

WELFARE LAW CENTER

275 SEVENTH AVENUE, SUITE 1205 -- NEW YORK, N.Y. 10001-6708
(212) 633-6967 -- (212) 633-6371 (FAX) -- WWW.WELFARELAW.ORG

Strategies to Identify and Address Discrimination in Welfare Programs
prepared for the Grass Roots Innovative Policy Program by the Welfare Law Center

TABLE OF CONTENTS

Introduction	1
A. Overview of welfare “reform” implementation.	1
B. Reports of discrimination and initial data on racial impacts.	2
I. Current Opportunities to Address Discrimination Issues	3
II. Federal Protections Against Discrimination That Apply to Welfare Participants and Those in the Workplace	5
A. Overview of Federal Laws.	5
B. Resources for More Information about Federal Protections	6
1. Material from federal agencies.	6
2. Material from advocacy organizations.	6
III. Strategies to Identify and Attack Discrimination	7
A. Education about Civil Rights Protections and Welfare	7
B. Legal Action	8
C. Advocacy and Dialogue with Federal Agency Office of Civil Rights Staff	10
D. Community surveys to document discriminatory treatment experienced by welfare participants	11
E. Work with the Media for Full and Fair Coverage of Welfare Issues	13
F. Identifying Data on the Effect of Welfare Programs on Racial and Ethnic Minorities	15

Strategies to Identify and Address Discrimination in Welfare Programs
prepared by Welfare Law Center for Grass Roots Innovative Policy Program

Introduction

Advocates and low-income groups have a growing concern that racial, ethnic, and gender discrimination is a significant but unrecognized force in welfare “reform” implementation, and they have focused increasing attention on how to combat such discrimination.¹ This paper identifies the major sources of law that protect against discrimination and then highlights strategies to identify and address discrimination, examples of creative work by grassroots groups and advocates, and some helpful resources for those working in this area. While the focus of the paper is on racial and ethnic discrimination, the strategies apply to other forms of discrimination as well.

A. Overview of welfare “reform” implementation. Four years after passage of the 1996 federal welfare law, caseloads are at a record low, but emerging research confirms what low-income people and advocates see every day: welfare “reform” is far from the unqualified success that its supporters claim. Many families leave welfare for employment, but at poverty level wages; many others leave without employment, and little is known about their fate.² Early reports indicate that extreme poverty has increased while overall poverty rates remain too high for such a strong economy. Research on the initial effects of welfare “reform” reveals that the poorest 20% of female-headed families lost income between 1995 and 1997 and that the number of children living below one-half the poverty line increased by 26% from 1996 to 1997. This increase in hardship for the poorest families is attributed to the diminishing role of Food Stamps and cash assistance.³

Participation in Medicaid and Food Stamps is much lower than what it should be, in large part because states have not assured that families leaving welfare continue to receive these critical benefits and because welfare bureaucratic hurdles discourage families from applying.⁴ And only 10% of children eligible for child care under federal law receive it.⁵

B. Reports of discrimination and initial data on racial impacts. For racial and ethnic minorities and women, discrimination may be an additional obstacle to receiving TANF and related benefits and to a successful transition from welfare into employment. Recent reports have identified instances of discriminatory treatment by welfare agencies, such as the failure to provide language appropriate services to non-English speaking individuals; discriminatory remarks and hostile treatment of minorities by individual welfare agency workers; harsher verification requirements for individuals based on their ethnicity; and more subtle discrimination in the form of welfare caseworkers' greater tendency to award discretionary benefits to White, rather than Black, welfare participants. Other studies report that welfare recipients seeking to transition into employment often experience discrimination whether based on race, disability, or gender. They document less favorable employment experiences for Black welfare recipients compared to White recipients with similar characteristics .⁶ These reports, while not systematic evidence, are a disturbing warning sign of potentially broader patterns of discrimination. They serve as a call to further action by policymakers, advocates and grassroots groups.

