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As students of law and the humanities, it is our responsibility to pose these questions and to strive to answer them with the nuance, clarity, probity, and rigor that are the marks of the very best of the liberal arts tradition.

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Editor's Note

With great pleasure, I present the first issue of the Amherst College Interdisciplinary Undergraduate Law Journal. A year in the making, this issue has been an educational experience for each of us involved in its development and implementation.

Today's difficult, juridical questions require an approach that goes beyond the scope of traditional legal training and scholarship. The IULJ seeks to fulfill the goal of the Amherst College Department of Law, Jurisprudence, and Social Thought in bringing a unique multi-disciplinary approach to answering these complex multi-faceted societal issues. We hope to publish articles that focus on a variety of areas, including history, philosophy, ethics, the law, popular culture, literature, and film, to more fully address these modern juridical problems.

I would like to offer my many thanks to all those who helped in the process of starting and producing this journal. I would like to thank: the Editorial Board for their tireless work in sending out the many calls for papers to colleges and universities across the globe and for reviewing, evaluating, and editing submissions; our advisor, Professor Adam Sitze, for his help in shaping the ideas I had in mind when starting this publication and for offering encouragement and guidance along the way to make this journal what it now is and will become; Professor Austin Sarat for his guidance and wisdom in the formulation and operation of the journal; Megan Estes, the department coordinator, for her help with countless essential administrative tasks; Professor Nasser Hussain, the Department Chair, for allowing the journal the opportunity to be associated with the LJST department; and finally all those that contributed articles to this issue.

We hope you enjoy the issue and find it informative.

Sincerely,

Adam Shniderman

Editor-in-Chief/Founder

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Family Cap Welfare Reform and Multiracial Coalitions in New Jersey

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Abstract:

This paper aims to address the likelihood of the creation of a multiracial coalition in New Jersey to combat the disproportionate effect of the New Jersey Family Development Act on minority women and families. Commonly referred to as a “family cap,” the policy eliminated the payment of \$102 per month in cash benefits to women who give birth to a second child while on welfare, or payments of \$64 per month for a third, fourth, or fifth child. Statistical studies reveal that black women have abortions at higher rates than white women on welfare, making the family cap an explicit racial issue with serious complications for low-income welfare recipients. I will maintain that despite having a greater negative effect on minority women, there is potential for a broad-based multiracial coalition opposing the family cap to emerge due to the over-arching nature of the issues and implications raised by this policy. Women’s rights activists, feminist groups, pro-life lobbyists, and children’s advocates are directly related to the consequences of the family cap policy, making this an issue that is likely to inspire multiracial alliance building.

Outline:

Part I will describe the history of the FDP and the family cap provisions as well as provide statistical data supporting the conclusion that black women are disproportionately affected by the family cap. Part II will discuss grounds for institutional racism as implicated by the policy as well as the consequences of social constructions of race as they pertain to the image of welfare recipients. Part III will detail the demographic and political composition of the state, and explain how they relate to voting patterns. Part IV will describe how multiracial coalitions can be built around the issue of the family cap and the likelihood of achieving such an alliance.

Part I:

The Family Development Plan (FDP), passed in the New Jersey state legislature in January 1992, ended the cash increases paid to mothers on Aid to Families With Dependent Children (AFDC). In doing so, the 95,000 women on welfare were denied the increases they had

previously warranted for conceiving and giving birth to additional children while receiving aid.¹⁰² Of the average 1,000 births per month by New Jersey mothers on welfare, 300 are born to mothers that have been on welfare for longer than 10 months, leaving approximately 4% of mothers on welfare without increases in welfare payments for having their second, third, fourth, or fifth child. Between 1993 and 1998, 28,000 newborns were denied welfare benefits.¹⁰³ Introduced by New Jersey Assemblyman Wayne Bryant, a series of bills designed to help poor families take responsibility for their own lives were created. Of the bills, Assembly Bill 4703 pertains the most to the creation of the family cap, stating: “This bill is intended to discourage AFDC recipients from having additional children during their welfare dependence, while at the same time giving an incentive to work to those families that do have additional children.”¹⁰⁴ Among the other bills, part of the FDP, full benefits were granted to two-parent families, stating, “this bill is intended to encourage marriage and family stability among AFDC recipients.”¹⁰⁵

The coded language of the bills passed under New Jersey’s FDP is designed to deter low-income women from having children and is based on the societal condemnation of what is presumed to be immoral behavior.¹⁰⁶ As Smith writes, “caps are a form of regulation directed primarily at presumably immoral women – those who would become pregnant for the purpose of increasing their welfare checks.”¹⁰⁷ These societal images of the “welfare queen” are described as “a woman receiving public assistance for many years, who does not work, does not want to

¹⁰² Ted G. Goertzel and John Hart, “New Jersey’s \$64 Question,” *The Politics of Welfare Reform*. ed. Donald F. Norris and Lyke Thompson. (London: Sage, 1995), 109.

