Social Security and Marriage in Black and White

Brown, Dorothy

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Social Security and Marriage in Black and White

DOROTHY A. BROWN*

Social security benefits are available for individuals and their spouses. Spousal benefits, however, are subject to certain limits where spouses also work in the paid labor market. Social security benefits are the greatest for spouses who do not work in the paid labor market and are the least for spouses who contribute roughly half of their household income.

Social security benefits also are available for surviving spouses. Surviving spousal benefits are reduced for dual wage earner couples. Surviving spousal benefits are the greatest for spouses who do not work in the paid labor market and are the lowest where wives contribute roughly half of their household income. Census Bureau data shows that African-American wives are more likely than White wives to contribute roughly half of their household income. As a result, African-American wives are more likely than White wives to be penalized by the social security limitations placed on dual wage earner couples. This Article should encourage scholars who are interested in examining how African-Americans fare under our current Social Security System to include married African-American couples in their analysis.

All [wives] are equal, but some [wives] are more equal than others.1

I. INTRODUCTION

Much has been written about the two-earner bias in the Social Security System.2 Briefly stated, social security benefits will generally be lower for a two-

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1 Cf. GEORGE ORWELL, ANIMAL FARM 92 (Plume ed., 2003) (1946) ("All animals are equal but some animals are more equal than others.").

earner couple than a single-earner couple with the same total household income.\footnote{3} In addition, for two-earner couples, the greater the wife's contribution to household income, the less she receives in spousal and survivor benefits.\footnote{4}

What the literature largely ignores is the different impact that the two-earner bias will have on Black and White families.\footnote{5} My prior research shows that two-earner couples are most likely Black and single-earner couples are most likely White.\footnote{6} My research also shows that Black couples are far more likely than White

\footnote{3} See Burke & McCouch, supra note 2, at 1226 ("The disparity may be exacerbated if each couple's total wages exceed the earnings cap, since the Two-Earners will then pay higher payroll taxes than the One-Earners on identical total wages."); Forman, supra note 2, at 944 ("[T]he provision of spousal and surviving spouse benefits result in two-earner couples generally receiving lower total benefits than would be received by one-earner couples with the same total covered earnings."); Foster, supra note 2, at 68 ("[S]ingle-earner couples will always receive higher monthly social security benefits than two-earner couples [below the taxable maximum]."); Liu, supra note 2, at 13 ("[F]or a given level of total earnings at or below the taxable maximum, a one-earner couple will always receive higher Social Security benefits than a two-earner couple under the current PIA formula."). For 2003, the taxable maximum is $87,000. See infra note 17 and accompanying text. It has been estimated that less than 25% of all married-couple households have money income exceeding the taxable maximum. See Liu, supra note 2, at 13-14 n.42 ("Approximately one-fourth of all married-couple households have money income exceeding the taxable maximum."); cf infra notes 69-74 and accompanying text (providing different estimates).

\footnote{4} See infra notes 25-38 and accompanying text.

\footnote{5} See, e.g., Blumberg, supra note 2, at 246-51 (does not address race issues); Forman, supra note 2, at 944-47 (does not address race issues); Liu, supra note 2, at 12-18 (does not address race issues). But see Burke & McCouch, supra note 2, at 1231 ("Because the spousal benefit provisions reinforce social security's preference for conventional family structures, they are open to criticism for their adverse impact on various minority groups. The implications of the system's underlying family norms for minority groups are often overlooked."). Burke & McCouch's reference to race discusses the adverse impact the spousal benefit provisions have on Blacks because they are less likely to be married. Id. at 1231 n.123. Burke & McCouch do not examine the Social Security System for its impact on married Black women. Id. Burke & McCouch refer to the fact that married Black women may not be secondary earners, but do not pursue the point. Id. ("For example, McCaffery apparently assumes that married women are universally perceived as second earners, without questioning whether this stereotypical perception is racially skewed."); cf Foster, supra note 2, at 72-85 (discussing how the two-earner penalty disproportionately discriminates against African-American married couples).

couples to contribute roughly equal amounts to household income. As a result, one would expect to see the two-earner bias result in lower social security benefits paid to married Black couples.

Part II of this Article describes the calculation of spousal and survivor benefits. It then provides data showing the difference in social security benefits received by single-earner and two-earner couples. It describes how spousal benefits are reduced and then eliminated based upon how much income wives contribute to their households. It also describes how survivor benefits are reduced for two-earner couples and are the lowest where wives contribute approximately 50% to household income. Part III provides an empirical analysis of spousal contributions based upon race and class. The data shows that single-earner couples are most likely to be White and two-earner couples are most likely to be Black. As a result, social security benefits for married couples will differ along racial lines. Part III also shows that White wives are more likely than Black wives to be eligible for spousal and survivor benefits. This Article concludes by observing that any analysis of the two-earner bias of social security benefits must be broadened to include the racial differences in two-earner and single-earner couples.

II. CALCULATION OF SOCIAL SECURITY BENEFITS

A. Introduction

This Section begins by describing how spousal benefits are calculated and the reduced amount of social security benefits that are received by two-earner couples. This Section then describes how survivor benefits are calculated and the decreased social security benefits received by survivors of two-earner couples. This Section concludes by summarizing the benefits received by single and two-earner couples.

B. Calculation of Spousal Benefits

This Section will begin by describing spousal benefits for wives who do not work in the paid labor market. It will then describe spousal benefits for wives who

7 See Race, Class, and Gender, supra note 6, at 1473 ("African-American spouses are more likely to contribute roughly equal amounts to household income."); Brown, supra note 6, at 293–94 ("Notice the significantly high percentages of African-American wives who contribute between 40 and 60% to total household income.").

8 See infra Part III.
do work in the paid labor market and the limitation in the social security benefit
calculation that applies to those wives.


A wife who does not work in the paid labor market receives 50% of her
husband’s social security benefits (“spousal benefits”). The husband, or any
other retired worker, is eligible to receive social security benefits once he has
worked for ten years and is at least sixty-two years old. The husband’s
retirement benefits are a function of his primary insurance amount (PIA) and his
average indexed monthly earnings (AIME). His PIA is the monthly benefit he
would receive if he retired when he was sixty-five. To the extent he retires
before age sixty-five, his PIA will be reduced and if he retires after age sixty-five,
his PIA will be increased. His AIME represents the present value of his wages
from his highest earning thirty-five years.

For a worker first eligible for retirement benefits in 2003, his PIA is
determined by the sum of 90% of his AIME below $607, 32% of his AIME

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9 See Gen. Accounting Office, Social Security: Issues Involving Benefit Equity
Steuerle & Bakiya, supra note 2, at 80 (“A husband (or wife) of any insured worker is
eligible, upon reaching age 65, to receive a ‘spousal benefit’ equal to 50 percent of the worker’s
[social security benefit].”); Blumberg, supra note 2, at 239 (“Spouses of retired, married
workers would receive an additional supplement—50% of the retired worker’s benefit—despite
the fact that the married earner contributed no more in taxes than single workers.”). This Article
will not address spousal benefits that can be received by those who are divorced. See Liu, supra
note 2, at 18 (“In general, a divorced spouse at normal retirement age can receive the fifty
percent spousal benefit based on his or her ex-spouse’s record if the divorced spouse is
unmarried, if the ex-spouse has filed for benefits, and if the marriage lasted at least ten years.”).

10 See 42 U.S.C. §§ 402(a), 414(a)(1) (2000); see also Forman, supra note 2, at 921 (“In
general, workers over age sixty-two are entitled to social security retirement benefits if they
have worked in covered employment for at least ten years.”); Foster, supra note 2, at 63
(“Retired workers over age sixty-two who have worked at least ten years are eligible to receive
social security benefits.”).


13 See Liu, supra note 2, at 11.

14 See Steuerle & Bakiya, supra note 2, at 79.

When workers retire earlier or later than the normal retirement age, their benefits typically
are reduced or supplemented to some degree. If our hypothetical workers were to fully
retire at age 62, for example, they would receive a monthly benefit equal to 80 percent of
their PIA for the rest of their lives . . . .

15 See 42 U.S.C. § 415(b) (2000); see also Foster, supra note 2, at 63.
between $607 and $3653, and 15% of his AIME over $3653 up to a specified maximum.\textsuperscript{16} For 2003, the specified maximum is $87,000.\textsuperscript{17}

As a result, the calculation of benefits is deemed progressive, since lower wage-earning beneficiaries receive a higher percentage of their monthly wages than higher wage-earning beneficiaries.\textsuperscript{18} The payment of social security taxes is deemed regressive since low-income wage earners pay a higher average rate than high-income wage earners.\textsuperscript{19}

2. Spousal Benefits for Wives Who Work in the Paid Labor Market

A wife who works in the paid labor market is eligible to receive social security benefits based upon her own labor force participation or her spousal benefits as a result of her husband’s labor force participation, whichever is greater.\textsuperscript{20} This makes her a dually entitled beneficiary. Social security payments to wives who work in the paid labor market differ based upon the percentage they contribute to household income.\textsuperscript{21} The greater the wife’s contribution to household income, the smaller her husband’s contribution to household income.

