

The Welfare Advocate's Challenge: Fighting Historic Racism in the New Welfare System

By Henry A. Freedman

Race and racial stereotypes have pervaded public thinking about welfare over the past century and present a daunting challenge to legal advocates today. When I began working on these issues 35 years ago, the civil rights movement and the war on poverty were making great strides—lawyers and community organizers seemed sure to succeed in forcing our nation to face and, just perhaps, solve the problems arising at the intersection of poverty and race discrimination.

Progress has been made on many fronts, but poverty and racism are still far too entrenched. As the haves and have-nots grow further apart in our country and in the world, how we address questions of poverty and race will help determine the destiny of our democracy in the twenty-first century.

A quick look back shows the pervasive influence of race in government programs addressing poverty. The Mothers Pensions programs created in the early 1900s were highly discretionary. The only comprehensive study found that 96 percent of the mothers on the rolls were white. There were no African Americans

found on the rolls in Indianapolis or Houston.¹

When the Aid to Families with Dependent Children was created by the Social Security Act of 1935, the debate was dominated by powerful southern senators insisting upon enormous state discretion to assure that no federal bureaucrat could tell them how to deal with “their Negro problem.”²

To address the racial discrimination that pervaded welfare administration and policy in 1965, Edward Sparer, who founded the Welfare Law Center that year, developed legal strategies built upon the equal protection victories in civil rights cases. His center joined with southern civil rights lawyers in filing key cases in which race was clearly implicated in the policies challenged:

■ *Anderson v. Burson* successfully challenged Georgia's policy of cutting all able-bodied Negro women off welfare at cotton-picking time;³ and

■ *King v. Smith* overturned widespread practices of denying aid to families because the mother had relations with a

¹ WINIFRED BELL, AID TO DEPENDENT CHILDREN 9–10 (1965).

² Nat'l Welfare Rights Org. v. Mathews, 533 F.2d 637 (D.C. Cir. 1976) (brief for appellants, at 14).

³ Anderson v. Burson, 300 F. Supp. 401 (N. D. Ga. 1968). See MARTHA DAVIS, BRUTAL NEED 62 (1993).

Henry A. Freedman is executive director, Welfare Law Center, 275 Seventh Ave., Suite 1205, New York, NY 10001; 212.633.6867; www.welfarelaw.org; freedman@welfarelaw.org.

man not the father of her child—a policy clearly applied in a racially discriminatory manner.⁴

By invalidating “substitute parent” policies and by holding that states had no authority to turn away any family with a child who met the federal statutory definition of a needy “dependent child,” *King* was a key factor in changing the racial composition of the rolls. Legal services lawyers invoked the *King* statutory enti-

a racially discriminatory impact. The court said that plaintiffs had to prove an overtly discriminatory intent—a burden virtually impossible to meet.⁶

Racial stereotyping and incorrect perceptions that families on the welfare rolls were overwhelmingly people of color were central in promoting public hostility to welfare programs over the ensuing decades. Politicians learned that constituents greeted enthusiastically their calls for “ending welfare as we know it” and “personal responsibility.” Increased immigration of persons of color, often not speaking English and often including undocumented workers, added to the mix and must be considered when talking about issues of “race.”

States with larger minority populations on the rolls tend to have harsher sanction, time-limit, and family-cap policies.

tlement to combat abusive state policies from 1968 on, without reference to racial discrimination. Because hundreds of thousands of poor families, of all races, benefited from these enforcement actions, advocates rarely took the next step to highlight particular racial animus that might have been at the heart of the challenged policies or practices.

After the devastating 1970 decision in *Dandridge v. Williams* made virtually impossible the use of equal protection to strike down nonracial classifications, the Welfare Law Center pursued explicit race-based equal protection claims.⁵ The U.S. Supreme Court in *Jefferson v. Hackney* turned us back two years later when it refused to apply strict scrutiny to review a welfare classification which clearly had

I. The 1996 Act and Its Impact

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 explicitly repealed the *King* statutory entitlement and vested enormous discretion in the states. Alarmed about the potential for a resurgence of discriminatory and arbitrary policies, advocates secured Act provisions requiring states to have “objective criteria” and comply with civil rights laws.⁷

The 1996 changes have not been good news for those seeking to advance racial equity. The minority proportion of the rolls is growing, as whites exit more quickly and African Americans return to the rolls more quickly.⁸ Speculation as to the reasons includes communications failures between agency caseworkers and recipients, the higher proportion of minorities in depressed urban areas where

⁴ *King v. Smith*, 392 U. S. 309, 321–22 (1968) (citing allegations of systemic racial discrimination) (Clearinghouse No. 287); see BELL, *supra* note 1, ch. 5.

