

Introduction

“Why don’t we just remove [welfare recipients’] citizenship?” a New York State senator asked during a 1973 interview. “Then they’re not our problem.”¹ The senator’s question was meant sarcastically; he was condemning yet another restriction in the supports available to low-income parents. Nonetheless, the question captures a critical feature of policymakers’ response to the social and economic upheaval throughout the final decades of the twentieth century. During that period, American lawmakers “got tough” on drugs, welfare, and crime. In the process, they restructured the state and citizenship. Beginning in the 1970s, politicians and law enforcement professionals steadily increased the number of people sent to prison, the amount of time they spent there, and the frequency with which they were returned to prison after release. These political choices drove one of the most dramatic expansions of a penal system in world history.² But policymakers did not simply increase the number and severity of penal sanctions. They also continued degrading the civic standing of those convicted of crimes, imposing limitations on their access to state benefits, employment opportunities, and civil and political rights.

As lawmakers and state officials funneled more resources into the penal system, they also retrenched many social welfare programs, particularly those imagined to be serving poor, “nonworking” people of color. In 1980, the United States spent three times more money on food stamps and welfare grants than on corrections. By 1996, the balance had reversed, with the nation devoting billions more to corrections than the two principal programs for the poor.³ Policymakers paired diminishing levels

¹Senator Sidney Von Luther was opposing a proposal that reduced recipients’ protection from service interruptions when they were unable to pay their utility bills. Amy Plummer, “Albany Notes,” *New York Amsterdam News*, April 14, 1973, 20.

²The penal system had been steadily accruing capacity for decades, but its growth spiked dramatically in the last decades of the twentieth century. On the long history of institutional development and legitimization of state and federal law enforcement, see Kathleen J. Frydl, *The Drug Wars in America, 1940–1973* (Cambridge: Cambridge University Press, 2013); Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (Cambridge: Cambridge University Press, 2006); and Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014).

³Loïc Wacquant, “Class, Race, and Hyper-incarceration in Revanchist America,” *Daedalus* 139, no. 3 (Summer 2010): 76–77. The program popularly called “welfare” provides cash support to poor parents. Congress replaced the original program, Aid to Families with Dependent Children (AFDC), with Temporary Assistance for Needy Families (TANF) in 1996.

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of support with policies constraining beneficiaries' privacy and freedom. They subjected welfare recipients to marriage-promotion programs, drug testing, home searches, fingerprinting, sanctions, and prohibitions on where they could spend their money.⁴ Many marginalized populations that had been regulated through social welfare institutions moved under the purview of the criminal justice system. Undocumented immigrants, low-income drug users, and people with psychological disorders or charged with sex offenses have become increasingly managed through penal institutions.

This book attempts to make sense of the link between these transformations in the penal and welfare systems. By integrating institutions, policy issues, and political actors that are usually studied separately, it sheds a different light on these concurrent trends and reveals mass incarceration, the War on Drugs, and welfare state retrenchment to be intertwined phenomena. These institutional transformations were symptoms of a profound shift in *governing strategies and logics* for the most subordinated groups and spaces in society. When confronted with a series of political challenges and economic upheavals that crested in the 1970s, broad coalitions of policymakers repudiated the declared commitment to rehabilitating marginalized populations, particularly those living in racially segregated, deindustrializing urban cores. In its place, an increasingly dominant group of policymakers championed "getting tough": an emphasis on strategies of punishment, surveillance, coercion, sanctions, quarantine, or containment linked with limitations on rights, freedom, and access to economic opportunity and state benefits. These policies actively degraded the social, economic, and political status of already stigmatized categories of Americans.

Getting Tough offers a window into the historical processes that displaced rehabilitation as a dominant approach to the social problems imagined to be emanating from black and Latino "ghettos." It chronicles three key state-level political struggles over drug use, poverty, and crime during the 1970s. Proponents offered tough strategies as solutions to a host of governance problems arising from the era's significant economic

⁴Shoshana Magnet, "Bio-Benefits: Technologies of Criminalization, Biometrics, and the Welfare System," in *Surveillance: Power, Problems, and Politics*, ed. Sean Hier and Joshua Greenberg (Vancouver: University of British Columbia Press, 2009), 169–84; Amy Sherman, "Judge Temporarily Halts Drug-Testing for Welfare Applicants," October 26, 2011, <http://www.politifact.com/florida/promises/scott-o-meter/promise/600/require-drug-screening-for-welfare-recipients/>; Matt Taibbi, *The Divide: American Injustice in the Age of the Wealth Gap* (New York: Spiegel and Grau, 2014), 316–25; "New Kansas Law Limits Spending of Welfare Benefits on Concerts, Pools, Lingerie," NBC News, April 16, 2015, <http://www.nbcnews.com/news/us-news/new-kansas-law-limit-spending-welfare-benefits-concerts-pools-lingerie-n343176>.

transformations and social movement challenges.⁵ In response to the upheaval, moderate politicians in both major parties promised to secure social order by rehabilitating and integrating marginal individuals and spaces. However, these efforts encountered political criticism from both the Left and the Right, vexing programmatic complications, and strident challenges from the subjects of rehabilitative projects. Conservatives mobilized with growing sophistication and energy against liberalism and the New Deal order. Many activists and thinkers on the Left publicly challenged the assumption that disorder and inequality were evidence of individual or group deficiencies and instead interpreted them as symptoms of economic exploitation and racial domination. People targeted for rehabilitation put forth alternative explanations for their conditions. They resisted coercive policies that constricted their rights or made civic standing and social services contingent upon proper performance. By the early 1970s, these factors converged to undermine the rationale for and commitment to rehabilitation.

In this context, various groups advanced interpretations of the turmoil and visions for a path forward. Politicians and their constituents used social and criminal policy as a forum to hash out these issues. These debates became key sites in the ongoing renegotiation of the social contract raging in the post-civil rights era. This book excavates the clashing interpretations of drug use, concentrated poverty, racial inequality, political insurgency, and crime, and it explores why some narratives were more resonant and enduring than others. Policy elites, grassroots supporters of tough policy, and those subject to welfare and penal institutions never spoke with one voice, nor did they break into neat categories that mapped directly onto the usual categories of political actors or ideologies (such as liberal and conservative or Republican and Democrat). They are best distinguished by the ways they interpreted social dynamics and the strategies they proposed to secure social peace. The solutions that different groups advanced depended on their assessment of state capacity and the subjectivity of “problem people”: whether they interpreted crime and inequality as primarily functions of individual pathology, cultural or environmental dysfunction, “root causes,” the legacy of racial injustice, “blocked opportunities,” or economic and social structures.

In the midst of this upheaval, it was not at all clear which narrative would prevail. The events recounted in this book happened at a moment

⁵This frame helps reveal that tough crime and welfare policies proliferated and have been politically intractable precisely because they did so much for so many different people. Focusing on the political economy, Ruth Wilson Gilmore illustrates how penal expansion resolved multiple crises and served multiple ends, absorbing surplus land, capital, and populations. Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007).

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when the political and programmatic efficacy of “getting tough” was neither assured nor assumed. In fact, many believed the country was heading in the opposite direction. Instead of constricting the number of people eligible for state aid, Congress seriously considered enacting President Nixon’s guaranteed minimum income proposal that would have added roughly ten million people to the public assistance rolls.⁶ Before politicians enacted a frenzy of harsh sentencing laws in the 1970s and 1980s, there was broad agreement, especially among policy elites, that long prison terms were programmatically ineffective at controlling crime. In 1970, the United States Congress passed and President Nixon signed comprehensive drug policy reforms that abandoned federal mandatory minimum sentences for drug selling and possession.⁷ Many commentators deduced from the rapid progress toward deinstitutionalization of psychiatric hospitals that massive custodial institutions were destined for irrelevance. Some criminologists and other specialists even predicted that the prison would eventually vanish from the landscape.⁸

Yet tough politics won out in the three episodes chronicled in this book. Their proponents insisted this was because of the unambiguous failure of liberal programs and the inherent ungovernability of the poor in African American and Latino communities.⁹ Yet close scrutiny of the history suggests we should question this logic. These policies did not reflect the inevitable failure of the state or the congenital degeneracy of poor communities of color. Instead, they actually helped entrench these assertions in the political vernacular. To understand why civic degradation triumphed over the range of other liberal, social democratic, libertarian, or more radical approaches, it is critical to situate these strategies within the era’s political landscape, particularly the structure of state institutions, contractual notions of citizenship, and popular conceptions of class, gender, and racial difference.¹⁰

⁶Felicia Kornbluh, “Who Shot FAP? The Nixon Welfare Plan and the Transformation of American Politics,” *The Sixties: A Journal of History, Politics, and Culture* 12 (December 2008): 126.