Beyond the accounts of individuals' encounters with discrimination, initial data indicates troubling racial disparities in patterns of welfare receipt that are not yet fully understood. Even though data on racial impacts should be part of the evidence used to assess the effects of welfare changes and to inform policy choices, the limited data available only emphasizes the glaring lack of attention to the consequences of welfare "reform" for minority families.

For example, according to one preliminary analysis of racial differences in welfare trends, from 1996 to 1998 the proportion of the national AFDC/TANF caseload that is White has declined from 35.9% to 32.7% while the portions that are Black and Hispanic have edged up (black 37.2 to 39.0; Hispanic 20.7 to 22.2), although the author characterizes this as "not a dramatic change." (The increase in Hispanic families reflects an increase in the portion of total poor families that are Hispanic.) During this period the number of White families receiving benefits fell faster than the number of Black families.

There is a fair amount of state-to-state variation in these patterns, and the author suggests several possible explanations for state variations, including the geographic concentration of minority families in central cities with higher unemployment rates and variation in the numbers of child-only cases, which tend to be non-White families.⁷

According to this report, initial state studies of those who have left welfare indicate that Blacks are less likely to leave welfare than non-Hispanic Whites, with varying patterns for Hispanics. Blacks who do leave welfare are more likely to be employed and to have higher median earnings than non-Hispanic Whites (the patterns for Hispanics vary). However, Blacks are more likely to return to welfare within a year than non-Hispanic Whites. While some hypotheses for these disparities have been suggested, the author urges more research to better understand these trends.

Advocacy and grassroots groups face a unique challenge in addressing racial and ethnic discrimination issues. Those that work directly with low-income families who encounter discriminatory treatment and become aware of patterns of discrimination must be prepared for vigorous advocacy. However, these advocates know how opponents of safety net programs have played upon racial and ethnic prejudice in the political debate and used negative racial stereotypes to “blame the victim” and undermine public support for these programs. Advocacy around discrimination issues, especially where it involves media and public education, needs to promote a greater understanding of the institutional barriers and social and economic factors that account for racial disparities and thereby counter the negative public perceptions of welfare programs and those who rely on them (see discussion at III).

I. Current Opportunities to Address Discrimination Issues

Several recent developments offer special opportunities to employ a range of strategies to identify and attack discrimination. *First, there has been a surge of activity by grassroots organizations of low-income people in the wake of the 1996 federal welfare law, and these*

*groups are taking a leadership role in addressing discrimination.*⁸ These community activists are using their first-hand experience of how welfare reform has failed low-income families to shape local and national policies, and they play a critical role in holding welfare programs accountable for fair treatment. Their ambitious and vigorous local campaigns have uncovered, publicized, and sought remedies for discrimination, as discussed below.

Second, there will be a national debate on the effects of welfare reform and the need for federal legislative changes sometime after the 2000 Presidential and Congressional elections.

Congress must consider reauthorization of the federal Temporary Assistance for Needy Families (TANF) block grant program before it expires in September 2002 and is also likely to consider issues across a range of economic security programs, including the Food Stamp Program and the Child Care and Development Fund which are also up for reauthorization. Advocates can raise the issues of how the 1996 welfare changes have affected racial and ethnic minorities and low-income women entering the labor market and press for policies to assure even-handed treatment.

National, regional, and local coalitions of low-income groups are developing strategies to address TANF reauthorization.⁹ For example, the National Campaign for Jobs and Income Support has as one element of its principles for national policy: "Racial and gender equity are central goals of all policies, programs, and practices adopted to eliminate poverty." (See www.nationalcampaign.org.)

Third, the federal agency charged with assuring that state TANF and Medicaid programs comply with federal anti-discrimination protections - HHS' Office of Civil Rights - has a new leader who has made this issue a priority. While the presidential election in November 2000 will determine the leadership and direction of this agency in 2001, advocates should take advantage of current opportunities to work with HHS OCR and continue to present issues of discrimination to the next administration as well as to other relevant federal agencies.