⁵ *Dandridge v. Williams*, 397 U. S. 471 (1970) (Clearinghouse No. 1048).

⁶ *Jefferson v. Hackney*, 406 U.S. 535 (1972), *reb'g denied*, 409 U.S. 898 (1972) (Clearinghouse No. 1601). The only welfare case in which the court found discriminatory intent was *Whitfield v. Oliver*, 399 F. Supp. 348 (M. D. Ala. 1975) (Clearinghouse No. 16,166). The Supreme Court has now limited discriminatory impact claims filed under civil rights laws; see Jane Perkins & Sarah Jane Somers, Sandoval's *Retrenchment on Civil Rights Enforcement: The Ultimate Sorcerer's Magic*, 35 CLEARINGHOUSE REV. 433 (Nov.–Dec. 2001).

⁷ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. §§ 602(a)(1)(B)(iii), 608(d) (Supp. 2001).

⁸ ELIZABETH LOWER-BASCH, OFFICE OF THE ASSISTANT SEC'Y FOR PLANNING & EVALUATION, U.S. DEP'T OF HEALTH & HUMAN SERVS., “LEAVERS” AND DIVERSION STUDIES: PRELIMINARY ANALYSIS OF RACIAL DIFFERENCES, at <http://aspe.os.dhhs.gov/hsp/leavers99/race.htm> (last visited Mar. 5, 2002).

jobs are few, and discrimination by employers.⁹ I fear all three of these factors make inevitable that time limits will have a disproportionate impact on African Americans.

While the number of families below the poverty line has decreased in recent years, the incidence of children, particularly those of color, in extreme poverty has increased.¹⁰ Census figures from 2000 show 9.4 percent of all African Americans—some 3.3 million persons—trying to survive on deep-poverty incomes below half of the poverty line.¹¹

States with larger minority populations on the rolls tend to have harsher sanction, time-limit, and family-cap policies.¹² Researchers found unexplained differences in treatment by race with regard to extensions of time limits in Wisconsin: extensions to 1 in 2.7 whites, 1 in 3.2

Latinos, and 1 in 10.9 African Americans.¹³

Opportunities for caseworker discretion have expanded rapidly. The welfare system has moved away from its historic focus on cash assistance to a system in which most of the funds are used to pay for services for which caseworkers have far greater discretion.¹⁴ Impending changes only increase that discretion; for example, Michigan is moving to a forty-hour-per-week work requirement and requiring home visits by agency workers as part of deciding the nature of the work to be required and the services provided.¹⁵ That caseworker discretion in deciding who receives which work assignments and services is precisely what can lead to disparate treatment of persons of color.¹⁶

Reliance in some jurisdictions on workfare (benefits conditioned upon performing work) has created a second-tier

⁹ Regarding communication failures, see *id.* at 10; regarding job scarcity, see *id.* at 14. Employer demand for African American (and to a lesser extent Hispanic) recipients lags behind their representation in the welfare population and seems to be more heavily affected by “employers’ location and indicators of preference than by their skill needs or overall hiring activity.” HARRY J. HOLZER & MICHAEL A. STOLL, URBAN INST., EMPLOYER DEMAND FOR WELFARE RECIPIENTS BY RACE 2 (2002). Half of the employment placement providers responding to a survey reported that their clients often encountered race, ethnic, gender, pregnancy, or disability discrimination, or sexual or racial harassment. NAT’L P’SHIP FOR WOMEN & FAMILIES, DETOURS ON THE ROAD TO EMPLOYMENT 3 (1999).

¹⁰ ARLOC SHERMAN, CHILDREN’S DEFENSE FUND, EXTREME CHILD POVERTY RISES SHARPLY IN 1997 (1999).

¹¹ U.S. CENSUS BUREAU, PUB. NO. P60-214, POVERTY IN THE UNITED STATES 2000 (2001), at www.census.gov/hhes/www/poverty.html. Three percent of non-Hispanic whites, 5,725,000 persons, and 7.3 percent of Hispanics, 2,460,000 persons, were also below 50 percent of the federal poverty level.

¹² Joe Soss, Race and Welfare in the United States (presented to the Coalition for Human Needs welfare advocates meeting, Jan. 15 2002), *available at* www.brynmawr.edu/Acads/GSSW/schram/sosspresentation.pdf (last visited Mar. 26, 2002).

