

Welfare Reform Insanity: Banning Convicted Drug Offenders from Food Stamps for Life

The lifetime ban on food stamps affects many other people besides the felon, particularly children who could face hunger as a result.

Victoria Sutherland is a 34-year-old mother of one and a former manager of a McDonalds in Sacramento. She has a drug conviction on her record from an incident in Portland, Oregon 13 years ago, when she lied to police and said her friend's drugs actually belonged to her. Though she has served her sentence, because of her drug conviction, Sutherland is now banned from accessing food stamps for the rest of her life.

"I'm now living with my five-month-old son in a homeless shelter," Sutherland told AlterNet.

As a result of [welfare reform](#), enacted 17 years ago this month, Sutherland and other poor Americans in 12 states are banned from accessing food stamps because they have made mistakes with drugs at some point in their past. While Sutherland's son does qualify for food stamps and welfare, the total comes to \$500 per month in assistance, which barely pays for his food and diapers.

The ban on Sutherland's food stamps as well as her welfare benefits impacts her much more deeply than just accessing food on a daily basis. "Since I don't qualify for benefits, I do not qualify for welfare to work, which would offer childcare services," Sutherland said. "So I'm also not able to work at all right now because I have nobody to care for my kid."

Well before the [current, direct attack](#) on federal funding of food stamps—also known as the Supplemental Nutrition Assistance Program (SNAP)—there have been systemic, state-imposed barriers to accessing food stamps that have been in place for nearly two decades. Several states require fingerprinting of recipients and reams of paperwork, or are stalled by outdated technology. The [Los Angeles Times](#) recently reported on the onerous barriers food stamp recipients face in California.

But the ban barring drug convicts from accessing food stamps is one of the most problematic state-imposed barriers faced by poor people like Sutherland. Twelve states still ban convicted drug offenders from accessing SNAP benefits. A relic of welfare reform, the food stamp ban is an example of the political interplay between the drug war and the movement to reform welfare which in reality became a double indictment of the poor:

People of financial means who made mistakes with drugs would not be rendered vulnerable to hunger for the rest of their lives.

“This penalty on food stamps stretches beyond period of your criminal sentence, beyond probation or parole,” said Jessica Bartholow, Legislative Advocate at the Western Center on Law and Poverty in Sacramento. “It applies even when a person has turned his life around and is now just trying to prevent his family from going hungry.”

California now has a bill under consideration, [SB 283](#), that would repeal the food stamp ban for any convicted drug offender who is now complying with the conditions of his or her parole.

“This bill is different than what has gone before any governor in the states,” Bartholow said. “In years past, we tried to just repeal the ban completely but past governors have opposed this idea. So we worked hard to identify a compromise that would work for everyone.”

During debates over welfare reform in 1996, former Sen. Phil Gramm (R-FL) introduced legislation [banning convicted drug felons](#) from accessing food stamps. Sen. Gramm argued “if we are serious about our drug laws, we ought not give people welfare benefits who are violating the nation’s drug laws.”

Gramm’s policy required that any person who is convicted of drug use, possession or sales be banned from accessing food stamps for life; the ban was then added during Senate floor consideration of the bill and was the subject of only limited debate.

Though the food stamp ban is written into federal law, states may opt to waive or modify the requirement. As a Congressional Research Service report published in July explained, “Both TANF and SNAP are subject to the statutory 'drug felon ban,' which bars states from providing assistance to persons convicted of a drug-related felony, but also gives states the ability to opt-out of or modify the ban, which most states have done.”

Twenty one states have completely done away with the lifetime ban and an additional 30 have modified it. In California for example, the food stamp ban has been modified only to include people convicted of selling drugs, not those convicted of use or possession.

But the original food stamp ban is still in effect in 12 states, making life that much harder for poor people well after they've completed drug-related sentencing. According to the ACLU there are an estimated 575,000 people behind bars in the United States for drug-related offenses. The food stamp ban is even more problematic given how tough **drug sentences** tend to be. The socioeconomic and racial disparities of drug sentencing are clear as well: the ACLU also tells us that African Americans are incarcerated on drug charges at a rate that is 10 times greater than that of whites.

The lifetime ban on food stamps affects many other people besides the felon, particularly children, like Victoria Sutherland's son. As the Western Center on Law and Poverty has pointed out in its advocacy for SB 283, "Many households impacted by the ban have other household members who are eligible for benefits but will receive a lower-total household benefit as a result of the lifetime ban on benefits for one of the household members. As a result, the ban results in higher rates of hunger and food insecurity for the entire family, not just those who have been convicted of a crime."

The ban also makes food access harder for elders and those with health problems. Vaughn Cotton, age 51, began using cocaine in the early 1980s. He started selling cocaine to pay for his addiction. Now out of jail, he has completed programs with the Salvation Army and has been off drugs for two years. Cotton also struggles with diabetes and high blood pressure.

"I've been in and out of jail, but I've cleaned up my act," Cotton told AlterNet. "I've been clean for two years now, but the food stamp office said I couldn't have benefits—and they wanted me to pay back the little bit of money they did give me in the past."

Aside from its impact on the poor, the food stamp ban does not make economic sense. Every dollar spent on SNAP benefits **generates \$1.72 in the economy**. And a study released in June shows that SNAP recipients helped **keep grocery stores afloat** during the economic crisis. Thus cutting the spending ability of thousands of drug offenders has implications for the economy as well. (Former Sen. Phil Gramm, the architect of the food stamp ban, has been named by CNN as number seven in its list of the 10 individuals **most responsible for the 2008 economic crisis**.)

If California's SB 283 passes this year, it will be an important step in alleviating the poverty-prison trap for drug offenders which the Obama administration has also begun **slowly to address**, at least from the bully pulpit. Bartholow feels confident Gov. Jerry Brown (D-CA) will sign SB 283 into law.

"The governor is a good man, he understands fairness," she said. "Because of this lifetime ban, people are being denied crucial support to meet their basic needs."