II. Federal Protections Against Discrimination That Apply to Welfare Participants and Those in the Workplace

A. Overview of Federal Laws. A variety of federal laws protect recipients of federally-funded benefit programs as well as those entering employment against discrimination based on race, gender, ethnicity, and other impermissible factors. First, the laws establishing the particular benefit program may include provisions barring discrimination, as the federal TANF statute does. In addition, various federal civil rights statutes bar discrimination based on race, ethnicity, and gender (among other characteristics) in the workplace in federally funded programs and in employment. These major federal civil rights laws include the following:

! Title VI of the Civil Rights Act of 1964 generally prohibits direct or indirect discrimination against a person based on race, color, or national origin by any program or activity receiving federal assistance.

! Title IX of the Education Amendments of 1972 bars discrimination based on sex in federally-funded education programs or activities. This will be an important handle for those who suffer gender discrimination in welfare training programs, for example, being excluded from a program that does not take women because the training is for stereotypically male jobs.

! Title VII of the Civil Rights Act of 1964 protects individuals in job training, job placement and work environments from discrimination by employers and employment agencies with 15 or more employees based on race, color, religion, national origin, or sex. This protection extends to sexual and racial harassment, and discrimination based on pregnancy. It protects welfare work program participants who, while not in a traditional employment relation, nonetheless are found by the responsible agency or the courts to be “employees” within the broad meaning of this law.

! Equal Pay Act of 1963 requires equal pay for men and women who do substantially similar work, unless factors other than sex justify the difference, e.g. a seniority system.

! **The Americans With Disabilities Act** protects individuals with physical and mental disabilities against discrimination in a range of public and private activities, including discrimination in programs of state and local governments and employment. An earlier federal law, **§ 504 of the Rehabilitation Act of 1973**, offers similar protections from discrimination by federal agencies and federally financed programs.

Other federal statutes bar discrimination in federally-funded programs based on age, bar employment discrimination against those age 40 or older, and provide various protections for workers (e.g. minimum wage, health and safety requirements, and anti-displacement laws), but these are beyond the scope of this paper. Finally, state and local laws may offer additional protections against discrimination.

B. Resources for More Information about Federal Protections

1. Material from federal agencies. The following are particularly helpful sources.

! U.S. Department of Justice (DOJ) Civil Rights Division. The Civil Rights Division Coordination and Review website (www.usdoj.gov/crt/cor/toc.htm) is a good place to begin for general information about civil rights protections and links to the federal agencies responsible for various federally-funded programs and for enforcing civil rights laws with respect to those programs.

! HHS Office of Civil Rights Guidance. In 1999, HHS' Office of Civil Rights (OCR) issued two documents to explain how civil rights laws apply to welfare programs and to provide technical assistance to welfare caseworkers. These documents are available on the HHS OCR website at www.hhs.gov/progorg/ocr/tanfintro.htm.

! U.S. Department of Labor (DOL) Guidance. DOL has issued guidance on how federal employment laws protect welfare recipients. Visit the DOL Welfare-to-Work website at wtw.doleta.gov.

2. Material from advocacy organizations. The following are helpful resources:

Preventing Discrimination: A Guide for Caseworkers and Others Helping Welfare

Recipients Enter the Workforce (Jan. 1999) by the National Partnership for Women and Families, available on the web at www.nationalpartnership.org.

Clearinghouse Review, a bimonthly journal of the National Center on Poverty Law, www.povertylaw.org, has helpful articles directed to legal advocates. See especially the January-February 1998 issue.

III. Strategies to Identify and Attack Discrimination

A. Education about Civil Rights Protections and Welfare

Low-income group representatives and advocates frequently report that in the aftermath of welfare reform welfare participants do not know their rights. Messages from the media and some government officials and welfare agency workers have led many to think that they have no rights. At best, welfare devolution has brought massive changes that have created confusion for all who deal with the system. At worst, agency workers give misinformation, intimidate welfare participants, and discourage people from seeking benefits.