¹⁰³ Rebekah J. Smith, “Family Caps in Welfare Reform: Their Coercive Effects and Damaging Consequences,” *Harvard Journal of Law and Gender* 2005, 29: 170.

¹⁰⁴ Goertzel and Hart, 125.

¹⁰⁵ Goertzel and Hart, 125.

¹⁰⁶ Smith, 151, 154.

¹⁰⁷ Smith, 155.

work, and has children irresponsibly.”¹⁰⁸ Family caps have been described as an attempt to deprive recipients of benefits and stigmatize what is “widely, if inaccurately, perceived to be a largely black population of welfare mothers.”¹⁰⁹ Hirsch maintains that myths that separate what is considered to be “deserving” poor from the “undeserving poor” justify policies that are based on the notion that certain populations are responsible for their own poverty.¹¹⁰ The assumption that people on welfare have morally reprehensible behavior and reproduce irresponsibly surrounds the assumptions of the family cap provisions, allowing benefits to be paid to wed couples having additional children on welfare while not paying benefits to single mothers who have additional children. Harmful stereotypes that welfare mothers are “thoughtless child-making people,” who shift the financial costs of raising their children to taxpayers, persist in the rhetoric surrounding the family cap.¹¹¹ The stereotypes that surround the construction of the “welfare queen” form an image of a “lazy, black welfare mother who breeds children at the expense of taxpayers in order to increase the amount of her welfare check.”¹¹²

The family cap also aims to bring welfare families “on par with working families,” according to the New Jersey Supreme Court ruling in 2003 that unanimously supported the inclusion of the family cap provision.¹¹³ The cases of *Sojourner A. v. New Jersey Department of Human Services*, 350 N.J. Super. 152, 794 A.2d 822, and *C.K. v. New Jersey Department of Human Services*, 92 F.3d 171 (3d Cir. 1996), brought claims against the family cap provision;

¹⁰⁸ Carole M. Hirsch, “When the War on Poverty Became the War on Poor, Pregnant Women: Political Rhetoric, the Unconstitutional Conditions Doctrine, and the Family Cap Restrictions,” *William and Mary Journal of Women and Law* (2002), 341.

¹⁰⁹ Kaufman as cited in Smith, 165.

¹¹⁰ Hirsch, 341.

¹¹¹ Smith, 156.

¹¹² Smith, 163.

¹¹³ D. Kocieniewski, “New Jersey Justices Uphold Cap Welfare for Mothers,” *New York Times*, August 5, 2003: B5.

however, in both cases the practice was upheld. In *C.K. v. N.J. Department of Human Services*, a class of plaintiffs brought suit, contending that the cap was “irrational and illegitimate because it penalized the children for the behavior of their parents.”¹¹⁴ However, the court’s ruling maintained that it did not coerce parents but offered a choice of whether or not to have another child, stating: “This may appear harsh, but it is based on the same principle that applied to everyone else in our society. If a person is working and has a baby, that person’s salary is not automatically increased. Yet, that is essentially what we are required to do under current federal AFDC regulations.”¹¹⁵

The rhetoric of bringing welfare families on par with working class families was deemed by the court to serve the state goals of the cap, which were to reduce poverty and decrease welfare dependence. In upholding what Smith describes as “behavior modification rationale,” the stereotype of the black “welfare queen” is perpetuated.¹¹⁶ In the case of *Sojourner A. v. N.J. Department of Human Services* the court ruled that the case was “not about a woman’s right to choose whether and when to bear children, but rather, about whether the State must subsidize that choice.”¹¹⁷

Statistical data has shown that this policy has indeed weighed on a woman’s right to choose whether or not to have additional children, having the most detrimental effects on black mothers receiving welfare. The state’s motivation to remove the incentive for having children draws upon the previous harmful stereotypes surrounding welfare recipients, and in turn influences the decisions women make. As Smith describes, “It may be that while a woman does

¹¹⁴ Smith, 181.

¹¹⁵ *C.K. v. New Jersey Department of Human Services*, 92 F.3d 171, 184 (3d Cir. 1996).

¹¹⁶ Smith, 188.

