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## PURSUING RACIAL JUSTICE

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21ST CENTURY

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Racial Justice Training Institute



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# TANF and Racial Justice

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By Mary R. Mannix and Henry A. Freedman

**Mary R. Mannix**  
Program Director/Senior Attorney

**Henry A. Freedman**  
Executive Director

National Center for Law and  
Economic Justice  
275 Seventh Ave. Suite 1506  
New York, NY 10001  
212.633.6967  
mannix@nclej.org  
freedman@nclej.org

In 2002 we identified how the 1996 Temporary Assistance for Needy Families (TANF) federal block grant presented new challenges for advocates combatting the historic racism in welfare programs for poor families.<sup>1</sup> Today the challenge is as great as ever. Poverty and deep poverty remain shockingly high for racial and ethnic minorities and children. New research confirms that poverty in children's early years diminishes their life prospects. Yet, while TANF should be one part of a comprehensive childhood antipoverty program, the Great Recession revealed that TANF failed to respond to increased need among poor families and disproportionately harmed racial and ethnic minorities.

And, while our society has moved from the overt racial discrimination of the past, more subtle race-based factors and stereotypes, particularly focused on black women, continue to infect TANF policy and administration. Sociologists, drawing from intersectional theories, have examined "gendered color-blind racism" in the welfare system, that is, how the welfare system affects women of color because of controlling views of them as women and members of a racial minority.<sup>2</sup> According to this lens, "This period of race-blind public policy has resulted in the creation and maintenance of racial inequality through stealth methods. The racially encoded discourse of *personal responsibility*, *self-sufficiency*, *single-motherhood*, and *culture of dependency* suggests the undeservingness of welfare participants, who are increasingly becoming Black."<sup>3</sup>

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<sup>1</sup>Henry A. Freedman, *The Welfare Advocate's Challenge: Fighting Historic Racism in the New Welfare System*, 36 CLEARINGHOUSE REVIEW 31 (May–June 2002).

<sup>2</sup>Shannon M. Monnat, *Toward a Critical Understanding of Gendered Color-Blind Racism Within the U.S. Welfare Institution*, 40 JOURNAL OF BLACK STUDIES 637 (March 2010), <http://bit.ly/11qeaMC>.

<sup>3</sup>*Id.* at 648–49.

This perspective has informed recent social science research demonstrating how race influences state TANF policy choices and caseworker discretion. As discussed below, multiple studies have found that states with larger proportions of black recipients are more likely to have stricter welfare policies and that caseworkers, who wield broad discretion in individual cases, are more likely to sanction blacks than whites for similar noncompliance with program rules.

We believe that these developments, taken together, clearly show that the inadequacy of TANF raises racial justice issues and that advocacy to strengthen TANF and income security for poor families is a critical element of racial justice advocacy.

### Poverty's Lasting, Disproportionate Harm

Poverty not only imposes immediate harms on children but also thwarts their future and poses a threat to our society. Recent social science research shows that the ill effects of poverty in a child's early years extend well into adult life and that even modest increases in income in early childhood improve both children's academic achievement and employment in adulthood:

Taken together, this research suggests that greater policy attention should be given to remediating situations involving deep and persistent poverty in early childhood. In the case of welfare policies, we should take care to ensure that sanctions and other regulations do not deny benefits to families with very young children. Not only do young children appear to be very

vulnerable to the consequences of deep poverty, but mothers with very young children are also least able to support themselves through employment in the labor market.<sup>4</sup>

Recognizing that child poverty leads to poor health conditions and social outcomes, including lower rates of school completion and low earnings in adulthood, an American Pediatric Association task force recently identified advocacy to “strengthen[] and improve[] access to [TANF] to better help parents receive benefits and find and keep jobs” among its strategies for tackling child poverty.<sup>5</sup>