¹³ Letter from ACLU of Wisconsin and NAACP Milwaukee chapter to U.S. Department of Health and Human Services’ Office for Civil Rights 16 (Feb. 18, 2002), *available at* www.welfarelaw.org/disability_rep/ocrada1.pdf (last visited Apr. 2, 2002).

¹⁴ ZOE NUEBERGER, CTR. ON BUDGET AND POLICY PRIORITIES, TANF SPENDING IN FEDERAL FISCAL YEAR 2001, at 4 (2002).

¹⁵ Sharon Parks, senior research associate at the Michigan League for Human Services, said that she and others were concerned that caseworkers were not being trained properly to make these decisions. “They’re going to have to make a judgment. ‘Is Johnny’s asthma severe enough to allow mom to stay home?’ or, if you have an autistic kid, ‘Is mom in a job flexible enough to come home if the school calls?’ All of these things will be assessed on an individual basis by caseworkers,” Parks said. Wendy Wendland-Bowyer, *More Work for Welfare*, DETROIT FREE PRESS, Mar. 30, 2002, *available at* www.freep.com/news/mich/work30_20020330.htm.

¹⁶ A study of Virginia welfare participants revealed that caseworkers granted discretionary transportation allowances to white participants but not to black participants. Susan T. Gooden, *All Things Not Being Equal: Differences in Caseworker Support Towards Black and White Welfare Clients*, 4 HARV. J. AFR.-AM. PUB. POL’Y 22 (1998).

work force, which some participants perceive as “slavery.”¹⁷ The Bush administration’s Temporary Assistance for Needy Families (TANF) reauthorization recommendations would greatly increase reliance on workfare.¹⁸

Racial disparity in treatment for mental disabilities is another area of concern: in three states, researchers found that a larger proportion of white welfare recipients who suffered from depression were getting treatment than similarly situated Hispanics, Native Americans, and especially African Americans.¹⁹

While researchers have produced mountains of welfare reform studies, almost all focus on individuals (thereby supporting personal responsibility and dependency theories), not race (looking to problems in larger society)—a particularly troubling development in light of the history of welfare programs and the findings of studies that do look at race.²⁰

II. Addressing Race Issues in Current Public Benefits Advocacy

These disquieting statistics and research findings challenge advocates to find means of redress. The disparate racial impact found in the provision of services, imposition of sanctions, and reaching of time limits means that almost any advocacy to improve program administration will have

a beneficial impact on persons of color but not necessarily increase racial equity. Advocates seeking to further the struggle for racial equity will want to make a closer analysis to determine what changes will indeed improve racial equity.

One can start by identifying racial disparities. Some state or local data may give racial breakdowns, as in the case of the Wisconsin time-limit extensions cited above. Indeed, states are required to include racial characteristics in TANF data sent to the U.S. Department of Health and Human Services.²¹ Finding disparities should raise questions warranting closer examination. Areas to study with particular care are domestic violence and abuse determinations, referrals for education and training, time-limit exemptions, and geographic variations in the types and amounts of services provided.²²

The advocate will then have to determine if discrimination is the cause of the disparity. It may be a problem of external discrimination (such as employers refusing referrals) or internal discrimination (either in agency policies or from racial bias among some agency workers). Advocates must identify remedies that will target the problem of discrimination: for example, if racial bias exists among agency workers, will the proposed remedy address it?²³

¹⁷ “The supervisors are like overseers on a plantation.” Affidavit in *Capers v. Giuliani*, reprinted in *Welfare as They Know It*, HARPER’S MAG., Nov. 1997, at 28. *But see* Dublino v. N.Y. State Dep’t of Soc. Servs., 348 F. Supp. 290, 297 (W.D.N.Y. 1972) (holding that work requirements do not violate Thirteenth Amendment), *rev’d on other grounds*, 413 U.S. 405 (1973).

¹⁸ NAT’L CAMPAIGN FOR JOBS AND INCOME SUPPORT, THE BUSH WELFARE PLAN: WELFARE IN WONDERLAND, at www.nationalcampaign.org/publications.asp (last visited Mar. 5, 2002). *See generally* www.tanfauthorization.org.

¹⁹ MAXIMUS CTR. FOR POLICY STUDIES AND SURVEYS, DEPRESSION AND OTHER MENTAL HEALTH BARRIERS AMONG WELFARE RECIPIENTS—RESULTS FROM THREE STATES (2002), at <http://www.cortidesignhost.com/maximus/cpss/publications.asp> (last visited Apr. 8, 2002).