Community education on civil rights protections for welfare recipients directed to low-income people and all those who work with them, including social service providers and community groups can counter this perception and can encourage those who have suffered discrimination to assert their rights. Posting user-friendly materials on websites directed to low-income people and community activists extends the audience for these materials. The website of the WLC's Low-Income Networking and Communications (LINC) Project (www.lincproject.org) contains information about grassroots groups with websites. For a listing of legal services programs with websites, see below.

Welfare agency caseworkers also need to be made aware of the law and the type of

conduct it prohibits. While the HHS Office of Civil Rights has distributed technical assistance for welfare caseworkers (see I.B.1 above), there is a good chance that it has not reached down to the caseworker level. Low-income groups and advocates should urge agency staff to include such training in local offices and seek to have a role in delivering the training.

Education efforts should also be directed to allies in organizations that focus on racial and ethnic minorities or women but not specifically on welfare issues, as well as to relevant public officials.

B. Legal Action

Individuals who have suffered discrimination should consider legal action both to get their individual complaint addressed and in cases where the discrimination is directed at a class of people to change the system and cure the discrimination for all affected. *Legal action includes filing a court case or a complaint with the agency responsible for enforcing the particular civil rights law.* Since there are many factors that must be considered in determining whether to proceed and whether to file an administrative complaint or a court case, individuals will want to consult an attorney.

Legal action in appropriate cases can result in a remedy for the discrimination and when linked with media outreach and community organizing can also be an effective way of calling public attention to a problem and rallying support for solutions. For example, workfare, that is work in exchange for benefits, is a defining feature of New York City's welfare program but has not helped low-income people move into employment. Several women who had been sexually harassed at their workfare site filed complaints with the federal Equal Employment Opportunity Commission (EEOC), the agency responsible for hearing Title VII employment discrimination complaints. (The Welfare Law Center and NOW LDEF represented complainants). In September 1999 the EEOC found reasonable cause to begin enforcement proceedings in this matter, rejecting the City's claim that it was not an "employer"

for purposes of the law. (The matter is now pending before the U.S. Department of Justice after the City refused to come to an accommodation with the EEOC.) In addition, as a result of this action, EEOC issued guidelines to agencies on how to avoid sexual harassment in workfare programs. Publicity surrounding the case helped call attention to the abuses of workfare and led to a press conference by the Manhattan Borough President calling on the City to abandon its claims that Title VII does not protect the workfare workers.

Make the Road By Walking, a New York City low-income group, filed an administrative complaint with HHS's Office of Civil Rights charging that the City welfare agency violates Title VI by failing to provide language appropriate services. OCR found that the agencies had violated the law and ordered them to take steps to provide services to non-English speaking individuals. This action is part of Make the Road's broad organizing effort to document unfair treatment of welfare claimants (see www.maketheroad.org for more information). (Language discrimination administrative complaints have been filed in other states as well, and there has been some litigation.)

Grassroots groups and other advocacy organizations should become familiar with the legal resources available in their communities, including legal services and other public interest law and civil rights law programs. While federal law bars federally-funded legal services programs from challenging welfare reform laws (the U.S. Supreme Court is now examining the constitutionality of this limit) and bringing class actions, they nonetheless can provide a range of legal representation to welfare participants, including representation on discrimination claims. When they cannot take on a case, they may be able to provide a referral. For a listing of legal services programs across the country with web sites see www.equaljustice.org/connections/legserv2.htm#1. Private attorneys have increasingly become involved in welfare-related litigation as well, usually in conjunction with legal services and public interest groups. For example, the Welfare Law Center has secured the participation of private attorneys in a number of its major cases.

The Welfare Law Center is available to work with grassroots groups and advocates across the

country to develop and bring challenges to discrimination in welfare programs and to help develop the legal resources needed to bring these cases. Contact Marc Cohan, Director of Litigation, tel. 212 633-6967; email: cohan@welfarelaw.org. For an extended discussion of how litigation can be used in the struggle for economic justice, see the Welfare Law Center paper, *The Role of the Courts in Securing Welfare Rights and Improvements in Welfare and Related Programs*, on the GRIPP website, www.arc.org/gripp/.