The conclusions of social science and medical professionals are compelling, especially given the astounding U.S. poverty rates—15 percent overall and 21.9 percent for children under 18 (i.e., 16.1 million children are poor). Racial and ethnic minorities and children (especially those in families headed by single women) bear the brunt of poverty.<sup>6</sup> The 2011 poverty rate for blacks was 27.6 percent (10.9 million people), almost triple that of non-Hispanic whites (9.8 percent, or 19.2 million people), while the poverty rate for Hispanics was 25.3 percent (13.2 million people). The poverty rate for black children under 18 was 38.8 percent, over triple that of non-Hispanic white children (12.5 percent), while 34.1 percent of Hispanic children were poor.<sup>7</sup> Of those living in families headed by single women, 34.2 percent were poor, compared to 16.5 percent of those in families headed by a single male and 7.4 percent of those in families of married couples with children.<sup>8</sup>

Blacks and Hispanics and children were more likely to be in deep poverty, defined

<sup>4</sup>Greg J. Duncan & Katherine Magnuson, *The Long Reach of Early Childhood Poverty*, PATHWAYS, Winter 2011, at 27, <http://stanford.io/18Nf9vK>.

<sup>5</sup>American Pediatric Association Task Force on Childhood Poverty, *A Strategic Road-Map: Committed to Bringing the Voice of Pediatricians to the Most Important Problem Facing Children in the US Today 4* (April 30, 2013), <http://bit.ly/13WygPr>.

<sup>6</sup>CARMEN DeNAVAS-WALT ET AL., U.S. CENSUS BUREAU, *CURRENT POPULATION REPORTS, P60-243, INCOME, POVERTY, AND HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2011*, at 13–20 (Sept. 2012), <http://1.usa.gov/W4ohRF>.

<sup>7</sup>*Id.* tbl.B-2; *id.* at 58–59, 61.

<sup>8</sup>U.S. Census Bureau, *2011 Poverty Table of Contents: People in Families by Family Structure, Age, and Sex, Iterated by Income-to-Poverty Ratio and Race* (Sept. 12, 2012), <http://1.usa.gov/1aCIFGH> (click “Below 100 percent of poverty” and then click “All Races”).

as less than 50 percent of the federal poverty level (\$9,265 for a family of three in 2011).<sup>9</sup> While 4.4 percent of non-Hispanic whites lived in deep poverty, the rate soared to 12.8 percent for blacks, 10.5 percent for Hispanics, and 9.8 percent for children under 18.<sup>10</sup> Not surprisingly, since blacks and Hispanics are disproportionately poor, such families need to rely more on TANF when employment is unavailable, inadequate, or not feasible given family circumstances.<sup>11</sup>

### TANF's Weakening Role as a Safety Net

Several key features of the TANF block grant have contributed to the steady erosion of TANF as a meaningful protection against child poverty: frozen federal funding that has lost 30 percent in value due to inflation; state authority to use TANF funds for purposes other than cash aid; strict requirements to engage large percentages of recipients in narrowly defined work activities; no requirement that states provide cash aid to individuals; and broad state discretion over eligibility rules.<sup>12</sup>

The Great Recession exposed TANF's fundamental failure to respond adequately to the increased need resulting from high and prolonged unemployment. In 1996 TANF reached 68 percent of poor families

with children, but by 2011 it reached only 27 percent of poor families.<sup>13</sup> Between 1996 and 2012 the TANF national caseload dropped by 60 percent while poverty and deep poverty increased.<sup>14</sup> Only about 29 percent of TANF funds are now spent on cash aid, with the rest directed to other services.<sup>15</sup> Some states have cut TANF grants, tightened time limits, or otherwise restricted access.<sup>16</sup> TANF's failure to respond adequately to increased need contrasts sharply with the Supplemental Nutrition Assistance Program (SNAP). SNAP, unlike TANF, is not a block grant, and its caseload grew dramatically with rising unemployment and need. For example, between December 2007 and December 2009, SNAP enrollment increased by 45 percent, while TANF caseloads increased by only 13 percent.<sup>17</sup>

TANF grant levels are below 50 percent of the federal poverty level in all states and below 30 percent of the federal poverty line in most.<sup>18</sup> Moreover, the block-grant structure and work participation requirements create incentives for states to reduce caseloads through aggressive sanctioning of recipients who allegedly fail to comply with work requirements. Sanctions play a major role in program administration, typically affect the most vulnerable, and are applied in a racially disparate manner.<sup>19</sup> Yet, despite its seri-

<sup>9</sup>The 2011 U.S. Department of Health and Human Services poverty guideline for a household of three was \$18,530 (U.S. Department of Health and Human Services, The 2011 HHS Poverty Guidelines (Feb. 2, 2012), <http://1.usa.gov/qTOdt8>).