⁷David Courtwright, “The Controlled Substances Act: How a ‘Big Tent’ Reform Became a Punitive Drug Law,” *Drug and Alcohol Dependence* 76, no. 1 (October 5, 2004): 9–15, especially 12.

⁸David Garland, *Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001), 1–2.

⁹For scholarship challenging the narrative that the War on Poverty “failed,” see Annelise Orleck, “Introduction: The War on Poverty from the Grass Roots Up,” in *The War on Poverty: A New Grassroots History, 1964–1980*, ed. Annelise Orleck and Lisa Gayle Hazirjian (Athens: University of Georgia Press, 2011), 1–31.

¹⁰In this sense, this is a state-centered history that explores how discourse and political culture, particularly racial and gender ideology, influenced policymakers’ efforts to manage urban space. For examples of a state-centered interpretation, see Frydl, *Drug Wars in*

Tough policy won out because its proponents offered solutions to vexing governing problems that were culturally resonant, politically salable, and feasible within the configuration of state institutions and civic culture. “Getting tough” was often the path with less political resistance from powerful interests in society. These policies subordinated groups that rehabilitative welfare programs had already marked as suspect by virtue of their need for individual-level transformation or reform. While expanding the penal system was fervently contested and fiscally and bureaucratically cumbersome, alternative proposals—such as the complete renunciation of state responsibility or full employment and guaranteed income programs—confronted even more profound political and institutional stumbling blocks. It was certainly more broadly palatable than the fundamental redistribution of power and resources called for by many organized drug users, welfare recipients, and prisoners. “Getting tough” aggrandized the views of people with cultural, political, and economic capital at the expense of those who had very little.

While ostensibly color-blind, these narratives mobilized deeply rooted assumptions about gender and racial difference and the powerful stigmatizing force of criminalization to produce the vision of distinct subjects: drug pushers, welfare queens, and criminals. This political project built upon longstanding tropes of black criminality and gender hierarchy. Calls for tough drug and crime policies rested upon claims that social problems sprang from “permissive,” maternalist social welfare programs and pathologizing parenting by African American and Latina mothers. Proponents exalted punitive strategies of containment and civic degradation by linking them to masculinist visions of “tough” state power and disparaging alternative strategies as effeminate and “soft.”¹¹

America and Gottschalk, *The Prison and the Gallows*. For studies of shifting understandings of poverty and its causes, see Alice O'Connor, *Poverty Knowledge: Social Science, Social Policy, and the Poor in Twentieth-Century U.S. History* (Princeton: Princeton University Press, 2002) and Michael Katz, “What Kind of Problem Is Poverty? The Archeology of an Idea,” in *Territories of Poverty: Rethinking North and South*, ed. Ananya Roy and Emma Shaw Crane (Athens: University of Georgia Press, 2015), 39–78. On the powerful role of racism in federal crime policy, particularly the ideology of racial liberalism and its naturalization of links between criminality and blackness, see Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, Mass.: Harvard University Press, 2016) and Murakawa, *The First Civil Right*.

¹¹While the role of tropes about masculinity and toughness have been less scrutinized in histories of penal expansion, the critical importance of notions of black criminality is well established in the extant literature. For example, see Hinton, *From the War on Poverty to the War on Crime*; Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, Mass.: Harvard University Press, 2010); and Murakawa, *The First Civil Right*.

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The political process of enacting tough policy had profound implications beyond the obvious effects of increasing incarceration and constricting state aid. It helped produce popular knowledge about the terms of citizenship, the state's capacity to affect society, and who and what were responsible for social marginality and inequality. Political discourse, especially when codified in public policy, helped constrict the terms of the debate, limiting the range of what could be considered feasible and desirable state action. Passing tough policies in legislatures and implementing them on the ground fortified individualist and cultural explanations of social problems at a time when responsibility was fiercely contested. They transformed the disorder arising from economic dislocations and ardent social movements into problems of incorrigible, racialized groups—especially African Americans' criminogenic "culture of poverty."

Advancing tough policies helped absolve government of responsibility for marginalized people's well-being and accountability to their voices. Through "getting tough," policymakers altered the purported mission of government that had ascended in the postwar era: it shifted from an emphasis on transforming marginalized individuals to protecting good, deserving citizens from these groups. Although politicians' rhetoric often positioned rehabilitation and punishment as opposing strategies, programs aiming to normalize and assimilate deviant groups were not the antithesis of those aiming to punish or warehouse. While never functionally interchangeable, they both tended to approach inequality, crime, and drug use as rooted in individual behavioral or cultural problems. And they both operated within a contractual understanding of citizenship where the state was empowered to degrade the rights and benefits of people deemed unwilling or incapable of performing their civic obligations. Proponents presented these populations as uncontrollable without coercion and ultimately undeserving of full civic standing. According to the supporters of tough policy, drug pushers, welfare recipients, and criminals forfeited their rights and claims on the state by breaking the law or drawing state aid. As civil rights and other movements pried open notions of citizenship, the civic subordination entailed in "getting tough" entrenched stark racialized gradations within the polity. These punitive policies helped produce the trope of a nation divided between rights-bearing, taxpaying Americans and a racialized, denigrated "underclass."

Legislative debates over drug, welfare, and crime policy became a platform to salvage and remake political authority for politicians confronted with the perception of a governance crisis. Through the spectacle of passing and implementing these policies, lawmakers elevated this muscular vision of state power during a period when government's efficacy and legitimacy were under assault from critics on the Left and the Right. The perceived need to "get tough" undermined social welfare institutions and

their expertise while bolstering the prestige and resources of other state actors and institutions, particularly law enforcement. Punitive policy rested on (and reified) the assumption that the state was incapable of distributing social and material security to all citizens. But it was not anti-government.¹² The state remained very much responsible for protecting those defined as upstanding and worthy citizens.¹³

Mutating States: Joining the Welfare State and Carceral State in Modern U.S. History

Joining the history of the welfare and penal institutions sheds new light on each. Popular narratives about the U.S. welfare state identify a rightward shift in U.S. politics whereby conservatives set out to shrink government down to the size “where you can drown it in a bathtub,” as conservative strategist Grover Norquist famously described his aim.¹⁴ However, incorporating penal expansion reveals that the late twentieth century was a period of state mutation, not withdrawal or shrinkage. In

¹²Ruth Wilson Gilmore (*Golden Gulag*) has termed this general phenomenon an “anti-state state.” See also David Garland’s discussion of debates over whether the massive penal system should undermine characterizations of the United States as a “weak state.” David Garland, “Penalty and the Penal State,” *Criminology* 51, no. 3 (2013): 475–517.

¹³Other scholarship suggests that these reorientations happened on multiple registers. Robert Self argues that the state reoriented from serving families materially to protecting them morally during this period. See Robert O. Self, *All in the Family: The Realignment of American Democracy since the 1960s* (New York: Hill and Wang, 2013).

¹⁴Jeremy Peters, “Grover Norquist, Author of Antitax Pledge, Faces Big Test,” *New York Times*, November 19, 2012, <http://www.nytimes.com/2012/11/20/us/politics/grover-norquist-author-of-antitax-pledge-faces-big-test.html>. Theorists of neoliberalism refine popular characterizations of conservatives as anti-statist and pursuing small government. They identify the ascendance of a new neoliberal governing order—typically dated to the 1970s—marked by economic policies favoring laissez-faire (or “unregulated”) markets, privatization, and the abandonment of the state’s social welfare functions. According to these accounts, neoliberalism displaced and supplanted the Keynesian and redistributive welfare state but did not abandon an active role for the state. Instead, under neoliberalism, theorists argue, the state remains a productive force—dedicated to actively promoting favorable conditions for market expansion and extending market logics into all aspects of social relations. The literature on neoliberalism is vast. For two influential but different takes on neoliberalism, see David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2007) and Wendy Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution* (Cambridge, Mass.: MIT Press, 2015). Some scholars who theorize the relationship between neoliberalism and the penal system are Bernard Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (Cambridge, Mass.: Harvard University Press, 2012); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, N.C.: Duke University Press, 2009); and Joe Soss, Richard C. Fording, and Sanford F. Schram, *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race* (Chicago: University of Chicago Press, 2011).