C. Advocacy and Dialogue with Federal Agency Office of Civil Rights Staff

Federal agencies that administer federally-funded programs are responsible for enforcing civil rights protections. Advocacy and dialogue with the civil rights staff in a particular agency can be an effective strategy. For example, the Office of Civil Rights (OCR) of the U. S. Department of Health and Human Services (HHS) has responsibility for assuring that agencies that receive federal TANF and Medicaid funds comply with federal civil rights law. Under the leadership of a new Director, Tom Perez, OCR has made the enforcement of civil rights protections in welfare programs a priority and has reached out broadly to the advocacy community. In August 1999 OCR released guidance on how civil rights protections apply to welfare programs. OCR staff have attended conferences of advocates, and in 1999 OCR invited the National Partnership for Women and Families and the Welfare Law Center to participate in several training events for OCR regional staff on welfare and civil rights issues. In January 2000, Perez convened a national telephone conference call to discuss OCR's efforts and to hear the concerns of grassroots groups and advocates.

Advocates and low-income organizations should seize this opportunity to engage regional OCR staff on welfare and civil rights issues. They should consider enlisting OCR's participation in community education and similar events as well as relevant advocacy training and meetings. These events provide opportunities for the low-income groups and advocates to share their first-hand knowledge of how

welfare programs operate and to educate OCR staff about how specific administrative practices have the potential to discriminate. This information can help shape federal agency officials' understanding of welfare administration and may influence how they approach the issue. Advocates and grassroots groups should urge OCR to demonstrate its commitment to assuring that welfare programs comply with civil rights laws by actively monitoring state compliance. Such monitoring should include data collection to evaluate state performance and testing to assess how agencies treat applicants and participants.

Groups that develop information about discriminatory treatment, for example, through testing or community surveys should also bring this information to the attention of OCR and consider filing a civil rights complaint if appropriate (see below).

A list of HHS OCR regional officials and contact information can be found on the web at www.hhs.gov/progorg/ocr/ocrhmpg.html.

As mentioned earlier, public interest advocates worked with the regional Equal Employment Opportunity Commission (EEOC) office in New York to develop a guide on employment law protections for welfare participants.

D. Community surveys to document discriminatory treatment experienced by welfare participants

Community-based surveys and testing can help uncover and document patterns of discrimination that might otherwise remain hidden or simply unsubstantiated anecdotes. Armed with concrete information about the treatment that low-income people receive from the welfare system, advocates and grassroots groups can build a case with agency officials, the press, and the public for concrete steps to address the problem. This information can also help determine whether legal action, such as an OCR complaint or court case, is appropriate and necessary.

Idaho Community Action Network's (ICAN) work to identify barriers to access to the

Children's Health Insurance Program (CHIP) is an outstanding model. Concerned with the small number of children receiving benefits, ICAN, with assistance from the Northwest Federation of Community Organizations (NWFCO), tested the policies and practices of the local health and welfare agencies by assisting twenty-five families in the applications process and documenting their experiences. ICAN documented specific burdensome practices that made it difficult for children to gain eligibility as well as discriminatory treatment of Hispanic applicants, such as more burdensome verification and derogatory remarks. ICAN's report, *All Kids Need a Healthy Start: DH & W Doesn't Play Fair with Children's Health*, received widespread publicity and helped secure changes that made the program accessible to low-income children. Using the ICAN experience, NWFCO then developed a user-friendly how-to-guide to encourage other grassroots groups to do testing. *Breaking Barriers: A Grassroots Guide to Identifying Access to the Children's Health Insurance Programs* see www.arc.org/gripp.

Building on the ICAN/NWFCO work, the Grassroots Innovative Policy Program (GRIPP) has developed a welfare testing protocol for use by community groups to identify bias and unfair treatment in welfare programs. *Putting Welfare Reform to the Test: A Guide to Uncovering Bias and Unfair Treatment in Local Welfare Programs* (Applied Research Center, GRIPP, April 2000); www.arc.org/gripp. This testing protocol is now being used by groups in several states.