\textsuperscript{17} Id. at 1.
\textsuperscript{18} See Liu, supra note 2, at 11 (“Thus, while Social Security’s payroll tax is regressive, its distribution of benefits is progressive. It provides low earners with a larger proportion of their monthly wages than it provides high earners.”).
\textsuperscript{19} See McCaffery, supra note 2, at 91.
\textsuperscript{20} It is thus a regressive tax: lower-income persons pay a higher average rate than upper-income ones do. This is both because those individuals with unearned income from property are not taxed, and because high-income persons exceed the maximum amount subject to the tax and so pay a lower average rate.
\textsuperscript{21} See GAO Report, supra note 9, at 11; Burke & McCouch, supra note 2, at 1214 (“Under the ‘dual entitlement’ provisions, the total benefit payable to a worker’s spouse is limited to the greater of (1) the derivative benefit attributable to the worker’s earnings, or (2) the primary benefit attributable to the spouse’s own earnings, if any.”); Liu, supra note 2, at 12 (“Under current law, the spouse of a wage earner has a dual entitlement to retirement benefits.”).

See GAO Report, supra note 9, at 17–18 (“[A]s the wife’s share of the couple’s AIME increases, the husband’s share falls. This reduces both the husband’s retired worker benefit and the spousal benefit based on it. Until the wife’s retired worker benefit exceeds her benefit as a spouse, the couples’ total benefits will fall.”). While recognizing that a wife can be a single earner with her husband receiving spousal benefits, this Article will only focus on the wife as the spouse to receive spousal benefits.
will be. The smaller her husband's contribution to household income, the smaller her spousal benefits.\textsuperscript{22}


Single-earner couples and two-earner couples with the same household income make equal contributions into the Social Security System, yet they do not receive equal spousal benefits. Although both single-earner couples and two-earner couples are eligible for the spousal benefit, the single-earner couple receives the spousal benefit calculated on the basis of the husband's higher (when compared to the two-earner husband's salary) income.\textsuperscript{23} The two-earner couple receives a spousal benefit calculated on the basis of the husband's lower (when compared to the single-earner husband's salary) income. As a result, the spousal benefit for the single-earner couple will always be greater than that of the two-earner couple.\textsuperscript{24}

The total monthly benefit of the two-earner couple is less than that of the one-earner couple where income is below the taxable maximum.\textsuperscript{25} The dual-earner couple's social security benefits begin with a smaller spousal benefit because it is calculated on the lifetime earnings of the lower income husband, and their overall benefit is further reduced or eliminated because of the dual entitlement limitation.\textsuperscript{26} It has been estimated that the monthly benefits for a two-earner couple can be as much as one-third less than those for a single-earner couple having identical lifetime earnings and demographic characteristics.\textsuperscript{27} How much lower the two-earner couple’s benefits will be than the one-earner couple’s benefits depends upon the contribution percentage that each spouse makes in calculating the couple’s total AIME.\textsuperscript{28} Spouses that are in households where the

\textsuperscript{22} Cf. Steuerle, supra note 2, at 221 ("At the margin many secondary workers get absolutely nothing for their additional contributions to Social Security.").

\textsuperscript{23} See GAO REPORT, supra note 9, at 4; Blumberg, supra note 2, at 251.

\textsuperscript{24} See GAO REPORT; supra note 9, at 15 ("The unreduced spousal benefit for the two-earner couple will be smaller than that for the one-earner couple because it is based on the benefit of the couple's primary earner, whose lifetime earnings are smaller than those of the worker in the one-earner couple.").

\textsuperscript{25} See Liu, supra note 2, at 13 ("[For] a given level of total earnings at or below the taxable maximum, a one-earner couple will always receive higher Social Security benefits than a two-earner couple under the current PIA formula.").

\textsuperscript{26} See GAO REPORT, supra note 9, at 15 ("The dual entitlement limitation will further reduce, or perhaps eliminate, this smaller spousal benefit by subtracting the secondary worker's retired worker benefit from it.").

\textsuperscript{27} See id. at 16 ("In some cases, a two-earner couple can receive total benefits that are one-third less than an otherwise identical one-earner couple’s benefits.").

\textsuperscript{28} See id.; see also Foster, supra note 2, at 67 ("As a result of the spousal benefits formula, the calculation of social security benefits penalizes two-earner couples as compared to single-
household income split is 100/0 will receive a greater spousal benefit than spouses that are in households where the household income split is 90/10, 80/20, 70/30, 60/40 or 50/50. Figure 2.1 shows the decrease in couple benefits based upon spousal contribution percentages.29

FIGURE 2.1
TOTAL COUPLE BENEFITS FOR 65-YEAR-OLD COUPLES WITH VARIOUS WITHIN-COUPLE DISTRIBUTIONS OF A $2000 AIME30

As you can see from Figure 2.1, as the wife’s contribution percentage increases, spousal benefits decrease, along with a decrease in total couple benefits. This is a result of the husband’s declining income that is the basis for the spousal benefit calculation. Where the wife contributes less than 20% to household income, her spousal benefit is greater than her retired worker benefit earner couples.”); Steuerle, supra note 2, at 221 (“The more evenly couples’ earnings are split, the more Social Security reduces their benefits.”).  

29 GAO REPORT, supra note 9, at 17 fig.2.1.  
30 Id.
and she will therefore receive the larger spousal benefit. A wife who contributes 10% to household income will receive a larger spousal benefit than a wife who contributes 20% to household income.\textsuperscript{31} Spousal benefits are completely phased out for wives who contribute between 20 and 30% to household income.\textsuperscript{32} In other words, spouses who contribute 20% to household income receive a spousal benefit and spouses who contribute 30% do not.

Where a wife’s contribution percentage reaches slightly over 20%, the couple receives no spousal benefit.\textsuperscript{33} Once the wife’s retired worker benefit is greater than her spousal benefit, the couple’s total benefit will either increase or remain unchanged.\textsuperscript{34} This is true because once the wife contributes in excess of 20% to household income, neither spouse is eligible for a spousal benefit because of the dual entitlement limitation. The earnings that a wife contributes in excess of 20% to household income, therefore, does not increase the couple’s social security benefits, even though she is paying social security taxes on that earned income. Therefore, the more a wife contributes to total household income, the less the spousal benefit she is eligible for because of the dual entitlement limitation. In that instance, the husband’s social security benefits do not provide a spousal benefit for his wife. Further, working wives that pay social security taxes but receive no spousal benefits are subsidizing wives who do not work in the paid labor market but receive spousal benefits.\textsuperscript{35} On the other hand, single-earner couples in households with income greater than the taxable maximum may not receive greater social security benefits than two-earner couples with equal household income.\textsuperscript{36} To put the social security benefit calculation into context, consider the following hypothetical.

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\textsuperscript{31} See Foster, supra note 2, at 67.

[A] spouse who does not work or earns no more than 20% of the other spouse’s income has a right to 50% of the working spouse’s social security benefits. In other words, a low-earning spouse may opt to have her benefits calculated based on 50% of her spouse’s PIA rather than her own PIA.

\textit{Id.}

\textsuperscript{32} \textit{Cf.} Steuerle, supra note 2, at 221 ("At the margin many secondary workers get absolutely nothing for their additional contributions to Social Security.").

\textsuperscript{33} See Liu, supra note 2, at 16 ("Married couples receive little or no additional retirement benefits from a secondary worker’s taxable earnings; therefore, the spousal benefit rule frustrates individual equity.").

\textsuperscript{34} See \textit{GAO REPORT}, supra note 9, at 18 ("Once both husband and wife are receiving retired worker benefits, the couples’ total benefit will either increase (if the wife’s AIME puts her on a higher tier of the benefit formula than her husband . . .) or remain constant . . .").

\textsuperscript{35} See Liu, supra note 2, at 16 ("In essence, the Social Security taxes paid by wives who engage in market work subsidize the benefits received by wives who work at home.").

\textsuperscript{36} See \textit{id.} at 14 n.42.
Ray and Debra Romano are married and Ray works in the paid labor market, but Debra does not. Ray earns a steady $60,000 annual income and has consistently earned that amount for several decades. Cliff and Clair Huxtable are another married couple and both Cliff and Clair work in the paid labor market. Both Cliff and Clair each earn a steady $30,000 annual income and have consistently earned that amount for several decades.