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the political struggles chronicled in this book, the central debate was not over the size of government but whom the state should serve. The most contested question was over *whom* the state should hire to do the job and *what tactics* it should deploy to manage inequality and deviance. When it came to crime or regulating the poor, the Republican Party (along with frequent support from Democrats) pursued policies that enlarged the scale and scope of government, regularly overruling concerns about size, cost, or the sanctity of individual rights. These impulses were not limited to functions that secured domestic security (a frequent caveat in calls for limited government), as conservatives pursued state intervention to regulate many different arenas, such as poor women's employment, marriage, and reproduction—all areas that represented few threats to public safety. Instead of marking the end of big government, massive state-building projects accompanied this reorientation.

Of course, discrepancies between rhetoric and action are a hallmark of democratic governance. Party ideologies are rarely internally coherent and reflect uneasy alliances and other practical necessities of electoral politics. Nonetheless, the tension between calls for limited government and policies of state expansion points to a more fundamental feature of politics during the final decades of the twentieth century: freedom from intensive state regulation and surveillance was a privilege reserved for those defined as full, rights-bearing citizens. Those defined as criminal or dependent were relegated to a subordinated status that allowed—even demanded—coercive state supervision and coercion. And aggressive state intervention within many impoverished communities of color in turn helped mark them as inherently suspect spaces.¹⁵

Social welfare programs transformed unevenly through the late twentieth century, but the state neither withdrew from social provision nor ceased to redistribute resources. Many social services and social insurance programs serving those popularly understood to be deserving citizens—such as middle-class, aged, or white populations receiving benefits through Social Security and Medicare—withstood most efforts at privatization and benefit reduction.¹⁶ The state continued to distribute significant resources with the tax code through, for example, the Earned Income Tax Credit or income tax deductions for child care, home mort-

¹⁵Increased policing, stop and frisks, and surveillance in urban communities of color increased arrests, reports of which were in turn used as evidence of black and Latino criminality. For a cogent analysis of this dynamic, see Hinton, *From the War on Poverty to the War on Crime*.

¹⁶See, for example, Julian E. Zelizer, "Reflections: Rethinking the History of American Conservatism," *Reviews in American History* 38, no. 2 (2010): 367–92 and Paul Pierson, *Dismantling the Welfare State?: Reagan, Thatcher and the Politics of Retrenchment* (New York: Cambridge University Press, 1995).

gages, and employer- provided health care.¹⁷ It was welfare programs imagined to be serving undeserving populations—predominantly African Americans, Latinas, and the “nonworking” poor—that have been drastically curtailed since the 1970s. The highest-profile example is the fate of Aid to Families with Dependent Children (AFDC), the program that provided cash support to poor parents. While Social Security benefits maintained their value between the 1970s and 1990s, AFDC benefits shrank by over half in real dollars. Analysis that focuses principally on state withdrawal and privatization can inadvertently reproduce obfuscations in politicians’ rhetoric by eliding the profound ways the state continued to enhance the material and social position of many Americans. Furthermore, it can misconstrue the transformations in poor communities. During the final decades of the twentieth century, many people residing in racially segregated urban areas faced not only economic abandonment and diminished state aid but also intensified entanglement with the state, particularly police and the burgeoning penal system.¹⁸

Despite the incessant coupling of welfare and crime in popular rhetoric, there has been limited historical scholarship scrutinizing the relationship between them. Historians of recent developments in welfare programs tend not to engage the concurrent, dramatic growth in carceral institutions, just as scholars of crime and punishment tend not to integrate developments in the welfare state.¹⁹ This book builds upon the literature in the social sciences that has examined welfare and penal systems together. Much of that work conceives of the two as integrated systems implicated in the regulation of social marginality and conceptualizes an inverse relationship where penal systems expand as social welfare supports contract. Researchers, for example, discovered a degree of negative correlation between welfare spending and imprisonment rates across various U.S. states.²⁰ But since there is no formal mechanism

¹⁷Christopher Howard, *The Hidden Welfare State: Tax Expenditures and Social Policy in the United States* (Princeton: Princeton University Press, 1999); Suzanne Mettler, *The Submerged State: How Invisible Government Policies Undermine American Democracy* (Chicago: University of Chicago Press, 2011).

¹⁸On the ways new police and prosecutorial practices regulate urban space, see Issa Kohler-Hausmann, “Misdemeanor Justice: Control without Conviction,” *American Journal of Sociology* 119, no. 2 (September 2013): 351–93. On the ways intensive policing has led residents to alter their public movements and comportment, see Forrest Stuart, *Down, Out, and Under Arrest: Policing and Everyday Life in Skid Row* (Chicago: University of Chicago Press, 2016).

¹⁹An important exception is Elizabeth Hinton’s new research on the War on Poverty and federal crime policy, *From the War on Poverty to the War on Crime*.

²⁰Katherine Beckett and Bruce Western, “Governing Social Marginality: Welfare, Incarceration, and the Transformation of State Policy,” in *Mass Imprisonment: Social Causes and Consequences*, ed. David Garland (London: Sage, 2001), 35–50. Two other researchers who

beyond budgetary trade-offs that inversely link welfare and penal systems, this book contributes to our understandings of this relationship by mapping the contingent historical processes that produced these shifts in three historical cases. Because penal (or law enforcement) and welfare agencies often operated simultaneously and symbiotically on the ground, I approach them as alternative—but not necessarily antithetical—tools for social regulation.²¹ The fractured nature of the U.S. state prevented monolithic operation or centrally dictated coordination between various government-run and state-funded programs. For example, the various institutions encompassing the penal system—courts, prisons, jails, and probation, parole, and police departments—all faced distinct constraints and imperatives, leading them to sometimes coordinate haphazardly or work at cross-purposes. There were even more institutional and political impediments to any systematic synchronization between the penal and welfare systems.

Research about the origins of mass incarceration has largely focused on what inspired elites to embrace “law and order” and crime politics in the 1960s. Scholars emphasizing the role of grassroots pressure debate the extent to which “law-and-order” politics were animated by alarm with rising crime (either from whites or communities of color) or a white “backlash” against civil rights organizing and urban uprisings.²² The

conducted an international comparison concluded that although the relationship between welfare and carceral spending was not simple or direct, “it is difficult to believe that the consistent finding of an inverse relationship between the commitment to welfare and the scale of imprisonment, both cross-nationally and across the United States, is simply accidental or coincidental.” David Downes and Kirstine Hansen, “Welfare and Punishment in Comparative Perspective,” in *Perspectives on Punishment: The Contours of Control*, ed. Sarah Armstrong and Lesley McAra (Oxford: Oxford University Press, 2006), 154. Some contemporary studies—particularly ethnographies—powerfully reveal how social welfare and penal systems intersect constantly in people’s daily lives. See Lynne Haney, *Offending Women: Power, Punishment, and the Regulation of Desire* (Berkeley: University of California Press, 2010); Megan Comfort, *Doing Time Together: Love and Family in the Shadow of the Prison* (Chicago: University of Chicago Press, 2008); Dorothy E. Roberts, *Shattered Bonds: The Color of Child Welfare* (New York: Basic Books, 2001); Stuart, *Down, Out, and Under Arrest*; and Jill McCorkel, *Breaking Women: Gender, Race, and the New Politics of Imprisonment* (New York: New York University Press, 2013).

²¹For influential works on these regulatory functions, see Frances Fox Piven and Richard Cloward, *Regulating the Poor: The Functions of Public Welfare*, updated ed. (New York: Vintage, 1993); Wacquant, *Punishing the Poor*; and Soss, Fording, and Schram, *Disciplining the Poor*; and Beckett and Western, “Governing Social Marginality,” 35–50.