<sup>10</sup>DeNAVAS-WALIT ET AL., *supra* note 6, at 18 tbl.5.

<sup>11</sup>Office of Family Assistance, Administration for Children and Families, U.S. Department of Health and Human Services, Characteristics and Financial Circumstances of TANF Recipients, Fiscal Year 2010, tbl.A (Aug. 8, 2012), <http://1.usa.gov/12CvXTn>.

<sup>12</sup>Social Security Act, 42 U.S.C. §§ 601 *et seq.*; Liz Schott, Center on Budget and Policy Priorities, Policy Basics: An Introduction to TANF (Dec. 4, 2012), <http://bit.ly/157QoYP>.

<sup>13</sup>Danilo Trisi & LaDonna Pavetti, Center on Budget and Policy Priorities, TANF Weakening as a Safety Net for Poor Families 1 (March 13, 2012), <http://bit.ly/15tDjgr>.

<sup>14</sup>Schott, *supra* note 12, at 5–6.

<sup>15</sup>*Id.* at 1.

<sup>16</sup>LaDonna Pavetti et al., Center on Budget and Policy Priorities, TANF Emerging from the Downturn a Weaker Safety Net (March 1, 2013), <http://bit.ly/13kn2oc>.

<sup>17</sup>LaDonna Pavetti & Liz Schott, Center on Budget and Policy Priorities, TANF's Inadequate Response to Recession Highlights Weakness of Block-Grant Structure: Proponents Wrong to See It as Model for Medicaid, SNAP, or Other Low-Income Programs 2–3 (July 14, 2011), <http://bit.ly/163LdFP>.

<sup>18</sup>Ife Finch & Liz Schott, Center on Budget and Policy Priorities, The Value of TANF Cash Benefits Continued to Erode in 2012, at 1 (March 28, 2013), <http://bit.ly/13sGUST>.

<sup>19</sup>Timothy Casey, Legal Momentum, The Sanction Epidemic in the Temporary Assistance for Needy Families Program (Aug. 4, 2010), <http://bit.ly/19vmKyr>.

ous weaknesses, TANF, with a national caseload of over 1.8 million families in the 2010 fiscal year, helps lift many families out of deep poverty each year and reduces desperate hardship for others.<sup>20</sup>

While TANF's structure is itself problematic, the Great Recession emphasized TANF's weaknesses, including its inflexible work participation requirements. In light of bleak labor market prospects for the foreseeable future, some experts have urged a reconsideration of TANF's emphasis on work requirements and suggested that TANF be revised to focus on education and training to prepare for jobs in the future economy.<sup>21</sup>

### Pervasive Racialization in TANF Policies and Administration

The racialization of welfare programs long preceded TANF, whose implementation was shaped by this racialized history and driven by racial stereotypes such as the alleged unwillingness of beneficiaries to engage in paid work.<sup>22</sup> Early TANF policies and implementation clearly had a disproportionately negative racial impact, as set out in studies cited in our 2002 article.<sup>23</sup> More recent scholarship confirms this disparate impact. An exhaustive study of a wide range of early TANF restrictive state policies concluded:

As states rushed to create disciplinary TANF regimes in the late 1990s, amid the bipartisan

“national consensus” on welfare reform, differences in labor markets and partisan control briefly ceased to matter; the racial identities of target groups emerged as a singularly powerful predictor of the policy choices that stood at the heart of a thoroughly racialized project.<sup>24</sup>

