

12-30-1982

Poverty Law in the 1980s

Marian Wright Edelman

Follow this and additional works at: <https://digitalcommons.law.udc.edu/antiochlawjournal>



Part of the [Social Welfare Law Commons](#)

Recommended Citation

Edelman, Marian Wright (1982) "Poverty Law in the 1980s," *Antioch Law Journal*: Vol. 2 : Iss. 1 , Article 6.
Available at: <https://digitalcommons.law.udc.edu/antiochlawjournal/vol2/iss1/6>

This Article is brought to you for free and open access by the Journals at Digital Commons @ UDC Law. It has been accepted for inclusion in Antioch Law Journal by an authorized editor of Digital Commons @ UDC Law. For more information, please contact lawlibraryhelp@udc.edu.



DATE DOWNLOADED: Mon Nov 22 16:10:46 2021

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Bluebook 21st ed.

Marian Wright Edelman, Poverty Law in the 1980's, 2 ANTIOCH L.J. 29 (1982).

ALWD 7th ed.

Marian Wright Edelman, Poverty Law in the 1980's, 2 Antioch L.J. 29 (1982).

APA 7th ed.

Edelman, M. (1982). Poverty Law in the 1980's. Antioch Law Journal, 2, 29-38.

Chicago 17th ed.

Marian Wright Edelman, "Poverty Law in the 1980's," Antioch Law Journal 2 (1982): 29-38

McGill Guide 9th ed.

Marian Wright Edelman, "Poverty Law in the 1980's" (1982) 2 Antioch LJ 29.

AGLC 4th ed.

Marian Wright Edelman, 'Poverty Law in the 1980's' (1982) 2 Antioch Law Journal 29.

MLA 8th ed.

Edelman, Marian Wright. "Poverty Law in the 1980's." Antioch Law Journal, 2, 1982, p. 29-38. HeinOnline.

OSCOLA 4th ed.

Marian Wright Edelman, 'Poverty Law in the 1980's' (1982) 2 Antioch LJ 29

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

-- To obtain permission to use this article beyond the scope of your license, please use:

[Copyright Information](#)

POVERTY LAW IN THE 1980's

REMARKS OF MARIAN WRIGHT EDELMAN*

It is self-interest and not justice that propels most people to act. If we intend to help the poor we will need to build coalitions with a range of others in society. When I came out of Mississippi, I thought that people were good if they were for everything I was for, and they were bad if they were not. I learned through the course of trying to protect Head Start that one could bring a whole range of groups together who had a self-interest in child care who would not speak to each other on welfare reform.

Our work at the Children's Defense Fund is premised on the understanding that there is a no single constituency for children. People who have a handicapped child will work with you on that issue, but may not lift a hand to help you on juvenile justice issues, unless they are directly impacted. Parents who lack access to health care may work with you on that issue, but will not respond to concerns of runaway children. For this reason we have delineated very specific program areas and identified the specific constituencies and coalition building potential of each issue.

Sometimes a common constituent issue may force people together, and help them to understand that they are all fingers that belong to the same hand. President Reagan's massive across-the-board cuts over the last two years have helped this occur. Head Start and other child care advocates can finally feel that there is a relationship between what happens in health, in child care, in food programs and in CETA. Cuts in these areas affect them directly.

Constituent coalition building, however, must be done very carefully, and with very low expectations about the long range potential of broad, multi-issue coalitions. I would therefore underscore the need to be very specific; and for all of us to be less purist and more fluid as we seek coalitions for helping the poor in the '80's. We have got to be tougher, more realistic and strategic in our thinking.

We are just finishing up rounds one and two with the new administration. Rounds three and four are apt to be more difficult. Federal deficits can be expected to climb unless runaway defense spending and tax giveaways are curbed.

