ten Lessons for the Future

1. We can't attack poverty successfully without addressing the question of income, which in turn cannot be attacked successfully without a full focus on jobs—whether there are enough, whether they pay enough to live on,

whether everyone has an equal chance to get them, how people are prepared for them, and whether they are configured (along with relevant public policy) to support parents' efforts to raise children well and successfully. Nor is the question of income only one of maximizing good jobs. It is also a question of a safety net that produces a decent income for people not in a position to work and added income for people working but not earning enough to make ends meet.

Work and income from work constitute the central question that was not addressed by the war on poverty, the Great Society, or any comprehensive set of policies before or since. The assumption of the sixties era was that macroeconomic policy would produce enough jobs. Policymakers believed that President Kennedy's tax cut would stimulate the economy sufficiently to produce enough jobs.⁴⁴ And indeed the sixties was a decade of very low overall unemployment. That, of course, is the problem with averages. During this era of low unemployment, inner-city unemployment was stratospheric, as it was in much of rural America.⁴⁵ Once the nation's inner cities erupted in violence, Sargent Shriver and Secretary of Labor Willard Wirtz tried to convince President Johnson to invest in job creation. But the budget-conscious (and Vietnam-conscious) Johnson did not want to face the reality of this need.

From the war on poverty and other Great Society programs, and from his own experience in traveling around the country and seeing the reality of poverty firsthand, Sen. Robert Kennedy came to understand the centrality of work in people's lives and the need for public policy to

⁴⁰See, e.g., KATZ, *IN THE SHADOW OF THE POORHOUSE*, *supra* note 2, at 269–76.

⁴¹See, e.g., FUNIGIELLO, *supra* note 9, at 197; MICHAEL B. KATZ, *THE PRICE OF CITIZENSHIP: REDEFINING THE AMERICAN WELFARE STATE* 285 (2001).

⁴²For a discussion of the child care plan instituted under the first President Bush, see Abby J. Cohen, *A Brief History of Federal Financing for Child Care in the United States*, *FUTURE OF CHILDREN*, Summer–Fall 1996, at 26, 34, www.futureofchildren.org/usr_doc/vol6no2ART2.pdf (last visited Feb. 3, 2006). For a discussion of the expansion of earned income tax credit under President Clinton, see KATZ, *THE PRICE OF CITIZENSHIP*, *supra* note 41, at 293, 295.

⁴³See U.S. CENSUS BUREAU, *supra* note 39, at 9.

⁴⁴See KATZ, *IN THE SHADOW OF THE POORHOUSE*, *supra* note 2, at 259; JUDITH RUSSELL, *ECONOMICS, BUREAUCRACY, AND RACE: HOW KEYNESIANS MISGUIDED THE WAR ON POVERTY* 17–39 (2004).

⁴⁵See RUSSELL, *supra* note 44, at 81.

focus on jobs. The policy proposals that he and others made were perhaps not as sophisticated as hindsight suggests they should have been, but at least he understood the critical importance of the point. He and Pennsylvania Sen. Joseph Clark proposed a job creation program for the disproportionately unemployed of the inner city, to be applicable as well to isolated rural areas such as the Mississippi Delta and Indian reservations.⁴⁶ With New York's other senator, Jacob Javits, Senator Kennedy amended the Economic Opportunity Act to make a pool of federal funds available to community development corporations such as the one he had helped create in the Bedford-Stuyvesant neighborhood of Brooklyn; this would in turn spawn jobs for inner-city residents.⁴⁷ And Senator Kennedy introduced a bill proposing a complex system of tax incentives to attract companies to locate in inner cities.⁴⁸ For the time, his suggestions were remarkably thoughtful and multidimensional. Were Senator Kennedy with us now, his ideas would be much more textured and far-reaching.

Subsequent history hammered home the importance of work and introduced facts on the ground that made the challenge even more complicated. Perhaps I am wrong, but I am aware of no one who paid a great deal of attention in the sixties to the question of income from work being a major problem once one had a job. Yes, unions always sought higher pay, and there were always efforts to raise the minimum wage,

and an agricultural minimum wage, which the Fair Labor Standards Act had omitted entirely in 1937, remained an issue, and migrant farmworkers continued to be paid a pittance for their labor.⁴⁹ But there was not as yet an understanding of serious flaws in the operation of the entire lower-wage end of the labor market.

