

Stereotypes, Myths, & Criminalizing Policies:

Regulating the Lives of Poor Women

By Women's Health & Justice Initiative

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Since the beginning of the year, we have witnessed a surge of legislative attacks targeting poor communities through bills calling for mandatory drug testing as an eligibility requirement to receive federal aid under the Temporary Assistance for Needy Families (TANF¹) program in over two-dozen states.

- On January 25, 2011 U.S. Senator David Vitter, R-Louisiana, introduced The Drug Free Families Act of 2011, (S. 83), which would require all 50 states to drug test all TANF applicants and recipients.
- On May 10, 2011, Missouri state legislature passed Senate Bill 607, which require welfare applicants and recipients to pass a drug test in order to receive public assistance, if 'reasonable suspicion' is raised by a social worker; and on July 12, 2011, Democratic Governor Jay Nixon signed the bill into law.
- On May 31, 2011, Governor Rick Scott, R- Florida, signed legislation into law requiring adults applying for welfare assistance to undergo drug screenings.
- And for the fourth consecutive year, Louisiana State Representative John LaBruzzo aggressively tried to get similar legislation passed before House Bill 7 died in the Senate on June 21, 2011 after winning approval in the House.

The targeting of welfare recipients – under the false pretense of “*saving tax dollars from supporting someone’s drug addiction*” or by “*helping drug addicts become productive citizens*” – is nothing more than the continual use of stereotypes and myths to criminalize the lives of poor women and their families through invasive and unconstitutional regulatory policies of economic violence.

The Women's Health & Justice Initiative (WHJI)² condemns these coordinated federal and state assaults on recipients of public cash assistance. The legislative actions of Governor Scott, Senator Vitter, State Representative LaBruzzo, and others *criminalize* the poverty of welfare recipients, *exploit* low-income women's economic vulnerability, and *stereotype* welfare recipients as illegal drug users by *publicly presuming* welfare recipients' socio-economic status as linked to addiction.

¹ TANF is a federally funded, state- administered aid program created when President Bill Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996C (PRWORA), which abolished Aid to Families with Dependent Children (AFDC). It is more widely known as the Welfare Reform Act.

² Formed in 2006 to address the hidden and persistent racialized gender-based forms of violence, neglect, and inequality laid bare and exacerbated by the disasters of 2005, the Women's Health & Justice Initiative (WHJI) is a feminist of color organization based in New Orleans that engages in public education campaigns, research projects, and grassroots organizing activities to improve the social and economic health of women of color and our communities. WHJI advocates against punitive social policies, practices, and behaviors that restrict, exploit, regulate, and criminalize the bodies and lives of low-income and working class women of color most vulnerable to violence, poverty, and population control policies of blame, displacement, and social neglect. Our organizing challenges the social invisibility of the various forms of social exclusion, violence, marginality, and socio-economic vulnerability women color and poor women experience, contend with, and fight against –by *staving* off attempts to further undermine our human rights—while *forging* new opportunities to build the capacity of our communities to address the social justice implications of women's economic and social needs to live in healthy and safe environments.

Punitive, Criminalizing, & Discriminatory Attacks

Using the ‘*Get Tough*’ rhetoric of the War on Drugs; reproductive regulation; and neoliberal austerity measures to attack poor and marginalized women (who rely on government subsidies for financial support) irresponsibly exploits their economic vulnerability by falsely implying their assistance is the cause of the country’s financial woes. Although recipients of public assistance are no more likely to use illegal drugs than the general population, they are often disproportionately targeted by elected officials as social burdens in need of governmental regulation.

At both the federal and state levels, Senator Vitter and State Representative LaBruzzo have tried unsuccessfully for years to restrict public assistance eligibility through mandatory drug testing under the guise of helping recipients with untreated drug addictions. Despite the fact such testing has been ruled unconstitutional by the Sixth Circuit in 2000, Vitter and LaBruzzo continue to promote dangerously punitive policies.

If passed, Senator Vitter’s Drug Free Families Act of 2011 would amend part A of The TANF Program and thereby require all states to drug test all TANF applicants and recipients. The bill will deny assistance to individuals who test positive for illegal drugs and those convicted of drug-related crimes. Not only will this Act further restrict the privacy and agency of women who are daily portrayed as deceitful, deviant, oversexed, and addicts—all because of racialized gender-based misconceptions of what it means to receive public assistance- it will also subject them to various forms of discrimination with regards to housing, employment, education, and their voting rights.

Additionally, Louisiana State Representative LaBruzzo’s House Bill 7 would have required twenty percent of TANF recipients to submit to drug tests as a condition to receive public assistance – a similar measure attempted by former State Representative and Klu Klux Klan member David Duke in 1989.

Under this year’s version of Representative LaBruzzo’s bill, a participant who wouldn’t sign a written form granting ‘*consent*’ to a drug test would not have been eligible to receive or to continue to receive cash assistance. Consenting to a drug test is an infringement of one’s constitutional right to privacy and equal protection, yet refusal is a denial of public benefits and a presumption of drug addiction. Clearly, this legislation was designed to both publicly demonize and undermine the agency of welfare recipients – because placing women in a position to “choose” between their right to privacy and the care of their family is not an exercise of “consent” but a *blatant form of coercion*. The use of coercive policies to compel welfare recipients to submit to drug testing ignores the complex structures of poverty and poor women’s daily battles for subsistence, as they often bear the brunt of income and housing related poverty, violence, and discrimination. By placing women in such positions, LaBruzzo and others are able to justify these systemic forms of coercion by dehumanizing the lives of poor women and their families.