¹¹⁷ Kocieniewski, B5.

not choose pregnancy in order to obtain welfare benefits when faced with the prospect of a complete lack of aid for a newborn infant, she chooses an abortion as a state-sanctioned course.”¹¹⁸

As such, the family cap unfairly coerces poor women – especially poor black women – into having abortions. Nationwide, 68% of women choose to have an abortion because they cannot afford to have a child.¹¹⁹ The message that taxpayers will not support another child being born into welfare is channeled mostly towards black women according to Smith; under cap laws they are most likely to opt for an abortion.¹²⁰ Low-income women experience higher abortion rates. For those with incomes 200% below the poverty line, abortion rates increased 25% between 1994 and 2000.¹²¹ A study by Jagannathan, Camasso, and Killingsworth produced by Rutgers University found that the impact of the family cap was not equal across racial groups, with blacks exhibiting a statistically significant decline in births while whites and Hispanics were unaffected.¹²² Comparing an experimental group, subject to family cap laws, with a control group, revealed that there was an overall 8% decline in birth rates. However, for the black experimental sample, there was an 18% decline while there was no change in the white or Hispanic experimental group. Black women were 21% less likely to carry their pregnancy to term, experiencing a 32% increase in abortion rates when compared to the control group. For Hispanics, there was a 50% increase in the rate of abortions, while the white experimental group

¹¹⁸ Smith, 152.

¹¹⁹ Smith, 191.

¹²⁰ Smith, 196.

¹²¹ Smith, 177.

¹²² Michael J. Camasso and Radha Jagannathan, “New Jersey’s Family Cap Experiment: Do Fertility Impacts Differ by Racial Density?” *Journal of Labor and Economics* 22 (2002): 445.

did not experience any increase in birth rates.¹²³ Jagannathan et. al found that the greatest difference occurred in cases of new welfare recipients, where there was a 14% higher rate of abortion than that in the control group. Smith reports that abortion was a more common short-term response to the cap than improved family planning. Jagannathan found that determinants of women's choices as a result of the family cap were also conditioned by age; for women 18-24 family planning visits increased, for women 25-29 the number of abortions increased, and for women 30-34 the use of contraceptive drugs and devices increased. Blacks of all age groups were more likely than whites to get an abortion.¹²⁴ Black women ages 18-24 were three times as likely as women of all ages to have an abortion, while Hispanic women ages 18-24 were 1.7 times more likely to have an abortion.¹²⁵ In total, it is estimated that there were 14,057 fewer births to New Jersey welfare recipients due to the family cap.¹²⁶

Part II:

The family cap policy is an example of institutional racism, defined by Blum as a practice “free of racial bias but in its implementation has a disproportionately negative effect on subordinate racial groups.”¹²⁷ The institution, in this case the FDP, has no official policy of racism, “yet the actual functioning of the institution involves racism or racial discrimination” since those affected by the policy are black mothers receiving welfare.¹²⁸

¹²³ Jagannathan et al.

¹²⁴ Jagannathan et al. 367.

¹²⁵ Radha Jagannathan, “New Jersey’s Family Cap and Welfare Births: An Examination of Racial Differences in Fertility Within the Framework of Proximate Determinants,” *Journal of Urban Affairs* 35 (2003): 370.

¹²⁶ Hirsch, 355.

¹²⁷ Lawrence Blum, “Racism: It’s Core Meaning,” *I’m Not a Racist But...* (Ithaca, NY: Cornell University Press, 2002), 22.

¹²⁸ Blum 25.

The social constructions of race are also deeply tied to New Jersey's family cap policy. As described by Berger and Luckman, the process of socially constructing race occurs when common understandings about race become socially distributed and influence individual identity as well as perceptions. Through the process of phenotypes becoming attached to knowledge, meanings are assigned to what is observed and considered to be reality. Realities become crystallized, becoming "real in an ever more massive way [so that] it can no longer be changed so readily."¹²⁹ In this case, the sexual behavior of black women and the image of the "welfare queen" are being constructed and used to send a message that society will not support another child on welfare. Stereotypes are used to construct social meanings for black mothers, leading to the ideas that "lazy welfare recipients [are] willing to live off the welfare state."¹³⁰ Ethnicity paradigms are also at work in the case of New Jersey's family cap policy. Paradigms such as the "bootstraps model," described by Omi and Winant, are employed maintaining that welfare recipients are responsible for their poverty because they have not "pulled themselves up by their bootstraps."¹³¹ Hirsch describes the implications of negative stereotyping that are attributed to the "bootstraps model": "The welfare recipient as victim gives way to the welfare recipient as culpable exploiter of the system: the images of the able-bodied idler, the welfare queen, the deadbeat dad, or the food stamps cheater all suggest evasion of responsibility by imposing costs upon, or shifting them to, others."¹³²

Negative stereotypes serve the purpose of blaming individuals— in this case welfare mothers— rather than assigning blame to the economic and sociopolitical barriers present in

¹²⁹ Peter Berger and Thomas Luckmann, "Introduction: The Problem of the Sociology of Knowledge," *The Social Construction of Reality* (Garden City, NY: Doubleday, 1966): 56.