The problem we face now—that increasing numbers of people work full-time and are still in poverty and that millions of workers with incomes above the poverty line are unable to make ends meet—began to emerge in 1973. While deindustrialization and job migration began considerably earlier, by 1973 a marked and continuing change in wage patterns began to appear for the whole bottom half of the workforce. Good jobs were disappearing, and too few jobs, mostly lower-paying jobs, were replacing them. Women were entering the labor market in larger numbers as well. Given the softness in the labor market, not surprisingly unemployment rose and for over two decades remained at levels far higher than in the sixties. Combined with the continuing racial disparity in unemployment levels and the extra impact, for some racial and ethnic minorities, of residence in areas of concentrated poverty, the consequences for those jammed at the intersection of race and poverty were even worse.⁵⁰

Conservatives said that the whole problem was too much welfare, and in a way they were right. Too little attention was

⁴⁶See ARTHUR M. SCHLESINGER JR., ROBERT KENNEDY AND HIS TIMES 784 (1978) ("The Kennedy-Clark bill contemplated the creation of two million new jobs through public service employment. ... [T]he White House intervened. The bill, as Gaylord Nelson of Wisconsin reminded the Senate in 1974, was 'strongly opposed ... by the Johnson administration' and 'died even in a watered-down version on the floor of the Senate.'").

⁴⁷See KATZ, THE PRICE OF CITIZENSHIP, *supra* note 41, at 166–67 ("Together with Congressman James Scheuer, also from New York, and Senator Jacob Javits, [Senator Robert Kennedy] sponsored an amendment to the Economic Opportunity Act (the charter of the War on Poverty) that created the Special Impact Program (SIP), which was designed to spur economic development in poor neighborhoods."); see also EDELMAN, SEARCHING FOR AMERICA'S HEART, *supra* note 19, at 63 ("Kennedy had succeeded in getting federal funds made available for comprehensive neighborhood development programs that just happened to be like the one designed for Bedford-Stuyvesant.").

⁴⁸See SCHLESINGER, *supra* note 46, at 784 ("In July 1967, Senator Kennedy] introduced a bill calling for tax incentives to induce private enterprise to bring plants, shops and jobs into urban poverty areas."); see also WILLIAM VANDEN HEUVEL & MILTON GWIRTZMAN, ON HIS OWN: ROBERT F. KENNEDY 1964–1968, at 95 (1970) ("With Bedford-Stuyvesant showing the possibilities for private investment in the ghetto, Kennedy tried to develop legislative incentives for companies to do it nationwide Any company that agreed to create at least fifty new jobs in a poverty area, and fill at least two thirds of them with residents of the area, would get a 10 per cent tax credit. It was an attempt to focus the Kennedy administration's tax credit approach, originally directed to industrial recovery in general, on ghettos exclusively.").

⁴⁹See, e.g., History of Changes to the Minimum Wage Law, www.dol.gov/esa/minwage/coverage.htm (last visited Feb. 3, 2006).

⁵⁰See, e.g., WILLIAM JULIUS WILSON, THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY 26–62 (1987).

paid to the issue of work and income from work for everyone who was hurt by the structural changes, and even less attention to the extra dimension of being a minority, especially when caught in a neighborhood of extra-high poverty. This lack of attention included ignoring the failure of schools that should have offered a pathway out of poverty. In other words, we had too much welfare and far too little from the long list of other necessary policies.

We still have the problem. The earned income tax credit, as expanded by President Clinton's successful advocacy, helps substantially, but it is not enough, and even improving the tax credit is only a part of the lesson that a focus on work and income from work would teach.⁵¹ Raising the minimum wage, removing legal barriers to labor organizing, and multiplying the number of living-wage campaigns are all part of meeting the challenge.⁵² So is a close examination of the income levels at which many public benefits phase out, removing necessary income supplementation (for that is the economic effect of housing vouchers, food stamps, Medicaid, child care, and other forms of assistance) from low-wage workers before their earnings reach the level of a living wage.

Nor can we neglect the safety net for those with no income or only sporadic or casual income from work. One could say that the 1996 welfare law was the price that liberals paid for not pressing much earlier for

intelligent welfare-to-work policies. To make matters worse, few Democrats are interested in an honest analysis of the dark sides of the law's implementation since most of them joined in voting for it in 1996. Little attention is paid to the number of former welfare recipients who have no job and little other support, or to conditions at the economic bottom in states with two-year time limits for a lifetime and harsh sanctioning policies.