We are living at a time when the current national rhetoric tells us that America is not strong enough or safe enough to work its purposes;

*President, Children's Defense Fund. Copyright © 1982, Children's Defense Fund.

that we are full of opportunities for everybody willing to grasp them. There are, according to this rhetoric, many free-loaders not willing to make the effort, and if we simply make them roll up their sleeves and get to work we can get the economy working again. It tells us that the race problem is solved, and that poverty, when you count food stamps, housing supplements and other in-kind benefits, has been eliminated. It tells us that the only demons on the horizon are the Soviet Union and inflation.

This rhetoric has led to indiscriminate increases in defense spending, and reliance on the economic policy of putting more dollars into the hands of the affluent through untargeted tax cuts. These tax cuts assume that the rich will be wise enough to save or spend in ways that will get the economy going again. President Reagan has been telling us that these steps, when combined with efforts to balance the federal budget, should turn us around.

This has put all of us who care about the poor and the needy on the defensive. One of our first tasks, however, must be to regain the initiative, fight aggressively in the public arena, and not let the President's slogans which have failed the tests of reality dictate the terms of the debate.

Free-loaders are not the cause of our economic problems. The race problem is not solved. And poverty has not been eliminated. Indeed it is growing. The progress blacks gained in the late '60's and early '70's has not continued on into the '80's. We are seeing the first year medical and law student admissions for blacks beginning to shrink after a decade of upward movement. As the '80's begin, statistically black children are becoming poorer. When inflation began to grow, black families did not have the same buffers as many white families. While white families sent white mothers out to supplement the family income, black mothers were already working or they were disproportionately in single parent households.

We saw the income gap widen by 14% between black and white families in the late '70's. The poverty rates among blacks and black children remain astoundingly high—22.7% of all blacks are poor even when all nonmedical benefits are counted as earned income. At least one in four black children remains poor. Children are the poorest of any age group in society, and numbers in the last year or two indicate that we have had a 12% increase (one in five as opposed to one in six) in the poverty rate among children. One in four is on welfare at some point in his or her lifetime, and 43 out of every 100 black babies born today are born poor.

I would like to emphasize some specific points of strategy. First, we must effectively counter the charge that "nothing works," and force policy makers and the public to distinguish between effective

and ineffective programs and those programs which might be effective if good implementation and adequate funding existed. Despite the backward trends we see, substantial progress has been made, and there is much of which to be proud.

- Fifteen million Americans moved out of poverty as a result of the “Great Society” programs of the ’60’s. Five million of those were children, and there are now half as many poor elderly people as in 1960.
- In the last 20 years there has been a 45 % increase in the number of black lawyers, and a 25 % increase in the number of black doctors. Although we still have one black and Hispanic dropout for every two who graduate from high school and seven Native Americans for every 10 who drop out, black high school graduates began to attend college at almost the same rate as white high school graduates. President Reagan’s cutbacks are reversing these trends.
- Hunger and malnutrition were major problems in the ’60’s, but thanks to food stamps and child nutrition programs, we have made some great strides in eradicating hunger and malnutrition in this country.
- Title I began to work once money was actually spent on poor children. The actual focus on poor children resulted only after years of legislative and agency tightening and an increased awareness among parents and communities throughout the country about the need to monitor school practices which subverted the law. Title I children are showing factual gains in math and reading. Sadly, President Reagan’s proposals have succeeded in diluting the federal enforcement power under the revised act.
- P.L. 94-142 has had a dramatic effect. When CDF conducted our first book, *Children Out of School in America*, there were two million children not enrolled in any school. There are now about 300,000 such children. Throughout the country, handicapped children are going to school. Major problems of program equality and funding remain, but there has been major progress.
- Head Start works. It is a fine example of how poor parents can help themselves if they are organized. By quietly learning and working the budget process, Head Start’s funding has doubled in the last five years. We hope to see it reach its full authorized level of over a billion dollars in FY 1984. Unfortunately, once you reach a budget of a billion dollars, everyone wants your money and vigilance is required. Proposals are bandied about in OMB and at HHS to block grant or weaken Head Start. This is happening even though this is a program where poor parents have done what everyone says they are supposed to do—namely work with their children.

