

# **Is the War on Drugs Helping to Keep You Unemployed or Underpaid?**

A Worker's Guide to the War on Drugs

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Workers know that their employment depends on everything from education and oil prices to the availability of affordable housing. Economic policy dominates every election, from town councilor to President. Yet most workers ignore one policy area with profound economic impacts: drug prohibition policy. No worker would advocate ending the War on Drugs if it were making our kids safer and healthier, despite the cost. But it's not. This pamphlet explains how our drug policy is hurting both our kids and our workers.

## **Executive Summary**

### **How the War on Drugs is hurting our kids:**

- A) Legal regulation is more effective at reducing use than prohibition.
- B) Prohibition makes drug use much more harmful.
- C) Government regulation does not "send the wrong message"

### **How the War on Drugs is hurting workers:**

- A) It may get you fired if you are arrested on any drug charge, guilty or innocent
- B) It makes it impossible for you to have an honest living if you have a drug conviction
- C) It increases costs for businesses, preventing them from hiring you
- D) It removes tax dollars from education and public transportation
- E) It forces you to take drug tests that you may fail due to prescription drug use

## **How the War on Drugs is hurting our kids:**

### We will never "win" the War on Drugs

- We can't even keep drugs out of our maximum-security prisons.
- There's no secret why: cocaine costs three times as much as gold.

### Legal regulation is more effective at reducing use than prohibition.

- Youth use of marijuana, cocaine, heroin, and methamphetamines has remained roughly constant over the last 20 years.
- Youth use of tobacco has dropped by 50% over the same period.
- High school kids report that it is easier to buy marijuana than alcohol because drug dealers don't card.
- Who would we rather be in control of the market, the government or the gangs?

### Prohibition makes drug use much more harmful.

- Alcohol Prohibition caused gang violence, raised consumption of hard liquor, and increased alcohol poisoning by 600%
- Putting gangs in charge of today's drug market causes gang violence, increases the purity of all illegal drugs, and causes overdoses by removing quality control

- Making drug users into criminals prevents them from seeking medical help, encourages needle-sharing, pushes them to commit crimes to get drug money, and prevents rehabilitation by blocking them from college loans, public housing, and other social services

Government regulation does not “send the wrong message”

- Are our kids getting the wrong message about cigarettes?

## **How the War on Drugs is hurting our workers:**

No one is surprised that if you serve several years in prison on a drug charge you will likely be unemployed or underpaid for the rest of your life. But few people know that even if you never used drugs, the War on Drugs helps keep you unemployed or underpaid in four main ways.

### **A) The War on Drugs may get you fired for any drug charge, guilty or innocent**

Even though you are innocent until proven guilty, the War on Drugs ends the careers of innocent people every day because they do not get a real trial. In 2012, there were 1.5 million drug arrests, three times more than for all violent crimes. Of these drug arrests, 82% were for possession alone, while only 18% were for selling or producing drugs.<sup>1</sup> If you are arrested by the federal government for a drug crime, you face an average of 226 days in jail before trial.<sup>2</sup> You will sit in jail during that time and lose your job if you cannot come up with money to pay your bail. Five out of six people awaiting trial in county jail today are there simply because they could not afford their bail.<sup>3</sup> If it takes you a day or two to come up with \$1,000 to \$10,000, the common range for bail in a drug case, you can be fired for not showing up at work on those days. Family members that come to support you in court can also be fired for missing work.

Though scholars estimate that 10% of all defendants are innocent, 96% of those accused of a drug offense plead guilty.<sup>4</sup> They take a “plea bargain,” meaning that they agree to admit guilt in exchange for lighter punishment. Defense attorneys encourage defendants to take a plea because trials take a lot of time. Trials are unprofitable for defense attorneys and make the workload of public defenders unmanageable. In addition, in some states and in the federal system, going to trial guarantees a much longer sentence if convicted due to harsh mandatory minimum sentences.<sup>5</sup> While a murder or rape conviction holds no mandatory minimum in federal law, possession of a candy bar worth of crack cocaine (50 grams) would get you a minimum of 5 years.<sup>6</sup> By contrast, your plea bargain offer, if the prosecution has little or questionable evidence, might be as little as 6 months of probation plus credit for the time you already served in jail. Lawyers routinely persuade innocent people to plead guilty in order to avoid the probability of serving a long prison sentence.