Debra Romano’s spousal benefit will be 50% of Ray’s social security benefit, which is based on his $60,000 salary, even though Debra has not worked in the paid labor market and has made no social security contributions. She receives a spousal benefit under Social Security because she is married to Ray. On the other hand, Clair’s spousal benefit will be 50% of Cliff’s social security benefit, which is based on his $30,000 salary. Recall, however, that Clair will only receive a spousal benefit if it is greater than her individual retired worker social security benefits. In this instance, Clair would not receive any spousal benefit since her spousal benefit will not be greater than her retired worker social security benefit. The “whichever is greater” or dual entitlement limitation prevents Clair from receiving her retired worker social security benefit and her spousal benefit. Even though Ray Romano on the one hand, and Clair and Cliff Huxtable on the other hand, each contributed the same amount in social security taxes, only Ray’s spouse will receive spousal benefits resulting in the Romanos receiving 150% of Ray’s retired worker benefits in social security payments. The Huxtables will not receive any spousal benefits, which they are arguably entitled to receive. As a result, it has often been said that the Social Security System favors one-earner couples over two-earner couples.

For example, a couple in which one spouse earns $80,000 and the other earns zero will receive $2310 per month in retirement benefits, while a couple in which both spouses earn $40,000 will receive $2460 per month. This is because the one-earner couple cannot capture any returns on the $11,600 of earnings above the $68,400 cap [taxable maximum for 1998], whereas the two-earner couple gets returns on all $80,000 of its earnings.

Id.

37 Cf. GAO REPORT, supra note 9, at 15.
38 See Burke & McCouch, supra note 2, at 1225 (“[I]n particular, the system tends to favor . . . one-earner couples over two-earner couples.”).
C. Calculation of Survivor Benefits

1. Wives Who Do Not Work in the Paid Labor Market

When the husband dies, his widow is entitled to the greater of her own retired worker benefits or her husband’s retired worker benefits.\(^\text{39}\) For single-earner households, a widow’s spousal benefit is 100% of her deceased husband’s benefit.\(^\text{40}\) The surviving member of a single-earner couple receives about two-thirds of the couple’s total monthly benefit when both were alive. The retired worker benefit of 100% continues, and the spousal benefit of 50% of that benefit ends.\(^\text{41}\) When the husband dies, his widow receives 100% of her husband’s retired worker benefit.\(^\text{42}\)

Wives who do not work in the paid labor market are eligible to receive social security benefits as a result of their husbands’ labor force participation.\(^\text{43}\) The wife’s spousal benefit is 50% of the husband’s PIA and will be reduced if received by her before age 65.\(^\text{44}\)

2. Wives Who Work in the Paid Labor Market

A widow of a two-earner couple is also entitled to the greater of her own retired worker benefits or her husband’s retired worker benefits.\(^\text{45}\) Widows of two-earner couples can receive as much as two-thirds of the couple’s total monthly benefit if the spouse was dually entitled or as little as 50% if each earner

\(^{39}\) See GAO REPORT, supra note 9, at 18.

\(^{40}\) See id. at 10–11; STEUERLE & BAKIJA, supra note 2, at 80; Blumberg, supra note 2, at 239.

\(^{41}\) See GAO REPORT, supra note 9, at 10–11; STEUERLE & BAKIJA, supra note 2, at 80. While both spouses were alive, the couple received 150% of the single-earner husband’s benefit. The retired husband received 100% of his benefit and his wife received 50% of his benefit (assuming he retired no earlier than age 65) for a total of 150%. When the husband dies, his widow receives 100% of her deceased husband’s benefit. Her 100% is two-thirds of the couple’s 150%.

\(^{42}\) See STEUERLE & BAKIJA, supra note 2, at 80 (“If the insured worker dies, a widowed spouse aged 65 or older may receive a ‘survivors benefit,’ which equals 100 percent of the worker’s [social security benefits].”); Burke & McCouch, supra note 2, at 1214 (“[A] surviving spouse may be eligible for a 100% spousal benefit.”).

\(^{43}\) See GAO REPORT, supra note 9, at 10–11; STEUERLE & BAKIJA, supra note 2, at 80; Blumberg, supra note 2, at 239.

\(^{44}\) See GAO REPORT, supra note 9, at 12 n.15.

\(^{45}\) See id. at 18.
had identical lifetime earnings. Recall that a spouse is dually entitled if they contribute no more than slightly over 20% to the AIME calculation. Therefore, the surviving spouse of a two-earner couple where the wife contributes no more than slightly over 20% to the AIME calculation can receive as much as two-thirds of the couple’s total monthly benefit. The surviving spouse of a two-earner couple where each partner had identical lifetime earnings will receive 50% of the couple’s total monthly benefit.

Because of the “whichever is greater” limitation placed on the way spousal and survivor benefits are calculated, a two-earner couple will always receive a smaller spousal and survivor benefit than a one-earner couple with the same total household income. As a result, the widows of two-earner couples always receive lower survivor benefits, whether the widow was a working wife who contributed less than 20% or a working wife who contributed more. As a survivor, the widow will receive only the higher of the two retired worker benefits the couple earned.

Let’s return to our earlier hypothetical. Assume that both Ray Romano and Cliff Huxtable die. Debra Romano will receive survivor benefits equal to 100% of Ray’s social security benefits, which will be based upon her husband’s $60,000 salary. Clair Huxtable will receive survivor benefits equal to the greater of her own or 100% of Cliff’s social security benefits, which will be based upon her husband’s $30,000 salary. Clair once again will not receive any benefits as a result of being Cliff’s wife. She will receive social security benefits based upon her own social security contributions, which were based upon her own $30,000 salary and her own social security contributions. Clearly, Clair Huxtable will receive significantly less social security benefits than Debra Romano, even though both households contributed the same amount in social security taxes. In effect, two-earner couples subsidize wives who do not work in the paid labor market.

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46 See id.
47 See supra notes 32–33 and accompanying text.
48 GAO REPORT, supra note 9, at 15; Blumberg, supra note 2, at 246 (“The introduction of [spousal] benefits has led to a system that inequitably favors one-earner couples over two-earner couples . . . .”); Burke & McCouch, supra note 2, at 1225 (“The system tends to favor . . . one-earner couples over two-earner couples.”); Steuerle, supra note 2, at 221 (“The more evenly couples’ earnings are split, the more Social Security reduces their benefits.”).
49 See GAO REPORT, supra note 9, at 15–16.
50 See id.
As seen in figure 2.2, the survivor benefit of a two-earner couple whose wife, the lower earning spouse, was dually entitled because the lower earning spouse contributed slightly more than 20% to the total AIME calculation, will receive a benefit one-third less than the couple’s total benefit while both spouses were

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51 Id. at 20 fig.2.2.
Where the wife is the lower earning spouse, she is not dually entitled because she contributed more than 20% to the total AIME calculation. Her survivor benefit is reduced by more than one-third because the spousal benefit based on her husband's social security benefit is eliminated.

D. Summary

First, husbands who are the sole wage earners provide greater spousal benefits for their wives than husbands who are in two-earner households. Second, husbands who are in two-earner households provide no spousal benefits for their wives when their wives contribute at least 30% to household income. As a result, two-earner households subsidize single-earner households. Third, survivor benefits are greater for single-earner households. Fourth, survivor benefits decrease when a wife's contribution to household income increases. The next Section will discuss from a race and class perspective, which couples are most likely to be in single-earner households and which couples are most likely to be in two-earner couples based upon their race.

III. RACE AND CLASS ANALYSIS OF SPOUSAL AND SURVIVOR BENEFITS

A. Introduction

This Section will show that there is a greater percentage of White single-earner households than Black single-earner households and a greater percentage of Black two-earner households than White two-earner households. In addition, two-earner households where the spouse contributes 30% or more to household income and do not receive spousal benefits are also more likely to be Black than White. Black wives therefore will receive significantly less in social security benefits than White wives. As a result, Black married couples that are


The probability of black married couples receiving either partial or full spousal benefits is only 51.6 percent, compared with 60.6 percent for white married couples. . . . The amounts of partial or full spousal benefits that black married couples receive are only 41 percent and 37 percent, respectively, of the amounts that white married couples receive. Even when a black spouse with higher earnings dies first, the survivor's benefit that the
contributing to Social Security but are not receiving spousal benefits are subsidizing White married couples who are receiving spousal benefits. This Section will provide data that shows that because Black married couples are most likely to be found in equal wage-earning households, Black widows are most likely to receive smaller survivor benefits than White widows.

This Section begins by providing Census Bureau data concerning the percentage of Black and White households below the taxable maximum and above the taxable maximum. Census Bureau data will be used as a proxy because I have not found published social security beneficiary data by race and household income level. This Section will then provide data regarding the contribution to household income by Black wives, followed by the contribution to household income by White wives. It then compares the percentage of Black and White households where there is a single earner. Single-earner households below the taxable maximum receive greater social security benefits than all other households. Single-earner households above the taxable maximum receive lower benefits than dual-earner couples. It then compares the percentage of Black and White households where the wives contribute less than 30% to household income. Households where wives contribute at least 30% are ineligible to receive spousal benefits. It then compares the percentage of Black and White households where the wives and husbands contribute roughly equal amounts to household income. Equal wage-earning households receive the least amount in survivor benefits.