The problem is the parents are too successful. There are a number of proposals which pose major dangers to Head Start. These include decreasing the number of grantees in each state to a very few, which would effectively be turning Head Start over to state control again. They say they are considering saving money and expanding the program to more people by cutting out our weakening health and social services components. One of the things that makes Head Start successful has been the comprehensive services it has provided to children. There are some considerations of decreasing the day for Head Start children down from a full day to a half day. Head Start, like all of the child care programs, has also felt the back door cuts through CETA and the loss of elderly workers.

We have got to undertake a more aggressive campaign to say, "Here are some things that work. Here is the record. Here is what they cost. Do not touch them."

I spent an encouraging morning with a couple of hundred black ministers from around the country, who came to Washington to lobby against cuts in poor people's programs. It is beginning to occur to people like this that President Reagan is trying to tear down the very foundation of equal opportunity so painfully cultivated over the last several decades—a foundation that must be preserved at all costs. They can take away our money; eventually we will get our money back. But if they take away the framework of our key programs and laws, they remove our basis for litigation, all accountability measures at the state level, and the parental and citizen voice. It will take us a long time to get these laws back if we lose them. It took us a long time to get them in the first place.

Child Advocates have had some unexpected victories in the last six months as well as some major losses. President Reagan tried to repeal the new child welfare and adoption assistance act, and we beat him. He tried to repeal and block grant P.L. 94-142 (The Education for All Handicapped Children Act). He did not win. And Head Start is still intact.

CDF has not taken a doctrinaire position against all block grants. We have opposed particular block grants of programs that are effective, cost effective, and have a demonstrated record. In other areas where we felt we could not fight block grants we tried to determine how we could rewrite them. For example, the maternal and child health program has been turned into a block grant that remains focused on mothers and children, and not a general block grant without standards.

If I had to list a few steps for effective advocacy, step one is that we have to conduct careful homework and analysis, and make the case for specific programs where we have a strong case to make.

Through aggressive public education about specific successes, we can slowly rebuild a positive national atmosphere for the poor and poor children.

Step two is the need for us to focus and set out some clear priorities. We cannot win everything, while they are hitting us so broadly, so deeply, and in so many areas. The three tier budget cycle is hitting us with the appropriations process now, the new budget for FY 1983, which is going on currently on the Hill, and with picking up the pieces from the last budget process. We are going to have to ask ourselves: "Which among many programs are most important for us to preserve"?

If we do not make choices and focus in on some clear cut priorities, other folks will choose for us. Or it means we will simply dilute our energies and try to do a little of everything, but be ineffective at it all.

Third, we must think hard about who is best at doing what. It does not make any sense for me to spend my time at the Children's Defense Fund focusing on the Voting Rights Act. I do not know as much as the Lawyer's Committee does about that issue. Some other group should take the leadership on watching judicial appointments, on planning our Title VI strategy. Those of us who may know more about Title I or P.L. 94-142 or child welfare should focus on those. We are going to have to find a process for laying out all of our needs and making some hard judgments about what is important. We must set out some responsibilities and leadership roles if we are going to survive, and protect the poor adequately over the next decade.

Fourth, I think it is clear that we are going to have to make the best of a bad situation by learning some long overdue skills. I have found that few of us who represent the poor and human services have understood the central importance of the budget process. While I have been saying for years that whoever controls the budget controls the policy, when I sit in coalition meetings, it is clear that most of us in the room do not understand very much about how the budget timetable and process works. We have got to focus on the budget process at the federal level, at the state level, and at the local level. We have got to demystify it. We have got to begin to involve people in it. We have got to have some anticipatory strategies.

Fifth, I think we have got to sit down and determine what we want, what and who we need to accomplish it, set up short, intermediate and 'long term' goals, and build the institutional capacities to achieve them. It does not do me any good to shout about saving children if I am going out of business next week. We have got to think beyond this week and next week.