Another researcher found that in those early years the larger the black proportion of a state's caseload, the greater the decline in the proportion of the state's poor children who received TANF benefits.<sup>25</sup>

Today race, prevailing ideological orientations, and labor market conditions appear to be the key factors influencing state policies.<sup>26</sup> Race continues to play a subtle role in many recent proposals for drug testing or prohibitions on accessing benefits from automated teller machines in liquor stores or casinos (even if the recipient is an employee of the venue or if there are no other automated teller machines in the area).<sup>27</sup>

At the local level, however, is where race has historically had its greatest influence, particularly on agency practices. Post-TANF, fourteen states devolved even more authority over their welfare programs to localities. Such devolution was more probable the larger and more concentrated the black population was, and occurred in states with more stringent TANF rules to begin with.<sup>28</sup>

<sup>20</sup>U.S. Department of Health and Human Services, TANF Families and Households tbl.1 (Dec. 21, 2011), <http://1.usa.gov/18PlmGn>; Trisi & Pavetti, *supra* note 13, at 2.

<sup>21</sup>Gordon Berlin, MDRC, How a Safety Net Built Around Work Is Not Up to the Job (Oct. 2012), <http://bit.ly/1e90XKF>.

<sup>22</sup>See Freedman, *supra* note 1; see generally WINIFRED BELL, *AID TO DEPENDENT CHILDREN* (1965); JOE SOSS ET AL., *DISCIPLINING THE POOR: NEOLIBERAL PATERNALISM AND THE PERSISTENT POWER OF RACE* (2011) 94–111.

<sup>23</sup>Freedman, *supra* note 1.

<sup>24</sup>SOSS ET AL., *supra* note 22, at 299. The study finds little association of these policy choices with the Latino composition of the caseload, however (*id.* at 128).

<sup>25</sup>Keith G. Bentele & Lisa Thiebaud Nicoli, *Ending Access as We Know It: State Welfare Benefit Coverage in the TANF Era*, 86 *SOCIAL SERVICE REVIEW* 248, 251, 255, 260–61 (2012); see generally Casey, *supra* note 19.

<sup>26</sup>SOSS ET AL., *supra* note 22, at 299; Bentele & Nicoli, *supra* note 25, at 255 (race no longer had as much impact on coverage because coverage had become so much more limited by 2000); Matthew C. Fellowes & Gretchen Rowe, *Politics and the New American Welfare State*, 48 *AMERICAN JOURNAL OF POLITICAL SCIENCE* 362, 700 (2004) (confirming strong role that race plays in TANF policies and identifying political and economic influences).

<sup>27</sup>See, e.g., Matt Lewis et al., Center for Law and Social Policy, TANF Policy Brief: Random Drug Testing of TANF Recipients Is Costly, Ineffective and Hurts Families (Oct. 2012), <http://bit.ly/16aFWMP>; Deborah Harris & Julia Schlozman, *Variations on an Unconstitutional Theme: Restrictions on Interstate Use of Cash Benefits*, 47 *CLEARINGHOUSE REVIEW* 4–5, n.6 (May–June 2013).

<sup>28</sup>SOSS ET AL., *supra* note 22, at 132–33, 298.

More stringent rules led to more sanctioning. Sanctions in TANF are common. Over 200,000 cases were closed in the 2008 fiscal year due to a sanction, and this official number likely underreports the extent of sanctioning.<sup>29</sup> Sanction decisions are made by individual agency staff, most often for alleged failure to comply satisfactorily with work or other requirements. With more administration now in the hands of private contractors, a study of the Florida program found that “[p]rivatization and sanctioning proceed hand in hand, as for-profit providers penalize TANF clients at significantly higher rates,” apparently because their use of discretion is being tracked and they are being pressed to meet unrealistic targets.<sup>30</sup> Yet, because many recipients cannot do what they are asked to do, the sanctions do not “improve” behavior or increase employment; they only increase need.