Four observations can be made from the data presented. First, White wives are eligible for the greatest spousal and survivor benefits. Second, White wives are more likely than Black wives to have their spousal benefits decreased due to their higher contribution to household income. Third, Black wives are more likely than White wives to receive no spousal benefit. Fourth, Black wives are more likely than White wives to receive the lowest survivor benefits.

 surviving spouse receives is not much greater than what she or he received as a retired worker on her or his own records, compared with the amount that the white surviving spouse receives.

*Id.*

55 See *supra* note 36 and accompanying text.
56 See *supra* notes 23–33 and accompanying text.
57 See *supra* notes 31–33 and accompanying text.
58 See *supra* note 28 and accompanying text.
B. Households Above and Below the Taxable Maximum

1. Black Households

<table>
<thead>
<tr>
<th>Household Income</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to 10,000</td>
<td>12.11%</td>
</tr>
<tr>
<td>$10,001 to 20,000</td>
<td>17.93%</td>
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<tr>
<td>$20,001 to 30,000</td>
<td>19.83%</td>
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<td>$80,001 to 90,000</td>
<td>1.46%</td>
</tr>
<tr>
<td>$90,001 to 100,000</td>
<td>.80%</td>
</tr>
<tr>
<td>$100,001 to 120,000</td>
<td>.64%</td>
</tr>
<tr>
<td>$120,001 and over</td>
<td>.59%</td>
</tr>
<tr>
<td>Total</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

Table 3.1 shows that 12.11% of Black married couples were in households earning no more than $10,000. In households earning between $10,001 and $20,000, there are 17.93% of Black married couples. In households earning between $20,001 and $30,000, there are 19.83% of Black married couples. In households earning between $30,001 and $40,000, 17.47% of Black married couples are found. In households earning between $40,001 and $50,000, 12.83% of Black married couples are found. In households earning between $50,001 and $60,000, there are 8.35% of married Black couples. In households earning between $60,001 and $70,000, there are 5.09% of married Black couples. In households earning between $70,001 and $80,000, there are 2.89%

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59 The information in tables 3.1 and 3.2 is from a 1990 Public Use Micro-Data Sample (on file with author) and is based upon a 5% sample of the population of same race couples.

60 See supra tbl. 3.1.

61 See supra tbl. 3.1.

62 See supra tbl. 3.1.

63 See supra tbl. 3.1.

64 See supra tbl. 3.1.

65 See supra tbl. 3.1.

66 See supra tbl. 3.1.
of married Black couples. Therefore, there are 96.50% of married Black couples in households below the taxable maximum.

There are 1.46% of married Black couples in households earning between $80,001 and $90,000. There are .80% of married Black couples in households earning between $90,001 and $100,000. There are .64% of married Black couples in households earning between $100,001 and $120,000. There are .59% of married Black couples in households earning over $120,000. There are 2.03% of married Black couples in households above $90,000, which is above the taxable maximum. Accordingly, there is only an insignificant percent of the married Black population that would expect to benefit from being in a two-earner household.

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67 See supra tbl. 3.1.
68 See supra tbl. 3.1. This is a result of adding the percentages for households earning up to $80,000.
69 See supra tbl. 3.1.
70 See supra tbl. 3.1.
71 See supra tbl. 3.1.
72 See supra tbl. 3.1.
73 See supra tbl. 3.1. This is a result of adding the percentages for households earning over $90,000. Recall the taxable maximum is $87,000. See supra note 36 and accompanying text.
74 See supra note 36 and accompanying text.
2. White Households

Table 3.2

WHITE HOUSEHOLDS

<table>
<thead>
<tr>
<th>Household Income</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to 10,000</td>
<td>10.44</td>
</tr>
<tr>
<td>$10,001 to 20,000</td>
<td>12.59</td>
</tr>
<tr>
<td>$20,001 to 30,000</td>
<td>16.32</td>
</tr>
<tr>
<td>$30,001 to 40,000</td>
<td>17.40</td>
</tr>
<tr>
<td>$40,001 to 50,000</td>
<td>14.63</td>
</tr>
<tr>
<td>$50,001 to 60,000</td>
<td>10.18</td>
</tr>
<tr>
<td>$60,001 to 70,000</td>
<td>6.33</td>
</tr>
<tr>
<td>$70,001 to 80,000</td>
<td>3.93</td>
</tr>
<tr>
<td>$80,001 to 90,000</td>
<td>2.33</td>
</tr>
<tr>
<td>$90,001 to 100,000</td>
<td>1.61</td>
</tr>
<tr>
<td>$100,001 to 120,000</td>
<td>1.57</td>
</tr>
<tr>
<td>$120,001 and over</td>
<td>2.68</td>
</tr>
<tr>
<td>Total</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Table 3.2 shows that 10.44% of White married couples are in households earning up to $10,000. In households earning between $10,001 and $20,000, there are 12.59% of married White couples. In households earning between $20,001 and $30,000, there are 16.32% of married White couples. In households earning between $30,001 and $40,000, there are 17.40% of married White couples. In households earning between $40,001 and $50,000, there are 14.63% of married White couples. In households earning between $50,001 and $60,000, there are 10.18% of married White couples. In households earning between $60,001 and $70,000, there are 6.33% of married White couples. In households earning between $70,001 and $80,000, there are 3.93% of married

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75 See supra tbl. 3.2.
76 See supra tbl. 3.2.
77 See supra tbl. 3.2.
78 See supra tbl. 3.2.
79 See supra tbl. 3.2.
80 See supra tbl. 3.2.
81 See supra tbl. 3.2.
White couples. There is a total of 91.82% of married White couples in households earning less than the taxable maximum.

For households earning between $80,001 and $90,000, there are 2.33% of married White couples. For households earning between $90,001 and $100,000, there are 1.61% of married White couples. For households earning between $100,001 and $120,000, there are 1.57% of married White couples. For households earning over $120,000, there are 2.68% of married White couples. For households earning over $90,000, there are 5.86% of married White couples. Therefore, only 5.86% of married White couples would potentially benefit from being in a two-earner household.

These tables show that virtually all married couples, regardless of race, are in households below the taxable maximum. As a result, couples in two-earner households are far more likely to be penalized than receive a benefit. Notice however, that couples in households at or above the taxable level are twice as likely to be White than Black.

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82 See supra tbl. 3.2.
83 See supra tbl. 3.2. This is a result of adding the percentages for households earning up to $80,000.
84 See supra tbl. 3.2.
85 See supra tbl. 3.2.
86 See supra tbl. 3.2.
87 See supra tbl. 3.2.
88 See supra tbl. 3.2. This is a result of adding the percentages for households earning over $90,000. Recall the taxable maximum is $87,000. See supra note 17 and accompanying text.
89 See supra note 36 and accompanying text.
90 This is to be contrasted with published data showing that over 20% of married couples are above the taxable maximum. See supra note 3 and accompanying text.
C. Spousal Contributions