Lastly, legislation signed into law by Governor Scott of Florida on May 31, 2011 and by Governor Nixon of Missouri on July 12, 2011 both require adults applying for temporary cash assistance to undergo drug screenings. The Florida law took effect July 1st, which requires the Florida Department of Children and Family Services to drug test all adults applying for TANF assistance. Applicants are responsible for the cost of the screening and will be reimbursed by the state only if they pass the drug test. Those who fail can enter a drug rehabilitation program and reapply six months later or designate someone on their behalf to receive their child’s benefits. Governor Scott claims, “we don’t want to waste tax dollars...and we want to give people an incentive to not use drugs.” His statement equates public assistance with ‘waste’ and exploits the vulnerability of women’s economic status by violating their Fourth Amendment rights under the pretext of deficit reduction.

In Missouri, the recently signed law allows officials with the Department of Social Services to drug test recipients of public assistance if there is ‘reasonable cause’ to suspect illegal drug use. If an applicant tests positive, they must complete a substance abuse program. And if an applicant

refuses to take a drug test or attend a substance abuse program, they won't be eligible for assistance for three years. This law, like the others, stigmatizes welfare recipient's economic status and equates their subsidy status with addiction.

The Truth Behind the Legislation

Not only is drug testing unconstitutional, it's ineffective and costly. Drug testing does nothing but further marginalize and stigmatize TANF recipients. It implies that recipients are to blame for the nation's current economic deficit, as opposed to the wasteful spending of public resources on the corporate welfare giants of Wall Street and the War on Drugs; militarism; and the over production of unnecessary commodities that negatively impact our environment. The aggressive use of punitive neoliberal policies like these rely on fear and racist stereotypes to falsely frame low-income families as economic burdens of the state, while ignoring the disastrous economic burdens of corporate welfare.

Stereotypes and stigmatizing labels associated with welfare are dramatically different in reality than what is often decried by elected officials. The racial and gendered subtext of prevailing welfare stereotypes of 'laziness,' 'uncontrolled sexuality,' and 'drug addiction,' implicitly informs the negative treatment of people on food stamps; landlords refusing to accept subsidized housing vouchers as rent; the general perception that welfare recipients only have children to receive a "welfare check;" the regulation of low-income women of color's fertility; and the scapegoating of recipients as constantly burdening the government to take care of them. Despite the fact that the current TANF program carries a 5-year term limit, along with a variety of other requirements and restrictions, the false perception of low-income women of color having endless benefits to support drug habits persists.

Nationally, financial assistance to poor families represents approximately 0.7% of the federal budget. Here in Louisiana, the number of people receiving cash assistance through TANF has been declining since President Bill Clinton signed the 1996 welfare reform legislation; and since Hurricane Katrina, the numbers of families receiving assistance has decreased by 74 %.

Despite the claims of lawmakers like Rep. John LaBruzzo, cash assistance payments in Louisiana represents less than 1% of the state budget, with:

- Less than .3% of the population receiving assistance through the Family Independence Temporary Assistance Program or FITAP (13,237 people out a population of 4.5 million)
- The average public assistance grant being only \$189 a month for a family of three, *and*
- 74% of receipts in the state being children (only 3,656 of the 13,237 recipients are adults)

The reality of welfare in Louisiana clearly illustrates drug testing has nothing to do with saving tax payers dollars and balancing state budgets, but much to do with who's perceived as receiving benefits.

What We Need

These current actions represent yet another attempt by conservative legislators to pass criminalizing policies to restrict and police the sexuality and reproductive autonomy of subsidy-reliant women under the pretext of saving taxpayers' dollars. The same women whose fertility and motherhood become routine targets of public debates, reproductive legislation, and policy mandates are the same women who are falsely accused of being economic burdens on the state and punished through government funded programs for being poor, thus becoming disproportionately subjected to racialized gender related poverty, violence, discrimination, and displacement.

We need legislators to take real leadership in addressing budget shortfalls not by weakening the capacity of women to care for their families, which will ultimately create more social and economic cost in the future, but by targeting inflated costs of corporations that pose dangerous risks to our communities. The efforts that have been employed to police the lives of poor women

could be better used to:

- Regulate dangerous industries and out-of-control military spending that threaten the social, economic, and environmental health of families and communities;
- Increase the efficacy and availability of social programs designed to improve the living conditions of poor communities;
- Support responsible, accessible, and affordable public services and resources that respect the reproductive and economic autonomy of women of color and low-income women;
- Prioritize poor women's economic and social needs to take care of their families in safe and healthy environments.

Legislation that is appropriately funded and provide for childcare resources, family treatment programs, mental health services, non-discriminatory employment opportunities, affordable and decent housing, and safe and non-coercive health care services is needed to assist low-income families not punitive, ineffective, and expensive drug testing initiatives that restrict the opportunities and life chances of low-income women and their families.