NWFCO and the National Campaign for Jobs and Income Support have recently released a preliminary report of testing by several grassroots groups which documented numerous barriers that keep low-income families from receiving Food Stamps, Medicaid, CHIP, and Child Care and recommended solutions.¹⁰ A new coalition of welfare rights groups, Grass Roots Organizing for Welfare Leadership (GROWL) has adopted a multi-level campaign which includes documenting racial and gender bias in the welfare system. See the GROWL website, www.ctwo.org/growl and the LINC project website, www.lincproject.org (click on March 2000 article under TANF Reauthorization).

Make the Road By Walking's campaign against abusive treatment of welfare claimants by

welfare agency staff provides another example. Make The Road developed a complaint form to record welfare claimants' reports of abusive treatment (including failure to provide language appropriate services), issued a report of its findings (including findings of failure to provide language appropriate services), and as noted above, has pursued the language discrimination issue with a successful OCR complaint and a pending federal lawsuit.

E. Work with the Media for Full and Fair Coverage of Welfare Issues

Working effectively with the media presents challenges as well as possibilities. Grassroots groups have often secured media coverage of their campaigns and have sought to have low-income individuals tell their powerful stories through the media. However, groups face continuing challenges both in getting accurate media coverage of their stories and when it comes to addressing discrimination issues. Media coverage of recent welfare changes and poverty issues has been criticized as focusing on caseload declines while ignoring how the changes have affected families and children, whether poverty has been reduced, and the extent to which the changes have had disparate effects on minorities.¹¹ And there is a long history of media use of racial imagery that has presented distorted messages about poverty, painted Black poverty more negatively than White poverty, and by shaping public perceptions of poverty undermined public support for safety net programs.¹²

Reflecting on the analysis of this history and the challenges it presents to grassroots and advocacy groups, GRIPP Director and activist Makani Themba-Nixon draws the following lessons:

- ! Work to give the public a structural and systemic understanding of poverty and they will be more likely to support positive changes;
- ! Focusing on appealing success stories that highlight individual responsibility is only likely to strengthen the firmly held beliefs of opponents of progressive social policies;

whose opposition is often correlated with individualistic values

! Racist views coincide with hostility to the poor, so there must be efforts to explain why people of color are overrepresented among the poor.

Themba-Nixon summarizes the recommendations of We Interrupt This Message for a media strategy: “The most effective messages stress what’s really needed to get people out of poverty. We must do more than counter their information. We must get more proactive with good studies, great stories, and arresting pictures that spell out the costs and barriers - and offer clear alternatives.”¹³

Grassroots groups have used media campaigns to provide an opportunity for members of the low-income community tell their stories to the public and put a human face on the issues the group is addressing. For example, as part of its ongoing campaign to get real jobs for low-income individuals as an alternative to workfare, Community Voices Heard in New York City , recently released a report examining how the City’s workfare program exploits the labor of participants by paying poverty wages and documenting that workfare workers are displacing entry-level union jobs. workers. News coverage included the perspective of a CVH member who is workfare worker. For the report see CVH’s website, www.cvhaction.org.

Recognizing the importance of effective media work, the Western Region Welfare Activists Network (WRWAN), a coalition of women-led groups in the western states, is planning a regionwide media strategy as part of its plan to add its members’ voices to the TANF Reauthorization debate and has provided media training for its members. The Welfare Made a Difference Campaign, a national effort of New York organizations and coalitions is working to develop and publicize the stories of successful women and men who once received welfare and their views on how the welfare system helped them and held them back. The campaign’s public education and other advocacy efforts will be part of the TANF reauthorization debate. (More information on the campaign is available at www.lincproject.org.)

Grassroots groups' experiences with the media, both good and bad, have been a frequent topic of discussion on the WLC organizers' listserv with organizers and community activists mentoring one another on how to attract media attention and wage effective media campaigns. For more information on the listserv contact Dirk Slater LINC Project Circuit Rider at dirk@welfarelaw.org.

The GRIPP website has materials to help activists plan a media campaign and assess their ability to undertake media work. Visit www.arc.org/gripp and click on "Tools for Activists."