1. Black Households

**Table 3.3**

**Household Contribution by African-American Wives**

<table>
<thead>
<tr>
<th>Household Income</th>
<th>90% to 100%</th>
<th>80% to 90%</th>
<th>70% to 80%</th>
<th>60% to 70%</th>
<th>50% to 60%</th>
<th>40% to 50%</th>
<th>30% to 40%</th>
<th>20% to 30%</th>
<th>10% to 20%</th>
<th>0% to 10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to $10,000</td>
<td>42.27</td>
<td>1.40</td>
<td>1.60</td>
<td>1.57</td>
<td>1.83</td>
<td>2.89</td>
<td>2.23</td>
<td>2.05</td>
<td>2.36</td>
<td>41.81</td>
</tr>
<tr>
<td>$10,001 to $20,000</td>
<td>22.31</td>
<td>2.19</td>
<td>2.53</td>
<td>2.88</td>
<td>4.45</td>
<td>7.63</td>
<td>6.22</td>
<td>5.41</td>
<td>5.30</td>
<td>41.09</td>
</tr>
<tr>
<td>$20,001 to $30,000</td>
<td>10.37</td>
<td>1.68</td>
<td>2.70</td>
<td>4.15</td>
<td>8.32</td>
<td>15.70</td>
<td>12.94</td>
<td>9.17</td>
<td>6.48</td>
<td>28.51</td>
</tr>
<tr>
<td>$30,001 to $40,000</td>
<td>5.28</td>
<td>1.39</td>
<td>2.41</td>
<td>4.73</td>
<td>11.37</td>
<td>21.35</td>
<td>15.57</td>
<td>10.40</td>
<td>6.65</td>
<td>20.84</td>
</tr>
<tr>
<td>$40,001 to $50,000</td>
<td>2.43</td>
<td>1.01</td>
<td>2.00</td>
<td>5.71</td>
<td>13.28</td>
<td>23.46</td>
<td>20.93</td>
<td>11.86</td>
<td>6.23</td>
<td>13.07</td>
</tr>
<tr>
<td>$50,001 to $60,000</td>
<td>1.06</td>
<td>.61</td>
<td>1.98</td>
<td>5.54</td>
<td>13.49</td>
<td>29.39</td>
<td>22.04</td>
<td>12.08</td>
<td>5.67</td>
<td>8.16</td>
</tr>
<tr>
<td>$60,001 to $70,000</td>
<td>.75</td>
<td>.34</td>
<td>1.87</td>
<td>5.96</td>
<td>15.28</td>
<td>31.21</td>
<td>22.42</td>
<td>12.12</td>
<td>4.41</td>
<td>5.64</td>
</tr>
<tr>
<td>$70,001 to $80,000</td>
<td>.82</td>
<td>.57</td>
<td>1.17</td>
<td>5.27</td>
<td>16.17</td>
<td>31.76</td>
<td>24.19</td>
<td>10.43</td>
<td>3.80</td>
<td>5.82</td>
</tr>
<tr>
<td>$80,001 to $90,000</td>
<td>.47</td>
<td>.19</td>
<td>1.72</td>
<td>4.48</td>
<td>16.20</td>
<td>33.26</td>
<td>21.76</td>
<td>12.75</td>
<td>3.77</td>
<td>5.40</td>
</tr>
<tr>
<td>$90,001 to $100,000</td>
<td>.65</td>
<td>.54</td>
<td>2.11</td>
<td>4.63</td>
<td>11.42</td>
<td>31.01</td>
<td>22.71</td>
<td>13.87</td>
<td>7.15</td>
<td>5.90</td>
</tr>
<tr>
<td>$100,001 to $120,000</td>
<td>1.20</td>
<td>1.62</td>
<td>2.12</td>
<td>5.37</td>
<td>8.59</td>
<td>27.56</td>
<td>23.20</td>
<td>16.32</td>
<td>5.98</td>
<td>8.04</td>
</tr>
<tr>
<td>$120,001 and over</td>
<td>5.46</td>
<td>2.56</td>
<td>2.55</td>
<td>3.07</td>
<td>4.63</td>
<td>17.14</td>
<td>9.09</td>
<td>11.43</td>
<td>12.13</td>
<td>31.94</td>
</tr>
</tbody>
</table>

Table 3.3 shows that other than at very low and high income levels, very few Black wives are in households where their husbands are the single

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91The information in tables 3.3 and 3.4 is from a 1990 Public Use Micro-Data Sample (on file with author) and is based upon a 5% sample of the population of same race couples. Tables 3.3 and 3.4 were previously published in Race, Class, and Gender, supra note 6, at 1492, 1496 (reprinted with permission of author).
Table 3.3 shows that for households earning between $30,001 and $120,000, Black wives are most likely to contribute between 40 and 50%. In households earning up to $10,000, the greatest percentage of Black wives, 42.27%, is found in households where they contribute between 90 and 100% to household income. The second highest percentage of Black wives, 41.81%, is found in households where they contribute between 0 and 10% to household income. The third highest percentage of Black wives, 2.89%, contributes between 40 and 50% to household income. At this household income level, the vast majority of Black wives are in single-earner households. They are slightly more likely than their husbands to be the primary wage earner.

In households earning between $10,001 and $20,000, the greatest percentage of Black wives, 41.09%, is found in households where they contribute between 0 and 10% to household income. The second highest percentage of Black wives, 22.31%, is found in households where they contribute between 90 and 100% to household income. The third highest percentage of Black wives, 7.63%, contributes between 40 and 50% to household income. Again, the majority of Black wives are in primary wage-earner households. Black wives are almost six times more likely to contribute between 0 and 10% to household income than to contribute roughly equal amounts to household income.

In households earning between $20,001 and $30,000, the greatest percentage of Black wives, 28.51%, is found in households where they contribute between 0 and 10% to household income. The second highest percentage of Black wives, 15.70%, contributes between 40 and 50% to household income. The third highest percentage of Black wives, 12.94%, contributes between 30 and 40% to household income.

92 See supra tbl. 3.3. 93 See supra tbl. 3.3. 94 See supra tbl. 3.3. 95 See supra tbl. 3.3. 96 See supra tbl. 3.3. 97 See supra tbl. 3.3. 98 See supra tbl. 3.3. 99 See supra tbl. 3.3. 100 See supra tbl. 3.3. 101 See supra tbl. 3.3. 102 See supra tbl. 3.3. 103 See supra tbl. 3.3. 104 See supra tbl. 3.3. 105 See supra tbl. 3.3.
In households earning between $30,001 and $40,000, 21.35% of Black wives contribute between 40 and 50% to household income.\textsuperscript{106} The second highest category of Black wives in households earning between $30,001 and $40,000 is where they contribute between 0 and 10% to household income.\textsuperscript{107} In that instance, 20.84% of Black wives contribute between 0 and 10% to household income. Their husbands therefore contribute between 90 and 100%.\textsuperscript{108} Slightly more Black wives are in equal wage-earning households than single-earner households.\textsuperscript{109} The third highest percentage of Black wives is found where 15.57% contribute between 30 and 40% to household income.\textsuperscript{110}

In households earning between $40,001 and $50,000, 23.46% of Black wives contribute between 40 and 50% to household income.\textsuperscript{111} The second highest category of Black wives is found in the 30 to 40% contribution range where 20.93% of Black wives contribute between 30 and 40%.\textsuperscript{112} The third highest percentage of Black wives, 13.28%, contribute between 50 and 60% to household income.\textsuperscript{113}

In households earning between $50,001 and $60,000, 29.39% of Black wives contribute between 40 and 50% to household income.\textsuperscript{114} The second highest category of Black wives is found where 22.04% contribute 30 to 40% to household income.\textsuperscript{115} The third highest category of Black wives is found where 13.49% contribute between 50 and 60% to household income.\textsuperscript{116}

In households earning between $60,001 and $70,000, 31.21% of Black wives contribute between 40 and 50% to household income.\textsuperscript{117} The second highest category of Black wives is found where 22.42% contribute between 30 and 40% to household income.\textsuperscript{118} The third highest category of Black wives is found where 15.28% contribute between 50 and 60% to household income.\textsuperscript{119}

\textsuperscript{106} See supra tbl. 3.3.  
\textsuperscript{107} See supra tbl. 3.3.  
\textsuperscript{108} See supra tbl. 3.3.  
\textsuperscript{109} See supra tbl. 3.3.  
\textsuperscript{110} See supra tbl. 3.3.  
\textsuperscript{111} See supra tbl. 3.3.  
\textsuperscript{112} See supra tbl. 3.3.  
\textsuperscript{113} See supra tbl. 3.3.  
\textsuperscript{114} See supra tbl. 3.3.  
\textsuperscript{115} See supra tbl. 3.3.  
\textsuperscript{116} See supra tbl. 3.3.  
\textsuperscript{117} See supra tbl. 3.3.  
\textsuperscript{118} See supra tbl. 3.3.  
\textsuperscript{119} See supra tbl. 3.3.
In households earning between $70,001 and $80,000, 31.76% of Black wives contribute between 40 and 50% to household income.\textsuperscript{120} The second highest category is where 24.19% of Black wives contribute between 30 and 40% to household income.\textsuperscript{121} The third highest category is where 16.17% of Black wives contribute between 50 and 60% to household income.\textsuperscript{122}

In households earning between $80,001 and $90,000, 33.26% of Black wives contribute between 40 and 50% to household income.\textsuperscript{123} The second highest category is where 21.76% of Black wives contribute between 30 and 40% to household income.\textsuperscript{124} The third highest category is where 16.20% of Black wives contribute between 50 and 60% to household income.\textsuperscript{125}

In households earning between $90,001 and $100,000, 31.01% of Black wives contribute between 40 and 50% to household income.\textsuperscript{126} The second highest category is where 22.71% contribute between 30 and 40% to household income.\textsuperscript{127} The third highest category is where 13.87% of Black wives contribute between 20 and 30% to household income.\textsuperscript{128}

In households earning between $100,001 and $120,000, 27.56% of Black wives contribute between 40 and 50% to household income.\textsuperscript{129} The second highest category is where 23.20% contribute between 30 and 40% to household income.\textsuperscript{130} The third highest category is where 16.32% contribute between 20 and 30% to household income.\textsuperscript{131}

In households earning $120,001 and over, 31.94% of Black wives contribute between 0 and 10% to household income.\textsuperscript{132} The second highest category is where 17.14% contribute between 40 and 50% to household income.\textsuperscript{133} The third highest category is where 12.13% of Black wives contribute between 10 and 20% to household income.\textsuperscript{134}