²⁰ KENNETH J. NEUBECK & NOEL A. CAZENAVC, WELFARE RACISM: PLAYING THE RACE CARD AGAINST AMERICA’S POOR 367 (2001); *see generally id.* ch. 7.

²¹ 42 U.S.C. § 611(a)(1)(A)(vii)–(viii) (Supp. 2001).

²² Welfare agency workers may make case-by-case determinations that time limits and other provision should not apply “in cases where compliance with such requirements would make it more difficult for individuals receiving assistance . . . to escape domestic violence or unfairly penalize such individuals who are or have been victimized” 42 U.S.C. § 602(a)(7) (Supp. 2001).

²³ Gary Delgado & Maya Wiley, *Re-Reforming Welfare: What Attorneys Can Do*, 34 CLEARINGHOUSE REV. 621 (Jan.–Feb. 2001) (arguing that race problems exist and, if not addressed explicitly, may fester).

One question that as a political matter troubles many advocates is whether they should address race explicitly even if it is not the basis of the legal claim. Some may fear that identifying a racial difference will only exacerbate stereotyping. For example, if the problem is the harsh and disproportionate application of sanctions to persons of color, focusing upon the disparity can bring damaging media coverage implying or even asserting explicitly that persons of color are more likely to refuse to cooperate with reasonable work requirements. An advocate may prefer to make arguments against harsh sanctions that do not draw attention to race.

At the same time, if advocates do not address race explicitly, they lose an opportunity to educate the public, and important allies in the civil rights community and other communities may not rally to the cause. Even where disparities exist but no discrimination is identifiable, if advocates conclude that persons of color are underrepresented in a program, they must consider whether to make an explicit race-based outreach effort in communities of color.

I discuss briefly below a few approaches that advocates (by and large including persons in offices restricted by Legal Services Corporation rules) can pursue. Some of the most effective strategies are multifaceted, addressing race in many ways and seeking institutional change. Many of the methods noted below can and should be used in concert.

A. Traditional Legal Remedies

While the 1996 Act eliminated the federal statutory entitlement, and decisions such as *Alexander v. Sandoval* have undermined litigation under civil rights acts, there remain many viable strategies, some of which advocates have yet to invent.²⁴

Title VI of the Civil Rights Act prohibits discrimination on the grounds of race, color, or national origin in any program receiving federal financial assistance.²⁵ The Office for Civil Rights of the U.S. Department of Health and Human Services receives, investigates, and prosecutes complaints of state agency violations of Title VI. In 1999 it issued two invaluable documents to explain how civil rights laws apply to welfare programs and has generally been a valuable resource for advocates.²⁶

Much of the successful litigation, agency representation, and organizing efforts have addressed the concerns of persons with limited English proficiency.²⁷ The Office for Civil Rights has published detailed guidance and pulled together the case law.²⁸ To prove a violation by showing the lack of interpreters and translated materials can be relatively easy. Advocates have won reforms on limited-English-proficiency issues, or made progress toward settlements, by complaining to the Office for Civil Rights. For example:

■ Valory Greenfield of Florida Legal Services reports that the Office for Civil Rights is mediating extensive settlement

²⁴ *Alexander v. Sandoval*, 532 U.S. 275 (2001) (Clearinghouse No. 51,706). See also *supra* note 6.

²⁵ Civil Rights Act of 1964, tit. VI, 42 U.S.C. § 2000d (1994). Useful manuals from the U.S. Department of Justice may be found at www.usdoj.gov/crt/grants_statutes/indexpg.htm.

²⁶ CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, TITLE VI LEGAL MANUAL (1998), available at www.usdoj.gov/crt/cor/coord/vmanual.htm; *id.*, INVESTIGATION PROCEDURES MANUAL FOR THE INVESTIGATION AND RESOLUTION OF COMPLAINTS ALLEGING VIOLATIONS OF TITLE VI AND OTHER NONDISCRIMINATION STATUTES (1998), available at www.usdoj.gov/crt/cor/coord/inmanual.htm.

²⁷ OFFICE FOR CIVIL RIGHTS, U.S. DEP'T OF HEALTH & HUMAN SERVS., TITLE VI PROHIBITION AGAINST NATIONAL ORIGIN DISCRIMINATION AS IT AFFECTS PERSONS WITH LIMITED ENGLISH PROFICIENCY, available at www.hhs.gov/ocr/lep/guide.html (Aug. 30, 2000). This policy guidance was republished for additional comments, due April 2, 2002. 67 Fed. Reg. 4968 (Feb. 1, 2002).