It is important at this time that we establish contact, not only with a range of outside advocates working on poverty issues in our states, but also with state officials. They are not *all* bad, and many of them are worried, overwhelmed, and ignorant. We have been so busy educating parents and citizens, we have forgotten how ignorant many people who are responsible for administering the laws may be. Last year we began meeting behind the scenes with a number of Human Services administrators. Many of them are black. They have poor information. Their professional associations often do not get solid information out to them in a timely fashion. They are so grateful to be able to sit down and hear the details of programs they are responsible for administering. My point is a very narrow one: it is worth the investment for us to begin to spend time with providers on the inside, as well as to build up advocacy clout on the outside. I think the two fit together. We have got to have a multi-pronged strategy to survive in the new block grant budget cut era at the local level.

I assume you have been talking a fair amount now about what strategies we must pursue to make the best of block grants; what criteria we should be trying to take to the state legislature and to the governors for the dispersal of monies. We must mobilize coalitions around specific block grant monies. A good example is Mississippi, where interesting public hearings are being held with a lot of community input. If we had the kind of community awareness and coalition building all around the country that we have in Mississippi, I would feel good about our ability to survive in this next decade. Mississippi, as depressing as it is, is my model for what can be done in other states. There are some fine coalition efforts going on in Mississippi with regular meetings between providers and advocates on certain topics.

At CDF we are trying to learn to work from the inside as well as from the outside in several ways. I have got two new "corporate suits" and I am raising money from corporations because that is where the new money is. At the same time, we are trying to pursue a more grassroots strategy to build a constituency for our issues. But we have to do them both, if we are going to talk about children's issues gaining the kind of hearing and response we want in the '80's.

Sixth, we must stand for something and not just be against or remain defensive. We are trying to think of those areas where we can still move ahead even as we try to hold on. Medicaid at least, as of the moment, is intact. They are trying to weaken key regulations, but we are trying to determine whether there are some program implementation issues within existing laws that we can still "make hay on" in states and localities. I happen to think so. We have got a new child

welfare law which holds out the hope of significantly reforming the foster care system. It is important that we spend some time getting information out to people, trying to think through implementation strategies, and trying to build in some new constituencies to move ahead for homeless children.

We are going to see if we can divide ourselves up. Half will be "hold-the-line" federal agency and legislative work. The other half will be a state and local oriented strategy involving more aggressive constituency building and organizing. The organizing strategy must help people become much more well informed about the effect of federal and state budget processes on their local community needs. In turn we are going to learn a lot more about local community needs which we hope we can feed back into our federal legislative strategy.

Seventh, we have got to think very carefully, because we want to win, about how we frame our issues and how we present our issues. Our rhetoric is important.

AFDC which has the least constituency at the moment, has to be an area where many of us begin to focus, but again, strategically. We are in a different atmosphere and are now looking for the best looking, skinniest white women who are welfare recipients, in college, on the verge of being self sufficient, and with one or two children. We have got to change the image of welfare. The last thing we need is another NBC special with a stout black mother with nine children and a good looking apartment because that type is whom the people in this country do not want to help. One of the other messages we have got to get across is that most recipients of social programs are white, not black people. We must begin to get the kinds of people before the public that they can identify with.

Eighth, there is the need for a stronger media strategy. For example, FRAC has done a fantastic job on school lunches and ketchup. We are all going to have to learn how to use the media more aggressively, and much more effectively. One of the series of action kits we are going to be preparing is on how to use your local media, because those of us who live in Washington tend to think that it is the *Washington Post* and the *New York Times* that determine the votes in Congress. But what most Congresspeople listen to is that paper back home. We really have to begin to make the case, set out the facts, and do the analysis of the impact of these budget cuts locally, with our local editorial writers and with our local newspaper leaders. We have to shake up the old Congress and old state legislature through the local media. We must have thoughtful media strategy, and look at fresh ways of presenting old issues.

My ninth point is the importance of understanding how bureaucracies work, how programs are delivered, and the consequences of the strategies we choose. I have found that the easiest part of what we have been able to do is to bring law suits. I have found it takes years to translate those law suits into positive reality for people. I think we all should be extremely cautious about bringing new law suits or passing new laws or pushing for new regulations that we are not prepared to invest in implementing.