Across the country, the odds are greater that black women and (to a lesser and more complex extent) Latinas will be sanctioned than white women.<sup>31</sup> A two-year ethnographic study of fourteen Los Angeles legal permanent residents found that the factors causing participants to leave welfare included sanctioning, harassment, and “Job Club” programs that “pushed them to take any job at any wage.”<sup>32</sup>

Recent scholarship does not contend that agency workers explicitly consider race when applying sanctions; this would be contrary to law and agency policy. But research has identified various factors that lead to the racialized result. The first is the world outside the agency. Racial stereotyping by employers may make

securing employment harder for black recipients.<sup>33</sup> Second, there is the agency staff itself. In making discretionary decisions, frontline workers rely heavily on their assessment of the recipient as a person. They form an opinion based not only on what the behavior is at issue but also on how they perceive that person. Research has found that when recipients of color have “discrediting markers” such as multiple children or prior sanctions, unconscious negative stereotypical thinking frequently kicks in and those persons are particularly targeted for discipline.<sup>34</sup> Researchers find this true even though most frontline workers are also people of color.<sup>35</sup>

The profound racialization of TANF results from the intersection of multiple decisions on policies and individual cases; stereotypes concerning race, class, gender, and sexuality; and the racism that has historically pervaded welfare programs. Some scholars have described a racialized TANF program one part of a system of racialized “poverty governance” involving an explosion in the number of black men in the criminal justice system (most on parole and required to seek work) and a welfare program focused on mandating behavior and disciplining noncomplying black women through aggressive sanctions and premised on the view that recipients are out to cheat the system.<sup>36</sup>

### Opportunities for Action

The continued racialization of TANF cries out for a response from advocates, but rebuilding a safety net and removing

<sup>29</sup>See Casey, *supra* note 19, at 1, 5.

<sup>30</sup>SOSS ET AL., *supra* note 22, at 230–31, 298.

<sup>31</sup>Shannon M. Monnat, *The Color of Welfare Sanctioning: Exploring the Individual and Contextual Roles of Race on TANF Case Closures and Benefit Reductions*, 51 *SOCIOLOGICAL QUARTERLY* 678 (2010) (also there is considerable variation based upon context, such as demographics in county, but race clearly is factor).

<sup>32</sup>Alejandra Marchevsky & Jeanne Theoharis, *Dropped from the Rolls: Mexican Immigrants, Race, and Rights in the Era of Welfare Reform*, 35 *JOURNAL OF SOCIOLOGY AND SOCIAL WELFARE* 74 (Sept. 2008).

<sup>33</sup>Monnat, *supra* note 31, at 701 (citing studies).

<sup>34</sup>SOSS ET AL., *supra* note 22, at 234–35, 249, 256.

<sup>35</sup>*Id.* at 233–61.

<sup>36</sup>*Id.* at 101–11; see KAARYN S. GUSTAFSON, *CHEATING WELFARE: PUBLIC ASSISTANCE AND THE CRIMINALIZATION OF POVERTY* (2011).

the scourge of racial disparities in welfare administration will be a long-term effort and must involve a broad community. Of course, with TANF benefits so inadequate and enrollment so limited, almost any improvement, however achieved, will benefit low-income families, of whom so many are people of color. To focus specifically on racial equity, advocates can examine their TANF program for areas where racial stereotyping might most likely have a particularly pernicious effect, such as work assignments, opportunities for education or training, sanctions, the geographical allocation of services, discretionary extensions of time limits, and discretionary grants of domestic violence exemptions. Client complaints can be analyzed for systemic problems, and statistics gathered where they exist.<sup>37</sup>

What might advocates do with this information? One legal services program specifically examines their clients' problems through a racial equity lens. Since 2004 Legal Services of Northern California's Race Equity Project has "address[ed] issues of race ... (1) identifying race disparities in the institutions and systems used by LSNC's clients; (2) educating clients and community agencies and organizations about these disparities and how to address them; and (3) enforcing laws and policies to eliminate or mitigate these disparities."<sup>38</sup> A particular focus as to public benefits has been on language access.<sup>39</sup>

Advocates can consider federal, state, and local advocacy. At the federal level, Congress must reauthorize TANF by September 30, 2013. National organizations have

proposed improvements to consider, in a race-neutral manner, some key shortcomings in the program and to begin to rebuild TANF as a safety net.<sup>40</sup> Proposals to cut or further restrict TANF can also be expected. We cannot now predict the outcome. Advocates can follow the Coalition for Human Needs, the Center on Budget and Policy Priorities, and the Center for Law and Social Policy and make sure that their local congressional delegation understands the implications of proposed changes.