\textsuperscript{120} See supra tbl. 3.3.
\textsuperscript{121} See supra tbl. 3.3.
\textsuperscript{122} See supra tbl. 3.3.
\textsuperscript{123} See supra tbl. 3.3.
\textsuperscript{124} See supra tbl. 3.3.
\textsuperscript{125} See supra tbl. 3.3.
\textsuperscript{126} See supra tbl. 3.3.
\textsuperscript{127} See supra tbl. 3.3.
\textsuperscript{128} See supra tbl. 3.3.
\textsuperscript{129} See supra tbl. 3.3.
\textsuperscript{130} See supra tbl. 3.3.
\textsuperscript{131} See supra tbl. 3.3.
\textsuperscript{132} See supra tbl. 3.3.
\textsuperscript{133} See supra tbl. 3.3.
2. White Households

### Table 3.4

<table>
<thead>
<tr>
<th>Household Income</th>
<th>90% to 100%</th>
<th>80% to 90%</th>
<th>70% to 80%</th>
<th>60% to 70%</th>
<th>50% to 60%</th>
<th>40% to 50%</th>
<th>30% to 40%</th>
<th>20% to 30%</th>
<th>10% to 20%</th>
<th>0% to 10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 to $10,000</td>
<td>43.08</td>
<td>1.03</td>
<td>1.17</td>
<td>1.16</td>
<td>1.35</td>
<td>2.44</td>
<td>1.75</td>
<td>1.66</td>
<td>1.92</td>
<td>44.45</td>
</tr>
<tr>
<td>$10,001 to 20,000</td>
<td>24.67</td>
<td>1.71</td>
<td>2.06</td>
<td>2.45</td>
<td>3.23</td>
<td>5.95</td>
<td>5.06</td>
<td>4.93</td>
<td>5.35</td>
<td>44.59</td>
</tr>
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<td>10.31</td>
<td>1.30</td>
<td>1.96</td>
<td>2.75</td>
<td>4.90</td>
<td>9.47</td>
<td>9.40</td>
<td>8.46</td>
<td>8.44</td>
<td>43.00</td>
</tr>
<tr>
<td>$30,001 to 40,000</td>
<td>4.11</td>
<td>.89</td>
<td>1.47</td>
<td>2.69</td>
<td>5.99</td>
<td>13.08</td>
<td>12.80</td>
<td>11.21</td>
<td>10.16</td>
<td>37.60</td>
</tr>
<tr>
<td>$40,001 to 50,000</td>
<td>1.82</td>
<td>.57</td>
<td>1.17</td>
<td>2.69</td>
<td>7.11</td>
<td>15.13</td>
<td>16.48</td>
<td>13.05</td>
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<td>.95</td>
<td>.42</td>
<td>.90</td>
<td>2.64</td>
<td>7.85</td>
<td>18.50</td>
<td>18.42</td>
<td>13.82</td>
<td>10.41</td>
<td>26.09</td>
</tr>
<tr>
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<td>.70</td>
<td>.32</td>
<td>.83</td>
<td>2.57</td>
<td>8.35</td>
<td>19.54</td>
<td>19.09</td>
<td>15.53</td>
<td>9.60</td>
<td>23.47</td>
</tr>
<tr>
<td>$70,001 to 80,000</td>
<td>.71</td>
<td>.28</td>
<td>.61</td>
<td>2.43</td>
<td>7.97</td>
<td>18.93</td>
<td>20.63</td>
<td>13.43</td>
<td>9.60</td>
<td>25.39</td>
</tr>
<tr>
<td>$80,001 to 90,000</td>
<td>.64</td>
<td>.27</td>
<td>.64</td>
<td>2.17</td>
<td>7.85</td>
<td>19.19</td>
<td>17.95</td>
<td>15.21</td>
<td>10.17</td>
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<td>.84</td>
<td>.30</td>
<td>.80</td>
<td>2.05</td>
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<td>15.61</td>
<td>14.95</td>
<td>13.89</td>
<td>9.77</td>
<td>35.45</td>
</tr>
<tr>
<td>$100,001 to 120,000</td>
<td>.73</td>
<td>.41</td>
<td>1.00</td>
<td>2.39</td>
<td>5.54</td>
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<td>13.86</td>
<td>14.12</td>
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<td>35.91</td>
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<td>$120,001 and over</td>
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<td>.76</td>
<td>1.38</td>
<td>1.51</td>
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<td>6.76</td>
<td>6.35</td>
<td>9.11</td>
<td>12.79</td>
<td>57.70</td>
</tr>
</tbody>
</table>

Table 3.4 provides that at all income levels, the greatest percentage of White wives are found in households where they contribute between 0 and 10% to household income. In those households their husbands contribute between 90 and 100%.\(^{136}\)\(^{137}\)

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\(^{135}\) See supra note 91.

\(^{136}\) See supra tbl. 3.4.

\(^{137}\) See supra tbl. 3.4.
In households earning up to $10,000, 44.45% of White wives contribute between 0 and 10% to household income. 138 The second highest category of White wives is 43.08% and is found in households where they contribute between 90 and 100%. 139 The third highest category is where 2.44% of White wives contribute between 40 and 50%. 139

In households earning between $10,001 and $20,000, the highest category of White wives is 44.59% and is found in households where they contribute between 0 and 10% to household income. 140 The second highest category is 24.67% and is found in households where White wives contribute between 90 and 100% to household income. 141 The third highest category is 5.95% and is found where wives contribute between 40 and 50% to household income. 141

In households earning between $20,001 and $30,000, the highest percentage of White wives, 43%, is found in households where they contribute between 0 and 10% to household income. 142 The second highest percentage of White wives, 10.31%, is found in households where they contribute between 90 and 100% to household income. 143 The third highest percentage of White wives, 9.47%, is found in households where they contribute between 40 and 50%. 144

In households earning between $30,001 and $40,000, the highest percentage of White wives, 37.60%, is found in households where they contribute between 0 and 10% to household income. 145 The second highest percentage of White wives, 13.08%, is found in households where they contribute between 40 and 50% to household income. 146 The third highest category of White wives, 12.80%, is found in households where they contribute between 30 and 40% to household income. 147

In households earning between $40,001 and $50,000, the highest percentage of White wives, 31.23%, is found in households where they contribute between 0 and 10% to household income. 148 The second highest percentage of White wives, 13.08%,
16.48%, is found in households where they contribute between 30 and 40% to household income.\textsuperscript{151} The third highest category of White wives, 15.13%, is found in households where they contribute between 40 and 50% to household income.\textsuperscript{152} There is almost twice as many White wives who contribute between 0 and 10% to household income than White wives who contribute at either of the next two highest categories combined.\textsuperscript{153}

In households earning between $50,001 and $60,000, the highest percentage of White wives, 26.09%, is found in households where they contribute between 0 and 10% to household income.\textsuperscript{154} The second highest percentage of White wives, 18.50%, is found in households where they contribute between 40 and 50% to household income.\textsuperscript{155} The third highest percentage of White wives, 18.42%, is found in households where they contribute between 30 and 40% to household income.\textsuperscript{156} At this income level, although the highest percentage of White wives is found in households where they contribute between 0 and 10% to household income, there are a significant percentage of White wives who contribute non-trivial amounts to household income.\textsuperscript{157}

In households where income is between $60,001 and $70,000, the highest percentage of White wives, 23.47%, is again in households where they contribute between 0 and 10%. Less than 1% contribute between 90 and 100% to household income.\textsuperscript{158} The second highest percentage of White wives, 19.54%, is found in households where they contribute between 40 and 50% to household income.\textsuperscript{159} The third highest percentage of White wives, 19.09%, is found in households where they contribute between 30 and 40% to household income.\textsuperscript{160} The greatest percentage of White wives is found in households where their spouses contribute between 90 and 100%.\textsuperscript{161}

In households where income is between $70,001 and $80,000, the highest percentage of White wives, 25.39%, is found in households where they contribute between 0 and 10% to household income.\textsuperscript{162} The second highest percentage of White wives, 20.63%, is found in households where they contribute between 30

\textsuperscript{151} See supra tbl. 3.4.
\textsuperscript{152} See supra tbl. 3.4.
\textsuperscript{153} See supra tbl. 3.4.
\textsuperscript{154} See supra tbl. 3.4.
\textsuperscript{155} See supra tbl. 3.4.
\textsuperscript{156} See supra tbl. 3.4.
\textsuperscript{157} See supra tbl. 3.4.
\textsuperscript{158} See supra tbl. 3.4.
\textsuperscript{159} See supra tbl. 3.4.
\textsuperscript{160} See supra tbl. 3.4.
\textsuperscript{161} See supra tbl. 3.4.
\textsuperscript{162} See supra tbl. 3.4.
and 40% to household income.\textsuperscript{163} The third highest percentage of White wives, 18.93%, is found in households where they contribute between 40 and 50% to household income.\textsuperscript{164} 

In households where income is between $80,001 and $90,000, the highest percentage of White wives, 25.91%, is found in households where they contribute between 0 and 10% to household income.\textsuperscript{165} The second highest percentage of White wives, 19.19%, is found in households where they contribute between 40 and 50% to household income.\textsuperscript{166} The third highest percentage of White wives, 17.95%, is found in households where they contribute between 30 and 40% to household income.\textsuperscript{167}