¹³⁰ Hirsch, 345.

¹³¹ Smith, 156.

¹³² Hirsch, 341.

American society.¹³³ These negative stereotypes contribute to the shared cultural construction of the “welfare queen” and detract from other factors that affect welfare recipients. The “welfare queen” stereotype has been centered on the notion that welfare mothers have additional children in order to increase the size of their welfare check. In reality, it is not in the best interest of welfare recipients to have children in order to better their economic standing. Due to the costs of raising children, if welfare mothers were really acting in their best economic interest, Hirsch states “she would make the ‘rational’ decision not to” have additional children.¹³⁴ Additionally, federal tax deductions for children born into working class families yield a higher amount in actual dollars than the \$64 increase received by welfare mothers.¹³⁵

According to Hirsch, the family cap policy sends a “moral message” about “responsible procreation and parenting, procreation within marriage and with financial resources.”¹³⁶ Further, the coded language of caps serves to deter poor women from having children, a premise rooted in the “condemnation of presumably immoral behavior.”¹³⁷ Shared understandings of motherhood also come into play in the case of the family cap as a message about immoral sexual practices. As Frankenberg argues, certain cultures are constructed as legitimate and placed within society’s bounded sense of culture. This encourages the idea that it is culturally acceptable to have children in wedlock and perpetuates the idea that if welfare mothers were to assimilate into this construction they would not need welfare assistance.

¹³³ William Wei, *The Asian American Movement* (Philadelphia: Temple University Press, 1993), 49.

¹³⁴ Hirsch, 348.

¹³⁵ Hirsch, 349.

¹³⁶ Hirsch, 345.

¹³⁷ Smith, 151.

Ideas formed about collective group identity reflect the social and political aspects of group membership; identity politics are bound up in a sense of who people are.¹³⁸ Identity groups constitute politically significant associations of people who identify with a shared social marker such as race. According to Gutmann, identity serves as effective means of organization for a group, providing it with the “aim of pursuing instrumental goals.”¹³⁹ Through the foundation of a unique identity, groups are able to find a place for themselves in America’s ethnic pluralist society.¹⁴⁰

Part III:

New Jersey’s three largest racial groups are white (69.6%), followed by Hispanic/Latino (15.6%), and black (13.6%).¹⁴¹ New Jersey’s population allows it to be qualified under Streb’s analysis as having a medium-sized black population between 10 and 25%.¹⁴² In calculating the size of the white working class, multiple factors can be considered; however, for purposes of comparison I have evaluated the working class in terms of household income.

	Black	White
< \$10,000	14.7%	5.1%
10-000 – 19,999	12.6%	8.6%
20,000 – 34,999	18.5%	13.6%
Total	45.8%	27.3%

Comparatively, New Jersey is home to a large black working class, with nearly a majority of the black population making \$35,000 or less per year. The percentage of whites that can be considered working class, 27.3%, is also significant for analysis. According to Streb, strategies

¹³⁸ Amy Gutmann, *Identity in Democracy* (Princeton, NJ: Princeton University Press, 2003): 15.

¹³⁹ Gutmann, 12.

¹⁴⁰ Wei, 45.

¹⁴¹ For more information, see U.S. Census Quickfacts for New Jersey <<http://quickfacts.census.gov/qfd/states/34000.html>> and Census FactFinder <<http://factfinder.census.gov>>

¹⁴² Matthew J. Streb, *The New Electoral Politics of Race*, (Tuscaloosa, AL: The University of Alabama Press, 2002): 24.

of racial coding will be based on two independent variables: the percentage of the state’s black population, and the percentage of the population that can be considered working class. The following statistics on income, unemployment, high school graduation rate, and percent earning a bachelor’s degree also demonstrate the differences between black and white New Jersey residents.

	Black	White
Median Family Income	\$44,056	\$73,043
Unemployment Rate	11.5%	4.2%
Percent Graduated from High School	31.6%	30.8%
Percent Earning a Bachelor’s Degree	10.8%	20.5%

New Jersey is the wealthiest state in the nation, having the highest median income at \$64,169. The state also ranks forty-eighth in percentage of families below the poverty line, having only 8.9% of the state’s population qualify as living in poverty.

