

Room for Advocacy in Promoting Economic Justice

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TANF was a momentous step backward for national policy on child poverty. We offer these reflections as veteran antipoverty lawyers with the National Center for Law and Economic Justice; under our former name, Center on Social Welfare Policy and Law, our organization was instrumental in supporting the welfare rights movement in the 1960s and achieving historic U.S. Supreme Court victories expanding access to AFDC.⁶²

TANF has failed as a safety net program for families. Less than 25 percent of families in poverty receive assistance. Benefit levels are further below the poverty level now than in 1996.⁶³ Disturbing evidence points to persistent racism embedded in TANF policies and administration.⁶⁴

Childhood extreme poverty has grown to shocking levels while new evidence shows the importance of adequate income early

in a child's life and the enduring harms of growing up in poverty.⁶⁵ The number of households living on less than \$2 in cash income per person per day has skyrocketed, with single-mother households and racial minorities especially vulnerable.⁶⁶

The 1996 welfare reform emphasized work, but the labor market has failed dismally to produce adequate jobs at decent wages. The massive loss of decent jobs, stagnant wages, the growth of contingent part-time work, enduring gender and racial discrimination, and wage theft make rising out of poverty extraordinarily difficult for families.⁶⁷ TANF is ineffective in helping parents secure work when work is available and in protecting their families when work is unavailable or impossible.⁶⁸

secure the rights of low-wage workers has done more than work at the margins. For example, our organization's litigation has protected access to the Supplemental Nutrition Assistance Program—the major remaining near-universal income-support program—and other critical supports such as Medicaid and child care for tens of thousands across the country.⁶⁹ In some cases we secured protections for TANF applicants and recipients. Our policy advocacy has protected TANF access for people with disabilities. Through litigation we have used the TANF work requirement as a sword by extending the protection of civil rights and workers' rights laws to workfare workers to ensure that these workers are treated with fairness and dignity. We have supported and partnered with low-income community

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Remedying these problems will require significant structural changes. Building the public and political will to establish a 21st century social safety net for children and an economy that offers decent jobs is a daunting long-term national challenge that is likely out of reach in today's environment.

Nonetheless, work has been and can be done to protect children and families and to promote economic justice for families. Ground-breaking advocacy to protect access to public benefits and

groups seeking a voice in shaping the public policies that affect their lives. Most recently we have joined with low-wage workers organizing for fair pay, safe working conditions, and freedom from discrimination.⁷⁰

The last two decades have seen much needless pain and a focus on punishing the poor. Yet we remain hopeful that, as the national conversation on income inequality continues, we will find real opportunities down the road to restore a fundamental safety net and a new wave of creative advocates to help shape it.

62 See MARTHA F. DAVIS, BRUTAL NEED: LAWYERS AND THE WELFARE RIGHTS MOVEMENT 1960–1973 (1993).

63 Center on Budget and Policy Priorities, Chart Book: TANF at 19, *supra* note 58.

64 See Mary R. Mannix & Henry Freedman, *TANF and Racial Justice*, 47 CLEARINGHOUSE REVIEW 221 (Sept.–Oct. 2013).

65 EDIN & SHAEFER, *supra* note 21; Arloc Sherman et al., *Boosting Low-Income Children's Opportunities to Succeed Through Direct Income Support*, 16 ACADEMIC PEDIATRICS 590 (April 2016).

66 See H. Luke Shaefer & Kathryn Edin, *The Rise of Extreme Poverty in the United States*, PATHWAYS (Summer 2014).

67 See PETER EDELMAN, SO RICH, SO POOR: WHY IT'S SO HARD TO END POVERTY IN AMERICA (2012).

68 See Kate Kahan & Steve Savner, Changing Structures to Yield a Decent Income for All, *supra*.

69 See Marc Cohan & Mary R. Mannix, *National Center for Law and Economic Justice's SNAP Application Delay Litigation Project*, 46 CLEARINGHOUSE REVIEW 208 (Sept.–Oct. 2012).

70 See generally www.nclej.org for highlights of our advocacy on these points.