

WELFARE QUEENS AND WHITE TRASH

LISA R. PRUITT*

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I. INTRODUCTION

The “welfare queen” is widely recognized as a racialized construct. She is a lazy woman—implicitly black—who continues to have children in order to increase the size of her welfare check.¹ She lives high on the hog at the expense of hardworking American taxpayers.² The racist welfare queen stereotype was deployed by Ronald Reagan, who coined the term and used the image to undermine support for public benefits programs.³ Sadly

* Professor of Law at University of California, Davis, Martin Luther King, Jr., School of Law. Kudos to Professor Camille Gear Rich who organized the marvelous “Reframing the Welfare Queen Symposium” at USC Gould School of Law. That event brought together this collection of scholarship about race, poverty and the social safety net for perhaps the most thought-provoking and excellent scholarly event I have ever been privileged to attend. Thanks to Erin Canino, Hope A. Kwiatkowski, Olivia R. Filbrandt, J.D. Candidates Class of 2017, and to Katie Holzheimer, B.A. Class of 2015, for their excellent research and editorial assistance, and to Linda A. Cooper and Andrea Duff for managing the manuscript.

¹ See ANGE-MARIE HANCOCK, *THE POLITICS OF DISGUST: THE PUBLIC IDENTITY OF THE WELFARE QUEEN* 50–51 (2004); IAN HANEY LÓPEZ, *DOG WHISTLE POLITICS: HOW CODED RACIAL APPEALS HAVE REINVENTED RACISM AND WRECKED THE MIDDLE CLASS* 58–59 (2014).

² See Michele E. Gilman, *The Return of the Welfare Queen*, 22 AM. U. J. GENDER SOC. POL’Y & L. 247, 259–60 (2014) (describing depictions of the “welfare queen” in state and national political campaigns); KAARYN S. GUSTAFSON, *CHEATING WELFARE: PUBLIC ASSISTANCE AND THE CRIMINALIZATION OF POVERTY* (2011).

³ Reagan apparently drew the term from a *Chicago Tribune* story about a racially ambiguous woman named Linda Taylor who committed major welfare fraud during the 1960s and 70s. Josh Levin, *The Welfare Queen*, SLATE (Dec. 19, 2013, 12:41 AM), http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_r

consistent with the welfare queen trope are many mainstream media depictions of poverty as black—or at least as some shade of non-white.⁴

The flip side of this conflation of blackness with dependency and poverty is a conflation of whiteness with self-sufficiency, autonomy, and affluence. The welfare queen trope then, along with media and scholarly depictions of socioeconomic disadvantage as a nonwhite phenomenon, serves to deflect attention from white poverty. Indeed, this was presumably the complementary aspect of Reagan's political grandstanding on the back of the welfare queen. Perhaps he wished to obscure white poverty, which might have generated public empathy for the poor and support for the programs he wished to dismantle. In spite of Reagan's rhetorical (and visual) sleight of hand—his manipulation of our nation's collective imaginary around poverty—hard data tell us that a majority of the poor people in this country self-identify as white.⁵ Yet white poverty remains largely undiscussed in legal scholarship and in the media.⁶

This essay (re)surfaces the existence of white poverty and ponders its (in)visibility, meaning, and significance in relation to the welfare queen phenomenon. Among other things, I suggest that the welfare queen stigmatype⁷ is not just bad for blacks, it is bad for poor whites because it serves to hide their poverty, rendering them and their plight invisible.⁸ If

eagan_made_her_a_notorious_american_villain.html (finding that Linda Taylor's welfare fraud was the least of her crimes, as she was investigated for homicide and kidnapping, among other things); Gene Demby, *The Truth Behind the Lies of the Original 'Welfare Queen,'* NPR.ORG (Dec. 20, 2013) (reviewing Levin's piece and discussing how Taylor's welfare fraud, bolstered by her other crimes, provided politicians who opposed the welfare system with a fraudulent public aid recipient they could hold out as an example of welfare fraud more broadly). See generally HANEY LÓPEZ, *supra* note 1, at 56–59; Gilman, *supra* note 2, at 247–66 (recounting the history of “welfare queen,” including up through the 2012 presidential race when Mitt Romney invoked it).

⁴ See *infra* Part IV.

⁵ Mark R. Rank, *Poverty in America is Mainstream*, N.Y. TIMES (Nov. 2, 2013, 2:30 PM), <http://opinionator.blogs.nytimes.com/2013/11/02/poverty-in-america-is-mainstream>. Note that some of those self-identifying as white may be Hispanic whites. Let me be quick to say that this is just one way to slice and dice the data. Higher percentages of non-white groups, as compared to non-Hispanic whites, tend to be impoverished. Many structural deficits are experienced disproportionately by nonwhites. See, e.g., David Leonhardt, *Middle-class Black Families in Low-Income Neighborhoods*, N.Y. TIMES (June 24, 2015), <http://www.nytimes.com/2015/06/25/upshot/middle-class-black-families-in-low-income-neighborhoods.html?smid=nytcore-iphone-share&smprod=nytcore-iphone&r=0&abt=0002&abg=0> (concluding that white (and Asian-American) middle-income families tend to live in middle-income neighborhoods. Black middle-income families tend to live in distinctly lower-income ones); Annie Lowrey, *Wealth Gap Among Races Has Widened Since Recession*, N.Y. TIMES (Apr. 28, 2013), <http://www.nytimes.com/2013/04/29/business/racial-wealth-gap-widened-during-recession.html> (reporting that “[a]s of 2010, white families, on average, earned about \$2 for every \$1 that black and Hispanic families earned, a ratio that has remained roughly constant for the last 30 years”); Tanzina Vega, *Minorities Fall Further Behind Whites in Wealth During Economic Recovery*, N.Y. TIMES (Dec. 12, 2014), <http://www.nytimes.com/2014/12/13/us/pew-research-finds-growing-net-worth-gap.html>.

⁶ See *infra* Part IV.

⁷ I borrow this term from Matt Wray, who coined it in relation to a competing stigmatype discussed below, “white trash.” MATT WRAY, NOT QUITE WHITE: WHITE TRASH AND THE BOUNDARIES OF WHITENESS 23–24 (2006).

⁸ The denial or discounting of white poverty is problematic because it diverts policymakers' attention from their existence and thus from their needs. As noted below, conflating our poverty problem with our racism problem obscures the structural obstacles to white upward mobility because it leads us to think in terms of structural racism, which suggests a burden only on racial minorities or racial outsiders. An example of this failure to credit such burdens on whites can be found in Devon Carbado & Mitu Gulati's 2013 book, ACTING WHITE? RE-THINKING RACE IN “POST-RACIAL”

the racist welfare queen trope is to blame for the lack of public support for safety net programs, then greater awareness of white poverty could, in theory, enhance public support for the social safety net. Would whites not want to ameliorate white poverty, even if racial animus prevented their support for poor blacks?

But this line of thinking may not be sound. It assumes that we feel greater empathy with or concern for the fate of poor whites than for poor nonwhites. In fact, there are several reasons to believe that such a well of empathy is missing. One reason for this failure of empathy is a second racialized trope, which I explore in this essay: “white trash.” I thus take up one of the questions posed by the call to the “Reframing the Welfare Queen” symposium: “Are certain poor communities rendered invisible by the centrality of the welfare queen construct?”⁹ I further ponder what happens if we raise that visibility? Would doing so significantly influence public support for the safety net? My conclusion is not an optimistic one.

II. A BRIEF HISTORY OF “WHITE TRASH”

In *I Know Why the Caged Bird Sings*, Maya Angelou writes of “powhitetrash.”¹⁰ These were whites with less money than Angelou’s family, whites who were “scruffy”¹¹ and “slack”¹²—in the slang of the narrating child, “scummy peckerwoods.”¹³ “Powhitetrash” children are “dirty, mean and impudent,”¹⁴ failing, for example, to abide by the “customary laws” of respect for elders.¹⁵ The descriptor most repeated throughout Angelou’s depiction is “dirty,”¹⁶ and Angelou vividly contrasts the hygiene expectations of her family with those of the poor white children. She is forced, even “in the bitterest winter . . . to wash arms, faces, necks, legs and feet before going to bed,”¹⁷ while “the dirt of the [poor white] girls’ cotton dresses continued on their legs, feet, arms, and faces to make them all of a piece.”¹⁸

AMERICA. See Lisa R. Pruitt, *Acting White? Or Acting Affluent? A Review of Carbado & Gulati’s Rethinking Race in “Post-Racial” America*, 18 J. GENDER RACE & JUST. 159 (2015). In fact, the structural obstacles impeding the well-being and upward mobility of poor whites are considerable. The invisibility of white poverty also undermines prospects for cross-racial coalition building to support, for example, anti-poverty initiatives, a topic I discuss further below.

⁹ *Reframing the Welfare Queen: Feminist and CRT Alternatives to Existing Poverty Discourse*, USC GOULD SCHOOL OF LAW (April 23-24, 2015), <http://weblaw.usc.edu/who/faculty/conferences/welfare-queen-conference/>.