We brought a suit in Louisiana, about seven years ago with a local lawyer, on behalf of foster children in that state, because the state was sending many children out of state to Texas institutions. The case turned out to be extremely complicated. It was out of line with our planned strategy because we were in the process of doing a nationwide study of children without homes. We would have liked to have finished our study and made our recommendations before litigation. Lawyers love to litigate. We often litigate without a firm community base, or without considering whether the remedies we seek are enforceable.

After litigating and getting involved with this suit where children were being taken from Louisiana to Texas, we found our few lawyers faced with dozens of large institutions that we had to conduct discovery on. We had sued HEW because they were giving money to run many of these institutions that were taking Louisiana children over to Texas. We were able to negotiate a deal to drop them as a defendant in exchange for the Justice Department to come in as co-plaintiffs on our side. This meant that we gained FBI investigative help. We then realized that there was nothing in Louisiana for those children to come home to. There was little or no social service system there for handicapped and neglected children, so what had we won? We went back into court to see whether we could begin to work out detailed individual treatment plans for these children, and involved Tulane University and key professionals to insure its being carried out. Gradually an implementation was proposed that would result in the creation of services in the state of Louisiana for these children. A master was appointed to oversee the decree. The state of Louisiana, however, did not want to appropriate the money to enforce the decree and the first master turned out to be weak. Through our persistence, a new master has been appointed and placement in families is in the process of evolving. A growing community organization base is also evolving to enforce the decree.

As lawyers who are concerned with the poor, it is very important that we think through the range of strategies and the range of remedies, and the complications of putting together the puzzle of change if

we are going to have some major impact on the poor. This will require a much broader view of lawyering. If we adopt some new strategies now because of the new atmosphere in the '80's we are going to have to do more lobbying and lobby more effectively, and pay more attention to the budget process. We are going to have to rethink the kind of litigation strategies that worked for us in the '60's and '70's. They are not going to work for us in the '80's. I have had judicial friends call up to complain about what they perceive as the unrealistic expectations on the part of the liberal lawyers who come in asking for broad brush remedies that my friends cannot grant, and feel put them in the position of having to rule against us. We have got to be strategic in our thinking, in the kind of cases we bring, and in the kind of remedies we seek.

We must build a constituency for these issues that cuts across race and class, because this country does not like black people and it does not like poor people. If we are going to win we are going to have to work with people we might not have been comfortable working with in the past. If the moral majority can take the time to write letters to the editor, so can we. If they can take the time to call up the White House opinion line, so can we. That White House opinion line that you should use frequently to express your views is (202) 456-7639. Call them up and react to what the President says. Call up your Congressmen and react. Pass the number around and use it. They really do pay attention. They tabulate these calls.

As my tenth point, I want to tell you that there is a new analysis of the budget cuts as they affect children, families and the poor. Every year CDF publishes an analysis of the President's budget proposals. We show how the hopes, the health and educational benefits of thousands of children have been traded away with the unjust transfer of money from the poor to the rich, from children and old people and people struggling to gain a living, to the overfed admirals and generals and defense contractors in the Pentagon. For example, President Reagan proposed a \$3 million cut in the childhood immunization program for FY 1982, which would have eliminated immunizations for 75,000 children at risk. In FY 1983, he proposed to cut \$2 million more. The Defense Department spends \$3 million on shots and other veterinary services for the pets of military personnel. Additional millions are spent on the transportation of military pets when personnel are transferred. If the veterinary benefits for military pets were eliminated, 75,000 low income children could be immunized instead.

Finally, we are going to do something we have never done. We are going to hold a conference in February and bring together key advocates of all kinds in the human services area to talk through some

strategies in fighting the next round of budget cuts. We hope to go through some intensive training about what is in that budget, what are the state strategies, what people are doing, how we can work together, and what are our priorities.

We have to work hard, we have to fight, but I am convinced that if we hang in there, it will turn back around. The point is to preserve what we can, to keep at it until the atmosphere begins to shift and we can move ahead.

Thank you.