



Transforming Tax Administration: -- Race & Equity in Tax Administration -- *How Issues of Racial Justice are Fundamental to a Rights-Based Tax System*

The [Center for Taxpayer Rights](#) is pleased to convene a Tax Chat! series on Race & Tax Administration in the spring of 2024. In the past, the IRS has relied on its policy of not collecting data on the race of taxpayers to defend its actions as being race neutral. Following [groundbreaking research](#) highlighting that Black taxpayers are audited at a higher rate than other racial groups, the [Commissioner of the IRS](#) has stated that the agency is committed to understand and address any disparate impact of its actions.

This IRS recognition of its role in possibly perpetuating racial injustice creates an opportunity to examine the relationship between tax administration and racial justice more broadly. An administrator's commitment to a fair and just tax system necessarily requires an acknowledgment of a problem and a willingness to take action to find solutions.

In this series of Tax Chats, we will explore how IRS actions across all facets of tax administration may have a disparate impact on racial groups and consider how IRS can reduce the disparity.

This Tax Chat! series is made possible by the generous support of the Rockefeller Foundation.

Transforming Tax Administration:

Race & Tax Administration: How Issues of Racial Justice are Fundamental to a Rights-Based Tax System

Panel 1: 08 April 2024 -- 12:30 to 2 pm EDT

Racialized Burdens Within Organizations: What are they, why does it matter, and how can they be alleviated. Racialized burdens are the experience of learning, compliance and psychological costs that serve as inequality reproducing mechanisms. Racialized burdens can trigger racial inequality despite the presence of ostensibly race neutral rules or policies.

Recent research by Professors Victor Ray, Pamela Herd, and Don Moynihan makes the following claims: (i) racialized burdens combine control of access to resources and ideas about racial groups in ways that typically disadvantage racially marginalized groups; (ii) while still promising fair and equal treatment, racially disproportionate burdens can be laundered through facially neutral rules and via claims that burdens are necessary for unrelated reasons; and (iii) racialized burdens emerge when more explicit forms of racial bias in policies or administrative practices become illegal, politically untenable or culturally unacceptable.

This panel will highlight how to identify and reduce racial burdens in administrative agencies.

Moderator: Les Book, Professor of Law, Villanova University Charles Widger School of Law and Senior Fellow, Center for Taxpayer Rights

Panelists:

- Pamela Herd, Distinguished Professor of Public Policy, McCourt School of Public Policy, Georgetown University;
- Don Moynihan, McCourt Chair at the McCourt School of Public Policy at Georgetown University;
- Victor Ray, F. Wendell Miller Associate Professor in the Departments of Sociology and Criminology and African American Studies at the University of Iowa

Panel 2: 30 April 2024 -- 2:00 to 3:30 pm EDT

Race & Tax: Looking Beyond the Borders, and Tax Exempt Organizations. Racial bias reflected throughout tax law is integral in understanding the ways that at times tax law has contributed to racial injustice. This panel will explore how racial bias has been a fundamental feature in international tax policy and consider how the Supreme Court's latest views on race and affirmative action have potentially broad implications for considerations of tax-exempt status under Section 501(c)(3). We will also hear the on-the-ground perspective of a visionary leader on the challenges of creating and sustaining a Black-led tax exempt organization serving the community.

Moderator: Alice M. Thomas, Associate Professor, Howard University School of Law

Panelists:

- Malik Ahmed, Founder & former CEO, Better Family Life, Inc., St. Louis, Missouri
- David A. Brennen, Frost, Brown & Todd Professor of Law, University of Kentucky Rosenberg College of Law
- Steven Dean, Professor of Law, Paul Siskind Research Scholar Boston University School of Law

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Panel 3: 08 May 2024 -- Noon to 1:30 pm EDT

Racial Disparity in Tax Administration Beyond Audits. While there has been significant attention given to racial disparities in IRS audits, other aspects of tax administration are similarly susceptible to that disparity. From return filing, to issuance of individual taxpayer identification numbers, to administrative appeals, collection, and litigation, this panel will identify other sources of potential racially disparate impacts across tax administration. After identifying likely sources of disparity, this panel will highlight the needs for research and policies that could reduce that disparity and promote effective tax administration.

Moderator: Les Book, Professor of Law, Villanova University Charles Widger School of Law and Senior Fellow, Center for Taxpayer Rights

Panelists:

- Keith Fogg, Emeritus Clinical Professor, Harvard Law School
- Jeremy Bearer-Friend, Associate Professor of Law, George Washington University Law School,
- Jacqueline Laínez Flanagan, Deputy Director, Center for Taxpayer Rights

Panel 4: 28 May 2024 -- Noon to 1:30 pm EDT

Disparity in Real & “Non-Real” Audits: How to reduce racial disparity while promoting effective tax administration. Recent research has highlighted that despite race-blind audit selection, Black taxpayers are audited at 2.9 to 4.7 times the rate of non-Black taxpayers. The main source of the disparity is differing audit rates by race among taxpayers claiming the Earned Income Tax Credit (EITC). The research highlights that despite ostensible race neutral audit selection criteria, IRS audit policies can exacerbate racial inequality.

This panel will explore the underlying sources of the problem, including eligibility criteria, the possible impact of unscrupulous preparers and overall objectives of IRS examination policies. It will also include findings from the Center for Taxpayer Rights’ ethnographic interviews with taxpayers represented by Low Income Taxpayer Clinics in audits and its 2024 nationwide survey of low income households with children about their experiences and attitudes with the IRS and the tax system.

Moderator: Les Book, Professor of Law, Villanova University Charles Widger School of Law and Senior Fellow, Center for Taxpayer Rights

Panelists:

- Hadi Elzayn, Stanford University; Research Scientist, Meta
- Lotta Bjorklund Larsen, Research Fellow, University of Exeter
- Nina E. Olson, Executive Director, Center for Taxpayer Rights
- Jeffrey Pillarz, Russell Research