¹⁰ MAYA ANGELOU, *I KNOW WHY THE CAGED BIRD SINGS* 29 (1969). Angelou uses the depiction of the “powhitetrash” children to illustrate what W.E.B. Du Bois called the psychological wages of whiteness (see *infra* note 52). Although Maya’s black grandmother owned the land the “powhitetrash” lived on and Maya’s family was physically cleaner and more respectful, the “powhitetrash” thought they were superior because they were white.

¹¹ *Id.* at 32.

¹² *Id.* at 32–33.

¹³ *Id.* at 28.

¹⁴ *Id.* at 33.

¹⁵ *Id.* at 28.

¹⁶ *Id.* at 31, 32–33.

¹⁷ *Id.* at 27.

¹⁸ *Id.* at 31. Another vivid description of poor white trash can be found in MARILYNNE ROBINSON, *GILEAD* (2004).

In *Not Quite White: White Trash and the Boundaries of Whiteness*, Matt Wray traces the history of the concept and term “white trash” to its early nineteenth century origins. Wray lists “moral outrage, disgust, anger, contempt, and fear”¹⁹ as among the emotional responses this group elicited, observing the long-standing consistency of “strong claims” about “the moral unworthiness of poor whites.”²⁰ Blacks are credited with initially coining the term, but Wray observes that socioeconomically advantaged whites soon appropriated it for “wider circulation.”²¹ “[U]pper-class whites,” he writes, “found the term exceedingly useful and well worth repeating.”²² Indeed, “[i]t was the literate, middle-class and elite whites who invested [the term’s] meaning with social power, granting it the powers of social stigma and prejudice enforcing its discriminatory effects.”²³

Initially, use of white trash and similarly pejorative terms to refer to poor whites was a southern practice. By the end of the civil war, however, “poor white trash” had “morphed” into “a general, nonlocalized term . . . in every part of the nation.”²⁴ The use of the term persists to this day to refer to unworthy whites, to those who defile the ideal of whiteness.²⁵

This two-century history of white trash continues to complicate how the larger society views poor whites. At one time, white trash referred not to all poor whites, but only to lazy, dirty, ignorant ones.²⁶ (Recall Angelou’s focus on “dirty”; having grown up working-class white in the rural South, with some relatives who would be considered white trash even by the most exacting standards, I would say that “lazy” is on par with—indeed goes hand in hand with—“dirty” in defining white trash). In theory, then, some

19 WRAY, *supra* note 7, at 8.

20 *Id.*

21 *Id.* at 42–43.

22 *Id.* at 8.

23 *Id.* at 42.

24 *Id.* at 46.

25 See John Hartigan, Jr., *Unpopular Culture: The Case of “White Trash,”* 11 CULTURAL STUD. 316, 322–25 (1997) (describing aspects of poor white culture as “white trash” and listing examples from *To Kill a Mockingbird*, *Gone with the Wind*, *Vogue* magazine and the movie *Silence of the Lambs*); Michelle M. Tokarczyk, *Promises to Keep: Working Class Students and Higher Education*, in WHAT’S CLASS GOT TO DO WITH IT? AMERICAN SOCIETY IN THE TWENTY-FIRST CENTURY 166 (Michael Zweig ed., 2004). Another more recent example of “white trash” in popular culture can be found in the hit television series, “Orange is the New Black.” One of the female prisoners, Tiffany Doggett, is known as Pennsatucky, “a riff on ‘Pennsylvucky,’ a term that derives from mashing up Pennsylvania with Kentucky, and which refers to the sparsely populated Western and central sections of Pennsylvania, which are geographically and/or culturally part of Appalachia.” Season three presented some of Pennsatucky’s childhood in flashbacks, with one vignette showing Pennsatucky’s mother forcing her to drink Mtn. Dew so she would appear hyperactive, permitting the mother to collect more public benefits. Emma Eisenberg, *We Still Don’t Know How to Talk about Pennsatucky: The Reality of Rural Sexual Assault and How Class Plays Out in ‘Orange is the New Black,’* SALON (July 5, 2015), http://www.salon.com/2015/07/05/we_still_dont_know_how_to_talk_about_pennsatucky_the_reality_of_rural_sexual_assault_and_how_class_plays_out_in_orange_is_the_new_black/.

26 This point might be summed up in the distinction between “white trash” and “rednecks.” The former is consistently pejorative, the latter a badge of pride and honor among many working class and rural Americans. See JIM WEBB, *BORN FIGHTING: HOW THE SCOTS-IRISH SHAPED AMERICA 181–82* (2004) (observing that rednecks “don’t particularly care what others think of them. To them, the joke has always been on those who utter the insult.”).

poor whites were worthy of assistance—of the government’s solicitude.²⁷ These would have included the white widows and orphans for which the federal government sought to provide in establishing welfare and other programs during the New Deal.²⁸ Others were seen as beyond redemption and were the target of various public health campaigns, including the eugenics movement that still raged less than a century ago,²⁹ sanctioned even by the U.S. Supreme Court in *Buck v. Bell*.³⁰

Class lines always have been and always will be fuzzy, but it is not clear that this divide between white trash and other poor whites (e.g., the working poor, those not seen as beyond redemption) persists today, in name or in practice, except perhaps among the white “lower classes” themselves.³¹ In particular, in light of the burgeoning gap between the haves and the have nots,³² it is not clear (for better or worse) that the haves grapple with the distinction between the poor and the working poor, a task admittedly complicated in this age of contingent and part-time employment.³³ If the haves do not see the often subtle difference between

27 This is echoed in the distinction that persists today between the “good poor” and the “bad poor.” Noah D. Zatz, *Poverty Unmodified?: Critical Reflections on the Deserving/Undeserving Distinction*, 59 UCLA L. REV. 550, 556 (2012) (asserting that in order to qualify as “[i]n need,” members of the poor must meet conditions which “restrict assistance to those among the poor who are deemed morally deserving”); Timothy Egan, *Good Poor, Bad Poor*, N.Y. TIMES (Dec. 19, 2013), <http://www.nytimes.com/2013/12/20/opinion/egan-good-poor-bad-poor.html> (discussing political views on whether the poor “deserve” welfare, and how differing circumstances can make poor people appear more or less deserving of assistance); see generally JENNIFER SHERMAN, *THOSE WHO WORK, THOSE WHO DON’T: POVERTY, FAMILY AND MORALITY IN RURAL AMERICA* (2009) (describing the social divisions among rural, low-income whites based on whether or not they worked); JOE BAGEANT, *DEER HUNTING WITH JESUS: DISPATCHES FROM AMERICA’S CLASS WAR 9* (suggesting that the “distinction between poor and working poor may well be a meaningless moral distinction shaped by the Protestant work ethic”).

28 See DOROTHY ROBERTS, *SHATTERED BONDS: THE COLOR OF CHILD WELFARE* 16 (2003).

29 WRAY, *supra* note 7, at 46; see generally PAUL LOMBARDO, *THREE GENERATIONS, NO IMBECILES: EUGENICS, THE SUPREME COURT, AND BUCK V. BELL* (2010).

30 *Buck v. Bell*, 274 U.S. 200 (1927).

31 See Lisa R. Pruitt, *Geography of Class Culture Wars*, 34 SEATTLE U. L. REV. 767, 771 (2011); SHERMAN, *supra* note 27; BAGEANT, *supra* note 27; WEBB, *supra* note 26; Alec MacGillis, *Who Turned My Blue State Red?, Why Poor Areas Vote for Politicians Who Want to Slash the Safety Net*, N.Y. TIMES: OPINION, Nov. 20, 2015, http://www.nytimes.com/2015/11/22/opinion/sunday/who-turned-my-blue-state-red.html?action=click&pgtype=Homepage&clickSource=story-heading&module=opinion-c-col-right-region®ion=opinion-c-col-right-region&WT.nav=opinion-c-col-right-region&_r=0.

32 See CHARLES MURRAY, *COMING APART: THE STATE OF WHITE AMERICA, 1960-2010* (2012); see generally ROBERT PUTNAM, *OUR KIDS: THE AMERICAN DREAM IN CRISIS* (2015) (discussing the impact of burgeoning income and wealth inequality on the fabric of our society, with a particular focus on the consequences for children and their opportunities). Eduardo Porter, *America’s Sinking Middle Class*, N.Y. TIMES (Sept. 18, 2013), <http://www.nytimes.com/2013/09/19/business/americas-sinking-middle-class.html?src=twrhp>; Joseph E. Stiglitz, *Equal Opportunity, Our National Myth*, N.Y. TIMES: Opinionator (Feb. 16, 2013), <http://opinionator.blogs.nytimes.com/2013/02/16/equal-opportunity-our-national-myth/>; Joseph E. Stiglitz, *Student Debt and the Crushing of the American Dream*, N.Y. TIMES: Opinionator (May 12, 2013), <http://opinionator.blogs.nytimes.com/2013/05/12/student-debt-and-the-crushing-of-the-american-dream/>; GREGORY ACS, PEW CHARITABLE TRUSTS, *DOWNWARD MOBILITY FROM THE MIDDLE CLASS: WAKING UP FROM THE AMERICAN DREAM* 21 (2011), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/1001603-Downward-Mobility-from-the-Middle-Class-Waking-Up-from-the-American-Dream.PDF>.