New Jersey’s demographic composition can also be examined graphically. I have taken the median income of each New Jersey county and expressed it as a percent of the state median in the table below. I have also done the same with the percent of county residents living in poverty.

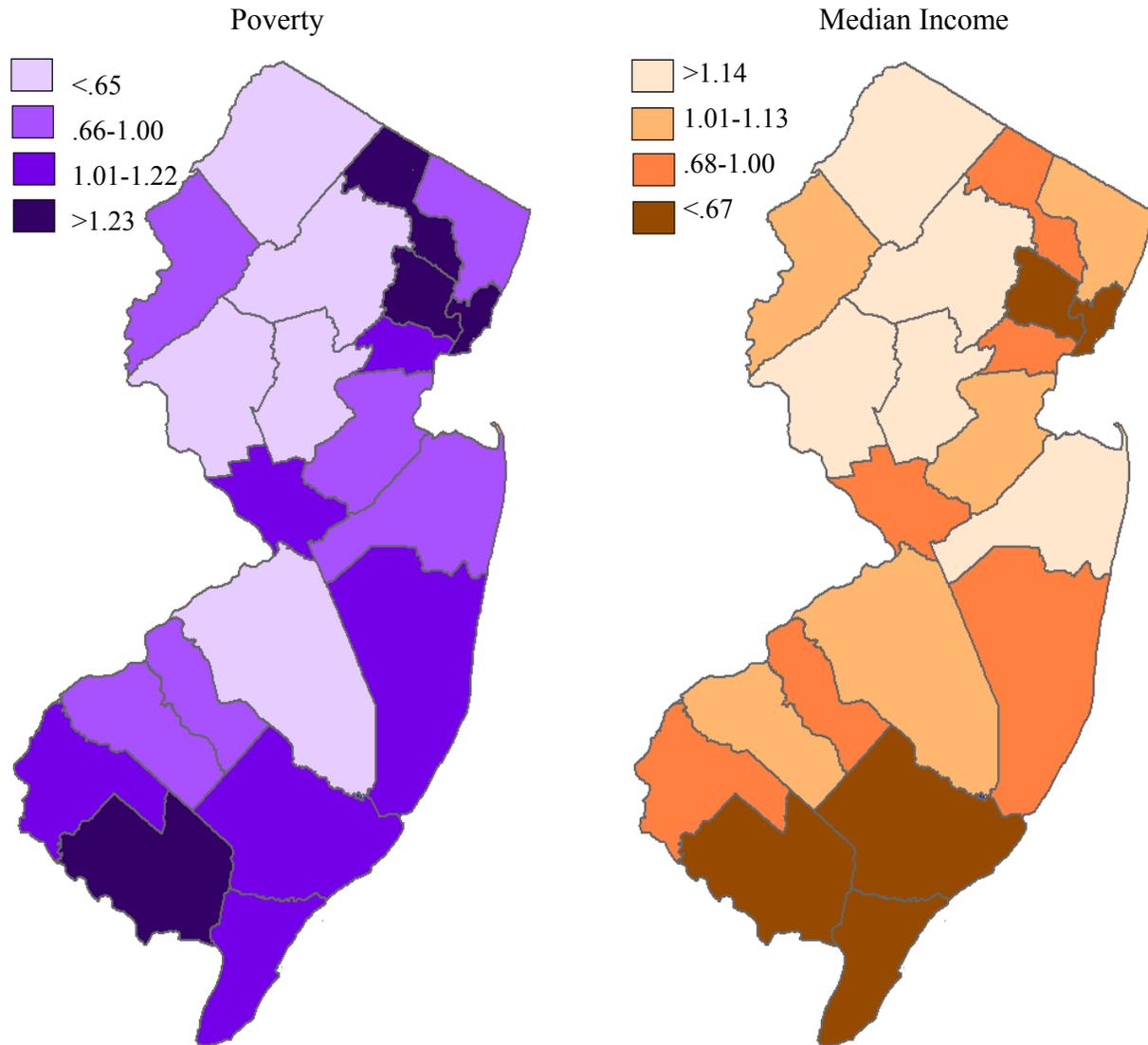
Percent in Poverty, All Ages		
	% in Poverty	Over Median
New Jersey	8.9	
Atlantic County	10.8	1.213483146
Bergen County	6.1	0.685393258
Burlington County	5.8	0.651685393
Camden County	10.9	1.224719101
Cape May County	9.6	1.078651685
Cumberland County	14.9	1.674157303
Essex County	14.4	1.617977528
Gloucester County	6.7	0.752808989
Hudson County	15.1	1.696629213