²⁸ OFFICE FOR CIVIL RIGHTS, *supra* note 28. For listing and description of cases, see pt. B3.

discussions with the private nonprofit corporation administering the work-related aspects of Florida's cash assistance program. The corporation had not instructed local subcontractors on the need to translate material and provide interpreters, and in some localities workers were terminating recipients who did not understand English for failure to comply with instructions given in English.²⁹

■ On the basis of complaints that advocates and individuals filed, and evidence that its own testers and interviews obtained, the Office for Civil Rights issued formal findings that the welfare agencies in New York City and two suburban

commence administrative or legal enforcement proceedings.³⁰

While advocates can invoke the government's investigative powers by addressing issues to the Office for Civil Rights, some advocates report that a good result is more likely when they give the agency as much information as possible and generate interest and pressure from outside the agency.³¹

Advocates can use protections in the Food Stamp Program and Medicaid to achieve reforms benefiting all, including persons of color or those with limited English proficiency. The food stamp regulations on translation are particularly strong.³² Litigators have gone outside the box by using labor law to stop the harsh treatment of work-assigned welfare recipients of color.³³

B. Community Organizing and Education

Legal advocates can provide enormous assistance to community groups that are seeking creatively to address issues of race in public benefit programs. For example, community surveys and testing can document patterns of discrimination and result in policy changes, and legal advocates can provide assistance in this area. The Idaho Community Action Network tested the policies and practices of

One question that as a political matter troubles many advocates is whether they should address race explicitly even if it is not the basis of the legal claim.

counties routinely discriminated against Hispanic persons of limited English proficiency and persons with hearing impairments. The Office for Civil Rights offered the local agencies the opportunity to develop comprehensive plans for serving such clients before it decided whether to

²⁹ E-mail from Valory Greenfield, attorney, Florida Legal Services, to Henry A. Freedman (Mar. 7 & Apr. 2, 2002) (on file with Freedman).

³⁰ Letter of Findings, Docket No. 02-99-3130 (Office for Civil Rights, Region II, U.S. Dep't of Health & Human Servs. Oct. 21, 1999), at www.hhs.gov/ocr/hmal1.htm. A grass-roots group, an immigrant coalition, and two legal advocacy groups filed the complaint on behalf of those whose primary language was Spanish. An individual filed a second complaint.

³¹ Legal services disability advocates have also successfully invoked the Office for Civil Rights on behalf of their clients. The Welfare Law Center has launched a project on disability rights and welfare law. For information and resources, see www.welfarelaw.org/disability_rep/.

³² ANNE PEARSON, FOOD STAMP BILINGUAL REQUIREMENTS (7 C.F.R. § 272.4(b)), available at www.welfarelaw.org/foodstamps/FSBilingual.htm (Jan. 2002). See also *Reynolds v. Giuliani*, 43 F. Supp. 492 (S.D.N.Y. 1999) (Clearinghouse No. 52,229) (benefiting largely persons of color); *Ramirez v. Giuliani*, 99 Civ. 9287 (BSJ) (Oct. 2001) (Clearinghouse No. 52,785) (stipulation and order of settlement) (benefiting those with limited English proficiency). Make the Road by Walking, a grass-roots organization involved in *Ramirez*, combined direct action, organizing, and participatory research to achieve agency agreement to translate all written materials into nine languages and ensure free interpretation services at all local welfare centers. See www.maketheroad.org/econ.html (last visited Mar. 8, 2002).

³³ *Ramos v. County of Madera*, 484 P.2d 93 (Cal. 1971); *Capers v. Giuliani*, 677 N.Y.S.2d 353 (App. Div. 1998) (Clearinghouse No. 51,717).

local agencies by assisting families in applying for benefits. The network then documented such discriminatory treatment of Hispanic applicants as more burdensome verification requirements and derogatory remarks. Its report received widespread publicity and helped secure changes. Using the Idaho experience, other groups have developed a guide and a welfare testing protocol that community groups can use to identify bias in welfare programs.³⁴ A new coalition, Grass Roots Organizing for Welfare Leadership, has adopted a multilevel campaign which includes documenting racial and gender bias in the welfare system.³⁵