²²For two different arguments linking crime policy to a backlash to civil rights, see Thomas Byrne Edsall and Mary Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York: Norton, 1991) and Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2012). For scholarship on popular pressure arising from consternation about crime, see Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics*

scholars who emphasize elite's proactive role in elevating law-and-order politics debate which groups were the chief architects and their motivations. Some argue Republicans used racially coded language about crime to mobilize frustration about the civil rights movement and urban disorder to gain electoral advantage and fracture Democratic coalitions.²³ Subsequent research has emphasized the role of liberals, particularly their racial ideology, in facilitating the War on Crime and penal expansion.²⁴ Another group of scholars locate the deeper roots of penal expansion in U.S. political culture and institutions.²⁵ Some argue that mass incarceration should be interpreted as a function of the rise of late modernity or an effort to manage whole spaces and populations rendered superfluous by the rising "neoliberal" order of the late twentieth century.²⁶ This book devotes less time trying to disentangle the relative significance of these important factors than highlighting the particular ways rhetoric bundled them together. I focus on the critical role political discourse played in ascribing meaning to the economic dislocations and political insurgency that collided in the period.²⁷ I also endeavor to move beyond top-down versus bottom-up debates by rendering the dynamic interplay in the policy arena between political elites, "backlash voters," social movements, drug sellers, welfare recipients, and prisoners. Incorporating the participation and perspective of those who sponsored, supported, opposed, and were targeted by tough policies reveals how their tangled interactions propelled these changes.

of *Punishment* (Cambridge, Mass.: Harvard University Press, 2015); Peter K. Enns, *Incarceration Nation: How the United States Became the Most Punitive Democracy in the World* (New York: Cambridge University Press, 2016); and Michael Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005).

²³See, for example, Vesla Weaver, "Frontlash: Race and the Development of Punitive Crime Policy," *Studies in American Political Development* 21 (Fall 2007): 230–65 and Kathleen Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics* (New York: Oxford University Press, 1997).

²⁴Murakawa, *The First Civil Right*; Hinton, *From the War on Poverty to the War on Crime*.

²⁵For examples, see James Q. Whitman, *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe* (New York: Oxford University Press, 2005); Lisa L. Miller, *The Perils of Federalism: Race, Poverty, and the Politics of Crime Control* (New York: Oxford University Press, 2010); Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (New York: Metropolitan Books, 2010); and Gottschalk, *The Prison and the Gallows*.

²⁶For examples, see Garland, *Culture of Control*; Wacquant, *Punishing the Poor*; and Gilmore, *Golden Gulag*.

²⁷Vesla Weaver also calls for scholars to denaturalize the assumption that rising violence or crime rates invariably results in punitive policy. See Weaver, "Frontlash," 235.

By connecting welfare and penal history, *Getting Tough* illustrates that many of the policies that expanded the penal system were answers to political problems arising when the U.S. welfare state confronted the upheaval of the 1960s and 1970s. Cracking down on pushers, welfare queens, and criminals was a response to contestation within the welfare state, and it also produced narratives about the welfare state. An increasingly dominant segment of politicians and the public interpreted disruptive social movements, rising crime rates, and economic downturns as evidence of the failure of welfarist programs and the ungovernability of marginalized groups. Codifying these logics in public policy helped suppress alternative interpretations in the public dialogue. It rationalized welfare-state retrenchment and remade state legitimacy and the terms of citizenship.²⁸ The penal system's expansion must therefore be at the center of our narratives about political change, the transformations of the state, and the rationalization of persistent racial, class, and gender hierarchies in the wake of the movement challenges of the 1960s and 1970s. Tough crime and welfare policy were not only a symptom of broader electoral and ideological shifts; they were instrumental in catalyzing them.

Degrading Citizenship: Producing Civic Stratification and “Common Sense”

This book argues that tough politics helped shape common sense about American citizenship and the state. It is a political history that scrutinizes the dialogic relationship between public policy, civic hierarchies, and popular understandings of the social world. Drug, welfare, and crime policies were implicated in both the day-to-day regulation of poor communities and the production of knowledge about inequality, deviance, and different categories of Americans.²⁹ Political rhetoric and public pol-

²⁸In this sense, this book is one answer to Heather Thompson's call for historians of mass incarceration to not just do the important work of chronicling developments within the penal system but also show how the carceral expansion intervened in other transformations. Heather Thompson, "Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History," *Journal of American History* 97, no. 3 (December 2010): 729–31.

²⁹There are a number of approaches to analyzing the broader political effects of state punishment and social policy. The following works differ in orientation and emphasis but have all informed my analysis. Punishment's role in solidifying social solidarities is most famously associated with the writings of Émile Durkheim. David Garland makes the case for integrating Durkheim's work with other theoretical traditions, illustrating the ways the expressive functions of punishing that produce and enforce social norms and collective identities can coexist with other functions, such as class domination and social control. See David Garland, *Punishment and Modern Society: A Study in Social Theory* (Chicago:

icy initiatives helped isolate which social dynamics became “problems” in the first place. Anti-welfare fraud campaigns pushed welfare cheating into newspaper headlines and political speeches for decades while increasing economic inequality and stagnating real wages, arguably much more broadly registered trends, did not emerge as dominant political issues. Furthermore, struggles over the policy response to particular acts were necessarily also contests over the popular understandings of the definition, meaning, and cause of the problem behavior. The appropriate state response to burglary, for example, shifted depending on whether policymakers assumed thieves were desperate drug addicts, the victims of the poor parenting by welfare mothers, political revolutionaries, or economically desolate. Defining a phenomenon as part of a “drug epidemic,” a “welfare crisis,” or a “culture of poverty” went a long way toward dictating the appropriate response.

Because it is more broadly and immediately understood, I refer to “common sense” to reference the constellation of popular assumptions, logics, values, and affects surrounding particular social issues. It could also be called the social imaginary or the moral economies of crime, drugs, and welfare.³⁰ Elites could not simply inject these formulations

University of Chicago Press, 1993). The most famous exploration of punishment’s role in normalization and social control is Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1995). On the ways crime discourse in the media and politics helps transform elites’ definitions and logics about social conditions into popular “common sense,” see Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, *Policing the Crisis: Mugging, the State and Law and Order* (New York: Palgrave Macmillan, 2013). On the promise and pitfalls of employing a Gramscian analysis, see T. J. Jackson Lears, “The Concept of Cultural Hegemony: Problems and Possibilities,” *American Historical Review* 90, no. 3 (1985): 567–93. Research in the social sciences has examined how welfare policy shapes notions of citizenship, institutional trajectories, and people’s connections to the state. See, for example, Suzanne Mettler and Joe Soss, “The Consequences of Public Policy for Democratic Citizenship: Bridging Policy Studies and Mass Politics,” *Perspectives on Politics* 2, no. 1 (March 2004): 55–73; Andrea Louise Campbell, *How Policies Make Citizens: Senior Political Activism and the American Welfare State* (Princeton: Princeton University Press, 2003); and Joe Soss and Joe Brian, *Unwanted Claims: The Politics of Participation in the U.S. Welfare System* (Ann Arbor: University of Michigan Press, 2002). On the broader political effects of the penal system, see Amy E. Lerman and Vesla M. Weaver, *Arresting Citizenship: The Democratic Consequences of American Crime Control* (Chicago: University of Chicago Press, 2014). On how state agents articulate and embody the state’s morality, see Fassin, *At the Heart of the State*, 1–14. For a general discussion of the role of policy in “social construction,” see Ann Schneider and Helen Ingram, “Social Construction of Target Populations: Implications for Politics and Policy,” *American Political Science Review* 87, no. 2 (June 1, 1993): 334–47.

³⁰For examples of other discussions of the social imaginary, see Samuel Moyn, “Imaginary Intellectual History,” in *Rethinking Modern European Intellectual History*, ed. Darrin M. McMahon and Samuel Moyn (Oxford: Oxford University Press, 2014), 112–30 and Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic*

into a pliant populace. They were embedded in and constrained by political culture, which they in turn helped shape. Dominant narratives coexisted with alternative and discordant ones, although the rhetoric of political elites exerted powerful force—especially once concretized in law and ritually performed through state administration. For example, many people disagreed vehemently with racist representations of lazy, sexually deviant “welfare queens” but nonetheless had to navigate this feature of the political landscape when discussing AFDC.