Poverty is up by five million people since President Clinton left office.⁵³ Extreme poverty—the number who lives on incomes below half the poverty line—is up by three million.⁵⁴ Yet the welfare rolls have continued to decline.⁵⁵ What is wrong with that picture, especially when food stamp rolls have risen by eight and one-half million since the second President Bush took office?⁵⁶ Anyone meeting the eligibility criteria has a legal entitlement to food stamps; there is no longer any federally enumerated legal right for families with children to receive cash assistance under the program that is familiarly known as “welfare.”⁵⁷ The inference I draw is that what is going on is some combination of turning applicants away at the welfare office, careful shepherding of the five-year lifetime eligibility for assistance (which is of shorter duration in many states), and some number of people who have already exhausted their lifetime limit.⁵⁸ There is not much to be proud of there. We should

⁵¹See, e.g., ROBERT GREENSTEIN, CENTER ON BUDGET AND POLICY PRIORITIES, *THE EARNED INCOME TAX CREDIT: BOOSTING EMPLOYMENT, AIDING THE WORKING POOR* (2005), www.cbpp.org/7-19-05eic.pdf.

⁵²For a discussion of the critical balance that needs to be struck between the earned income tax credit and the minimum wage to support low-wage workers, see Barry Bluestone & Teresa Ghilarducci, *Rewarding Work: Feasible Anti-Poverty Policy*, AMERICAN PROSPECT, May–June 1996, at 40.

⁵³According to the U.S. Census, the number of people living in poverty rose from 31.6 million in 2000 to 37 million in 2004. See U.S. CENSUS BUREAU, *supra* note 39, at 46.

⁵⁴The number of people in the United States with incomes below 50 percent of the poverty threshold rose from 12.6 million in 2000 to 15.6 million in 2004. See Table 22: Number and Percent of People Below 50 Percent of Poverty Level: 1975 to 2004, <http://www.census.gov/hhes/www/poverty/histpov/hstpov22.html> (last visited Feb. 3, 2006).

⁵⁵As of July 2000, there were 2,189,951 families and 5,752,559 individuals on Temporary Assistance for Needy Families (TANF) caseloads. See Temporary Assistance for Needy Families: Total Number of Families and Recipients: July–September 2000, www.acf.dhhs.gov/news/stats/welfare.htm (last visited Feb. 3, 2006). By June 2004 the number of families and individuals on TANF caseloads had fallen to 1,969,909 and 4,729,291, respectively. See Press Release, U.S. Department of Health and Human Services, *Welfare Rolls Continue to Fall* (Feb. 9, 2005), www.acf.hhs.gov/news/press/2005/TANFdeclineJune04.htm.

⁵⁶From 2000 to 2005, the average number of food stamp recipients climbed from 17.2 million to 25.7 million. See Food Stamp Program Participation and Costs, www.fns.usda.gov/pd/fssummar.htm (last visited Feb. 3, 2006).

⁵⁷U.S.C. § 2014 (2000 & Supp. II 2002); 42 U.S.C. § 601(b) (2000).

⁵⁸See David A. Super, *Offering an Invisible Hand: The Rise of the Personal Choice Model for Rationing Public Benefits*, 113 YALE LAW JOURNAL 815 (2004).

put debate about the safety net back on the table.

2. We have to talk about the people at the top of the income pyramid as part of the discussion about the people at the bottom. The needs are large, especially when we are honest about current and future costs of health care for lower-income people (and for all of us, for that matter). Health care is a universal issue, but it is especially a poverty issue. We should cover everyone, but the place where lack of coverage kills people is at the bottom of the income continuum. We will not get the funds we need to deal with our health care crisis, or funds for any other antipoverty policy (or for any other pressing national need) unless everyone pays a fair share of the cost of running the country properly.

3. We can't fight a full war on poverty unless we ensure that every child gets the education and other support necessary to become a full participant, economically and civically, in American life. This means that programs and institutions that deliver services to children and youth must do so full-scale, with a systemic perspective. We can't fight a war on poverty with demonstration programs.

Neither can we do so using federal policy alone. I believe we operated in the sixties on the basis of an unspoken assumption that if we just funneled enough federal money into communities, anything we wanted that money to accomplish would get done properly. We need competent and committed state and local government, a competent and decent nonprofit sector, and a committed citizenry who will advocate the necessary public policies (not only state and local but also federal, too), participate in the design and implementation of the necessary systems, and volunteer to help in the actual delivery of services.