C. Negotiating with Agency Officials

Advocates can raise issues directly with agencies. Jodie Berger of the Legal Aid Society - Employment Law Center in San Francisco reports that her threat to file a complaint with the state led the county agency to implement a corrective plan for persons who should have received training opportunities. The plan included the creation of an intensive English as a Second Language program, which achieved excellent results in increasing English proficiency and obtaining good wage and job placements for those who did not go into mainstream training. The threat to file the complaint also yielded other improvements, including reopening cases of persons who had not received appropriate services.³⁶

D. TANF Reauthorization

Advocates will be pressing a variety of measures to promote fairness and to assure that greater attention is paid to disparate treatment in TANF programs. The

platform of the National Campaign for Jobs and Income Support, a broad coalition of grass-roots groups, says that "race and gender equity shall be a central goal of all policies, programs and practices adopted to eliminate poverty" and calls for legislation to ensure equal access to benefits for immigrants, to improve language accessibility, and to eliminate discrimination on the basis of race, gender, and sexual orientation in services, jobs, and income support.³⁷

E. Reviewing and Publicizing Data

Advocates and policymakers need reliable data to determine how welfare reform is affecting racial and ethnic minorities and, where there is disparate racial impact, to identify the necessary policy changes. So far, however, only limited data have been published on the racial characteristics of families receiving TANF and families having left welfare. Advocates can make Freedom of Information Act requests for the data that agencies must file with the Department of Health and Human Services and other data. Advocates can urge states and counties to include race as a reported characteristic in all data from the agencies or private companies with whom they enter into contracts for services affecting program participants. Advocates can try to have policies and contracts amended to require public explanations when there are disparities in racial outcomes.³⁸ The Welfare Law Center recently required collection of data on race in connection with state monitoring of a comprehensive settlement on sanction standards and processes in *Olea v. Clayton* even though the case had no race-based claim.³⁹

³⁴ www.arc.org/gripp (last visited Mar. 8, 2002).

³⁵ www.ctwo.org/growl (last visited Mar. 8, 2002).

³⁶ E-mail from Jodie Berger, project attorney, Employment Law Center, San Francisco Legal Aid Society, to Henry A. Freedman (Mar. 7, 2002) (on file with Freedman).

³⁷ Developments are moving quickly. For current information, check www.tanfauthorization.org.

³⁸ For a discussion of similar advocacy concerns and efforts, see Henry A. Freedman et al., *Uncharted Terrain: The Intersection of Privatization and Welfare*, 35 CLEARINGHOUSE REV. 557 (Jan.-Feb. 2002).

³⁹ *Olea v. Clayton*, CIV 99-106 (TUC)(WDB) (D. Ariz. Jan. 15, 2002) (stipulation and order of dismissal).

F. Seeking Favorable Media Attention

In recent decades the image of welfare programs and recipients in the media has been largely negative, and racial stereotyping is common.⁴⁰ Advocates should explore every option for favorable coverage as they develop data and issues.

G. Resources for This Work

The Welfare Law Center is eager to consult, collaborate, and, in appropriate cases cocounsel with advocates to eliminate discrimination from income support programs.

A new source of funding may be available to support local efforts: the Rockefeller Foundation, the Ford Foundation, and the Open Society Institute were expected to launch in April 2002 an initiative challenging local funders to support local efforts to help community groups and lawyers better understand legal and political strategies to take on discrimination.⁴¹

AT THE OUTSET I MENTIONED THE OPTIMISM—indeed the hope that we just might come close to eliminating poverty and racism—that permeated our work when I was a new welfare advocate in the 1960s. I am proud of the difference that legal advocacy and grass-roots organizing have made in the lives of millions of low-income people since then. Nonetheless, income and racial divides in our communities have grown worse, exacerbated by mean-spirited policies clothed in “tough-love” rhetoric. Restrictions and funding cuts have assaulted the welfare advocacy community, reducing oversight of governmental arbitrariness and further opening the way for discrimination. Fortunately advocates and grass-roots groups continue to rise to address these wrongs.⁴² I do believe that advocates, using the strategies described above and others of their own devising, will continue to wage the battle against racism in welfare programs and that we shall overcome someday.

⁴⁰ Lucy Williams, *Race, Rat Bites and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate*, 22 *Fordham Urb. L.J.* 1159, 1196 (1995).

⁴¹ Todd Cohen, *Color Blind*, *NONPROFIT TIMES*, Jan. 1, 2002, at 28.

⁴² For information on the growth of and collaboration among grass-roots welfare organizations, see www.lincproject.org and www.nationalcampaign.org.