

Food Stamp Bans Under Review; Many States Seek Prison Savings

By Marjorie Valbrun

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WASHINGTON—When the landmark welfare reform law was enacted in 1996, the political rallying cry was “ending welfare as we know it.” Today, a move is underway to rescind some of the law’s punitive measures, such as provisions that permit states to deny welfare benefits and food stamps to people convicted of felony drug crimes.

These provisions were intended to prevent selling or trading food stamps for drugs, but widespread budget deficits and steep recidivism rates are prompting state governments that enforce the benefit bans to rethink the policy amid high unemployment and escalating prison costs. New Jersey and South Dakota are the latest states to reverse course and allow drug felons to receive public assistance.

Advocates for former felons are seizing the moment to make the case that the restrictions are counterproductive in tough economic times, and they are urging state and congressional lawmakers to remove the benefits ban. Convicted felons have difficulty getting jobs even in good economic times, and public assistance and food stamps are critical income supports during the transition from prison, the advocates say.

“When individuals with drug convictions are denied food stamps and cash benefits, establishing economic stability upon reentry becomes more difficult, and it becomes more likely that they may return to criminal activity and drug use instead of maintaining sobriety and obtaining gainful employment,” says Elizabeth Farid, deputy director of the Legal Action Center's National H.I.R.E. Network.

The network seeks to increase job opportunities for those with criminal records, advocating for ending public policies and employment practices that further penalize felons who have served their time.

Opponents of the restrictions say the ban has disproportionately affected women and people of color, who are more likely than whites to be charged and convicted for drug crimes.

Many states have opted out of the law banning drug felons from the Supplemental Nutrition Assistance Program (SNAP), as the food stamp program is now called, and Temporary Assistance for Needy Families (TANF), the welfare program. Other states have modified the bans and made them less punitive.

Because the federal government fully funds food stamps, allowing felons to receive them does not burden state budgets.

Ten states still have the food stamp ban. Lawmakers in three of them—West Virginia, Missouri, and Delaware—have proposed legislation that would remove the ban. Eleven states maintain the TANF ban.

In Georgia, where the 67 percent recidivism rate is one of the highest in the country and where more than 50,000 people are in its state prison facilities, lawmakers have maintained the ban.

Democratic State Sen. Emanuel Jones, chairman of the Georgia Legislative Black Caucus, introduced a bill during the last session that proposed restoring eligibility for food stamp and welfare benefits for drug felons who had served their time. “It didn’t get any traction at all,” he says, adding that he plans to introduce a measure this year proposing restoration just of food stamp benefits. Regarding its prospects, however, Jones says, “I think the chances are very slim.”

“We lock up a lot of people here, and we apparently want to keep them there,” he says, referring to the high recidivism rate.

Henrie Treadwell, director of Community Voices and Men's Health Initiative at the Morehouse School of Medicine in Atlanta, is optimistic that the benefits will eventually be restored for former felons. Her program works to improve access to health care and other services for those transitioning from prison.

“I serve on the Georgia Board of Corrections, and everything that I see and hear says we are moving in that direction,” says Treadwell, who is also a research professor at Morehouse’s Department of Community Health & Preventive Medicine. “Our new governor has made reduction of recidivism one of his priorities. Now the question becomes how far we will go.”

On the national front, proponents of sentencing reforms are actively lobbying Congress to repeal the bans. Two pieces of legislation to do that have been introduced in Congress but have not moved. Rep. Barbara Lee, D-Calif., introduced H.R. 329, which has eight co-sponsors and would repeal the food stamp ban, and Rep. André Carson, D-Ind., introduced H.R. 3053, which would repeal the TANF ban and has 19 co-sponsors.

“What we see all too often are restrictions that fail to promote public safety, that frequently run counter to integrating formerly incarcerated people into the community and that are based on political posturing

rather than behaviorally based analysis,” Marc Mauer, executive director of The Sentencing Project, told a House Judiciary subcommittee last June.

He also noted that the ban does not apply to people convicted of murder, armed robbery, rape or child abuse.

“This ban disproportionately affects women and children, by far the overwhelming proportion of recipients of such benefits,” Mauer said at the hearing. “The impact of the ban means that a woman returning home from prison who may gain temporary employment but is then laid off during a recession is left with no safety net. And further, children are essentially punished for the acts of their parents.”

Although children of felons remain eligible to receive public assistance, restrictions for felons mean that benefits decline for an entire household.

“It’s unrealistic to think that the restriction will only reduce the quality of life of the parent while maintaining the rest of the family’s overall level of comfort,” Farid says.

Celia Cole, a senior policy analyst at the Center for Public Policy Priorities in Austin, Texas, has been working on this issue since 1999. During that time, six bills proposing that food stamp benefits be provided to ex-felons were introduced and died in the state legislature.

With state reintegration programs for former inmates being cut for budgetary reasons, Cole said she hopes that budget-conscious lawmakers will give new legislation a better reception.

“Our position has always been that food assistance is critical to successful re-integration into society,” she says. “We see being able to feed themselves as way to being able to rebuild their lives.”

But Texas lawmakers, and those in other politically conservative states that support the restrictions, tend to take a dim view of entitlement programs and an even dimmer view of criminals.

“We’re a pull-yourself-up-by-the-bootstrap state, so there’s limited support for food stamps to begin with,” Cole says. “There’s also this knee-jerk reaction to people with felony drug convictions. Lawmakers don’t want to appear soft on crime.”

Outraged lawmakers originally pushed for the lifetime ban because some food stamp recipients, though not the majority, traded stamps for drugs or sold them to obtain money for drugs. But food stamp benefits are now distributed electronically and accessed with a debit card that makes selling or trading benefits more difficult.

Unlike old food stamp coupon books, the electronic cards can be traced, leading to substantially less fraud and abuse nationally. In 2008, for example, Texas reported no instances of food stamp fraud, Cole says.

“Who are we to say, ‘You made a mistake. You paid your debt to society. We’re letting you re-enter society, but you can’t eat’?” she adds. “It doesn’t make sense.”

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