“Getting tough” reverberated powerfully because its proponents often had large platforms and loud megaphones amplified through the media. Their narratives rested upon resonant racial and gender scripts. But it was not only their force, historical resonance, and volume that made these narratives so powerful. Once codified as state policy, “getting tough” created legally sanctioned gradations within the polity that were subsequently enacted in daily encounters with government agents.³¹ Incessantly stopping and frisking young African American men, denying the vote to people with felonies, or searching welfare recipients’ homes signaled—on a repeated and ongoing basis—these groups’ degraded status. Stigmatizing routines and the denial of key rights and benefits denoting political belonging worked to discredit their targets’ interpretations of the social order and their claims on the state. These formal, subordinated civic categories persevered and even hardened in the post-civil rights era—the period popularly celebrated as the realization of an equal, universal citizenship. Conceptions of full citizenship continued to be constructed through and defined against these racialized and subordinated civic categories.³²

Citizenship in 20th-Century America (Oxford: Oxford University Press, 2001). Ethnographer and sociologist Didier Fassin explains that “moral economies represent the production, circulation, and appropriation of values and affects regarding a given social issue. Consequently, they characterize for a particular historical moment and a specific social world the manner in which this issue is constituted through judgments and sentiments that gradually come to define a sort of common sense and collective understanding of the problem.” See Didier Fassin, ed., *At the Heart of the State: The Moral World of Institutions* (London: Pluto Press, 2015), 9.

³¹Different scholars have emphasized how welfare state programs became key sites for citizenship negotiations. See, for example, Kessler-Harris, *In Pursuit of Equity*; Linda Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998); Nancy Fraser and Linda Gordon, “Civil Citizenship against Social Citizenship? On the Ideology of Contract-versus-Charity,” in *The Condition of Citizenship*, ed. Bart van Steenberg (London: Sage, 1994), 90–108; and Michael Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York: Metropolitan Books, 2001). Others have argued that crime policy became a forum to oppose civil rights gains and claims for full citizenship by African Americans, even a vehicle through which to create a “new Jim Crow.” See Alexander, *The New Jim Crow* and Weaver, “Frontlash.”

³²I conceive of the boundaries of the polity to be contiguous with the nation-state and any individuals therein to be members of the political community with civic agency,

Although there are many dimensions and conceptualizations of citizenship, I am concerned with the mechanisms that affect *standing within the polity*, particularly how penal and welfare policy constrained or enhanced people's ability to make claims on the state and gain leverage in public debates.³³ My focus here is not on the boundary between citizens and noncitizens but on the range of civil statuses within formal citizenship.³⁴ While it was not always the case, the policies in this book typically assumed that drug sellers, welfare recipients, and prisoners were citizens and subordinated these groups' civic status on the basis of their position vis-à-vis welfare or penal bureaucracies.

Hierarchy and differentiation within the polity have been constant features of U.S. society, perpetually remade in different alignments throughout the nation's history. Instead of breaking into easily delineated categories of "first-class" and "second-class" citizens, the country developed a complex gradation of different statuses, with different packages of rights, civil disabilities, and benefits attached. For much of U.S. history, policy-makers categorically delimited the rights and benefits of entire groups on the basis of factors such as race, ethnicity, citizenship status, disability, or

regardless of they are undocumented immigrants or felons without basic political and civil rights. I am drawing here on conversations with political theorist Danielle Allen and her conceptualizations of the polity, civic agency, and citizenship more broadly. See also Danielle Allen, *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education* (Chicago: University of Chicago Press, 2006). For a general discussion of alterity as a condition of citizenship, see Engin F. Isin, *Being Political: Genealogies of Citizenship* (Minneapolis: University of Minnesota Press, 2002), 1–5. See also Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012).

³³On standing, see Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Mass.: Harvard University Press, 1998). On the law's role in the civic subjection of racialized others, disabled persons, and women throughout the nineteenth century, see Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (New York: Cambridge University Press, 2010).

³⁴Although notions of citizenship and the development of immigration control and the criminal justice systems were deeply intertwined, I do not take up that critical history in this book. For examples of research that investigate these dynamics, see Kelly Hernandez, "Amnesty or Abolition: Felons, Illegals, and the Case for a New Abolition Movement," *Boom: A Journal of California* 1, no. 4 (2011): 54–68 and Torrie Hester, "Deportability and the Carceral State," *Journal of American History* 102, no. 1 (June 1, 2015): 141–51. For examples of the rich literature on immigration and the shifting legal and social position of Indigenous people and various groups of noncitizens, see Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004); Aziz Rana, *The Two Faces of American Freedom* (Cambridge, Mass.: Harvard University Press, 2010); and Cybelle Fox, *Three Worlds of Relief: Race, Immigration, and the American Welfare State from the Progressive Era to the New Deal* (Princeton: Princeton University Press, 2012).

gender.³⁵ As these rationalizations for civic subordination faced escalating challenges in the civil rights era, policymakers advancing tough policies rationalized gradations within the polity through contractual understandings of citizenship that were already deeply anchored in U.S. history. Criminal and welfare policy did not restrict rights or withhold benefits on the basis of increasingly discredited theories of biologically grounded gender or racial inferiority. Instead, architects of tough public policy mobilized a longstanding and venerated logic in U.S. political culture that reserved full civic standing for those deemed “productive” and “independent.” They insisted, with much popular support, that many of the rights and benefits of citizenship must essentially be *earned*—that they were contingent upon fulfilling civic obligations.³⁶ They argued that pushers, welfare recipients, and prisoners had failed to follow the law or to contribute to the polity by paying taxes or working and thereby forfeited their claims to material security, voice in public deliberations, and full civil and political rights. This discourse veiled the profound ways that gender, race, class, sexuality, and policy concerning immigration and Indigenous people structured which groups could position themselves as “law-abiding,” “taxpayers,” “independent,” “workers,” and “citizens” in the first place.

Welfare and crime policies helped produce a spectrum of civic statuses ranging from full, rights-bearing citizens to degraded groups positioned as distinct from the “public.” Policies designed for deserving citizens aimed to enhance the rights, resources, and standing of beneficiaries. They produced programs, like the GI Bill and Social Security, that were rarely means or morals tested, entailed minimal surveillance, and in many cases obscured any notion of dependence on the state by framing benefits as earned or obscuring the state assistance altogether. Despite the ostensibly universal character of many such programs, access has been highly racialized and gendered and limited to those with certain kinds of work histories.³⁷

³⁵See, for example, Welke, *Law and the Borders of Belonging*; Rana, *The Two Faces of American Freedom*; Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, Mass.: Harvard University Press, 2000); and Linda K. Kerber, “The Meanings of Citizenship,” *Journal of American History* 84, no. 3 (December 1, 1997): 833–54.

³⁶On how contractual understandings of citizenship can be at odds with efforts to secure broader social rights, see Fraser and Gordon, “Civil Citizenship against Social Citizenship?” 90–108. For one argument about different visions of citizenship throughout U.S. history, see Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1999). For how exclusion can be rationalized from within (as opposed to in tension with) liberalism, see Mary Katzenstein, Leila Ibrahim, and Katharine D. Rubin, “Felony Disenfranchisement and the Dark Side of American Liberalism,” *Perspectives on Politics* 8, no. 4 (September 2010): 1035–54.

³⁷Even some means-tested cash transfers are issued through unstigmatizing procedures. For example, the Earned Income Tax Credit has ameliorated the poverty of millions of families by subsidizing low wages through a refundable tax credit triggered through tax

On the other end of the spectrum were policies that explicitly denigrated their targets' political standing through limitations on their rights, freedoms, or access to economic opportunity and state benefits. The penal system mobilized many of the most powerful techniques of civic subordination, but did not monopolize them. For example, the institutionalization, sterilization, and disenfranchisement of people with intellectual disabilities happened through the welfare state.³⁸ In contrast to Europe, the United States developed uniquely degrading habits of punishment.³⁹ People marked as criminal in the United States have been sentenced to different degrees of "civil death"—the loss of particular civil, social, and political rights—that vary widely and wildly depending on criminal offense, jurisdiction, and historical period.⁴⁰ Even after the completion of their sentence, convicts have been barred from voting, participating on juries, holding elected office, drawing certain welfare benefits, and becoming licensed in a host of professions.

filing. New Deal policymakers built a fragmented welfare state, making domestic and agricultural workers ineligible for social insurance and relegating many of the most vulnerable workers, people of color, and single mothers to paltrier and stigmatized programs that were typically means and morals tested. They effectively barred many immigrants, Asians, Native Americans, Latinos, and African Americans. On how policy design can enhance the political standing of program beneficiaries, see Campbell, *How Policies Make Citizens* and Mettler and Soss, "The Consequences of Public Policy for Democratic Citizenship," 55–73. On how state benefits and services are obfuscated from the public, see Mettler, *The Submerged State*. On the development and effects of the bifurcated welfare state, see Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: Norton, 2006); Linda Gordon, *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1890–1935* (New York: Free Press, 1994); and Kessler-Harris, *In Pursuit of Equity*.

