More US states pursuing drug testing for welfare recipients

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Legislatures in at least 28 states are considering drug testing applicants or recipients of public assistance programs, according to the National Conference of State Legislatures. This week, Oklahoma enacted a drug testing law; another bill awaits the governor's signature in Tennessee. The legislation is part of an effort by the political establishment to make social services harder to get in the face of rapidly rising need.

"Hardworking taxpayers shouldn't be asked to subsidize drug abuse, and this bill will help to ensure they are not," Oklahoma's Republican Governor Mary Fallin proclaimed Wednesday as she signed into law a bill requiring drug testing for applicants to the Temporary Assistance for Needy Families program. If an applicant is found to have illegal drugs present in their system—or refuses the drug test—they will be denied aid.

In Tennessee, Republican Governor Bill Haslam is expected to sign similar legislation this week. Under the Tennessee bill, welfare applicants will be required to pay for the test themselves. Utah enacted a drug screening law in March; Georgia enacted a drug test mandate in April that goes into effect on July 1.

Also this week, Louisiana's House passed a bill calling for the random drug testing of one in five welfare recipients. A proposal for drug testing in Ohio was withdrawn this week from the state's budget bill, but has already been reintroduced separately. The measure's sponsor, Republican Senator Tim Shaffer of Lancaster, said its purpose is to "break this cycle of dependency in these impoverished situations."

Under the watchwords of "personal responsibility" and "busting fraud," the ruling class has taken aim at the social safety net, steadily cutting funding and tightening eligibility. Children, who comprise approximately three-quarters of Ohio's welfare roll and an overwhelming majority nationwide, are the primary victims of such an effort.

It is no coincidence that as rates of hunger, malnutrition, and other indices of the social crisis mount, attacks on welfare provisions sharpen. Indeed, the political establishment at every level of government has seized on the economic crisis as an opportunity to shred social infrastructure and the living standards of the working class.

The tying of aid to drug testing effectively criminalizes poverty. In legally reinforcing the prejudice that aid recipients are drug addicts, the ruling elite are seeking to cultivate backwardness in the population and further stigmatize those dependent on public assistance programs. Those with a history of drug addiction who are subjected to the ultimatum of drug screening may be fearful of arrest, or of being stripped of custody of their children. For the most vulnerable families, the direct consequences of such punitive policies are more pain, hunger, and want.

Drug addiction is a very real problem among the most oppressed layers of the working class and the poor. Yet the most formidable obstacles to becoming financially "independent" are not within their ability to control. Indeed, millions of people have sought out aid for the first time since 2008. They have been compelled to do so because they are confronted by an unprecedented jobs crisis, a minimum wage that does not pay for housing or other necessities, the lack of health insurance, child care, and public transportation. Programs that would address these pressing problems are either nonexistent, or under assault. The financial outlay necessary to adequately address drug addiction, and the plethora of other social ills, is considered out of the question for the ruling class.

Since the 1996 welfare reform act of the Clinton administration, which purged public assistance rolls of millions of the poorest people and imposed time limits and onerous work rules on aid recipients, states have sought to impose ever-tighter eligibility requirements on enrollees. In 1999, Michigan became the first state to test applicants, but the law was declared unconstitutional and overturned by the Michigan court of appeals in 2003.

Florida imposed drug testing on its TANF enrollees beginning last July, through October, when the Southern Center for Human Rights and American Civil Liberties Union sued the state for a violation of the constitutional protection against "unreasonable search." A temporary injunction suspended the drug testing program.

Results of the tests in themselves discredited the law and the justifications of its supporters. During the four months that the law was in place, 4,086 welfare applicants were subjected to the test. By the state's records, only 2.6 percent—108 applicants—failed the drug test, most often for marijuana. This rate is far lower than estimated rates of drug use in the population as a whole.

The Florida law moreover proved to be a financial loss to the state, since applicants who passed the screening had to be reimbursed for its cost, on average about $35. The total cost of the reimbursements was more than would have been paid out in TANF aid to the applicants who failed the test. Overall, the drug testing cost the state an additional $45,780 on top of welfare outlays.

Nevertheless, proponents of the law in Florida insist that drug testing must expand. "The drug testing law was really meant to make sure that kids were protected, that our money wasn't going to addicts," Chris Cinquemani of the Florida-based Foundation for Government Accountability, which lobbied for the law in both Florida and Georgia, told the *New York Times* last month.

Republican Governor Rick Scott has vowed to pursue the policy in the face of civil suits. "It is important to ensure that people who receive TANF dollars use the cash assistance appropriately and not spend it on illegal drugs," a spokesperson for the governor told the *Miami Herald*. In March, Scott enacted a measure that allows all Florida state agencies to randomly test 10 percent of their own employees for drugs every three months.

Beyond cynical moralizing, many of the individuals and organizations behind the calls for drug testing of the welfare rolls have a direct financial interest in the policy. According to an April 14, 2011 report in the *St. Petersburg Times*, Governor Scott—a multimillionaire former health care executive and venture capitalist—held $62 million in stock in Solantic, the company to which the state had awarded the sole contract for the drug testing. Scott founded Solantic in 2001; a few days before taking office as governor in 2010, he transferred his shares to a fund in his wife's name.