33 See Tristin K. Green, *Discrimination in Workplace Dynamics: Toward a Structural Account of Disparate Treatment Theory*, 38 HARV. C.R.-C.L. L. REV. 91, 92–102 (2003); CHRIS TILLY, *SHORT HOURS SHORT SHIFTS: CAUSES AND CONSEQUENCES OF PART-TIME WORK*, ECONOMIC POLICY INSTITUTE 4–9 (1990) (highlighting the increase in part-time positions as employers realize the cost-

white trash and plain-old poor whites, they may deem a far larger group of people unworthy of government solicitude. Would even the widows and orphans of white men evoke widespread empathy or sympathy in today's world? Perhaps as significant, if elites do not grasp this distinction, political solutions will prove more elusive.³⁴

In articulating this distinction, I realize I run the risk of suggesting that some whites are beyond redemption—I run the risk of endorsing the concept of white trash. I do not offer such an endorsement. My point is that, historically, this distinction existed, and it was socially a very important one. The fact that it may not exist among those doing the judging—those deciding who falls into the unworthy, beyond redemption category—may have dramatic consequences. While historically white trash was actually a very small category (the slovenly, the dirty), it may well have expanded precipitously in the eyes and usage of those at least solidly middle class. It may have become a capacious catch-all for all sorts of white hoi poloi—including the industrious working poor and those seeking work—from whom the meaning makers wish to distance (and more importantly, distinguish) themselves.³⁵ In short, the polity may view as underserving (whether or not they literally apply the label “white trash”) the hard-working, striving, whites who cannot get ahead in a twenty-first century economy where a wide range of structural factors impede achievement of the American dream.³⁶

Whatever its amorphous meaning today, the long and storied history of white trash teaches us that a segment of low-socioeconomic status (SES) whites have long been held in contempt by more privileged whites. This surely helps explain why low-SES whites are now viewed so negatively, judged so harshly.³⁷ Charles Blow, *New York Times* columnist, has summed up the left's take on the white working class as “hollow, dim and mean.”³⁸ Joe Bageant expresses the stereotype more crassly as “angry, warmongering bigots, happy pawns of the American empire . . .”³⁹

But it is not only the left who malign the white working class. In spite of poor whites' presumptive loyalty to the right, conservative critics such as

cutting advantages and the main problems posed by part-time work: equal treatment, security, and flexibility); SAR A. LEVITAN ET AL., PROGRAMS IN AID OF THE POOR 211–12 (8th ed. 2003) (finding “among those working poor are part-time workers who need full-time jobs and persons employed at wages so low that even full-time work does not raise them above the poverty standard”).

³⁴ See *infra* Part V.

³⁵ To be clear, I am not asserting that one has to use the term “white trash” in order for the concept to have power. There is good reason, however, to believe that elite whites do use the term. See Tokarczyk, *supra* note 25, at 166 (sharing anecdote of professor referring to low-income white students as “white trash”).

³⁶ See JENNIFER L. HOCHSCHILD, FACING UP TO THE AMERICAN DREAM: RACE, CLASS AND THE SOUL OF THE NATION (1996); See also *supra* note 32 (showing how the growing inequality gap stifles class mobility).

³⁷ Among other things, they are popularly viewed as illiberal and racist. That, however, is a whole ‘nother law review article, or two. See Pruitt, *supra* note 31; Martha Mahoney, *Segregation, Whiteness and Transformation*, 143 U. PA. L. REV. 1659, 1667 (1995).

³⁸ Charles M. Blow, *She Who Must Not Be Named*, N.Y. TIMES (Dec. 4, 2010), <http://www.nytimes.com/2010/12/04/opinion/04blow.html?src=me&ref=general>.

³⁹ JOE BAGEANT, *supra* note 27, at 13.

Charles Murray are just as hard on poor whites as they are on poor blacks.⁴⁰ Poor whites—and presumably now also economically precarious working class ones—thus remain firmly “othered,” an out-group whose existence wider white society would rather not acknowledge, let alone assist.⁴¹

As Wray observes, white trash tells us something important about whiteness—that the construct is not merely a racial one, or perhaps more precisely, that it is not only about skin color:

The idea that *whiteness* is “about race” is simply not adequate to account for the case of *poor white trash*, a boundary term that speaks equivocally and ambivalently to the question of belonging and membership in the category *white*, and one that mobilizes a wide array of social differences to do so.⁴²

In short, the history and legacy of white trash make clear that many with white skin do not enjoy “white privilege,”⁴³ or at least that they do not enjoy the full benefits that critical race scholars often project onto it and them. As I discuss further below, this has practical consequences when it comes to public attitudes toward the poor.⁴⁴ In particular, it means that white voters, as well as white policymakers and lawmakers, may be no more sympathetic toward poor whites than they are toward poor blacks.⁴⁵ Indeed, they may be less sympathetic if they see how structural racism holds back blacks, but they do not see how structural disadvantages perpetuate the cycle of poverty for poor whites.

III. WHITENESS IN CRITICAL RACE THEORY

Critical race theory has typically presented whiteness as monolithic. The existence of poor and working class whites is sometimes acknowledged, their plight then quickly dismissed as nevertheless paling

⁴⁰ See MURRAY, *supra* note 32, reviewed by Nicholas Confessore, *Tramps Like Them*, N.Y. TIMES (Feb. 12, 2012), <http://www.nytimes.com/2012/02/12/books/review/charles-murray-examines-the-white-working-class-in-coming-apart.html> (describing Murray’s characterization of poor and working-class whites as “no longer part of a virtuous silent majority”; instead, they are “increasingly alienated from what Murray calls ‘the founding virtues’ of civic life”); MacGillis, *supra* note 31.

⁴¹ Here I borrow Nancy Leong’s terminology. See, e.g., Nancy Leong, *Identity Entrepreneurs*, 104 CALIF. L. REV. (forthcoming 2016) (referring to “in-group” and “out-group” individuals and institutions). Professor John A. Powell talks similarly about issues of “belonging,” rather than, for example, a strict focus on phenotypic race. John A. Powell, Comments at UC Davis Symposium: Giving Law Space (Dec. 4, 2015).

⁴² Wray, *supra* note 7, at 139. See also MacGillis, *supra* note 31 (observing that those who have received benefits from social safety net programs often oppose such programs, especially if they require no “jumping through hoops,” e.g., grade point averages in relation to student financial aid, drug testing, on the part of recipients).

⁴³ See generally Peggy McIntosh, *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women’s Studies*, in CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR 291 (Richard Delgado & Jean Stefancic eds., 1997).

⁴⁴ See *infra* Part V.

⁴⁵ See NICHOLAS CARNES, WHITE-COLLAR GOVERNMENT: THE HIDDEN ROLE OF CLASS IN ECONOMIC POLICY MAKING 12 (2013) (arguing that “the shortage of people from the working class in American legislatures skews the policymaking process toward outcomes that are more in line with the upper class’s economic interests”).

(no pun intended) in comparison to the plight of (low-income) blacks.⁴⁶ One important exception to this tendency is the work of Camille Gear Rich, the host of this symposium, who published *Marginal Whiteness*, in 2010.⁴⁷ In this germinal article, Rich took up the task of theorizing the situation of low-status whites in more nuanced ways as a critical race project primarily aimed at informing employment discrimination law. Among Rich's other important observations was this one, with potentially enormous practical consequences:

[W]hen scholars talk about white privilege in the abstract, without discussing the host of competing identity variables that complicate white privilege, they risk increasing the salience of whiteness for less race-identified whites in a context that gives whites an incentive to cling to a white identity. The marginal whiteness framework avoids this problem by encouraging whites to maintain a context-specific definition of whiteness in privilege discussions, one that encourages them to think critically about whether contemporary "privilege" arrangements actually serve their individual interests.⁴⁸

I would add that this framework should also encourage blacks to maintain a context-specific definition of whiteness in privilege discussions.

It is too early to say whether the core ideas of *Marginal Whiteness*, brilliant and important as they are, will catch on in the critical race theory community. I certainly hope they do because I believe they are an important next step not only to more sophisticated and situated racial theory but also because they foster cross-racial understanding and coalition building. I am not entirely optimistic, however, because Lani Guinier and Gerald Torres made some similar points more than a decade ago in *The Miner's Canary: Enlisting Race, Resisting Power, Transforming Democracy* (2002). In the context of forming a political coalition with the goal of passing in the Texas legislature the 10 percent plan for admission to the flagship University of Texas, Guinier and Torres recognized that rural white students "had also effectively been raced black or brown."⁴⁹ These high profile scholars thus advocated "mov[ing] the political debate and the

46 See Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1709, 1741 (1993); Osamudia James, *White Like Me: The Negative Impact of the Diversity Rationale on White Identity Formation*, 89 N.Y.U. L. REV. 425, 474 (2014); Trina Jones, *Race, Economic Class and Employment Opportunity*, 72 LAW AND CONTEMP. PROBS. 57, 65 (2009) (suggesting that poor whites can still access portions of white privilege, while poor blacks are additionally harmed by their race); Devon W. Carbado, *Critical What What?* 43 CONN. L. REV. 1593, 1614 n.95 (2011) (acknowledging that whiteness is not monolithic but stating that "whites across differences can nevertheless trade on whiteness, if only psychologically . . . notwithstanding the material deprivations that working-class whites historically have experienced, they were able to draw on the psychological wages of whiteness, which they treated as a material resource against the background of presumptions of black inferiority").