³⁸Allison Carey, *On the Margins of Citizenship: Intellectual Disability and Civil Rights in Twentieth-Century America* (Philadelphia: Temple University Press, 2010).

³⁹While criminal punishment typically entails a degree of status degradation, there is actually significant variation across time and place. In some other countries, those convicted of crimes or drawing state aid are not targeted as aggressively by policies intended to degrade their status and do not forfeit as many rights. For example, many penal systems in Europe endeavor to limit the civil degradation of prisoners and convicts and have explicitly rejected the public shaming that has often characterized punishment in the United States. Prisoners in France and Germany, for example, are almost never disenfranchised, continue to wear their own clothes while incarcerated, and are addressed as "sir" by their captors. Although status degradation has not been central to analyses of public policy in the modern period, James Q. Whitman has argued for its centrality. He explores how the habit of status degradation and "leveling down" of punishment explains the United States' markedly distinct penal development as compared to European systems. Whitman, *Harsh Justice*. For a classic article on the sociology of degradation, see Harold Garfinkel, "Conditions of Successful Degradation Ceremonies," *American Journal of Sociology* 61, no. 5 (1956): 420–24.

⁴⁰Rebecca McLennan, "The Convict's Two Lives: Civil and Natural Death in the American Prison," in *America's Death Penalty: Between Past and Present*, ed. David Garland, Michael Meranze, and Randall McGowen (New York: New York University Press, 2011), 191–219.

In between these poles are a range of policies that position subjects in a probationary or suspect status. Historically, “paupers” and others drawing poor relief have been forced to surrender certain political and civil rights while receiving aid.⁴¹ While many programs offered services unconditionally, there were others—such as public housing and AFDC—that have made benefits contingent upon performance, such as sobriety, wage work, and proper comportment or sexual conduct. Programs committed to rehabilitation typically offered social assimilation on elites’ terms and often interpreted economic and social marginality as a symptom of personal failure. They had mechanisms for sorting between corrigible and incorrigible subjects, and there were always certain individuals, often people of color, who were not deemed candidates for social integration. For example, in the northern penal system, assumptions about African Americans’ innate criminality that solidified in the Progressive Era made them less viable candidates for rehabilitative programming.⁴² The promise of rehabilitation and full civic standing was often delimited by race, contingent upon proper performance, and coerced through the threat of punishment or sanction.

These different civic statuses were largely produced through law, popular discourse, and administrative practices. There were no corresponding fixed, objective divisions between different types of people on the ground, and state endeavors to sort individuals were messy, contested, and historically contingent. Nor was there necessarily any correspondence between a person’s civic status as a convict or welfare recipient and his or her individual subjectivity. Despite the much-publicized demands that offensive groups be quarantined, banished, or stripped of their rights, “getting tough” failed to expel these populations from the political community. Nonetheless, moving from a policy rhetorically committed to reintegration to a policy of social expulsion constricted the ability of collectives, once defined by their status as convicts or welfare recipients, to leverage space in political debates. Describing people as excluded from “the public” or “civilly dead” elided the ways they remained enmeshed in society as family members, friends, laborers, objects of exploitation, or referents against which “good citizens” were defined. But the capacity to effect political change has never been limited to those with full standing. People subjected to civic degradation remained ac-

⁴¹Chad Alan Goldberg, *Citizens and Paupers: Relief, Rights, and Race, from the Freedmen’s Bureau to Welfare* (Chicago: University of Chicago Press, 2007); Michael B. Katz, *The Undeserving Poor: America’s Enduring Confrontation with Poverty* (New York: Oxford University Press, 2013).

⁴²Muhammad, *The Condemnation of Blackness*; Khalil Gibran Muhammad, “Where Did All the White Criminals Go?: Reconfiguring Race and Crime on the Road to Mass Incarceration,” *Souls* 13, no. 1 (2011): 72–90.

tive agents in society and continued to fiercely assert their humanity and make demands on the state.

Rehabilitation and the Crucible of the “Urban Crisis”

For a period in the twentieth century that reached its zenith in the 1960s, rehabilitation became a dominant strategy in the state’s response to social marginality and economic inequality. The political and economic upheavals that escalated in the 1960s destabilized this governing logic and the existing patterns of civic stratification. This opened new space to debate who and what were responsible for urban disorder and how best to respond. Some social movement participants called for revolution, others for radical democracy or locally controlled social services. Others called for more robust social welfare programming. Their political opponents insisted instead that the time had arrived to get tougher on seemingly hostile and unruly residents of racially segregated urban communities. Those defending the status quo felt increasingly besieged.

The focus on catalyzing transformation within individuals ascended in the decades after the Great Depression amid skepticism of direct assistance and the ongoing repression of movements advocating structural interventions in the economy. Renewed business mobilization and the anti-communist crusades accompanied the rapid economic growth after World War II, leaving fewer and fewer voices advocating for redistribution and state control or management of the market. Politicians embraced a pro-growth and Keynesian orientation in economic policy and a focus on developing human capital in social policy.⁴³ The emphasis on individually targeted rehabilitation spanned diverse institutions. As courts and medical authorities began approaching drug addiction as a disease, states mounted new treatment programs aiming to transform addicts into responsible, taxpaying citizens.⁴⁴ AFDC, for example, ceased to focus on subsidizing parenting labor and increasingly committed to remaking the habits and character of welfare recipients to facilitate their entrance into

⁴³On the retreat of plans for more aggressive intervention and regulation of capitalism during and after the New Deal era, see Alan Brinkley, “New Deal and the Idea of the State,” in *The Rise and Fall of the New Deal Order, 1930–1980*, ed. Steve Fraser and Gary Gerstle (Princeton: Princeton University Press, 1990), 85–121. See also Landon R. Y. Storrs, *The Second Red Scare and the Unmaking of the New Deal Left* (Princeton: Princeton University Press, 2013).

⁴⁴William L. White, *Slaying the Dragon: The History of Addiction Treatment and Recovery in America* (Bloomington, Ill.: Chestnut Health Systems, 1998).

the paid labor force.⁴⁵ Rehabilitative objectives also anchored the penal system: prisons were dedicated to corrections and offered a combination of psychological, vocational, and educational services. While these programs often delivered important services and benefits, their coercive features also left them as vulnerable to criticism from their ostensible beneficiaries as their ideological opponents. As we will see in the coming pages, subjects of rehabilitative projects often found their treatment stigmatizing, unresponsive, coercive, and sometimes outright punitive.

In the 1960s, social movement pressure and the increasing popular attention to poverty in the midst of unprecedented economic abundance helped inspire Presidents John F. Kennedy and Lyndon Johnson to call upon the federal government to ameliorate, even eradicate, poverty.⁴⁶ They were particularly concerned about the “social dynamite” of American “ghettos”: the risk of disorder arising from the concentrated poverty in segregated, crowded, urban African American communities.⁴⁷ In 1964, President Johnson declared a War on Poverty that reflected confidence that social welfare initiatives and continuing economic prosperity would enable the country “to open for all Americans the opportunity that is now enjoyed by most Americans.”⁴⁸ Under his leadership, Congress created Medicare and Medicaid in 1964 and 1965, respectively, dramatically expanding access to health care for the poor and elderly. They initiated Head Start, which provided early childhood education for low-income children, and launched the food stamp and indigent legal services programs. The rhetoric advancing War on Poverty programs often acknowledged the structural factors producing urban conditions, but the policies mostly focused on reforming individuals and communities, eschewing direct intervention in the economic system. Many of the architects of the programs also interpreted racial inequality as the result of the allegedly matriarchal black family, blocked opportunities, and lack of training and skills. Although many programs, such as Head Start, became significant sources of employment for low-income parents, politicians emphasized job training over job creation.⁴⁹

The War on Poverty and the state’s rehabilitative programs soon confronted a series of escalating challenges. Slowing economic growth and increased spending on the Vietnam War undermined plans to subsidize

⁴⁵Jennifer Mittelstadt, *From Welfare to Workfare: The Unintended Consequences of Liberal Reform, 1945–1965* (Chapel Hill: University of North Carolina Press, 2005), 11.

