

Time to Change Laws Banning Food Stamps to People with Drug Convictions

By Dr. Henrie M. Treadwell

ATLANTA- Each year, thousands of people released from U.S. prisons after felony drug convictions discover that serving time isn't their only punishment: Three-quarters of the states ban at least some drug felons from receiving food stamps and other welfare assistance.

The restrictions come from the 1996 welfare reform legislation, which was adopted at a time when politicians in Washington were maneuvering to be perceived as tough on crime. It's clear that their fight for political survival blinded them to the negative impacts this ban would have on men and women trying to reestablish their lives after prison stays. Needless to say, it also has a huge impact on their children.

Plain and simple, this is public policy at its worst. With ex-convicts already facing monumental hurdles to overcome, ranging from dealing with health concerns to trying to find jobs to readjusting to their families and communities, this policy makes successfully doing any of those even more difficult.

Researchers have found that policies such as these are particularly hard on women, at a time when the female inmate population is rising. Juliana van Olphen of San Francisco State University says that punitive policies related to employment, housing, education, welfare, and treatment for mental health or substance abuse make it extremely difficult for drug users and former users to live normal lives and reintegrate into society.

"These policies have adversely and disproportionately affected women, especially poor women, ruining their chances of finding employment, housing or education upon release," van Olphen said after her research was published earlier this year in BioMed Central's open access journal, Substance Abuse Treatment, Prevention, and Policy.

Some states, however, have discovered that they can limit or remove the federal ban. Under the law, anyone convicted of a federal or state felony involving the possession, use or distribution of drugs is permanently banned from receiving food stamps or assistance under Temporary Assistance for Needy Families. But states are allowed to enact legislation changing or eliminating the ban. Unless they do, people with drug felony convictions can't receive food stamps or welfare assistance.

Thus far:

- Seventeen states have adopted the federal restrictions without any changes. In these states, benefits are permanently denied. It doesn't matter how long ago the crime was committed or how well someone has rehabilitated their lives through a strong work history, drug and alcohol counseling, or by avoiding repeat offenses.

- Twenty-one states have altered the ban to allow people who meet certain conditions to receive food stamps or welfare assistance. Most times, the conditions include participating in alcohol and drug treatment sessions, passing drug tests, or staying out of trouble for a certain period of time.
- Twelve states have lifted the ban entirely.

Still, in some states lawmakers are not even aware of the federal ban. In West Virginia, one of the states where it is in place, a key state legislator, House Health and Human Resources Chairman Don Perdue, researched how the ban was enacted—but only after a colleague passed along a complaint from a constituent. He learned that it was tucked into legislation with mundane “rules,” and did not get a separate vote or notice from lawmakers.

Now, Perdue says he will consider offering legislation to address the ban.

Across the country, advocates are also pushing state legislatures to ease or eliminate the ban on people convicted of drug felonies receiving food stamps or welfare, because it is the right thing to do.

How can elected officials, civic leaders and community activists encourage ex-convicts to reestablish ties with their families and communities when laws such as this one make that task harder and, at times, even impossible?

It’s time to change the laws.

(Dr. Henrie M. Treadwell is director of Community Voices, a nonprofit organization at Morehouse School of Medicine working to improve health services and health-care access for all Americans.)