47 Camille G. Rich, *Marginal Whiteness*, 98 CALIF. L. REV. 1497, 1526 (2010) (noting that "minority-targeted discrimination can function to unite a group of culturally, socially, and economically differently positioned whites, or it can draw attention to cleavages between them").

48 *Id.* at 1565.

49 LANI GUINIER & GERALD TORRES, *THE MINER'S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* 94-95 (2002).

grounds for political action from race to class without pretending that race does not have a role.”⁵⁰

But there does not seem to be a lot of support among critical race scholars for doing what Guiner and Torres—and more recently Rich—suggest. For now, the interests of poor people as poor people are represented in the legal academy by a small number of law professors who self-identify as “poverty law” scholars and teachers.⁵¹ Fewer still have taken up low-income whites as a critical race project, exploring white poverty beyond the oft-quoted W.E.B. Du Bois observation that, in the post-Civil War period, poor whites cast their lot with other whites—more affluent and powerful whites—rather than with blacks, even though their economic interests were far more aligned with their black brothers and sisters.⁵² bell hooks summarizes some of the consequences of what Du Bois observed: “Racial solidarity, particularly the solidarity of whiteness, has historically always been used to obscure class, to make the white poor see their interests as one with the world of white privilege. Similarly, the black poor have always been told that class can never matter as much as race.”⁵³

hooks expresses skepticism that Du Bois’s observation holds true today: “Nowadays the black and white poor know better. They are not so easily duped by an appeal to unquestioned racial identification and solidarity, but they are still uncertain about what all of the changes mean . . .”⁵⁴

50 *Id.* at 251. *But see* Cheryl I. Harris, *Mining in Hard Ground*, 116 HARV. L. REV. 2487, 2513 (2003) (reviewing Lani Guiner & Gerald Torres, *THE MINER’S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* (2002)) (raising concerns about Torres & Guiner’s idea of multiracial coalitions based on “political race” because the strategy fails to give sufficient weight to the social and material benefits all whites enjoy as a consequence of white privilege).

51 *See, e.g.*, GUSTAFSON, *supra* note 2; Julie A. Nice, *No Scrutiny Whatsoever: Deconstitutionalization of Poverty Law, Dual Rules of Law, and Dialogic Default*, 35 FORDHAM URB. L. J. 629 (2008); Michele E. Gilman, *A Court for the One Percent: How the Supreme Court Contributes to Economic Inequality*, 2014 UTAH L. REV. 389 (2014) (analyzing U.S. Supreme Court jurisprudence in relation to how those decisions aggravate economic inequality). Only the second-ever poverty law textbook was published in 2014. *See* JULIET BRODIE ET AL., *POVERTY LAW: POLICY AND PRACTICE* (2014) (discussing how “poverty is an ever-present yet often neglected aspect of the study of law. Law courses frequently discuss the problems of poor people not just in criminal law, but also in torts, constitutional law, and even poverty law. Yet the fact of their poverty is treated as secondary,” suggesting that even in legal academia, the subject of poverty law is rarely, if ever, exclusively addressed). The only prior poverty law textbook was JULIE A. NICE & LOUISE G. TRUBEK, *CASES AND MATERIALS ON POVERTY LAW: THEORY AND PRACTICE* (1997), last updated in 2005.

52 *See* W.E.B. DU BOIS, *BLACK RECONSTRUCTION IN AMERICA*, 700 (Henry Louis Gates, Jr. ed., Oxford 2007) (1935), discussed in Devon W. Carbado, *Critical What What?* 43 CONN. L. REV. 1593, 1614 n.95 (2011); Harris, *supra* note 46, at 1741 (“thus WEB Du Bois’s classic historical study of race and class, *Black Reconstruction* noted that, for the evolving white working class, race identification became crucial to the ways that it thought of itself and conceived its interest. There were, he suggested, obvious material benefits, at least in the short term to the decisions of white workers to define themselves by their whiteness: their wages far exceeded those of Blacks . . .”); DAVID R. ROEDIGER, *THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS* 11–13 (2007).

53 BELL HOOKS, *WHERE WE STAND: CLASS MATTERS* 5 (2000).

54 *Id.* at 5–6. At least implicitly, Charlotte Garden and Nancy Leong pick up this theme, this hope in Charlotte Garden & Nancy Leong, “*So Closely Intertwined*” *Labor and Racial Solidarity*, 81 GEO. WASH. L. REV. 1135 (2013). They suggest that skepticism regarding the possibility of racial conciliation and cross-race solidarity “results in part from organized labor’s history of racial exclusion. But history does not completely explain the conventional wisdom. Rather, its adherents also claim an array of other sources of present-day friction between unions and workers of color.”

If hooks is right about the poor “knowing better”—if whites can see the error of their past ways and a different way forward, and if blacks can see that it is better to make racial progress than to rub whites’ noses in their past foolishness—then hope for racial conciliation is bolstered. Indeed, my larger project is to fill in some of the gaps in the decades since Du Bois offered his observation. Even if poor whites received some material benefits from aligning themselves with other whites during Reconstruction,⁵⁵ surely economically marginal whites can now see that white skin by itself does not feed the kids.⁵⁶ Indeed, it seems an appropriate time to think very concretely about what *material* benefits poor whites still enjoy from this alliance with rich whites.

My goals are akin to hooks’s in that I would like to move beyond the eye-rolling at poor whites for irrationally aligning themselves with more affluent whites—a decision that has had highly damaging consequences for poor people of all colors. Instead, I would like to think about how to engage working class whites with progressive causes, specifically including racial conciliation and cross-racial coalition building.⁵⁷ These issues have implications for how we as a society and as a state respond to the poor, whatever their race or ethnicity.

Marginal Whiteness, The Miner’s Canary, and my own more recent musings and writings aside, progressives in the legal academy have paid little attention to low-SES whites. I believe several reasons explain this significant neglect. First, the fear that attending to—let alone playing up—white socioeconomic disadvantage might be viewed as diminishing the force or significance of racism or the very grave challenges facing low-income blacks. Cross-race comparisons—a ranking of oppressions if you will—seem inevitable. A legal academy dominated (I am happy to say) by progressives does not want to be seen as discounting the potency of racism in its myriad forms, including structural racism. Indeed, this sentiment is appropriately acute in this season of heightened awareness of police brutality and hate crimes directed at blacks in particular.⁵⁸ Yet another

55 W.E.B. Du Bois famously observed that whites received the psychological wages of whiteness, an asset that some see as tantamount to a “material resource.” See Carbado, *supra* note 46, at 1614 n.95 (acknowledging that whiteness is not monolithic but stating that “whites across differences can nevertheless trade on whiteness, if only psychologically . . . notwithstanding the material deprivations that working-class whites historically have experienced, they were able to draw on the psychological wages of whiteness, which they treated as a material resource against the background of presumptions of black inferiority”); Cheryl I. Harris, *supra* note 50.

56 See *supra* note 54; Lisa R. Pruitt, “*Winter’s Bone*” and the Limits of White Privilege (Part I), SALT LAW BLOG, (Aug. 17, 2010), <https://www.saltlaw.org/winters-bone-and-the-limits-of-white-privilege/>; Lisa R. Pruitt, “*Winter’s Bone*” and the Limits of White Privilege (Part II), SALT LAW BLOG, (Aug. 26, 2010), <https://www.saltlaw.org/winters-bone-and-the-limits-of-white-privilege-part-ii/>.

57 See Pruitt, *Geography of Culture Wars*, *supra* note 31; Lisa R. Pruitt, *The False Choice Between Race and Class and Other Affirmative Action Myths*, 65 BUFF. L. REV. 981 (2015); Lisa R. Pruitt, *Who’s Afraid of White Class Migrants? On Denial, Discrediting and Disdain (And Toward a Richer Conception of Diversity)*, 31 COLUM. J. GENDER & LAW 196 (2015); Pruitt, *Acting White?*, *supra* note 8.

