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Review of "*Some Days Are Harder Than Hard*":
Welfare Reform and Women with Drug Convictions in
Pennsylvania, by Amy E. Hirsch

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Books: review/commentary

"Some Days Are Harder Than Hard": Welfare Reform and Women with Drug Convictions in Pennsylvania, by Amy E. Hirsch (Washington, DC: Center for Law and Social Policy, December 1999), 83 pp., free (order from www.clasp.org).

REVIEWED BY
*Jim Baumohl
and Sanford
F. Schram*

One of the more misanthropic features of America's overhaul of its public assistance programs during the mid-1990s was the introduction of drug-war hostility to income maintenance policy. Since 1972 the administration of American public assistance programs had been substantially free of the punishing moralism that characterized an earlier era when social workers raided the houses of welfare mothers to search closets for evidence of a "man in the house" who might be made to support the women and their children. Beginning in the mid-1970s, courts began to rule in favor of alcoholics and drug addicts seeking disability benefits (and related medical benefits) from Supplemental Security Income (SSI) and Social Security Disability Insurance (DI); by the end of 1995, the number of alcoholics and addicts on the rolls of these programs had grown from only about 10,000 to over 200,000. But the Republican ascendancy in Congress after the November 1994 elections put an end to such coddling. In March 1996, alcoholism and drug addiction were eliminated as qualifying impairments in SSI and DI. In August 1996, the Personal Responsibility and Work Opportunity Reconciliation Act—the end of "welfare as we knew it"—created a new, remoralized public assistance regime to supervise poor families, who would now be limited to five years of benefits in a lifetime. The new law prohibited state use of federally funded cash or near-cash assistance for persons convicted of drug felonies in which the prosecuted conduct occurred after August 22, 1996. And this was the good news, for had a conference committee not watered down a House of Representa-

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tives provision, the lifetime ban on federal assistance to drug felons would have extended to misdemeanants!

In *Some Days Are Harder Than Hard* poverty lawyer Amy Hirsch reports on her discussions with criminal justice, health, and social service system personnel and lengthy interviews with 26 Pennsylvania women, 22 of them mothers and most of them convicted of drug felonies that disfranchised them from two federally funded programs, Temporary Assistance for Needy Families and Food Stamps.* The women and the functionaries speak with conviction and from experience, and while Ms. Hirsch is a more polished attorney and advocate than she is a social scientist, she provides a valuable first look at what certainly will become a significant problem as welfare pariahs accumulate with time.

As Hirsch observes, good data on female drug felons are hard to come by. In 1996, about 61,000 women were convicted of drug felonies in the United States, 1,100 of them in Pennsylvania. A 1997 Legal Action Center survey of 17 drug and alcohol treatment programs for women with children located in different parts of the country found that 21% of the welfare mothers in those programs had felony drug convictions. Of the women Hirsch interviewed, most were convicted of possessing amounts of drugs valued from \$4 to \$100. Before entering treatment (where Hirsch found them), all had been heavy users, typically of crack cocaine, and most had been charged with possession with intent to deliver. In fact, they were for the most part intermediaries and small-time corner girls bagging and transporting "rock" and turning tricks for "stash." Predictably and sadly, they were allowed (if not encouraged) to plead guilty to a felony, because in a state with woefully insufficient treatment slots, particularly for women, only by court stipulation could they get a bed. Even so, once approved for treatment they often sat in jail for months, waiting for a residential treatment opportunity. One criminal justice official told Hirsch that the "mechanism for arranging treatment" was a "Rube Goldberg machine."

Hirsch's respondents had spent most of their lives in the badlands of material deprivation, ill health and emotional distress. They were poorly educated, rarely worked, and often came from families that were little better off. They had seen loved ones beaten and murdered; many had themselves been shot or stabbed. Nearly every woman Hirsch interviewed started to use drugs as a way to cope with the trauma of physical and sexual abuse suffered as a young girl in her family of origin or at the hands of adult partners. Serial victims, their stories will be no less horrific for being familiar to those who read the child welfare or homelessness literatures.

Hirsch concludes that states like Pennsylvania should reconsider their punitive approaches to treating women arrested for drug crimes. These women should have access to welfare, safe and affordable housing, employment, and appropriate treatment programs. They should have a chance to deal with the trauma of abuse more effectively than permitted by the six sessions of outpatient psychotherapy typically authorized by health maintenance organizations. And they should have such opportunities not just for themselves but also for their children.

Note * While states were allowed to opt out of the ban by passing their own laws to that effect, Pennsylvania is one of 23 states that have not exercised the option.

on public drinking disorders in Finland, he coedited Viewpoints of Semiotic Sociology (1997, in Finnish) and Journalists, Administrators and Business People on Social Problems (1998), and has published several analyses on alcohol policy in mass media and in mundane reasoning.

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A note on **JIM BAUMOHL** *is above. SANFORD F. SCHRAM is a political scientist on the faculty of the Graduate School of Social Work and Social Research, Bryn Mawr College. He is the author or editor of several books, mostly recently of After Welfare (2000).*