⁴⁶Julian E. Zelizer, *The Fierce Urgency of Now: Lyndon Johnson, Congress, and the Battle for the Great Society* (New York: Penguin, 2015).

⁴⁷Hinton, *From the War on Poverty to the War on Crime*.

⁴⁸Lyndon Johnson, “Annual Message to Congress on the State of the Union,” January 4, 1965, <http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/650104.asp>.

⁴⁹On the War on Poverty, see Katz, *The Undeserving Poor*, particularly 102–55.

the War on Poverty through the dividends of continuing economic expansion. Capital migration, “urban renewal,” and discriminatory housing and hiring practices joined to facilitate suburban expansion and drain jobs and capital from urban communities. These dynamics exacerbated material hardship, particularly in urban communities of color that had never reaped as many benefits from the earlier growth. They also increased demands on the state for social and economic assistance.⁵⁰

Marginalized groups intensified their demands, which had always been present, for a voice in negotiating the terms of their “inclusion.” After black freedom movements assailed the varied pillars supporting white supremacy in the North and South, other social movements followed suit, prying open and destabilizing categories of citizenship and challenging the gendered and racial exclusions of the New Deal welfare state. People on the ground in poor communities seized on the political opportunity of the War on Poverty, particularly the emphasis on encouraging the “maximum feasible participation” of the poor in Community Action Programs, to claim new resources and political power.⁵¹ This organizing challenged the power of local political elites, which eroded establishment support for these federal initiatives.

The urban uprisings of the 1960s escalated the stakes of these debates and thrust conditions in urban “ghettos” into the national spotlight. In city after city throughout the mid-1960s, authorities sent tanks and the National Guard into burning streets. After Martin Luther King’s assassination in 1968, urban residents rebelled in over one hundred cities. The national media closely covered the violence, property destruction, and disorder. For many present or watching on television, the scenes looked eerily like a war zone. Indeed the uprisings at home and political insurgencies in Africa, Asia, and Latin America collapsed into each other. Politicians, law enforcement, and activists with different agendas identified an interconnected global rebellion underway challenging colonialism, racism, and capitalism.

⁵⁰On the history of urban segregation, municipal politics, and suburban expansion in the postwar era, see, for example, Kevin Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2007); Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2007); Robert Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2003); and Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*, 2nd ed. (Princeton: Princeton University Press, 2014).

⁵¹On the ways poor communities struggled to reshape the War on Poverty on the ground, see Orleck and Hazirjian, *The War on Poverty* and Alyosha Goldstein, *Poverty in Common: The Politics of Community Action during the American Century* (Durham, N.C.: Duke University Press, 2012). On “maximum feasible participation,” see Orleck, introduction to *The War on Poverty*, 2.

Political rhetoric blurred riots together with foreign threats, concentrated urban poverty, rising crime rates, and civil rights activism into an acute “urban crisis.”⁵² Throughout the ensuing years, Americans debated the appropriate response to this tangle of issues that were now constructed as interlocking and indigenous to poor communities of color. Disputes raged over the appropriate balance of social welfare spending and law enforcement needed to manage this racialized vision of urban disorder and political insurgency. Johnson again advanced rehabilitative strategies, arguing that crime was rooted in social deprivation and could be mitigated by expanding opportunities through the Great Society programs. He redeployed his War on Poverty programs as tactics in another newly declared war, explaining that “the War on Poverty is . . . a war against crime and a war against disorder.”⁵³

As Johnson continued to press for more robust social programs, he also pursued martial approaches to securing “law and order.” In 1965, he signed the Law Enforcement Assistance Act that began an unprecedented transfer of federal resources to local law enforcement, which had traditionally been primarily the responsibility of state and local governments. Echoing the counterinsurgency expertise that circulated transnationally, he argued that economic development, the penal system, and social welfare programs were complementary and necessary partners in the efforts to secure order: “Effective law enforcement and social justice must be pursued together, as the foundation of our efforts against crime.”⁵⁴ Critics of Johnson, however, positioned the strategies as starkly oppositional. They challenged the assumption that social welfare programs were the government’s most effective tools for maintaining social order and diffusing political uprisings. Law-and-order proponents argued that new civil rights laws and enlarged social welfare programs not only failed to reduce disorder but actually created it.

By the mid-1960s, domestic law enforcement agencies often interpreted the conditions in inner cities as wars and had begun to turn to the military for training, technology, and even terminology to handle the situations.⁵⁵ When Congress passed the Omnibus Crime Control and Safe

⁵²For how civil rights activism, crime, and rioting came to blur together, see Naomi Murakawa, “The Origins of the Carceral Crisis: Racial Order as ‘Law and Order’ in Postwar American Politics,” in *Race and American Political Development*, ed. Joseph Lowndes, Julie Novkov, and Dorian Warren (New York: Routledge, 2008), 234–55.

⁵³On “The War on Poverty is,” see Flamm, *Law and Order*, 47.

⁵⁴Lyndon Johnson, “Special Message to the Congress on Crime and Law Enforcement,” March 9, 1966, American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=27478>.

⁵⁵I explore the ways knowledge and strategies circulated between foreign and domestic space in Julilly Kohler-Hausmann, “Militarizing the Police: Officer Jon Burge’s Torture and Repression in the ‘Urban Jungle,’” in *Challenging the Prison-Industrial Complex: Activism*,

Streets Act in 1968, it facilitated the transfer of expertise and technology from the military to local law enforcement agencies. Aiming to rationalize and strengthen the crime-fighting powers of the state, the bill weakened the federal legal protections of criminal defendants that the Supreme Court had just articulated. The Safe Streets Act also created the Law Enforcement Assistance Administration (LEAA), which strengthened ties between local police and the federal government and enabled a further influx of federal dollars into local police departments. While LEAA funded some programs intended to tackle “root causes” of crime, such as drug addiction, the vast majority of resources subsidized the expansion of local police forces and their acquisition of military riot control gear.⁵⁶ Therefore, throughout this period, social programs proliferated alongside this deployment of increasingly militarized and strident law enforcement. While these different endeavors to secure social order coexisted on the ground in poor communities, debates raged over what should become the dominant rationale guiding state action. By the early 1970s, there was no inevitable path forward. Struggles over public policy, like the ones chronicled in this book, became key sites where people continued the fights over governance and authority that were left open by the era’s upheaval. The outcome—which can appear overdetermined decades later—seemed up for grabs in the early 1970s.

Three Studies in Tough Politics

This book unfolds in three parts, each chronicling the enactment of influential state-level drug-, welfare-, and criminal-sentencing policies during the 1970s. Each part examines pivot points within the histories of these policies where old rationales for state intervention had been destabilized and what would replace them was unclear. It illuminates the profoundly different “problems” that elites tried to solve using civic degradation and tough politics. At these critical junctures, I examine how

Arts, and Educational Alternatives, ed. Stephen Hartnett (Urbana: University of Illinois Press, 2010), 43–71. For examples of the new work that theorizes and historicizes the transnational circulation of counterinsurgency knowledge, see Ananya Roy, Stuart Schrader, and Emma Shaw Crane, “Gray Areas: The War on Poverty at Home and Abroad,” in *Territories of Poverty* (Athens: University of Georgia Press, 2015), 289–315 and Micol Seigel, “Objects of Police History,” *Journal of American History* 102, no. 1 (June 1, 2015): 152–61.

⁵⁶On the Safe Streets Act and LEAA, see Hinton, *From the War on Poverty to the War on Crime*; Thompson, “Why Mass Incarceration Matters,” 729–31; Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis* (New York: Verso, 2000), 6–23; and Jonathan Simon, *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford: Oxford University Press, 2007), 89–102.

competing interpretations of social dynamics were hashed out through policy struggles, resulting eventually in an altered dominant rationale for government action.