58 See, e.g., Justin Wolfers et al., *1.5 Million Missing Black Men*, N.Y. TIMES (Apr. 20, 2015), http://www.nytimes.com/interactive/2015/04/20/upshot/missing-black-men.html?smid=pl-share?_r=0&abt=0002&abg=1 (explaining that the men are “missing, largely because of early deaths or because they are behind bars”); Radley Balko, *An interview with the Baltimore cop revealing all the horrible things he saw on the job*, WASH. POST (June 25, 2015),

reason for the failure goes back to the unsavoriness of poor whites. We don't want to sully ourselves by association with their presumed illiberalism, and certainly not with their presumed racism.⁵⁹

IV. CALLS FOR GREATER VISIBILITY OF WHITE POVERTY, BUT WITH WHAT CONSEQUENCES?

Some have called for greater visibility of white poverty, because among other reasons it might change how we view safety net programs. For example, Professor Rachel Godsil in a 2013 essay took the (presumptively progressive) *New York Times* to task for recent reports that depicted only blacks as beneficiaries of SNAP and the Medicaid expansion under the Affordable Care Act.⁶⁰

<http://www.washingtonpost.com/news/the-watch/wp/2015/06/25/an-interview-with-the-baltimore-cop-whos-revealing-all-the-horrible-things-he-saw-on-the-job/>; Wesley Lowery, *From Sanford, Fla., to Charleston, S.C.: 'Why does blackness equal a threat?'*, WASH. POST (June 23, 2015), <http://www.washingtonpost.com/news/post-nation/wp/2015/06/23/from-sanford-fla-to-charleston-s-c-why-does-blackness-equal-a-threat/>; DeNeen L. Brown, *In the aftermath of S.C. church shootings, signs of change among white people*, WASH. POST (June 22, 2015), http://www.washingtonpost.com/national/in-aftermath-of-sc-church-shootings-signs-of-change-among-white-people/2015/06/22/fa7d49da-1918-11e5-ab92-c75ae6ab94b5_story.html; Brigid Schulte, *Mothers and Protestors rally in D.C. to demand police reforms*, WASH. POST (May 9, 2015), http://www.washingtonpost.com/local/million-mom-march-in-dc-draws-hundreds-demanding-police-reforms/2015/05/09/4f5fa952-f501-11e4-bcc4-e8141e5eb0c9_story.html; Editorial, *How Racism Doomed Baltimore*, N.Y. TIMES (May 9, 2015), http://www.nytimes.com/2015/05/10/opinion/sunday/how-racism-doomed-baltimore.html?_r=0. Indeed, the steady stream of incidents of police brutality against blacks inspired the “Black Lives Matter” campaign. Professor Bertrall Ross has queried whether “too” should be explicit in the name of that campaign, suggesting that a campaign called “Poor Lives Matter” would be appropriate. He writes:

But I am also frustrated with the [Black Lives Matter] movement as it seems to have revived the unfortunate class versus race competition. Its [sic] almost as if some of the movement's actors have forgotten the implicit “too” in their calls for the prioritization of race over other forms of inequality like class. And maybe that's right given America's original sin of racism and racial subordination. But for me, race and class are fundamentally intertwined. Michael Brown, Eric Garner, and Walter Scott obviously had in common the color of their skin, but they also were among the most economically vulnerable. Perhaps it is a coincidence that they shared this class characteristic, but I suspect it is not. I suspect that we have forgotten or perhaps never learned that poor lives matter too.

In the competition between race and class, it is hard for that message to come through.

Bertrall Ross, *Poor Lives Matter Too*, PRAWFSBLOG (August 25, 2015), <http://prawfsblawg.blogs.com/prawfsblawg/2015/08/poor-lives-matter-too-.html>.

⁵⁹ See Pruitt, *Geography of Class Culture Wars*, *supra* note 31. Martha Mahoney describes the twisted rationale that projects racism onto poor whites, while leaving elite whites unsullied by it. (“[B]laming less elite whites for racism protects elite whites in class terms as well: racism becomes evidence against the potential for working-class solidarity, and therefore class privilege exists not because of a system that produces and distributes wealth to the advantage of elite whites, but because of failures of white working-class people themselves.”). Mahoney, *supra* note 37, at 1668. In a similar vein, Mahoney writes “For white Americans of middle-class and elite status—the people who write the books and do the social analysis—racism is something that working-class whites (particularly Southerners) do to blacks and other people of color.” Mahoney, *supra* note 37, at 1667. See also Pruitt, *White Class Migrants*, *supra* note 57, at Part I.A.

⁶⁰ Rachel Godsil, *Hey, Media: White People Are Poor, Too*, THE ROOT (Dec. 2, 2013, 12:30 AM), http://www.theroot.com/articles/culture/2013/12/most_poor_people_in_america_are_white.html.

[I]nadvertently, the traditional media's one-sided image of poverty has contributed to the misconception that *most* poor people are black and that most black people are poor—although more than 70 percent are not.

This stereotype, like most stereotypes, harms black people in myriad ways, especially because the political right has linked poverty with moral failure as a trope to undermine public support for government programs—remember Ronald Reagan's welfare queen? These tactics didn't end in the 1980s.⁶¹

bell hooks made a similar point in her 2010 book, *Where We Stand: Class Matters*. In a chapter titled "White Poverty: The Politics of Invisibility," hooks observed:

[M]ost folks who comment on class acknowledge that poverty is seen as having a black face, but they rarely point to the fact that this representation has been created and sustained by the mass media . . . The hidden face of poverty in the United States is the untold stories of millions of poor white people. Undue media focus on poor nonwhites deflects attention away from the reality of white poverty.⁶²

She did not call for greater attention to white poverty, but Trina Jones wrote of a related phenomenon in her 2009 article, *Race, Economic Class and Employment Opportunity*: "Somehow . . . race and class become mutually reinforcing. Blacks are poor because they are Black and Blackness gets constructed as poor. That is, poverty becomes a constitutive element of Blackness. Blacks are not only lazy [and] intellectually and morally inferior, they are also poor."⁶³ Our "race problem" and our "poverty problem" are thus conflated, treated as virtually indistinguishable, even indivisible.⁶⁴ Martha Mahoney has discussed another aspect of this

61 *Id.* Godsil continues: "Social scientists and others have long made the observation that the media over-emphasizes people of color in coverage of poverty and government benefits. But if the message hasn't yet reached even the *New York Times*, it clearly needs to be said again." *Id.*

62 hooks, *supra* note 53, at 116-17.

63 Jones, *supra* note 46, at 65.

64 See President Barack Obama, Remarks by the President in Conversation on Poverty at Georgetown University (May 12, 2015), <https://www.whitehouse.gov/the-press-office/2015/05/12/remarks-president-conversation-poverty-georgetown-university>. President Obama said:

It's just it was happening to black people. And so, in some ways, part of what's changed is that those biases or those restrictions on who had access to resources that allowed them to climb out of poverty—who had access to the firefighters job, who had access to the assembly line job, the blue-collar job that paid well enough to be in the middle class and then got you to the suburbs, and then the next generation was suddenly office workers—all those things were foreclosed to a big chunk of the minority population in this country for decades.

Id.; Theresa Wiltz, *Poverty is Rapidly increasing in Suburbs like Ferguson*, HUFFINGTON POST (Aug. 27, 2014, 11:59 AM), http://www.huffingtonpost.com/2014/08/26/ferguson-poverty_n_5716593.html. The Ferguson riots undeniably linked poverty and race relations especially in regard to African Americans:

In the suburbs, as in the rest of the country, race and poverty are inextricably linked. Yes, there are prosperous African-American suburbs, like Maryland's Prince George's County (outside Washington, D.C.), California's Ladera Heights (Los Angeles) and New York's Hillcrest (New York City). And yes, most poor suburban residents are white. But increasingly, the faces of suburban poverty are black and brown.

Id.

phenomenon, how certain types of public benefits come to be associated with nonwhites. At the same time, she laments the perceived “racelessness” of programs whose beneficiaries are mostly white. Mahoney writes:

Programs like public housing, Medicaid, welfare and food stamps have become publicly ‘raced’ and endowed with a racial character (marked as nonwhite) in white perception and in much political discourse despite the fact that whites are at least a plurality of beneficiaries . . . Programs such as aid to farmers and bailouts for large corporations are officially treated as if they are ‘non-raced’ when in actuality they are ‘white-raced.’ In the category of social programs covertly coded white, I would include Social Security, because as enacted it so thoroughly excluded so many African-Americans. The social construction of race is capable of overtaking nonracial programs, stigmatizing them as ‘assistance’ and treating them as ‘racial’ whenever any significant proportion of benefits is provided to people of color.⁶⁵

The media are not the only culprits. Well-meaning organizations may also contribute to the problem. The Center for American Progress, for example, published a 2012 report on the very topic of racial stereotypes in relation to poverty. But the report itself arguably perpetuated those very stereotypes because the cover photo showed no person who was obviously non-Hispanic white, while picturing six apparently nonwhite or Hispanic children.⁶⁶

Indeed, nonwhites may be offended when the media highlights white disadvantage, especially if direct comparisons are made between whites and nonwhites. A scholar at a critical race studies conference I attended a few years ago was apoplectic that the *New York Times* had run the headline, “Life Spans Shrink for Least-Educated Whites in the U.S.”⁶⁷ The story reported on changes in life expectancy among different demographic groups. Among the findings were those reflected in these sentences:

The steepest declines were for white women without a high school diploma, who lost five years of life between 1990 and 2008 . . . By 2008, life expectancy for black women without a high school diploma had surpassed that of white women of the same education level, the study found.⁶⁸

⁶⁵ Mahoney, *supra* note 37, at 1683.

⁶⁶ See Joy Moses, *Moving Away from Racial Stereotypes in Poverty Policy*, CTR. FOR AM. PROGRESS (Feb. 23, 2012), https://cdn.americanprogress.org/wp-content/uploads/issues/2012/02/pdf/race_stereotypes.pdf. Maybe the decision to go with such a photo was intentional, to drive home the point of racial stereotypes, yet the photo was of happy, even joyful children, and certainly did not play up the poverty aspect of the point it wished to make.

⁶⁷ Sabrina Tavernise, *Life Spans Shrink for Least-Educated Whites in the U.S.*, N.Y. TIMES (Sept. 21, 2012), <http://www.nytimes.com/2012/09/21/us/life-expectancy-for-less-educated-whites-in-us-is-shrinking.html?emc=tnt&tntemail=y>.