The evolution of our understanding since the creation of Head Start is a prime example of what we have learned. Head Start is for the most part a part-day, part-year program. Head Start is meant to be developmental; if it were ever to reach everyone who should be getting it, Head Start might then be a satisfactory program delivering developmental services to children in need. But full funding of Head Start will not suffice to meet all the needs of preschool children. Offering nondevelopmental child care to preschoolers solely so their parents can work would not suffice either. We must marry the two ideas and build a system that prepares every child to enter school at age 5 and enables parents to obtain affordable child care. We need in every community a system that includes prekindergarten for 4-year-olds, developmental child care for 3-year-olds (and, as appropriate, younger children), and safe child care for the rest of the day (and night since so many jobs are not 9:00 a.m. to 5:00 p.m.) for all children who require it.

There is much to debate about the details in these proposals, and obtaining commitment and achieving implementation in every community will be difficult. But if we think back to the war on poverty, and the wonderful accomplishment of founding, nurturing, and sustaining Head Start, we can see how far we have come in our understanding of the need.

The same is true of our school systems. Federal policy and funding can help (although whether current policy is helping is far from clear), and states can do a better job, but communities must do the heavy lifting to make the right things happen. Children's experiences during nonschool hours require the same kind of systemic community attention, supported by well-designed federal and state policy and funding.⁵⁹

⁵⁹See 21st Century Community Learning Centers, www.ed.gov/programs/21stcclc/index.html (last visited Feb. 3, 2006) ("The focus of this program, re-authorized under Title IV, Part B, of the No Child Left Behind Act, is to provide expanded academic enrichment opportunities for children attending low performing schools. Tutorial services and academic enrichment activities are designed to help students meet local and state academic standards in subjects such as reading and math. In addition 21st CCLC programs provide youth development activities, drug and violence prevention programs, technology education programs, art, music and recreation programs, counseling and character education to enhance the academic component of the program."); see also 20 U.S.C. § 6301 (Supp. II 2002). For a discussion of the No Child Left Behind Act and its potential problems, see James E. Ryan, *The Perverse Incentives of the No Child Left Behind Act*, 79 NEW YORK UNIVERSITY LAW REVIEW 932 (2004).

Young people's transition to the labor market presents an example analogous to Head Start. The people who put so much thought into the war on poverty were well aware of the problems young people face if they drop out of school, and knew as well that young people of color face these problems disproportionately. The war-on-poverty architects gave us, alongside Job Corps, a Neighborhood Youth Corps that did not last in its initial form. The youth corps has since reappeared in various incarnations only to disappear again; the most recent, the Youth Opportunity Grant program, was promising, but the current Bush administration eliminated federal funding.⁶⁰

But like Head Start, Job Corps, even with vastly more funds, will never do enough. The Youth Opportunity Grant program might have grown into a key building block but would never have achieved total success by itself. Every community needs a system to reach all of its young people who need help in achieving stable adult participation in the job market and in the rest of society. There are models, some rigorously evaluated and some very promising, that if installed in every community can greatly enhance the life chances of significant numbers of young people while reducing the number headed to prison. Some, such as the Harlem Children's Zone and YouthBuild, are nonprofit (although in need of public funding to operate at an appropriate scale), while others, such as community colleges, are public institutions that can play a much larger role than most currently play.⁶¹

4. We can't do poverty without doing race.

By this I really mean to include discrimination of all kinds and consideration of the circumstances of all who need special attention to escape poverty. This point begins with race because the situation of African Americans (and Native Americans) represents the longest-standing ugliness in our society, but I include Latinos in almost the same breath because they are statistically in the same position vis-à-vis poverty as African Americans.⁶² And I also include gender—with special emphasis on single mothers of all races and their children, who are poor at a much higher rate than people of color—and immigrants and the disabled, both groups having particular needs in a strategy to end poverty.⁶³ Some of these issues—gender, disability, and immigration—were not even on the table in the sixties. They are a reflection of how times change and how new problems develop or are finally recognized.

5. We can't do poverty without doing place.

We have been talking about rural poverty, but doing little successfully, for a long time. Nor were we oblivious of inner-city poverty in the sixties—how could we be, with the civil unrest of that time? But concentrated poverty is still a problem, one that worsened from 1970 to 1990 before improving somewhat between 1990 and 2000.⁶⁴ Perhaps we have finally learned that we cannot improve inner-city neighborhoods in a vacuum. Our policies must be conceived in a regional context, in terms of both housing and employment, and now, in many places, we must work to channel gentrification so that it builds mixed-

⁶⁰See EDELMAN, RECONNECTING DISADVANTAGED YOUNG MEN, *supra* note 35, at 56, 71–73.