Part 1 of the book, “Pushers,” illustrates how politicians endeavored to resolve broad problems of urban governance through intensifying the criminalization of drug sellers. It explores how New York governor Nelson Rockefeller repudiated the state’s varied drug-treatment programs and enacted the nation’s most severe drug penalties. The 1973 “Rockefeller drug laws” targeted (and thereby helped reify) the figure of the “drug pusher,” whom the governor held responsible for increasing crime, drug use, and general social disorder. These debates helped entrench the idea that low-level drug sellers were irredeemable and state efforts to transform deviant, racialized groups into full citizens were futile.

In the second part, “Welfare Queens,” I explore the ways increasingly stringent and punitive welfare policy arose from efforts to accommodate the profound renegotiation of women’s roles and responsibilities in the postwar era. It follows the efforts of Illinois and California state lawmakers to reform AFDC in the 1970s. Instead of relying on rehabilitation and economic incentives to induce poor mothers into the labor force, legislators, led by California governor Ronald Reagan, endeavored to limit AFDC program size through criminalization, anti-fraud campaigns, and work mandates. These policy struggles gave birth to the racialized caricature of the “welfare queen” and intensified the public stereotype of AFDC beneficiaries as lazy, financially secure, and criminally suspect. Anti-welfare fraud campaigns recast the caseload increases resulting from embryonic articulations of an economic citizenship—expanded AFDC eligibility and access and new “welfare rights”—as the work of these deviant cheaters.

The final part, “Criminals,” reveals how fixed criminal sentencing responded to problems of institutional governance and social movements within prisons. It chronicles California’s passage in 1976 of a trendsetting determinate sentencing law that abandoned rehabilitation as an aim of incarceration. This transformation ultimately facilitated the dramatic increase in mandatory minimum sentences. Lawmakers paired longer prison terms with new civic liabilities, thereby deepening the moat between full citizenship and the status of “convict” that had just been narrowed by a host of challenges to convicts’ “civic death.” In advancing tough criminal policies, their proponents asserted that those convicted of street crime were either hopelessly irredeemable or only responsive to draconian punishment.

Although federal politics and policy played an increasingly central role in the state transformations of the late twentieth century, it was state and local governments that administered AFDC and the majority of the penal

and drug-treatment institutions. Therefore, many of the most important developments in crime and welfare policy happened at the state level.⁵⁷ Yet benefit levels and incarceration rates varied significantly by state and region, and no single state can stand in for the national story. The social upheaval in New York, Illinois, and California was particularly dramatic, and the policy struggles in those states were historically significant on their own terms. They made news across the country and helped sculpt national discourse about poverty, crime, and drug addiction.⁵⁸

These state-level struggles responded to developments in federal politics while also transforming them. California governor Ronald Reagan and New York governor Nelson Rockefeller used “getting tough” to jockey for leadership of the Republican Party and the presidency. Reagan’s welfare reforms in California were instrumental in derailing President Richard Nixon’s guaranteed minimum-income proposal, the Family Assistance Plan. They set a course in state and federal legislative trends that culminated in the 1996 welfare reforms that abolished AFDC. Rockefeller’s drug laws helped extinguish President Nixon’s enthusiasm for his ambitious drug-treatment initiatives of the early 1970s. They starkly illustrated the political dividends of draconian drug and crime policy for the politicians who would embrace similar postures as the War on Drugs crescendoed in the ensuing years. California’s 1976 determinate sentencing law was the first major experiment in a sentencing trend that swept the nation. It transferred sentencing authority to prosecutors and lawmakers, who in turn became two of the most significant drivers of penal expansion.

Each of the three studies is divided between two chapters. The first chapter in each section investigates the construction of the “problem”: the political and governance issues that drugs, welfare, or criminal sentencing

⁵⁷On the pivotal role of federal policy in the development of mass incarceration, see Hinton, *From the War on Poverty to the War on Crime* and Weaver, “Frontlash.” On the importance of state-level studies and regional variation, see Mona Lynch, *Sunbelt Justice: Arizona and the Transformation of American Punishment* (Stanford: Stanford Law Books, 2009) and Vanessa Barker, *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes* (New York: Oxford University Press, 2009).

⁵⁸More local- and state-level histories are needed to unearth how punitive policy spread and how dynamics differed between regions and changed after penal capacity and authority expanded in the 1980s and 1990s. While social scientists have attempted to identify factors influencing state-level variation, less work has explored the historical process by which these logics and policies migrated between various states, the federal level, and foreign territories. Examples of state-level studies are Perkinson, *Texas Tough* and Lynch, *Sunbelt Justice*. For research on the differences between states, see Barker, *The Politics of Imprisonment*; Soss, Fording, and Schram, *Disciplining the Poor*; Michael C. Campbell and Heather Schoenfeld, “The Transformation of America’s Penal Order: A Historicized Political Sociology of Punishment,” *American Journal of Sociology* 118, no. 5 (March 1, 2013): 1375–1423; and Beckett and Western, “Governing Social Marginality.”

procedures endeavored to manage and the divergent ways people interpreted them. The second chapter then traces the ways “getting tough” provided partial and contested political resolutions to these problems and to broader social conflicts. Throughout the book, I focus on the interactions between street-level policy implementation, social movements, constituent pressure, electoral politics, and public policy formation. While principally tracking statutory changes at the state level, the book also incorporates the interplay between federal and municipal politics.

I also highlight the dialogue between political elites and their constituents. I recognize elites’ disproportionate power but also examine how ordinary people pressured leaders and shaped public debates within asymmetrical power relations. With varying levels of influence, people steered politicians toward certain issues and interpretations and away from others. Through face-to-face interactions, letters to newspapers and politicians, voting (or not voting), cultural productions, activism, and public opinion polls, the public registered its concerns and signaled which framings of issues resonated most powerfully. Within even more highly constrained parameters, people convicted of drug crimes, welfare recipients, and prisoners intervened in these historical developments, and I have incorporated some of the ways those targeted by these policies dialogued with the state. Although the proponents of tough policies insisted that targeted groups’ voices were illegitimate, they were nevertheless forced to confront them. Indeed, this book reveals that subordinated groups played a critical role in this history. They advocated for themselves through activism, protests, political participation, and their incessant demands that state programs better serve their interests.⁵⁹ Just as frequently, they created political pressure through their survival strategies, informal acts of resistance, and failure to act in the ways elites stipulated. They precipitated political change, although not always the type of change they would have hoped for.

⁵⁹To illustrate the ways non-elites registered in these deliberations, I draw heavily upon constituent mail and public hearing testimony. With few archival windows into these perspectives, these sources offer welcome insight into non-elites’ participation. They are, however, like any source, a product of the context in which they are produced and reflect gross power differentials. The writings of drug users, prisoners, and welfare recipients about statutory change are particularly fraught sources for many reasons. For example, in many cases, state agents may even have had power to retaliate against letter writers or otherwise affect their circumstances. For this reason, I do not consider letters undistorted or even honest reflections of the writers’ views. Nor do I assume the letters or statements are indicative of the opinions of others who did not write to legislators or testify. Instead, the letters and testimony reveal some of the ways that those people, operating within severely constrained parameters (including official censorship), discussed the state’s role in their lives when in dialogue with its representatives.

These three political struggles reveal how fights over drug, welfare, and crime policy became central staging grounds in the long historical struggle over the social contract: who deserved voice in the polity, what were citizens' rights and obligations, and what, in turn, were the state's responsibilities to its citizens. While the studies are presented separately for narrative purposes, the politics of drugs, welfare, and crime were intertwined ideologically and overlapped chronologically. The logics they shared developed strength, consistency, and legitimacy as they spread, although they did not operate the same way in every setting. The drug pusher, welfare queen, and criminal all collapsed into the racialized and unassimilable "urban underclass": a powerful political construction that would hover menacingly over the politics of the 1980s and beyond.

Tough politics did not simply index popular opinion or reflect a conservative drift in the American electorate; they were instrumental in producing it. Rather than an inevitable consequence of the "failures of liberalism," they reified that narrative in public discourse. These policies paid political dividends, naturalized social hierarchies, and deflected social movements' demands. In the process, they helped criminalize entire populations and spaces by reinscribing the idea that suspect groups were entirely ungovernable without force or coercion. Unearthing this fraught history denaturalizes the assumptions that tough politics advanced—assumptions that hardened into common sense over the ensuing decades.