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<sup>1</sup> (“Crime in the United States 2012 - Arrests,” FBI Uniform Crime Report (Washington, DC: US Dept. of Justice, September 2013), p. 1. )

<sup>2</sup> <http://www.bjs.gov/content/pub/pdf/prmfdc0810.pdf> Table 7

<sup>3</sup> [http://www.in.gov/doi/files/US\\_Dept\\_of\\_Justice\\_Pretrial\\_Release\\_Report.pdf](http://www.in.gov/doi/files/US_Dept_of_Justice_Pretrial_Release_Report.pdf) p. 1

<sup>4</sup> <http://www.bjs.gov/content/pub/html/scscf04/tables/scs04401tab.cfm>

<sup>5</sup> <http://www.hrw.org/news/2013/12/05/us-forced-guilty-pleas-drug-cases>

<sup>6</sup> [http://www.uscc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Chapter\\_08.pdf](http://www.uscc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Chapter_08.pdf)

Once you are on probation or parole, any violation of the conditions of probation or parole can result in your immediate arrest and automatically cause you to serve the full criminal sentence – with only a brief hearing rather than a trial. These conditions often vary, are sometimes confusing, and include doing things that are not criminal at all, such as changing residence without permission or missing an appointment with your probation officer. Probation officers hold enormous discretion to have you brought in for a hearing on a probation violation, however minor it may be.

A probation officer may schedule your appointment during your shift at work. You have a terrible choice – miss work and risk losing your job, or skip your probation appointment and risk having your probation revoked.<sup>7</sup> The War on Drugs forces hundreds of thousands of people to face this possibility every year. In addition, many jurisdictions impose court costs and probation fees upon you after you plead guilty and will not release you from probation until they are paid in full. Any delay in payment earns high interest plus penalties. A recent report by the ACLU found that many people with low or no income are being sent to jail because they cannot afford to pay interest and penalty fees that are ten times higher than their original fines.<sup>8</sup>

### **B) The War on Drugs makes it impossible for you to have an honest living if you have a drug conviction**

Assume that, regardless if you are innocent or guilty, you end up with a drug conviction on your criminal record. Even if you never go to jail or prison or spend time on probation, if you plead guilty then you will have a conviction on your record. In all but eight states, employers are legally permitted to ask on job applications if you have any prior convictions.<sup>9</sup> The vast majority of employers have an unofficial policy that if you have any criminal convictions you instantly become ineligible for any job. These unofficial policies violate the guidelines set by the Equal Employment Opportunity Commission, which states that “an absolute bar to employment based on the mere fact that an individual has a conviction record is unlawful.”<sup>10</sup> Even if you were never behind bars, you are required to disclose that you are an ex-convict, which means you are a convicted criminal who served their time. If other people are applying for the same job, you will almost always be the last to get hired. Though you may have served no time in prison, your guilty plea will prevent you from getting a job.

A drug conviction can keep you unemployed by preventing you from receiving licenses and certifications required for certain careers. In 29 states there are no laws preventing agencies that provide occupational licenses from denying licenses to individuals based solely on the grounds of a past criminal conviction.<sup>11</sup> These licenses are needed if you want to work in careers such as a plumber, electrician, nursing or hospice staff, barber, welder, or heavy truck driver.<sup>12</sup> In the remaining 21 state if there is a “direct,” “rational,” or “reasonable”

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<sup>7</sup> Dr. Kimberly Mehlman-Orozco University of Maryland, <http://www.bjs.gov/content/pub/pdf/ppus11.pdf> , and [http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/sentencing\\_and\\_corrections/Condition-Violators-Briefing.pdf](http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/sentencing_and_corrections/Condition-Violators-Briefing.pdf)

<sup>8</sup> [http://www.hrw.org/sites/default/files/reports/us0214\\_ForUpload\\_0.pdf](http://www.hrw.org/sites/default/files/reports/us0214_ForUpload_0.pdf)

<sup>9</sup> <http://www.msnbc.com/all-in/states-push-provide-some-ex-felons-second>

<sup>10</sup> [http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)

<sup>11</sup> [http://www.lac.org/roadblocks-to-reentry/upload/lacreport/LAC\\_PrintReport.pdf](http://www.lac.org/roadblocks-to-reentry/upload/lacreport/LAC_PrintReport.pdf)

<sup>12</sup> <http://labor.ny.gov/stats/lstrain.shtm>

relationship between the license and the criminal conviction then the agency is justified in denying the occupational license.<sup>13</sup> A drug conviction will also suspend or revoke your driver's license for at least 6 months in 27 states.<sup>14</sup> Without a driver's license you will have to rely on other modes of transportation which will drastically decrease your ability to find and keep a job.