Advocacy at the state level is critical to defend TANF and secure improvements where possible. The current climate of a weak economy, state budget deficits, and hostility to government spending has led to state-level attacks on TANF. The Center on Budget and Policy Priorities reports that state advocates have been critical to defeating or mitigating harmful proposals.<sup>41</sup> In many places, coalitions have formed to seek legislative and administrative improvements on TANF. If not already involved, coalitions working on immigration, civil rights, women's rights, and related justice issues might be persuaded to include TANF and similar programs in their agendas. As one example, the Washington Community Action Network, a broad-based coalition, has issued comprehensive racial equity report cards assessing the racial disparities and harmful consequences of recent state budget decisions on a wide variety of human needs programs, including TANF.<sup>42</sup>

Advocacy can also be directed to the agency itself, either through coalitions or a direct approach by legal services. Some

<sup>37</sup>States must include racial characteristics in TANF data sent to the U.S. Department of Health and Human Services (42 U.S.C. §§ 611(a)(1)(A)(vii)–(viii)).

<sup>38</sup>Legal Services of Northern California, Race Equity Project, About the Race Equity Project (2013), <http://bit.ly/1aV8xIV>.

<sup>39</sup>See, e.g., T. Wong, Legal Services of Northern California, Race Equity Project, Language Access to the Courts (Sept. 21, 2007), <http://bit.ly/13pJHPZ>.

<sup>40</sup>See, e.g., Elizabeth Lower-Basch, Center for Law and Social Policy, TANF Policy Brief: Goals for TANF Reauthorization (Feb. 6, 2013), <http://bit.ly/1ctJVKL>; Center on Budget and Policy Priorities, Chart Book: TANF at 16 (Aug. 22, 2012), <http://bit.ly/172ue72>.

<sup>41</sup>Liz Schott, Center on Budget and Policy Priorities, State Legislative Session TANF Wrap-Up (July 25, 2012) (on file with Mary R. Mannix and Henry A. Freedman). Most states have a member of the State Fiscal Analysis Initiative. The initiative, coordinated by the Center on Budget and Policy Priorities, consists of nonpartisan, independent, nonprofit organizations engaged in rigorous policy analysis of budget and tax policies, with a particular focus on the needs of low- and moderate-income families.

<sup>42</sup>Washington Community Action Network, Reports (2011), <http://bit.ly/17IT3tL>.

agency managers will be discouraged to learn that their staff's decisions may inadvertently reflect racial stereotypes and may take action if advocates can make their case.

Other legal advocacy, focused specifically on race, may be possible. If intentional discrimination can be shown, individuals may bring suit under the equal protection clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964.<sup>43</sup> If, as is far more likely, the claim is that agency policies or administration have a discriminatory impact, neither the equal protection clause nor Title VI's disparate impact regulations provide an individual cause of action.<sup>44</sup> Rather, the advocate may consider filing with the U.S. Department of Health and Human Services (HHS) Office for Civil Rights a civil rights complaint asserting a violation of its Title VI disparate impact regulation.<sup>45</sup> The U.S. Department of Justice has issued valuable guidance on disparate impact claims.<sup>46</sup> The Office for Civil Rights regional staff can also be encouraged to conduct compliance reviews. Advocates should consider the pros and cons in pursuing the Office for Civil Rights route.<sup>47</sup>