⁶⁸ *Id.*

The study further showed that poor white men had lost ground, vis-a-vis poor black men, in life expectancy, but that the life expectancy of poor black men was still shorter than that of their white counterparts.⁶⁹

The scholar thought the *Times* should have opted for an angle on the data that instead highlighted the greater plight of people of color. She thought it preferable to focus on a different demographic slice where *nonwhites* were losing ground. The scholar seemed highly skeptical of any suggestion that some whites' lives might be less salubrious than some blacks' lives. She also evinced resentment that even a single metric would show even a small segment of whites to be worse off than a segment of blacks.

I call this the “lies, damned lies, and statistics”⁷⁰ problem because many data sets can be parsed to tell any of a number of “stories.”⁷¹ A journalist or media outlet can choose to publish a story that highlights class or gender or race or some combination of these. Whichever story the media tells, alternate stories or foci are implicitly silenced, or at least downplayed, with implications for our perception of what the problems are and who is most affected by them. I advocate for more transparent reporting that specifies the consequences of class differences, controlling for race, and vice versa.

In a sense then, this scholar, so upset by the headline that focused on poor white disadvantage, desired the very conflation of poverty and blackness that scholars like hooks, Jones, and Godsil have lamented. This seems to be an aspect of the instinct to rank oppressions, to say whose lot is worse. It is an instinct that will need to be tempered if we decide that realistic depictions of white poverty—showing the complexity of the intersection of white-skin privilege and socioeconomic disadvantage—are ultimately helpful to the cause of bolstering safety net programs.

⁶⁹ *Id.*; More recently, a study by Anne Case and Angus Deaton attracted significant media attention, appearing in the *New York Times* under the headline, “Death Rates Rising for Middle-Aged White Americans, Study Finds.” Gina Kolata, *Death Rates Rising for Middle-Aged White Americans, Study Finds*, N.Y. TIMES (Nov. 2, 2015), <http://www.nytimes.com/2015/11/03/health/death-rates-rising-for-middle-aged-white-americans-study-finds.html>. A week after the study was published, a story in *The New Yorker* called it “still the talk of the town” and noted that the “discussion is only beginning.” John Cassidy, *Why Did the Death Rate Rise Among Middle-Aged White Americans?*, THE NEW YORKER (Nov. 9, 2015), <http://www.newyorker.com/news/john-cassidy/why-is-the-death-rate-rising-among-middle-aged-white-americans>. Given that the population experiencing high premature mortality are those with a high school diploma or less education, it is surprising that few commentators noted that many of these people are poor by some measure. Media have continued to comment on the story in the months since it ran. See, e.g., Andrew J. Cherlin, *Why are White Death Rates Rising?*, N.Y. TIMES (Feb. 22, 2016), http://www.nytimes.com/2016/02/22/opinion/why-are-white-death-rates-rising.html?_r=0; Olga Khazan, *Why Are So Many Middle-Aged White Americans Dying?*, THE ATLANTIC (Jan. 29, 2016), <http://www.theatlantic.com/health/archive/2016/01/middle-aged-white-americans-left-behind-and-dying-early/433863/>.

⁷⁰ The reference here is to Mark Twain’s well-known adage.

⁷¹ See generally Tim Worstall, *Pew Report: The American Middle Class is Shrinking*, FORBES: OPINION (Dec. 10, 2015, 8:48 AM), <http://www.forbes.com/sites/timworstall/2015/12/10/pew-report-the-american-middle-class-is-shrinking-as-everyones-getting-richer/#141dd7035604> (observing that “you can tell the story behind the same numbers, the same economic statistics, in a number of different ways”).

Whatever the pros and cons of how the media and policy institutes do or might depict poverty, the black (and/or brown) face of poverty is the one that currently dominates our national imaginary—this, in spite of the fact that two-thirds of America’s poor self-identified as white in 2013.⁷² Indeed, academics, too, seem to look past white poverty.⁷³ Mainstream academic thinking about poverty—including the “culture of poverty” associated with Daniel Patrick Moynihan’s early work—has also typically focused on African-Americans.⁷⁴

Though some scholars have observed the conflation of blackness with poverty and SES disadvantage, and more than a few have contributed to that conflation, the complementary phenomenon is less commented on. That phenomenon is the conflation of whiteness with affluence. Affluence, well-being, and autonomy have thus become constitutive elements of whiteness.⁷⁵ Indeed, this is consistent with the concept of “white privilege.”⁷⁶ While this phenomenon may appear flattering to whites at first glance, it actually has some very unfortunate—even damning—implications for poor whites, suggesting that they have only themselves to blame for their socioeconomic plight. Poverty is not endemic to whiteness and, indeed, is anathema to it. Whites are (supposed to be) invulnerable, autonomous, independent and self-reliant. Because the world loves and embraces whites, it not only expects but also facilitates their success. Whites who are poor thus have only themselves to blame. They can blame neither their race nor—the story goes—structural or institutional racism for their failings.⁷⁷ Poor whites must have made really bad choices or they would not be poor—not with the magic bullet of white skin to shelter them and even propel them upward. Their shortcomings are thus rendered all the more glaring juxtaposed against the advantage of white skin.⁷⁸

72 Rank, *supra* note 5; FRANK E. VANDIVER, SHADOWS OF VIETNAM: LYNDON JOHNSON’S WARS 43–44 (1997) (discussing the development of the “War on Poverty” idea, and how LBJ intended for it to address poverty across the nation, despite some opponents and press characterizing it as benefitting only African Americans).

73 We see this effective denial of white socioeconomic disadvantage and its myriad consequences, for example, in DEVON CARBADO & MITU GULATI, ACTING WHITE? RETHINKING RACE IN “POST-RACIAL” AMERICA (2013). See Lisa R. Pruitt, *Acting White?*, *supra* note 8.

74 DANIEL PATRICK MOYNIHAN, U.S. DEP’T OF LABOR, THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION (1965), discussed in Patricia Cohen, *Scholars Return to Culture of Poverty Ideas*, N.Y. TIMES, Oct. 17, 2010, at A1 (a front-page story treating black, urban poverty as the default or norm). Cf. John M. Glen, *The War on Poverty in Appalachia: A Preliminary Report*, 87 REG. KY HIST. SOC., 40, 41 (1989) (finding that there are two models that have shaped Appalachian studies, one that attributes the region’s problems with a “culture of poverty” that perpetuates customs opposed to “mainstream” U.S. culture; the other asserts that the region has been a victim of colonialism and exploitation).

75 See MONICA MCDERMOTT, WORKING CLASS WHITE: THE MAKING AND UN-MAKING OF RACE RELATIONS 40-48 (2006) (describing black stereotype of whites as lazy and rich).

76 See *id.*

77 Bageant expresses white working-class “failures” in relation to structural barriers and culture, “[J]ust like black and Latino ghetto dwellers, poor and laboring whites live within a dead-end social construction that all but guarantees failure.” BAGEANT, *supra* note 27, at 9.

78 *Id.* (“[T]he myth of the power of white skin endures, and so does the unspoken belief that if a white person does not succeed, his or her lack of success can be due only to laziness.”)

Discomfort with the burgeoning group of whites who do not live up to the white ideal elicits our contempt.⁷⁹ As cultural critic Joe Bageant put it, “What white middle America loathes these days are poor and poorish people, especially the kind who look and sound like they just might live in a house trailer.”⁸⁰ (To be clear, I do not deny that many of these same white middle Americans hold similar views of those who look and sound like they just might live in an urban ghetto, but that issue draws a lot more media attention.) This discomfort fosters our desire to disregard them, thus leading to their erasure. If we must see them, we hold them in contempt as a gross embarrassment, antithetical to whiteness.

V. HOW CAN WE ATTRACT MORE PUBLIC AND GOVERNMENT SUPPORT FOR THE POOR?

Scholars who have studied the welfare queen phenomenon suggest that society, by and large, does not support the social safety net because its beneficiaries are perceived as mostly nonwhite. In short, racism gets in the way of common sense: supporting poor children now by ensuring basic nutrition and education would cost far less than paying for a lifetime of consequences of their deprivation.⁸¹ I have suggested that the contemporary mainstream mid-American polity have no stomach for the poor, whatever their color.

Indeed, those we expect to care about the poor—progressives—may have less concern for poor whites than poor blacks because of the race-based revulsion elicited by the former. In fact, the problem—and more importantly the solution—may not depend on the racial or ethnic identity of the poor. The more significant variable may be the race of those doing the voting,⁸² deciding, and policymaking about programs to serve low-income folks, than the skin color of those who stand to benefit from the programs. In short, studies suggest that blacks are more sympathetic than whites to the

79 See WRAY, *supra* note 7, at 7–15, 139 (2006); Hartigan, *supra* note 25, at 316 (describing aspects of poor white culture as “unpopular”).

80 See BAGEANT, *supra* note 27, at 103.

81 Interestingly, Lyndon B. Johnson made a version of this argument when he declared a War on Poverty in 1964:

This administration today, here and now declares unconditional war on poverty in America. I urge this Congress and all Americans to join me in the effort. It will not be a short or easy struggle, no single weapon or strategy will suffice, but we shall not rest until that war is won. The richest Nation on earth can afford to win it. We cannot afford to lose it. One thousand dollars invested in salvaging an unemployable youth today can return \$40,000 or more in his lifetime.