Your conviction will also deprive you of government support services that help unemployed workers survive until they find someone willing to hire them. In many states, a drug conviction strips you of unemployment benefits.<sup>15</sup> You will become ineligible for federal college loans or jobs paid for as "work-study," banned from Temporary Assistance for Needy Families (TANF) in 13 states, barred from food stamps in 9 states, and blocked from other public assistance benefits.<sup>16</sup> Your family can be legally evicted from public and private housing, and if you become homeless, social services will put your kids in foster care.<sup>17</sup> You are also ineligible for Social Security disability benefits if drug addiction is a "contributing factor material to the determination of disability."<sup>18</sup> Once convicted you are banned from voting power in all but 2 states. In 36 states this is only during your time in prison, on parole, or until the completion of your sentence. In 7 states the ban continues beyond the end of the sentence and only through a grueling process can be lifted. In 5 states it is a lifetime voting ban.<sup>19</sup> This means that in 12 states you lose all political power as soon as you are convicted and no longer have any official say about future legislation.

### **C) The War on Drugs increases costs for businesses, preventing them from growing and hiring workers**

You can only get a job if a business is hiring. For a business to be able to hire more employees, its profits must be growing. The War on Drugs reduces profits by both decreasing sales and increasing costs:

1) The War on Drugs decreases sales. It locks many people out of the economy, not just those who are currently incarcerated. Anyone with a criminal record has trouble getting a job, so they have little money to spend on food, clothes, or furniture, let alone a house or a car. Often, they cannot get bank loans in addition to college loans. Economists estimate that as many as 60 million Americans have a criminal record, and roughly 25% of those records are drug-related.<sup>20</sup> American businesses lose an estimated \$34 billion per year in sales because these people can't afford the products and services they need. Reduced sales results in fewer jobs, whether you want to work at a bank, hospital, retail store or factory.

2) The War on Drugs also increases costs due to crime and health insurance.

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<sup>13</sup> [http://www.lac.org/roadblocks-to-reentry/upload/lacreport/LAC\\_PrintReport.pdf](http://www.lac.org/roadblocks-to-reentry/upload/lacreport/LAC_PrintReport.pdf)

<sup>14</sup> *ibid*

<sup>15</sup> <http://www.alternet.org/drugs/6-ways-us-drug-war-intrudes-your-life-whether-or-not-you-use-illegal-substances>

<sup>16</sup> [http://sentencingproject.org/doc/publications/cc\\_A%20Lifetime%20of%20Punishment.pdf](http://sentencingproject.org/doc/publications/cc_A%20Lifetime%20of%20Punishment.pdf)

<sup>17</sup> Michelle Alexander, *The New Jim Crow*, 94, 97; Bruce Western, *Punishment and Inequality in America*, 21.

<sup>18</sup> Code of Federal Regulations, 416.935 [60 FR 8151, Feb. 10, 1995];

[http://www.ssa.gov/OP\\_Home/cfr20/416/416-0935.htm](http://www.ssa.gov/OP_Home/cfr20/416/416-0935.htm)

<sup>19</sup> [http://www.lac.org/roadblocks-to-reentry/upload/lacreport/LAC\\_PrintReport.pdf](http://www.lac.org/roadblocks-to-reentry/upload/lacreport/LAC_PrintReport.pdf)

<sup>20</sup> Need source here

<http://www.nij.gov/journals/270/Pages/criminal-records.aspx>

Though it may seem counterintuitive, the War on Drugs increases theft. One goal of the War on Drugs is to raise the price of drugs. Today in the U.S., heroin costs about 10 times as much gold.<sup>21</sup> Heroin addicts are forced to spend enormous sums to treat their addiction. Since most have lost their job and earned a criminal record for drug use, they have more incentive to use drugs, no way to pay for their costly habit, and nothing to lose by committing crimes. Unsurprisingly, many support their habit by stealing and dealing drugs. Though the government estimates that only 2% of the population is addicted to illegal drugs,<sup>22</sup> 30% of all property crime is committed to get money to buy drugs.<sup>23</sup> Businesses lose an estimated \$9 billion a year to property crime, shoplifting and security costs due to drug addicts who are stealing because of the War on Drugs.<sup>24</sup>

Another high cost is employee health insurance. A large percentage of America's health costs are created by a small percentage of very sick people. A quarter of the Americans suffering from HIV/AIDS became infected through sharing HIV-contaminated needles. These infections are caused by the War on Drugs, not by the drugs themselves. In Canada, Switzerland and Portugal, heroin addicts go to safe injection facilities, which are clinics staffed by health professionals to prevent overdose and ensure clean and safe injection. When heroin users are in safe injection facilities, not hiding in dark, dirty alleys to avoid arrest, they do not become infected with HIV/AIDS or Hepatitis B and C. In the U.S., these diseases caused by our War on Drugs add at least \$6 billion to annual health costs. Tax, theft and health costs all prevent businesses from expanding and hiring more employees.

