



# Executive Memorandum

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## STATES AND ADVOCATES FOR CHILDREN SHOULD HAIL SIXTH DISTRICT COURT DECISION ALLOWING DRUG TESTING OF WELFARE RECIPIENTS

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Since passage of welfare reform in 1996, national welfare dependency has declined by over 60 percent and employment among the formerly dependent has risen significantly. Now the challenge is to find ways to work with welfare recipients who have not yet successfully taken advantage of the opportunities created by the reforms.

One of the most difficult challenges facing states as they work with welfare recipients is helping to change the behavior of those who abuse drugs. In his State of the Union address, President Bush proposed increasing the amount of money set aside to help drug abusers overcome their habits. But to be effective, we must first identify those who need help.

Former Governor John Engler of Michigan introduced a procedure that tested adults applying for welfare for the presence of illegal substances. Based on simple medical tests, those who tested positive for illicit drugs were provided appropriate treatment options. If applicants for welfare refused to take the screening test or refused appropriate treatment where offered, they became ineligible for cash benefits. This created a strong positive incentive for drug abusers to access the treatment they needed.

But the Michigan poverty advocates and their lawyers blocked this sensible reform and tied up its implementation in court. Finally, in October 2002,

the U.S. Sixth Circuit Court of Appeals lifted an injunction and declared the screening tests legal and constitutional. This is a victory for the American public as well as for those caught in the throes of drug addiction. Those advocating for the interests of adults and children on welfare should also hail the court's decision.

**Need for Testing.** Why are medical drug tests needed in the welfare system? The short answer is that most welfare applicants who are drug abusers do not volunteer this fact. Drug testing allows states to screen applicants who are requesting financial support from the public to determine whether they are current users of illegal substances. Before it was halted, the Michigan testing initiative showed that over 10 percent of welfare applicants needed some form of help for substance abuse.

Not everyone testing positive for drug use should necessarily go through extensive and expensive

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treatment—there are many options. However, without the screening tests, there is no way to confirm with confidence the use of illegal substances. When alternative methods of screening are used, such as interviews or questionnaires, the proportion of people voluntarily reporting a substance abuse problem is very low, as might be expected. But when scientific tests are used to confirm illicit drug use, caseworkers can help drug-abusing adults face their problems and take the right steps toward recovery.

It is known that welfare recipients who are addicted to drugs find it hard to succeed. There are at least three central problems:

- **Substance abusers have trouble in the workplace.** Businesses know that drug users are an employment risk, which is why about half of the *Fortune* 500, and an even higher percentage of U.S. manufacturers, screen for drugs as a condition of employment. Job turnover of drug-abusing employees is high. Drug users are more frequently involved in workplace conflicts, often have trouble accepting authority from supervisors, and constitute higher risks for workplace theft and other crime. According to Steven Fishman of the Michigan Chamber of Commerce, studies show that substance-abusing employees have three times more absences, are 40 percent less productive, and are involved in half of all industrial accidents.
- **Chronic untreated drug abuse can lead to social withdrawal and even homelessness.** When serious substance abusers are left alone on welfare without treatment or other intervention, they become increasingly harder to help. Their lives can descend into chaos and squalor. The U.S. Department of Health and Human Services estimates that 60 percent of the homeless population abuses drugs or alcohol.
- **Children whose parents are drug abusers are in danger.** Parents severely addicted to drugs

place their own children in danger. According to the Center for Alcohol and Substance Abuse at Columbia University, 70 percent of child abuse and neglect cases are related to substance abuse, with crack cocaine addiction being especially serious. In the words of Joseph Califano, former Secretary of Health and Welfare under President Jimmy Carter and now executive director of the Center, “There is no safe haven for abused and neglected children of drug and alcohol abusing parents. They are the most vulnerable and endangered individuals in America.”

**Conclusion.** In order to continue making progress in helping welfare recipients move to healthy, self-reliant lives, we must face the problem of drug abuse. Regrettably, most individuals entering substance abuse treatment drop out and return to their former behavior. But drug treatment programs can become much more effective if meaningful carrots and sticks are linked to an individual's participation in and completion of treatment.

Welfare reform offers a great opportunity to improve the effectiveness of drug treatment. By identifying drug abusers and ensuring that they enroll in treatment—using attendance tracking and accountability measures already built into welfare-to-work programs—recovery rates can improve substantially to society's benefit.

Too often, drug abusers rely on cash and other benefits from the welfare system to subsidize their habits. Former Governor Engler's system of drug testing and treatment offers a powerful new approach to confronting this problem in the best interests of the families of drug abusers, of the users themselves, and of all society.

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