President Lyndon B. Johnson, State of the Union Address, 1964 (Jan. 8, 1964), <http://www.pbs.org/wgbh/americanexperience/features/primary-resources/lbj-union64/>.

82 See MacGillis, *supra* note 31. MacGillis observes:

[M]any people who in fact most use and need social benefits are simply not voting at all. Voter participation is low among the poorest Americans, and in many parts of the country that have moved red, the rates have fallen off the charts. West Virginia ranked 50th for turnout in 2012; also in the bottom 10 were other states that have shifted sharply red in recent years, including Kentucky, Arkansas and Tennessee.

poor and that blacks are also more likely to support public benefits programs.⁸³

Alberto Alesina, Edward Glaeser, and Bruce Sacerdote concluded in a 2001 article, “*Why Doesn’t the United States Have a European-Style Welfare State?*,” that in the United States, “race is the single most important predictor of support for welfare. America’s troubled race relations are clearly a reason for the absence of an American welfare state.”⁸⁴ Paul Krugman invoked that study in a 2015 *New York Times* column, *Slavery’s Long Shadow*, saying it helps explain our nation’s “harsh treatment of the less fortunate and [our] willingness to tolerate unnecessary suffering among its citizens.”⁸⁵

Krugman also noted Larry Bartel’s examination of the oft-noted “working class turn against Democrats.”⁸⁶ Bartel concluded the shift was “entirely restricted to the South, where whites turned overwhelmingly Republican after the passage of the Civil Rights Act and Nixon’s adoption of the so-called Southern strategy.”⁸⁷ On the one hand, it is good news that most working class whites do not, contrary to popular thinking, vote against their own economic interests. On the other hand, it is bad news in that many Southerners are still doing just that.

Voting against safety net programs may not be motivated solely by racial animus against blacks and other minorities, however. Alec MacGillis, in a November 2015 *New York Times* opinion piece, discussed recent evidence of why many who might benefit from safety net programs—and indeed, have benefited from them in the past—do not support them.⁸⁸ He talks little about race and focuses on income instead, with particular attention to the efforts of low-income voters who labor (in more ways than one) to differentiate themselves from low-income populations who do not work. One of MacGillis’s illustrative anecdotes is about a 43-year-old nurse in Marshalltown, Iowa. The woman was a teenage mother who married and divorced young. With the help of “taxpayer-funded tuition breaks,” the woman later attended community college and earned a nursing degree. She is remarried and now works for a dialysis center. Even though the woman previously got benefits from the safety net, she has become a “staunch opponent” of such programs, in part because of what she sees among dialysis patients, whose treatment is covered by Medicare.⁸⁹ MacGillis quotes her: “People waltz in when they want to....When you’re getting assistance, there should be hoops to jump through so that you’re

83 *But see* Henry Louis Gates, Jr., *Black American and the Class Divide*, N.Y. TIMES (Feb. 1, 2016), <http://www.nytimes.com/2016/02/07/education/edlife/black-america-and-the-class-divide.html> (providing data about the growing class divide within black America and noting that William Julius Wilson has concluded that the problem of income inequality in America is not between blacks and whites but between blacks haves and black have-nots).

84 Paul Krugman, *Slavery’s Long Shadow*, N.Y. TIMES (June 22, 2015), http://www.nytimes.com/2015/06/22/opinion/paul-krugman-slaverys-long-shadow.html?_r=0.

85 *Id.*

86 *Id.*

87 *Id.*; *See also* HANEY LÓPEZ *supra* note 1.

88 MacGillis, *supra* note 31.

89 *Id.*

paying a price for your behavior. What's wrong with that?"⁹⁰ The woman commented that the dialysis patients were not challenged by the system, that nothing said "You're getting a great benefit here, why not put in a little bit yourself?"⁹¹ She contrasted this with the tuition assistance she received while a student—assistance that required her to maintain a certain GPA.

We might instinctively assume that racism is behind this woman's lack of support for safety net programs, but just 2.2% of Marshalltown's population is black, though a significantly higher percentage is Hispanic.⁹² Her attitude, then, may have little to do with inter-racial bias or the welfare-queen stereotype. Instead, it may be—as Professor Kathryn Edin's recent research on the working poor suggests—that those in the "second lowest quintile of the income ladder—the working or lower-middle class—[are trying] to dissociate themselves from those at the bottom, where many once resided."⁹³ Edin observes "virulent social distancing—suddenly, you're a worker and anyone who is not a worker is a bad person.... They're playing to the middle fifth and saying, 'I'm not *those* people.'"⁹⁴ One way these working poor achieve that dissociation is by opposing policies that would assist the non-working poor, those in the lowest quintile, who may be thought of as white trash. (Remember that laziness is one of the defining characteristics.) And, as MacGillis points out, folks in that second lowest quintile are much more likely to vote than those in the bottom quintile, a phenomenon that is continuing to change the political landscape.⁹⁵

Racial animus toward nonwhites is not necessarily implicated by these political choices. In some cases, the desire to differentiate oneself is greater among whites than between whites and other races. This is because skin color does not provide the visible distinction. As Pierre Bourdieu explained, "Social identity lies in difference, and the difference is asserted

90 *Id.*

91 *Id.*

92 State & County Quick Facts, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/index.html> (search "Iowa," then "Marshalltown") (last visited Dec. 13, 2015).

93 MacGillis, *supra* note 31. In Edin's latest book, she and her co-authors explore the impact of the Earned Income Tax Credit (EITC) on the working poor. One consequence is that the EITC framework and procedure for claiming the credit bolsters the sense that the credit is "earned and not a handout." SARAH HALPERN-MEEKIN, KATHRYN EDIN, LAURA TACH & JENNIFER SYKES, IT'S NOT LIKE I'M POOR: HOW WORKING FAMILIES MAKE ENDS MEET IN A POST-WELFARE WORLD 73, 78 (2015). The same is true when these families use tax preparation services like H&R Block to secure their refunds. "[T]hey are customers who pay for services rendered. This strengthens their identities as workers." *Id.* at 77-78.

94 MacGillis, *supra* note 31. This is very similar to the phenomenon I described in *The Geography of the Class Culture Wars*, *supra* note 31 (describing the work of Jennifer Sherman, Joe Bageant, and Joan Williams).

95 MacGillis, *supra* note 31. See also, e.g., Kim Messick, *Why Donald Trump is the Last Whimper of the Angry White Man: What's Really Behind This Stubborn Lead*, SALON (Aug. 14, 2015, 10:45 PM), http://www.salon.com/2015/08/14/donald_trump_is_the_last_whimper_of_the_angry_white_man_what_s_really_behind_his_stubborn_lead/; R.R. Reno, *How Both Parties Lost the White Middle-Class*, N.Y. TIMES (Feb. 1, 2016), <http://www.nytimes.com/2016/02/02/opinion/campaign-stops/how-both-parties-lost-the-white-middle-class.html>.

against what is closest, which represents the greatest threat.”⁹⁶ Thus, intra-racial bias among whites may be most virulent because poor whites are too close for comfort—too close racially for other whites, but also too close economically for other low-income whites who differentiate themselves from the non-working hoi polloi with their politics. They neither look back at nor offer a hand up for those still mired in poverty.

Yet another source, a 2011 Washington Post/Kaiser Family Foundation survey, suggests that blacks may show more empathy for the poor than do whites.⁹⁷ The *Washington Post* headline for the story reporting on the survey was “D.C. residents see class, not race, as city’s great divider.”⁹⁸ Yet many findings were far more nuanced than that headline suggested, including those expressed in the following excerpt:

But in many other important areas, the differences between blacks and whites persist, regardless of income level. Blacks with household incomes of \$100,000 or more express significantly more sour views of the District’s economy than do whites with similar incomes. Higher-income African Americans also are less secure than whites about their own financial well-being, more apprehensive about the spreading effects of gentrification and somewhat more critical of the state of race relations in the District . . . The overall results of the poll show that even as African Americans attain a higher economic status, their perspectives remain shaped by decades of economic difficulty and a sense that many blacks, including some in their own families, are still struggling.⁹⁹

These findings suggest that blacks are more in tune with the vulnerability of the poor than are whites, which likely is less a function of skin color per se than of all that typically goes with skin color. For blacks, that includes a history of heightened economic vulnerability.

High-income blacks and whites disagreed most sharply in their views of the city’s economy. African Americans who participated in the poll said

⁹⁶ PIERRE BOURDIEU, *DISTINCTION: A SOCIAL CRITIQUE OF THE JUDGMENT OF TASTE*, 479 (Richard Nice trans., Routledge 1984) (1979).

⁹⁷ WASH. POST & KAISER FAM. FOUND., 2011 SURVEY OF DC RESIDENTS (2011), <https://kaiserfamilyfoundation.files.wordpress.com/2013/01/8199-t.pdf>.