⁶¹See *id.* at 41–42, 56–57; see also Paul Tough, *The Harlem Project*, NEW YORK TIMES MAGAZINE, June 20, 2004, at 44.

⁶²While the overall rate of poverty was 12.7 percent in 2004, the poverty rates for Black and Hispanic households were 24.7 percent and 21.9 percent, respectively. See U.S. CENSUS BUREAU, *supra* note 39, at 10.

⁶³Of female-headed families 28.4 percent were below poverty level, whereas 24.7 percent of black households and 21.9 percent of Hispanic households were below poverty level, in 2004. See *id.*

⁶⁴See, e.g., G. THOMAS KINGSLEY & KATHRYN L. S. PETTIT, URBAN INSTITUTE, CONCENTRATED POVERTY: A CHANGE IN COURSE 1 (2003), www.urban.org/UploadedPDF/310790_NCUA2.pdf (“The share of the metropolitan poor who live in ‘extreme-poverty neighborhoods’ (census tracts with poverty rates of 40 percent or more) had jumped from 13 to 17 percent in the 1980s but dropped all the way back to 12 percent in 2000. The share in ‘high-poverty neighborhoods’ (poverty rates of 30 percent or more) increased from 25 to 31 percent in the 1980s but dropped back to 26 percent in 2000. The absolute number of poor people in high-poverty neighborhoods grew from 4.9 million in 1980 to 7.1 million in 1990, but then decreased to 6.7 million in 2000.”).

income neighborhoods instead of merely displacing and “disappearing” the low-income residents of the inner city.⁶⁵

6. A full antipoverty strategy must include services of various kinds—legal, mental health (to say nothing of physical health), domestic violence, and drug and alcohol treatment. In many respects we have gone backward in these areas, except perhaps for domestic violence.

7. We have to make (or create) systems and systemic approaches that work effectively to solve discrete problems associated with poverty. The failure of the programs of the war on poverty to reach a scale representing systemic change was not just a failure of investment. It was a failure of design or, if that is too harsh, a lack of perfect knowledge of what we have come to know since—that whatever we do to smooth the path to self-sufficient and civically responsible adulthood must be available for every child who needs some paving of the way. To my earlier list of early childhood, elementary and secondary education, the off-school hours, and transition to adulthood, I would add the child welfare and juvenile justice systems. The criminal justice and health care systems are two more to which the lesson of systems change applies.

8. Community responsibility, the responsibility of communities—in a wide variety of ways, from public policy to various private actions—is a vital ingredient if we are going to have a real war on poverty. Too many people in the sixties had the idea that enacting and enlarging federal programs was the totality of the agenda.

9. Personal responsibility is a part of the answer. This should be obvious, and what is sad is that the current debate seems to be between those who emphasize structural problems and public policy answers, and those who say that everything will be fine if

people just take responsibility for themselves. Neither alone is correct; both are part of the answer. Of course some people—those with mental illness, for example—are by definition not personally responsible. The rest of us are. But millions need their communities to meet them halfway, to extend a hand and help them take responsibility for themselves. There is obviously a complicated discussion to be had about those who will not meet the community halfway, especially if they are parents with children. So I assert this point knowing that it too is an oversimplification. Nonetheless, people who believe that society has contributed to the problem and must contribute to the solutions must say straightforwardly that personal responsibility is a part of the answer.

10. Lawyers have to learn some new roles, as many already have learned. Litigation was never a lawyer’s only role in reducing poverty. More than ever, lawyers have to be policy advocates in forums outside the courts, partners of community organizers, and transactional experts to help low-income people navigate their way to homeownership and chances to rent housing at affordable rents.

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Perhaps the ten lessons I draw from the experience of the war on poverty and associated initiatives in the sixties speak for themselves in terms of the omissions and limitations in what we did then. I hope so. We have learned a lot. We still do not have perfect answers. But the saddest thing is that, knowing as much as we know now, we seem to lack the will to use our knowledge fully. For that, we bear an enormous responsibility in our communities and as a nation.

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⁶⁵See BRUCE KATZ, BROOKINGS INSTITUTION, NEIGHBORHOODS OF CHOICE AND CONNECTION: THE EVOLUTION OF AMERICAN NEIGHBORHOOD POLICY AND WHAT IT MEANS FOR THE UNITED KINGDOM 3–25 (2004).