Median Income		
	Income	Over Median
New Jersey	56,356	
Atlantic County	43,200	0.766555469
Bergen County	64,046	1.136453971
Burlington County	61,479	1.090904252
Camden County	47,577	0.844222443
Cape May County	42,072	0.746539854
Cumberland County	37,931	0.673060544
Essex County	42,852	0.760380439
Gloucester County	57,117	1.013503442
Hudson County	38,828	0.688977216

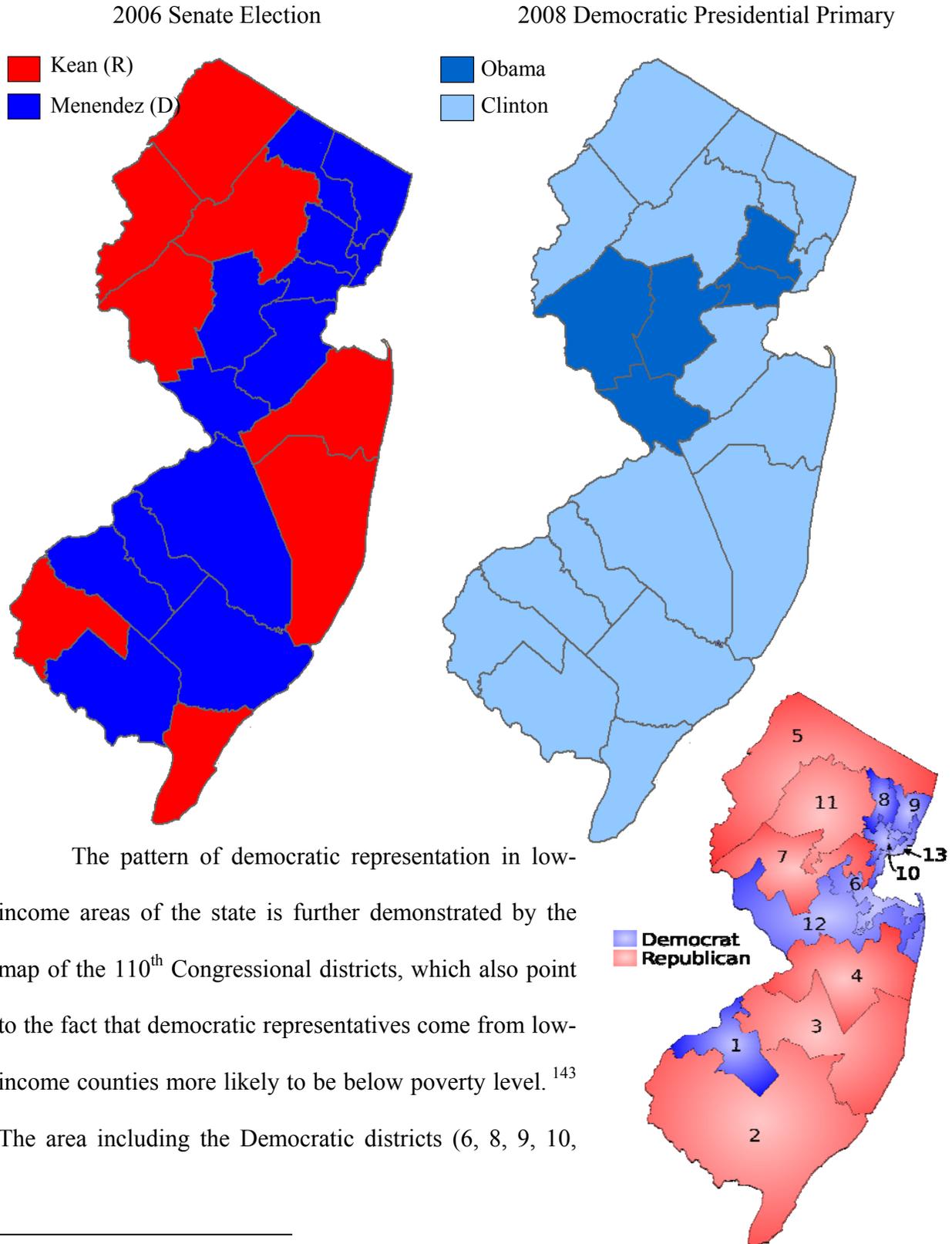
Hunterdon County	3.5	0.393258427
Mercer County	8.2	0.921348315
Middlesex County	7.4	0.831460674
Monmouth County	6.5	0.730337079
Morris County	4.2	0.471910112
Ocean County	8.1	0.91011236
Passaic County	12.6	1.415730337
Salem County	9.3	1.04494382
Somerset County	4.7	0.528089888
Sussex County	4.8	0.539325843
Union County	9.9	1.112359551
Warren County	6.1	0.685393258