For households with income of $90,001 to $100,000, the highest percentage of White wives, 35.45%, is found in households where they contribute between 0 and 10% to household income.\textsuperscript{168} The second highest percentage of White wives, 15.61%, is found in households where they contribute between 40 and 50% to household income.\textsuperscript{169} The third highest percentage of White wives, 14.95%, is found in households where they contribute between 30 and 40%.\textsuperscript{170}

For households with income of $100,001 to $120,000, the highest percentage of White wives, 35.91%, is found in households where they contribute between 0 and 10% to household income.\textsuperscript{171} The second highest percentage of White wives, 14.12%, is found in households where they contribute between 20 and 30% to household income.\textsuperscript{172} The third highest percentage of White wives, 13.86%, is found in households where they contribute between 30 and 40% to household income.\textsuperscript{173} At this income level there are 13.82% of White wives who contribute between 40 and 50% to household income.\textsuperscript{174} Therefore, there are two and a half times as many White wives contributing between 0 and 10% to household income as there are White wives who contribute between 40 and 50% to household income.\textsuperscript{175} 

\textsuperscript{163} See supra tbl. 3.4. 
\textsuperscript{164} See supra tbl. 3.4. 
\textsuperscript{165} See supra tbl. 3.4. 
\textsuperscript{166} See supra tbl. 3.4. 
\textsuperscript{167} See supra tbl. 3.4. 
\textsuperscript{168} See supra tbl. 3.4. 
\textsuperscript{169} See supra tbl. 3.4. 
\textsuperscript{170} See supra tbl. 3.4. 
\textsuperscript{171} See supra tbl. 3.4. 
\textsuperscript{172} See supra tbl. 3.4. 
\textsuperscript{173} See supra tbl. 3.4. 
\textsuperscript{174} See supra tbl. 3.4. 
\textsuperscript{175} See supra tbl. 3.4.
In households greater than $120,000, the greatest percentage of White wives, 57.70%, is found in households where they contribute between 0 and 10% to household income. The second highest percentage of White wives, 12.79%, is found in households where they contribute between 10 and 20% to household income. The third highest percentage of White wives, 9.11%, is found in households where they contribute between 20 and 30% to household income. At this income level, there are only 6.76% of White wives who contribute between 40 and 50% to household income. There are eight and one-half times as many White wives in households where they contribute between 0 and 10% to household income than contribute between 40 and 50% to household income.

D. Data Analysis

1. White Wives Are More Likely to be Eligible for the Greatest Spousal and Survivor Benefits than Black Wives

<table>
<thead>
<tr>
<th>Household Income</th>
<th>Black Wives Who Contribute Between 0 and 10%</th>
<th>White Wives Who Contribute Between 0 and 10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0–10,000</td>
<td>41.81</td>
<td>44.45</td>
</tr>
<tr>
<td>$10,001–20,000</td>
<td>41.09</td>
<td>44.59</td>
</tr>
<tr>
<td>$20,001–30,000</td>
<td>28.51</td>
<td>43.00</td>
</tr>
<tr>
<td>$30,001–40,000</td>
<td>20.84</td>
<td>37.60</td>
</tr>
<tr>
<td>$40,001–50,000</td>
<td>13.07</td>
<td>31.23</td>
</tr>
<tr>
<td>$50,001–60,000</td>
<td>8.16</td>
<td>26.09</td>
</tr>
<tr>
<td>$60,001–70,000</td>
<td>5.64</td>
<td>23.47</td>
</tr>
<tr>
<td>$70,001–80,000</td>
<td>5.82</td>
<td>25.39</td>
</tr>
<tr>
<td>$80,001–90,000</td>
<td>5.40</td>
<td>25.91</td>
</tr>
<tr>
<td>$90,001–100,000</td>
<td>5.90</td>
<td>35.45</td>
</tr>
<tr>
<td>$100,001–120,000</td>
<td>8.04</td>
<td>35.91</td>
</tr>
<tr>
<td>$120,001 &amp; over</td>
<td>31.94</td>
<td>57.70</td>
</tr>
</tbody>
</table>

176 See supra tbl. 3.4.
177 See supra tbl. 3.4.
178 See supra tbl. 3.4.
179 See supra tbl. 3.4.
180 See supra tbl. 3.4.
181 Table 3.5 is a compilation of data provided in tables 3.3 and 3.4 found at supra notes 91, 135.
Table 3.5 provides data for wives who contribute no more than 10% to total household income.\textsuperscript{182} Table 3.5 shows that at all income levels there is a greater percentage of White husbands who are single earners (or contribute at least 90% of household income) than are Black husbands.\textsuperscript{183} Spousal benefits under the Social Security System are the greatest for households with one wage earner.\textsuperscript{184} Survivor benefits are also greater for single-earner households than for two-earner households.\textsuperscript{185} Therefore, White husbands are far more likely than Black husbands to provide the greatest spousal benefits for their wives. For households earning between $40,001 and $120,000, there are at least twice as many White husbands as Black husbands who are primary wage earners and at some income levels as many as six times as many White husbands as Black husbands who are primary wage earners.\textsuperscript{186} Notice, however, at the lower income levels—households earning $20,000 and less—the similar percentages of Black and White husbands who are the primary wage earners.\textsuperscript{187}

Table 3.5 also makes clear that the balance of households not included in this table include the majority of Black married households at all income levels and the majority of White married households in all but the upper income households.\textsuperscript{188} Therefore, the decreased social security benefits received by Black married couples also will impact a majority of low and middle income White married couples.

\textsuperscript{182} See supra tbl. 3.5.
\textsuperscript{183} See supra tbl. 3.5.
\textsuperscript{184} See supra notes 25–29 and accompanying text; see also supra note 3 (describing the impact of the taxable maximum).
\textsuperscript{185} See supra note 48 and accompanying text.
\textsuperscript{186} See supra tbl. 3.5. Households earning $90,001 and over are above the taxable maximum. Therefore, two-earner couples could receive social security benefits greater than single-earner couples. For further analysis, see supra note 36 and accompanying text.
\textsuperscript{187} I believe that this is a function of the severe marriage penalties associated with the earned income tax credit and is the focus of a separate article that I am co-authoring. See generally Dorothy A. Brown, Stacy Dickert-Conlin, & Scott Hauser, The Earned Income Tax Credit in Black and White (Feb. 14, 2004) (unpublished manuscript, on file with author).
\textsuperscript{188} See supra tbl. 3.5.
E. White Wives Are More Likely than Black Wives to be Found in the Spousal Benefit Phase-Out

Table 3.6

<table>
<thead>
<tr>
<th>Household Income</th>
<th>Black Wives Who Contribute Between 0 and 20%</th>
<th>White Wives Who Contribute Between 0 and 20%</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0–10,000</td>
<td>44.17</td>
<td>46.37</td>
</tr>
<tr>
<td>$10,001–20,000</td>
<td>46.39</td>
<td>49.94</td>
</tr>
<tr>
<td>$20,001–30,000</td>
<td>34.99</td>
<td>51.44</td>
</tr>
<tr>
<td>$30,001–40,000</td>
<td>27.49</td>
<td>47.76</td>
</tr>
<tr>
<td>$40,001–50,000</td>
<td>19.30</td>
<td>41.99</td>
</tr>
<tr>
<td>$50,001–60,000</td>
<td>13.83</td>
<td>36.50</td>
</tr>
<tr>
<td>$60,001–70,000</td>
<td>10.05</td>
<td>33.07</td>
</tr>
<tr>
<td>$70,001–80,000</td>
<td>9.62</td>
<td>34.99</td>
</tr>
<tr>
<td>$80,001–90,000</td>
<td>9.17</td>
<td>36.08</td>
</tr>
<tr>
<td>$90,001–100,000</td>
<td>13.05</td>
<td>45.22</td>
</tr>
<tr>
<td>$100,001–120,000</td>
<td>14.02</td>
<td>48.12</td>
</tr>
<tr>
<td>$120,001 &amp; over</td>
<td>44.07</td>
<td>70.49</td>
</tr>
</tbody>
</table>

Table 3.6 provides racial data for households where wives do not contribute more than 20% to household income.\textsuperscript{189} Spousal benefits are still paid for households with this income contribution percentage, but those spousal benefits are declining.\textsuperscript{191} At every income level, there is a greater percentage of White wives who contribute no more than 20% to household income than Black wives.\textsuperscript{192} In fact, 7 of 12, or 58.3%, of the income categories have over 40% of White wives contributing no more than 20% to household income.\textsuperscript{193} For Black wives, the calculation is 3 out of 12, or 25%.\textsuperscript{194} Therefore, a far greater percentage of White wives than Black wives based on each income category are eligible for spousal benefits and subject to the phase out.

