



TENNESSEE JUSTICE CENTER

Advocates for Families in Need

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Dear Friends:

Providing a candid report of the Tennessee Justice Center's work this year is painful. Thanks to the courage of clients, commitment of colleagues and compassion of TJC's supporters, the organization helped literally hundreds of thousands of needy Tennesseans. But nothing can avoid the harsh reality that our efforts fell far short of the need, and that much suffering lies ahead for the families we serve.

Since TJC began in 1996, we have been able to celebrate TJC's contributions to slow but steady improvements in the quality of justice and quality of life available to Tennessee's poor and working families. Not so this year. Throughout 2002, we have struggled desperately to protect those families and guard the gains of past years.

As you know, Tennessee state government has been paralyzed by a political impasse over taxes and the state budget that has gone on for three years. This year the crisis reached its nadir, affecting needy families across the state as it touched the health, nutrition and public assistance programs upon which the most vulnerable must depend. As the crisis worsened, the State reneged on three separate court settlements protecting children and adults enrolled in TennCare, our state's medical safety net program. Emergency financial aid for the state's poorest children was slated for elimination.

The really heartbreaking part of this has been the gulf that separates the poignant realities of poor people's lives from the stereotypes of embittered political rhetoric. People angered by the state budget have vented their frustration on the TennCare population, in particular. They have demanded that the program be slashed, with little awareness of the adverse fiscal impact and no apparent recognition of the human suffering involved. Nearly half of TennCare enrollees are uninsured children in working households. Those who use the most services are the elderly in nursing homes, and Social Security retirees who cannot afford prescription drugs. How different these families are from the imaginings of radio talk shows and the casual slanders of "get tough" politicians!

There was a defining moment when these contrasts were especially vivid. It occurred as a legislative committee was reviewing proposed cuts in TennCare for children. At the request of a sympathetic lawmaker, TJC had imposed on several clients to come to Nashville to tell how the cuts would affect their children. They were not used to speaking in public, and certainly not in the corridors of power. Some were ill and in great pain. Others were caregivers for spouses or children who were so debilitated that they had to bring their loved ones with them and periodically leave the hearing room to care for them. In the Legislative Plaza, these families stood out amid the "suits" who feel at home around the legislature and who smoothly guide its affairs.

Our clients waited anxiously for several hours while professional lobbyists and medical vendors addressed a deferential panel of legislators. When it was the mothers' turn to speak, the chair announced that there was no time – and no need – to hear from TennCare beneficiaries. He angrily gavelled down committee members who insisted that the witnesses be recognized. It was suddenly clear that the chair had orchestrated the hearing to keep the TennCare enrollees from being heard. The lobbyists had been filibustering at his behest to run out the clock. It was all very slickly done.

The clients' initial emotion must have been one of great relief. They were all terrified of having to speak, and the disparaging remarks they had heard for several hours let them know that they were in for hostile treatment by the chair and several committee members. Now they could just go home.

But the transforming power of a mother's witness held them there. Kathy had not come to speak for herself. Her own child had died two years before after being denied desperately needed care. She had come to testify on behalf of other families whose children still depended on TennCare. Resolutely, she walked up to the chair and took his hand in both of hers. It was a gesture of disarming, almost intimate gentleness. She showed him her child's picture and quietly told him that it was children like her son whose lives depended on the decisions he made. She didn't harangue or express anger. She just spoke truth to power. Remaining committee members hastily reconvened, the news media flooded back into the room, and the mothers told their children's stories. The hearing produced small but significant gains.

What these courageous women did is model for us the work that TJC must do. Our job is to insist that policy makers acknowledge the humanity of the poor and respect the constitutional guarantees that protect *everyone* in our great nation. We have a duty to compile and present unpleasant facts even – especially – when it discomfits the comfortable. To borrow a phrase used by a respected federal judge, we serve as a “bur under the saddle”, pricking the conscience of those who would rather cultivate a blissful ignorance of the impact of their actions on their weak and vulnerable neighbors.

As “bur under the saddle”, we succeeded this year in staving off, at least for the present, the threatened cuts in emergency aid for children. More households in economically depressed counties now qualify for food stamps. Thousands of families in public housing who have moved from welfare to work have received rent rebates that had been wrongfully denied. Over 10,000 adults with pre-existing medical conditions were able to obtain TennCare coverage after we won an order keeping the program open to new applicants. Before the end of the year, another 93,000 will have an opportunity to apply for such coverage under a separate order. We cannot know how many people have been able, as a result of TJC litigation, to hang onto their health coverage, but it likely exceeds 100,000.

But our best efforts have failed so far to prevent other major setbacks. The State has begun a process that will likely cost 100,000 children their TennCare by Christmas, and that will result in the termination of health benefits for an even greater number of adults. On January 1, many children who remain on TennCare will suffer a marked reduction in the scope of their medical benefits. This tragedy owes more to political miscalculation and management error than to real budget needs.

Where TJC succeeded, we have many people to thank. Awareness of that fact sustained a vital sense of community during an otherwise dispiriting year. Generous friends held a fundraiser and mailed contributions. Clients sent touching notes, flowers, cookies and small donations of enormous generosity. Student interns contributed energy and enthusiasm. Wise management consultants gave advice on how to put TJC on a footing that will ensure its future stability. We hope to win a major fee award for several years of work in the children's health case and, with it, to begin an endowment to improve prospects for TJC's long-term survival. And although the ancient plumbing in the Stahlman Building still doesn't work, we now have computers that do.

Gratitude for these many blessings partly relieves grief over the inadequacy of our efforts and the suffering of our clients. Never has the law as an instrument of justice been more important for the poor, and we are privileged every day to use the law for that purpose. There are few states in the country, and especially in the South, where organizations like TJC afford an opportunity to do the work that we get to do. Even in a tough year, we are very lucky, and we know it. Thank you for helping TJC be a “bur under the saddle”, bringing hope and justice to many lives.

Sincerely yours,

Gordon Bonnyman