Hunterdon County	84,126	1.492760309
Mercer County	55,587	0.986354603
Middlesex County	59,359	1.053286252
Monmouth County	68,911	1.222780183
Morris County	80,077	1.420913479
Ocean County	48,269	0.856501526
Passaic County	46,191	0.819628788
Salem County	46,952	0.833132231
Somerset County	78,130	1.386365249
Sussex County	69,369	1.230907091
Union County	53,945	0.957218397
Warren County	58,998	1.046880545

The rates of poverty per county can be expressed as a function of the state average, represented in a color scale below. I have shaded counties on the basis of their comparative poverty, with the darker sections of purple and orange representing poorer counties.



Looking at how New Jersey residents have voted in the Senate election of 2006 and how voters cast their ballots in the state primary on February 5, 2008 can demonstrate the correlation between income and voting patterns. These maps demonstrate that low-income counties are more likely to support Senator Barack Obama in the 2008 presidential primary and Senator Robert Menendez (D-NJ).



The pattern of democratic representation in low-income areas of the state is further demonstrated by the map of the 110th Congressional districts, which also point to the fact that democratic representatives come from low-income counties more likely to be below poverty level.¹⁴³ The area including the Democratic districts (6, 8, 9, 10,

¹⁴³ Map available online courtesy of Wikipedia

< http://en.wikipedia.org/wiki/File:NJ_109th_congressional_districts_shaded_by_party.png >

12, 13) of Northern and Central New Jersey, as well as District 1 of the greater Camden area are also the areas of the state having the highest levels of poverty and lowest levels of income.

These findings become significant when related to support for the family cap provision of the FDP. Support for FDP was strongest in the least affluent areas of the state, which also have larger black populations. Although this bill aims to hurt low-income welfare recipients the most, it received strong backing from Democratic legislators who disproportionately come from low-income areas of the state.¹⁴⁴ The bills were introduced by New Jersey assembly leader Wayne Bryant, a democrat representing an area including Camden, the poorest city in the state, which also has a high percentage of black residents. When looking at voting patterns today, it is clear that the poorest counties in the state have continued to support Democratic candidates. For example, Obama has received large support in places such as Essex County, which is 41.2% white, 41.4% black, and 17.8% Hispanic. The extent to which members of a group experience solidarity – in this case identifying with a large minority population – shapes their political attitudes and can be linked to political ideology and thus voting behavior.

These statistics and political correlations figure greatly into how elected representatives as well as potential candidates can appeal to voters on a racially explicit issue, such as the FDP's family cap policy. Kinder and Sanders write that Democratic candidates will aim to maintain party loyalty, while Republicans must try to enlist the support of white conservatives without appearing racist.¹⁴⁵ While welfare programs can be considered an implicit racial issue in some contexts, in the case of the family cap it is best described as explicit, since the prevailing stereotypes surrounding mothers on welfare and the adverse implications of the family cap policy disproportionately affect black women.

¹⁴⁴ Goertzel and Hart, 128.

¹⁴⁵ Streb, 14.

Part IV:

The prospect of forming a multiracial coalition around opposition of the FDP's family cap has a strong outlook and holds potential to join forces across racial lines due to the cross-cutting issues at stake. Women's rights activists, feminist groups, pro-life lobbyists, and children's advocates all have interests to protect regardless of the race of welfare recipients. Since there has already been demonstrative action taken against family caps by interest groups, it is very likely that broad based support will expand. By bringing together causes that are not directly connected, multiracial coalitions are already starting to build. Although the statistics on the racial composition of these interests groups is unknown, I am confident that at least two races will be represented in representation of the groups themselves or in the mothers that are being disadvantaged by the family cap. Since abortion opponents, feminists, and children's advocates can be of any race, it is likely that they will join together on an issue that disproportionately affects black women over women of other races. Further, these issues are not limited by sex; I would also expect the coalition to be multiracial and multigendered.