F. Identifying Data on the Effect of Welfare Programs on Racial and Ethnic Minorities

Advocates and policymakers need reliable data to determine how welfare reform is affecting racial and ethnic minorities and, where there are disparate racial impacts, to identify the necessary policy changes. So far, however, there has been only very limited data published on the racial characteristics of families receiving TANF and families that have left welfare. See Lower-Basch report cited above. Extensive research on welfare implementation has been undertaken by states, the federal government, policy research groups and others, but this research does not focus on race and the racial impacts of new welfare policies, and many have criticized this failure.

The federal TANF statute requires states to collect and submit to HHS a range of data on families receiving TANF and those who have left TANF, including information on the gender, race, and disability status of families. (In addition, to compete for a TANF high performance bonus or caseload reduction credit states must also provide data on families receiving benefits under separate state programs funded with state Maintenance of Effort funds.) The federal TANF regulations and appendices with detailed description of data reports that states must submit can be found at www.acf.dhhs.gov/programs/ofa/. So far, HHS has published only general information on the racial composition of TANF families. It is not yet clear to what extent HHS will publish more extensive analysis and to what extent variations in the ways states record information will make it difficult to make

comparisons among the states. While the TANF data collection requirements have been criticized as inadequate and while little has been published to date, the data can provide at least some information about how the TANF programs operate. Advocates should consider how this data can be used in advocacy.¹⁴ This state-reported data is public information, but a group that wants to use the data will need to work with a social science researcher to analyze it. Grassroots groups and other advocates may want to consider working with researchers, such as those based at universities, to analyze their state's TANF data. Beyond using even the limited data available, advocates can help focus national policymakers' attention on the importance of examining how welfare implementation is affecting racial and other minorities, using the recent studies and surveys cited earlier.

Advocates will also want to explore what additional information might be available at the state and local levels. State Freedom of Information laws can secure access to data that is collected by state and local agencies. For a sample Freedom of Information request see the GRIPP website, www.arc.org/gripp.

This paper was prepared by Gina Mannix, Welfare Law Center, 275 Seventh Ave., Suite 1205, New York, NY 10001-6708, tel. 212 633-6967; email: mannix@welfarelaw.org; www.welfarelaw.org. Thanks to Jocelyn Frye of the National Partnership for Women & Families for helpful comments.

1. See, e.g. *Racing the Welfare Debate* by Gary Delgado in Vol 3 No. 3 Color Lines, p. 13 (Fall 2000), www.colorlines.com.
2. For a summary see Mark Greenberg, *Looking Ahead to Reauthorization of TANF: Some Preliminary Thoughts* (Feb. 2000), www.clasp.org (click on Publications).
3. *The Initial Impacts of Welfare Reform on the Economic Well-Being of Single Mother Families* by Wendell Primus, Center on Budget and Policy Priorities (Aug. 22, 1999), available on CBPP website: www.cbpp.org; *Extreme Child Poverty Rises Sharply in 1997* by Arloc Sherman, Children's Defense Fund (Aug. 22, 1999), available on CDF's website: www.childrensdefense.org.
4. For more details see the Websites of Families USA, www.familiesusa.org; Center on Budget and Policy Priorities, www.cbpp.org; the Food Research and Action Center (FRAC), www.frac.org; and *Red-Tape Divide - State By State Review of Food Stamp Applications*, America's Second Harvest (2000), www.secondharvest.org/policy/food_stamp_exec.html. A recent lawsuit, *Reynolds v. Guiliani*, brought by the Welfare Law Center and others has successfully attacked New York City welfare agency practices that deter applications for Medicaid, Food Stamps, and cash assistance. The Welfare Law Center and the National Health Law Project have joined with the American Bar Association (ABA) Section of Litigation in a new nationwide pro bono initiative to assure that low-income families moving from welfare to work can access and retain Medicaid and Food Stamp benefits. For further information on *Reynolds* and the WLC/NHeLP/ABA Project visit the WLC website: www.welfarelaw.org or contact Marc Cohan, WLC Litigation Director at cohan@welfarelaw.org.
5. *Access to Child Care for Low-Income Working Families*, U.S. Department of Health and Human Services, Child Care Bureau (1999), www.acf.dhhs.gov/programs/ccb/.
6. See generally the following reports: Susan Gooden, *All Things Not Being Equal: Differences in Caseworker Support Towards Black and White Welfare Clients*, Harvard Journal of African American Public Policy, Vol. IV, 22-23; Susan Gooden, *Race and Welfare Report - Examining Racial Differences in Employment Status among Welfare Recipients (Jan. 1, 1997) (Executive Summary)*, www.arc.org/gripp/ (click on Research & Publications); *Detours on the Road to Employment: Obstacles Facing Low-Income Women*, National Partnership for Women and Families, www.nationalpartnership.org; *Is It Reform? The 1998 Report of the Welfare and Human Rights Monitoring Project*, Unitarian Universalist Service Committee, www.uusc.org/welfare/usreport.html; *All Kids Need A Healthy Start: DH & W Doesn't Play Fair with Children's Health*, Rebecca Bauen for Northwest Federation of Community Organizations and