⁹⁸ Chris L. Jenkins et al., *D.C. Residents See Class, Not Race, As City’s Great Divider*, WASH. POST (June 19, 2011), https://www.washingtonpost.com/local/dc-residents-see-class-not-race-as-citys-great-divider/2011/06/17/AGZdU9bH_story.html. That headline was substantiated by these paragraphs:

In many cases, the views of higher-income blacks are less bleak than those of other African Americans and more like those of white people across the city. Nearly half believe the city is heading in the right direction, mirroring the views of upper-income whites, but differing a bit from the responses of blacks in families that earn less than \$100,000. Only 41 percent of African Americans in families making less than \$100,000 said the District was heading in a good direction.

In some instances, the difference between higher- and lower-income blacks is larger than the racial gap itself. When it comes to problems paying for housing and food in the past year, there’s a bigger divide between African Americans with family incomes of more than \$100,000 and those from households under \$35,000 — near the median income for blacks in the District — than there is between whites and blacks overall.

Id.

⁹⁹ *Id.* This phenomenon is reflected in many recent headlines. See, e.g., Vega *supra* note 5; Lowery *supra* note 5.

later in interviews that they feel economic insecurity, even if they are doing well now. They also said they had friends and family members who were unemployed or in the economic doldrums.

“I like prospering. I like feeling good about what I’ve accomplished, but I would like to see our entire racial group here in the city prosper too,” said Delores Johnson, 51, an African American information technology analyst who lives off 16th Street near Rock Creek Park, an area with a high concentration of upper-income black homeowners that is known as “The Gold Coast.”

“It’s hard for me to consider the quality of life good for me when I see so much poverty in our neighborhoods and with our people,” Johnson said.

. . . .

While high-income blacks who responded to the poll say they generally feel financially secure, they are not as enthusiastic about that security as whites. More than nine of 10 whites in households making more than \$100,000 feel financially secure, while 80 percent of their black peers do.

In many cases, blacks said they felt as if their financial footing was on precarious ground, largely because they did not have a deep well of savings or because they did not have family members to fall back on.¹⁰⁰

All of this suggests that even blacks who have achieved financial success and see themselves as living the “American Dream” tend to empathize with poor blacks. We do not have evidence that the same is true of poor whites.

Another study suggests that middle class blacks may also have a greater capacity than most whites to empathize with—or at least not judge too harshly—poor whites. Edward Morris’s 2006 study of low-SES white students in a mixed-race urban school assessed the attitudes of both black and white teachers toward the disadvantaged white students in a school where they were a racial minority. Morris found white teachers were far more judgmental of the low-income white students than were black teachers.¹⁰¹ While black teachers generally viewed white students as middle class, white teachers regarded these same students in highly stigmatized terms like “trailer trash.”¹⁰² “The whiteness of these students,” Morris reports, “did not . . . act as a form of privilege in the eyes of most white teachers. Instead they viewed [lower-SES] white students . . . as somewhat anomalous and extended more positive attention to students of other racial groups.”¹⁰³

¹⁰⁰ *Id.* The authors illustrated with this quote from a survey respondent who was apparently black: “The school of thought is, ‘I know that if I’m first-generation, there’s no cushion, there’s no support, I’m the beginning and the end. If I lose this job in this economy, what happens next?’” *Id.*

¹⁰¹ John Hartigan, Jr., *An Unexpected Minority: White Kids in an Urban School*, 112 *AM. J. SOC.* 1960 (2007) (reviewing EDWARD MORRIS, *AN UNEXPECTED MINORITY: WHITE KIDS IN AN URBAN SCHOOL* (2006)).

¹⁰² *Id.*

¹⁰³ *Id.*

All of these studies suggest that the attitudes toward the poor are shaped as much by the race of the person who holds the attitude as by the race of the poor person who could benefit from a safety net program. Of course, the two are often closely related, as illustrated by the Washington Post/Kaiser Family Foundation study.¹⁰⁴ That is, middle class blacks can and do empathize with poor blacks because they are not far removed from that situation themselves and, in fact, are likely to have relatives who are still struggling. The Morris study suggests an added dimension—that middle class blacks are also more empathic with poor whites than are middle-class whites.¹⁰⁵ Blacks not only empathize with their kin or those of the same race, but also with those in other racial groups. This attitude may stem from the fact that blacks are more likely than whites to experience and understand economic and social vulnerability. Perhaps fewer whites feel the “there but for the grace of God go I” impulse. Perhaps whites are more likely to be socialized to deny or suppress their vulnerability, even subconsciously.¹⁰⁶ And this may take us back to the conflation of whiteness with self-reliance and autonomy—even when wealth is absent.

VI. CONCLUSION

Mitt Romney, campaigning for U.S. President in 2012, spoke of “takers,” the 47 percent of the population who pay no income tax and are “dependent.”¹⁰⁷ Romney characterized this population as those “who are dependent upon government, who believe that they are victims, who believe the government has a responsibility to care for them, who believe that they are entitled to health care, to food, to housing, to you name it.”¹⁰⁸ Romney thus suggested that nearly half of the nation fit the profile of the welfare queen.

In the wake of Romney’s comment, a black friend remarked to me that he was—on some level—relieved by Romney’s statement because there are not enough black Americans to comprise that entire 47 percent. Thus, my friend concluded, some of those “takers” must be white. That was good news of sorts because it meant his black brothers and sisters did not bear alone the stigma of dependency.

My friend was correct, of course, but the presence of many whites among these so-called “takers” should not seduce us into thinking our nation might find the political will to help those who are low-income, as through safety net programs. In fact, regardless of the racial and ethnic

104 WASH. POST, *supra* note 97.

105 EDWARD MORRIS, AN UNEXPECTED MINORITY: WHITE KIDS IN AN URBAN SCHOOL (2005).

106 See generally Martha Albertson Fineman, *The Vulnerable Subject: Anchoring Equality in the Human Condition*, 20 YALE J.L. & FEMINISM (2008) (arguing for use of universal human condition of vulnerability as a legal and policymaking framework).

107 Full Transcript of the Mitt Romney Secret Video, MOTHER JONES (Sept. 19, 2012, 3:00 AM) [hereinafter *Romney Video*], <http://www.motherjones.com/politics/2012/09/full-transcript-mitt-romney-secret-video>.

108 *Id.* (discussed in Ezra Klein, *Romney’s theory of the “taker class,” and why it matters*, WASH. POST (Sept. 12, 2012), <https://www.washingtonpost.com/news/wonk/wp/2012/09/17/romneys-theory-of-the-taker-class-and-why-it-matters/>).

diversity among those who do not pay income taxes (by Romney's definition), his candidacy was widely supported because many citizens—especially among those who tend to vote¹⁰⁹—have no empathy for low-income populations, for those vulnerable on or across a variety of axes, including childhood.

Recall that another part of Romney's comment regarded his role as would-be president. "My job is not to worry about those people," Romney said. "I'll never convince them they should take personal responsibility for their lives."¹¹⁰ Romney, like a great many voters, thus leaned into the American Dream ideology, assuming we are all masters of our fate, operating on a meritocratic playing field.

But it is not only conservative voters who are a roadblock to greater public support for the poor. If the welfare queen construct fuels racist stereotypes among more conservative voters, the white trash construct fuels different but equally racist stereotypes among white voters across the political spectrum and up and down the socioeconomic hierarchy. Elite disdain for working class whites—a visceral reaction that may rise to the level of outright disgust at white poverty—is a (mostly) unarticulated justification for failing to respond to these poor whites' socioeconomic plight. Further down the socioeconomic ladder, whites who are just a precarious step away from poverty work hard to differentiate themselves from those at the very bottom. One way they achieve that psychic distance is by embracing conservative politics and policies that gut safety-net programs.

These powerful intra-racial dynamics make me skeptical that elimination of the welfare queen stereotype and greater public attention to white poverty would result in greater empathy for the poor or greater support for safety-net programs. How, then, do we generate support for these programs? One small step would be to temper white-privilege rhetoric, by moving away from whiteness as monolithic abstraction and associated maxims like, "you're white, you'll be alright" and "white people problems." Such twenty-first century witticisms are highly insensitive to socioeconomically vulnerable and other marginal whites.

We must undermine the white monopoly on affluence and privilege not only in reality, but also in our national imaginary. It will not be done overnight, but disputing simplistic alignments of race with socioeconomic status—as manifest in the welfare queen construct but also in the very idea of monolithic or unitary white privilege—can begin to destigmatize poverty among all races and ethnicities. Doing so will start to challenge one of myriad ways in which racism hurts nonwhites and whites alike.¹¹¹ And that, in turn, could yield new opportunities for progressive coalition building.

109 See *supra* note 93.

110 *Romney Video*, *supra* note 107.

111 See generally JOHN A. POWELL, RACING TO JUSTICE: TRANSFORMING OUR CONCEPTIONS OF SELF AND OTHER TO BUILD AN INCLUSIVE SOCIETY, ch.4 (2012) (suggesting that white privilege may be overstated in terms of the privilege it confers, and understated in terms of its cost). Derrick Bell recognized in his third rule of race relations that the injustices that so dramatically diminish the rights of

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blacks because of race also drastically diminish the rights of many whites, particularly those who lack money and power or are part of an unpopular minority group or movement. Derrick Bell, *Reconstruction's Racial Realities*, in DERRICK BELL READER 126 (Richard Delgado & Jean Stefancic eds. 2005).