3) These effects are concentrated in low-income minority communities. Though African-Americans are no more likely to use drugs than white Americans, in 2012 black males were 6 times more likely to be imprisoned than white males. Among 18-19 year olds, black males were almost 10 times more likely than white males to be imprisoned.<sup>25</sup> This has had a transformative impact on black communities. Unless we change current incarceration trends, 1 out of 3 African American males born today will end up in prison during his lifetime.<sup>26</sup> In cities like Baltimore and Washington, DC, half of the black male population is currently in prison or on probation or parole.<sup>27</sup> 68% end up back in jail within 3 years, a third simply for failing a drug test.<sup>28</sup> As a result, their families struggle to survive and contribute little to the local economy. Businesses in predominantly African-American communities suffer the greatest losses in revenue, along with increased costs due to higher insurance premiums and theft. This means lower profits, lower growth, and fewer jobs.

#### **D) The War on Drugs removes tax dollars from transportation, education, and other public resources that help you find and keep your job**

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<sup>21</sup> [http://www.unodc.org/pdf/WDR\\_2006/wdr2006\\_chap5\\_opium.pdf](http://www.unodc.org/pdf/WDR_2006/wdr2006_chap5_opium.pdf)

<http://goldprice.org/>

<sup>22</sup> <http://www.drugabuse.gov/publications/drugfacts/treatment-approaches-drug-addiction>

<sup>23</sup> <http://www.bjs.gov/content/DCF/duc.cfm>

<sup>24</sup> check 11 ways to see if it has sources on this: <http://www.business-council.org/11ways>

<sup>25</sup> <http://www.bjs.gov/content/pub/pdf/p12tar9112.pdf>

<sup>26</sup> Source: Michelle Alexander p.9,

<http://www.aljazeera.com/indepth/opinion/2013/01/201311782939161836.html>

<sup>27</sup> <http://www.nij.gov/journals/270/Pages/criminal-records.aspx>

<sup>28</sup> Source: Michelle Alexander p. 94

Enforcing the War on Drugs costs over \$59 billion per year between police, court, prison, border control and international interdiction expenses.<sup>29</sup> The government funds our drug law enforcement system through income and import taxes. These tax dollars could be spent productively to help you find and keep your job, for example on primary and secondary education, financial aid for higher education, drug treatment, affordable housing and public transportation. \$59 billion is an enormous sum, almost half the entire federal education budget.<sup>30</sup> A CNN report covering 40 states showed that every state spends more per inmate than per college or public school student.<sup>31</sup> Some states such as New York spent more than 5 times the amount per student. Currently, we are cutting public education funding, which results in schools producing less skilled, less educated, and less prepared workers. Companies thus have fewer skilled workers to grow their businesses. College graduates who do build higher-level skills become saddled with unprecedented levels of debt, since state governments are cutting funding to public universities.<sup>32</sup> We need these funds to help workers build skills without accumulating unsustainable amounts of debt.

### **E) The War on Drugs forces you to take drug tests that you may fail due to prescription drug use**

The War on Drugs has resulted in an increase in the use of drug testing in schools. Drug testing can cost from \$14 up to \$200 a test and do little to reduce the rate of drug use.<sup>33</sup> If you have a job, you run the risk of being fired if you fail a drug test. The legal drugs you are prescribed, such as oxycodone, methadone, Adderall or medical marijuana, can sometimes cause you to fail a drug test. While the rate of the U.S. workforce testing positive for drugs smartly declined in recent years, falling from 13.6% in 1988 to 3.5% in 2012, there are notable exceptions. For example, positive test rates for amphetamines and prescription opiates have more than doubled in the last 10 years. 3.5% of the workforce could lose their jobs, lose money for treatment, and lose any disposable income that they could reinvest into the economy.<sup>34</sup>

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<sup>29</sup> <http://www.justice.gov/archive/ndic/pubs44/44731/44731p.pdf>

<sup>30</sup> <http://febp.newamerica.net/background-analysis/education-federal-budget>

<sup>31</sup> [www.money.cnn.com/infographic/economy/education-vs-prison-costs](http://www.money.cnn.com/infographic/economy/education-vs-prison-costs)

<sup>32</sup> <http://www.forbes.com/sites/specialfeatures/2013/08/07/how-the-college-debt-is-crippling-students-parents-and-the-economy/>

<sup>33</sup> [http://www.drugwarfacts.org/cms/Drug\\_Testing\\_Student#sthash.dyz9Qg7Z.dpbs](http://www.drugwarfacts.org/cms/Drug_Testing_Student#sthash.dyz9Qg7Z.dpbs)

<sup>34</sup> <https://www.questdiagnostics.com/home/physicians/health-trends/drug-testing>