\textsuperscript{189} Table 3.6 is a compilation of data provided in tables 3.3 and 3.4 found at \textit{supra} notes 91, 135.

\textsuperscript{190} \textit{See supra} tbl. 3.6.

\textsuperscript{191} \textit{See supra} notes 28–36 and accompanying text.

\textsuperscript{192} \textit{See supra} tbl. 3.6.

\textsuperscript{193} \textit{See supra} tbl. 3.6.

\textsuperscript{194} \textit{See supra} tbl. 3.6.
There are similar percentages in households earning up to $20,000, even though there is a slightly greater percentage of White than Black wives. For households between $40,000 and $120,000, the differences are greater. In many of those households, White wives are up to three times more likely than Black wives to contribute up to 20% to household income. At the very high income levels, there are a significantly higher percentage of White wives eligible to receive spousal benefits than Black wives.

F. Black Wives Are More Likely than White Wives to Receive No Spousal Benefits

**Table 3.7**

<table>
<thead>
<tr>
<th>Household Income</th>
<th>Black Wives Who Contribute At least 30%</th>
<th>White Wives Who Contribute At least 30%</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0–10,000</td>
<td>53.79</td>
<td>51.98</td>
</tr>
<tr>
<td>$10,001–20,000</td>
<td>48.21</td>
<td>45.13</td>
</tr>
<tr>
<td>$20,001–30,000</td>
<td>55.86</td>
<td>40.09</td>
</tr>
<tr>
<td>$30,001–40,000</td>
<td>62.10</td>
<td>41.03</td>
</tr>
<tr>
<td>$40,001–50,000</td>
<td>68.82</td>
<td>44.97</td>
</tr>
<tr>
<td>$50,001–60,000</td>
<td>74.11</td>
<td>49.68</td>
</tr>
<tr>
<td>$60,001–70,000</td>
<td>77.83</td>
<td>51.40</td>
</tr>
<tr>
<td>$70,001–80,000</td>
<td>79.95</td>
<td>51.56</td>
</tr>
<tr>
<td>$80,001–90,000</td>
<td>78.08</td>
<td>48.71</td>
</tr>
<tr>
<td>$90,001–100,000</td>
<td>73.07</td>
<td>40.90</td>
</tr>
<tr>
<td>$100,001–120,000</td>
<td>69.66</td>
<td>37.75</td>
</tr>
<tr>
<td>$120,001 &amp; over</td>
<td>44.50</td>
<td>20.40</td>
</tr>
</tbody>
</table>

Recall that wives who contribute at least 30% to total household income receive no spousal benefits. Table 3.7 provides that at every household income level there is a greater percentage of Black wives who contribute at least 30% to total household income and would be ineligible to receive spousal benefits.

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195 See supra tbl. 3.6.
196 See supra tbl. 3.6.
197 See supra tbl. 3.6.
198 Table 3.7 is a compilation of data provided in tables 3.3 and 3.4 found at supra notes 91, 135.
199 See supra notes 28–36 and accompanying text. Certain wives who contribute between 20 and 30% to household income receive a spousal benefit and others do not. This table therefore did not include the percentage of wives who contribute between 20 and 30%.
200 See supra tbl. 3.7.
Again, at the lower income levels Black and White wives contribute at least 30% in similar percentages. In 10 of the 12 different income categories, over half of Black wives would be ineligible to receive spousal benefits. In 3 of the 12 different income categories, over half of White wives would be ineligible to receive spousal benefits. Over two-thirds of Black wives in 7 of 12 different income categories would be ineligible to receive spousal benefits. There is no income level for which over two-thirds of White wives are ineligible to receive spousal benefits. In 3 of the 12 different income categories, at least 75% of Black wives would be ineligible to receive spousal benefits because of the significant amounts she is contributing to household income.

G. Black Wives Are More Likely to Receive the Lowest Survivor Benefit

Table 3.8

PERCENT OF WIVES WHO ARE CO-EQUAL WAGE EARNERS

<table>
<thead>
<tr>
<th>Household Income</th>
<th>Black Wives Who Contribute Between 40 and 60%</th>
<th>White Wives Who Contribute Between 40 and 60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0–10,000</td>
<td>4.72</td>
<td>3.79</td>
</tr>
<tr>
<td>$10,001–20,000</td>
<td>12.08</td>
<td>9.18</td>
</tr>
<tr>
<td>$20,001–30,000</td>
<td>24.02</td>
<td>14.37</td>
</tr>
<tr>
<td>$30,001–40,000</td>
<td>32.72</td>
<td>19.07</td>
</tr>
<tr>
<td>$40,001–50,000</td>
<td>36.74</td>
<td>22.24</td>
</tr>
<tr>
<td>$50,001–60,000</td>
<td>42.88</td>
<td>26.35</td>
</tr>
<tr>
<td>$60,001–70,000</td>
<td>46.49</td>
<td>27.89</td>
</tr>
<tr>
<td>$70,001–80,000</td>
<td>47.93</td>
<td>26.90</td>
</tr>
<tr>
<td>$80,001–90,000</td>
<td>49.46</td>
<td>27.04</td>
</tr>
<tr>
<td>$90,001–100,000</td>
<td>42.43</td>
<td>21.96</td>
</tr>
<tr>
<td>$100,001–120,000</td>
<td>36.15</td>
<td>19.36</td>
</tr>
<tr>
<td>$120,001 &amp; over</td>
<td>21.77</td>
<td>9.23</td>
</tr>
</tbody>
</table>

201 See supra tbl. 3.7.
202 See supra tbl. 3.7.
203 See supra tbl. 3.7.
204 See supra tbl. 3.7.
205 See supra tbl. 3.7.
206 See supra tbl. 3.7.
207 Table 3.8 is a compilation of data provided in tables 3.3 and 3.4 found at supra notes 91, 135.
Table 3.8 shows that at all income levels, Black wives are far more likely than White wives to contribute roughly equal amounts to household income.\(^{208}\) In households earning between $50,001 and $100,000, over 40% of Black couples and over 20% of White couples live in households where the husbands and wives contribute roughly equal amounts to household income.\(^{209}\) In households earning over $120,001, there are more than twice as many Black husbands contributing roughly equal amounts to household income as there are White husbands.\(^{210}\) At the very lowest income levels, households earning $20,000 and under, the percentage differences between White and Black households are the smallest.\(^{211}\)

In households earning $90,001 and over, two-earner households may receive greater social security benefits than single-earning households.\(^{212}\) However, only 2.03% of married Black couples\(^ {213}\) and only 5.86% of married White couples\(^ {214}\) are at or above the taxable maximum.

Survivor benefits decrease the greater the wife’s contribution to household income.\(^ {215}\) According to this data, Black wives are far more likely than White wives to contribute equal amounts to household income and, therefore, receive the least amount in survivor benefits.\(^ {216}\) Black wives are working more and contributing more in social security payments but are not receiving more in spousal benefits. White wives are working less and not contributing as much as Black wives to Social Security, but are receiving spousal benefits. It thus appears that Black wives who work in the paid labor market and do not receive spousal benefits are subsidizing White wives who do not work in the paid labor market, yet receive spousal benefits.

IV. CONCLUSION

Spousal and survivor benefits are rarely analyzed from the perspective of the impact on African-American families. This Article provides such an analysis. It shows that because of the differences in spousal contributions by wives based upon race, social security benefits will differ. Those differences result in decreased spousal and survivor benefits received by Black wives when compared with benefits received by White wives. Black wives are less likely to receive

\(^{208}\) See supra tbl. 3.8.

\(^{209}\) See supra tbl. 3.8.

\(^{210}\) See supra tbl. 3.8.

\(^{211}\) See supra note 187.

\(^{212}\) See supra note 36 and accompanying text.

\(^{213}\) See supra note 73 and accompanying text.

\(^{214}\) See supra note 88 and accompanying text.

\(^{215}\) See supra notes 23–35 and accompanying text.

\(^{216}\) See supra tbl. 3.8.
spousal benefits than are White wives, and Black wives are more likely to receive the lowest amount in widow benefits. Further, two-earner Black couples' social security contributions are being redistributed to White couples where the wife does not work in the paid labor market and makes no social security contributions but receives social security benefits. All of this is a result of the dual entitlement limitation that treats contributions as individually made, ignoring marital status, but calculates benefits based on marital status. Those that study the racially disparate impact of social security benefits should expand their analysis to include married Black women.

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217 See McCaffery, supra note 2, at 91 ("Spouses are separated for purposes of paying social security taxes, but only partially so for purposes of receiving benefits. Each spouse must pay into social security as though he or she were not married, but the ultimate benefits a spouse receives turn on marital status."); Forman, supra note 2, at 945 ("[S]ocial security presents the worst of both worlds: the social security retirement tax is based upon individual filing units (workers), while social security retirement benefits are paid based on certain family unit relationships (workers and their auxiliaries.").