A 2002 TANF racial discrimination complaint to the HHS Office for Civil Rights resulted in a 2010 voluntary compliance agreement. The complaint, using state TANF data, asserted that Wisconsin's TANF program discriminated against people with disabilities and against black

and Latino participants in that they received time-limit extensions less often than whites. The complaint sought, inter alia, a review of the cases of all racial minorities denied extensions and a review of racial disparities in other aspects of the program. As to the race discrimination claims, the resulting agreement required training of state agency staff; tracking of adverse actions by race, color, or national origin; assessment of agency practices; an updated study on the racial effects of sanctions; annual reports on sanctions by race, color, or national origin; and reports on discrimination complaints.<sup>48</sup> The required state data reveal that blacks are still disproportionately sanctioned, but the data give no explanation.<sup>49</sup> Beyond race discrimination complaints, advocates have successfully used the Office for Civil Rights process to secure language access for those with limited English proficiency.<sup>50</sup>

As always, advocates will have to decide whether to focus on race explicitly if it is not part of their legal claim. Deciding how to frame the issue best so as to persuade the relevant audience can be a difficult decision. In considering whether to frame their advocacy specifically around racial justice, advocates have to weigh the risks of a potential public backlash based on the negative stereotypes that have dominated welfare political discourse and policy-making against the potential opportunities to educate the public and deal with systemic racial disparities.

<sup>43</sup>Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*

<sup>44</sup>*Jefferson v. Hackney*, 406 U.S. 535 (1972); *Alexander v. Sandoval*, 532 U.S. 275 (2001).

<sup>45</sup>See 45 C.F.R. pt. 80 (2013).

<sup>46</sup>CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE, TITLE VI LEGAL MANUAL (2001), <http://1.usa.gov/11i6166>. The manual is being revised (see Civil Rights Division, U.S. Department of Justice, Title VI Legal Manual (March 7, 2013), <http://1.usa.gov/13fEN4u>).

<sup>47</sup>CARY LA CHEEN, NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE, USING THE AMERICANS WITH DISABILITIES ACT TO PROTECT THE RIGHTS OF INDIVIDUALS WITH DISABILITIES IN TANF PROGRAMS: A MANUAL FOR NON-LITIGATION ADVOCACY 179–94 (2011), [http://bit.ly/nclj\\_tanf](http://bit.ly/nclj_tanf).

<sup>48</sup>Press Release, U.S. Department of Health and Human Services, Race and Disability Discrimination Complaints in Wisconsin TANF Program to Be Resolved by Statewide Agreement (April 29, 2010), <http://bit.ly/alr3xn>.

<sup>49</sup>Wisconsin Department of Children and Families, Standardized Annual Report of Sanctions by Race, Color, or National Origin: Report Period July 1, 2010–June 30, 2011 (Sept. 25, 2012), <http://1.usa.gov/172xRRr>; *id.*, Standardized Annual Report of Sanctions by Race, Color, or National Origin: Report Period July 1, 2011–June 30, 2012 (Dec. 31, 2012), <http://1.usa.gov/14h9N7x>.

<sup>50</sup>U.S. Department of Health and Human Services, Recent Civil Rights Resolution Agreements and Compliance Reviews (n.d.), <http://1.usa.gov/18PJDNn>; Michael Mulé, *Language Access 101: The Rights of Limited-English-Proficient Individuals*, 44 CLEARINGHOUSE REVIEW 24, 30 (May–June 2010); Jane Perkins, Mary R. Mannix, Jack Daniel & Wanda Boonsurmsuwongse Hasadsri, *Enforcing Language Access Rights: Trends and Strategies*, 38 CLEARINGHOUSE REVIEW 265 (Sept.–October 2004).

Individual representation of TANF recipients at fair hearings continues to be absolutely critical. Case by case, advocates can challenge arbitrary individual decisions and identify patterns of improper agency conduct. In turn, these patterns might support broad-based advocacy seeking agency changes in policy or practice.



Finding a way forward to take on the surging problems of poverty, the erosion of TANF, and the consequences of both

for society as a whole is a huge challenge in today's political climate. Understanding their implication for racial minorities makes clear that advocacy to preserve and strengthen our safety net is a racial justice issue and only adds to the urgency of our community's advocacy.

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Chicago, IL 60602

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