Idaho Community Action Network, Feb. 22, 1999; *System Failure* (April 1999) by Make the Road By Walking, www.maketheroad.org; *The Broken Promise: Welfare Reform Two Years Later* by Equal Rights Advocates (January 2000), www.equalrights.org/welfare.

7. *Leavers and Diversion Studies: Preliminary Analysis of Racial Differences in Caseload Trends and Leaver Outcomes*, Elizabeth Lower-Basch (Nov. 15, 1999)

(<http://aspe.os.dhhs.gov/hsp/leavers99/race.ht>). For a report documenting that the welfare caseload is increasingly made up of families living in urban areas (where minority families have traditionally made up a large part of the caseload) and discussing the implications for welfare policy see the recent Brookings Institution report, *Unfinished Business: Why Cities Matter to Welfare Reform* by Katherine Allen and Maria Kirby, www.brook.edu/es/urban/welfarecaseloads/2000report.htm.

8. For extensive information about the activities of low-income groups, see the Website of the Welfare Law Center's Low-Income Networking and Communications (LINC) Project, www.lincproject.org. See also the Fall 2000 issue of *Color Lines* which has a series of articles devoted to "The New Welfare Rights Movement." Visit www.colorlines.com.

9. For more information on reauthorization see www.lincproject.org; *The First Time was Tragedy* by Rinku Sen in Vol 3., No. 3 *Color Lines*, p. 18 (Fall 2000), www.colorlines.com; the piece by Mark Greenberg cited in note 1; and *Reauthorization of TANF - An Early Perspective* by Barry Van Lare and Gretchen Griener (Welfare Information Network, July 2000), www.welfareinfo.org.

10. *Access Denied: Federal Neglect Gives Rise to State Lawlessness; Families Denied Access to Medicaid, Food Stamps, CHIP, and Child Care*, Lissa Bell and Carson Strege-Flore, Northwest Federation of Community Organizations (NWFCO) and National Campaign for Jobs and Income Support (May 2000).

11. See, e.g. *Silencing Poverty: A Study on News Coverage of Media* by We Interrupt This Message.

12. See, e.g. Martin Gilens, *With Friends Like These*, at www.tompaine.com/features/1999/10/19/index.html; Lucy Williams, *Race, Rat Bites and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate*, 22 *Fordham Urban Law Journal* 1159-1196 (1995).

13. *The Stories They Tell: Media Coverage of Welfare, GRIPP News and Notes* (Spring 2000), p. 4.

14. For TANF statistics, visit the HHS website: www.acf.dhhs.gov/news/welfare/. For more background on data collection see CBPP paper “Advocacy Uses of Data (prepared for NLADA Substantive Law Conference, July 30, 1999) (unpublished paper). For further information contact Heidi Goldberg at CBPP, tel. 202 408-1080, goldberg@cbpp.org.