Wiley maintains that multiracial coalitions can be sustained and strategically effective in areas where tensions are particularly deep rooted and volatile, there is a shared ideology, common interest, and strategic vision for structural form.¹⁴⁶ Tensions have become deep rooted and volatile since welfare is an explicit racial issue, in this case. That black women are overwhelmingly affected by the family cap and have chosen to get abortions as a state-sanctioned alternative to not receiving welfare payments demonstrates that this issue is highly sensitive. The social construction of black mothers as "welfare queens" and the negative stereotypes that surround mothers receiving welfare has contributed to this problem as well. The

¹⁴⁶ Maya D. Wiley, "Structural Racism and Multiracial Coalition," *Institute on Race and Poverty*, 2003, 82.

shared ideology at stake can be boiled down to allowing women to choose whether or not to have additional children. Since women are discouraged from conceiving or feel pressure to have an abortion, the family cap is not about the state subsidizing women's reproductive choices but about the very choices themselves. The sense of common interest is again bound to these ideas, and is manifested in the rhetoric that children are being penalized for their mother's choices. Strategic reform is also present, as seen in the multiple court cases heard by the Supreme Court of New Jersey.

The form of a multiracial coalition is irrelevant according to Wiley; an administrative body with a centralized structure is not necessary so long as there are relationships spanning racial communities. In the case of the family cap, multiple interest groups have come together to fight the passage of the legislation and bring lawsuits against the New Jersey Department of Human Services. Three main groups have formed opposition to the family cap, including abortion opponents, feminists, and welfare rights activists.¹⁴⁷ The New Jersey Right to Life Committee, Feminists for Life, National Organization for Women Legal Defense and Education Fund, Children's Defense Fund, Association for Children of New Jersey, and the Women's Rights Project by the American Civil Liberties Union have all contributed to the opposition to family caps. This shared ideology is at the heart of what I expect to be a broad based multiracial coalition. Since this alliance will frame the issue in a way that is inclusive of needs, recognize the role race plays in divisions, and offer solutions to repair divisions, it is likely that such a coalition will flourish.

The coalition is likely to improve its position by encouraging community-based support. Lichterman, in explaining the aspects of community movement, writes, "Talk of building

¹⁴⁷ Ted G. Goertzel, "Defending New Jersey's Welfare Reform in the Courts," 2000, Retrieved 6 May 2008 < <http://crab.rutgers.edu/goertzel/defendingthecap.doc> >.

community can be a persuasive device that validates both internal movement processes and external goals with appealing symbolism; constructing community becomes ‘a crucial part of collective action.’”¹⁴⁸

In building support for this multiracial coalition it will be important to reach beyond the interest groups involved to encourage support at the community level. Appealing to regions of the state highlighted in Part III such as Camden, Essex, and Hudson Counties as well as the Congressional Districts represented by democrats, the alliance will have a greater chance of building grassroots support since these areas are likely to have high concentrations of welfare recipients.

The forming of this multiracial coalition, however likely, will not be without obstacles. Already, it is clear that the state’s interests have been defended successfully in the courts. However, the biggest challenge faced by organizations opposing the family cap will stem from cultural and organizational differences existing between the interest groups involved. According to Lichterman, systematic cultural differences play an important role in alliance-building efforts. Differences in organizational structure and group ideologies are two such factors that can inhibit or complicate alliance building between organizations.¹⁴⁹ Further, differences in constructions of collective identity can also lead to difficulties in coalition building. Although the proposed multiracial coalition will be united in opposition to the family cap, there are a number of groups with conflicting stated interests. For example, Feminists for Life is definitively anti-abortion, as stated by its website.¹⁵⁰ The National Organization for Women Legal Defense and Education Fund has a broad spectrum of women’s rights to protect, and is currently focused on a project

¹⁴⁸ Paul Lichterman. “Piercing Together Multicultural Community: Cultural Differences in Community Building Among Grass-Roots Environmentalists,” *Social Problems* 1995, 42: 515.

¹⁴⁹ Lichterman, 514.

¹⁵⁰ See feministsforlife.org.

entitled “Sexuality and Family Rights” program, which “works to promote women’s autonomy [and] protect women’s sexual and reproductive rights.”¹⁵¹ While both these groups aim to improve the conditions of women’s lives, it is clear that both do not strive to do so in the same way. Despite ideological differences, the groups were able to join together. Goertzel describes the proposition of groups such as the National Organization for Women and anti-abortion groups being on the same side of the issue. “Perhaps both sides felt that highlighting the possibility that the bill would lead to an increase in abortions would spilt their ranks and distract attention from more potent arguments in which they were in agreement.”¹⁵² Differences in collective identity can create difficulties in building alliances, however, since all groups are unified in their opposition to policies detrimental to women, I predict that they will overcome ideological differences in order to oppose the family cap as a unified multiracial alliance.

¹⁵¹ See legalmomentum.org.

¹⁵² Goertzel, 121.