



## Always Free??

By Frank Crabtree  
Executive Director



One need not look offshore for an example of the collateral damage of war. As we continue to wage our domestic version of war-without-end, the “War on Drugs,” we are incarcerating more people than any other developed country (700 for every 100,000 population). Simultaneously, we are setting them up for failure once their debt to society has been paid in full.

This wrongheaded policy became enshrined in welfare reform legislation in 1996. It bars states from providing cash assistance (Temporary Assistance for Needy Families – TANF) or food stamps (Supplemental Assistance Nutrition Program -- SNAP) to anyone who is convicted of a drug-related felony, including drug use, possession, or distribution, once they are released from prison. Not even pregnant women or people participating in drug treatment programs are exempt.

The ban is permanent (as in *lifetime ban*), and remains in place regardless of the former offender’s rehabilitation, successful job history, participation in a rehab program, or abstinence from drug use. This policy is even more incomprehensible in that even paroled *violent* offenders qualify for TANF and SNAP benefits, while those convicted of a drug offense do not.

This drastic measure flies in the face of research showing that two factors are key in successfully reintegrating people with criminal convictions back into society: the ability to work and earn a living wage, and the attainment of higher education. The denial of TANF and SNAP benefits to parolees significantly hinders their ability to seek and obtain work, or to further their education.

But there is a silver lining to this otherwise very dark, draconian cloud: federal law allows states to opt out of the felony drug conviction ban with specific legislation. It’s an easy fix, and West Virginia could join a majority of other states which have either opted out of the ban or modified it, thereby recognizing the ban for what it is: an inhumane, counterproductive public policy.

The benefits to West Virginia (not to mention to the men, women, and children caught up in this “Catch 22”) from

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## Leading Freedom Forward

By Sara Bird  
President



It is an honor to introduce myself to friends and supporters of the ACLU of WV as the newly elected president of the Board of Directors. Part of my first order of business is appealing to you to support the ACLU of WV Foundation by making a contribution. We are making great progress to reach our goal to fund our legal and educational programs for the upcoming year. However, in order to meet our fund-raising goal this year, we need your continued support.

New administration notwithstanding, the civil liberties of U.S. citizens and non-U.S. citizens alike are under attack. The Department of Homeland Security maintains that it may conduct suspicionless searches of individuals and their electronic devices at our nation’s borders. The current administration insists that it may execute any person, including American citizens, it deems a threat to the nation without judicial process. Reproductive and privacy rights are championed no more now than in previous administrations. The LGBT population is collectively disappointed by the seemingly slow, if not negative, progress of the expansion of civil rights to include **all** Americans. These national issues have implications here in West Virginia where the civil liberties of immigrants, racial and sexual minorities and women are at risk.

To be sure, it is not all bad. Because of your support in the past, the ACLU of WV Foundation has been able to intervene through litigation and educational programs to protect and expand the civil liberties of West Virginians. Your support has proven to be extremely effective in the struggle. On behalf of not just the ACLU of WV Foundation, but also West Virginians as a whole, thank you. Please consider contributing this year to the Foundation to help us continue our solid record of standing up for liberty and justice for all.

Enclosed in this newsletter you will find an envelope to make a donation. You may also contribute online by going to [www.acluww.org](http://www.acluww.org) and clicking the “Contribute” tab. Remember, contributions to the ACLU of WV Foundation are tax deductible to the extent permitted by law under IRS Tax Code 501(c)(3).

# ACLU of WV Foundation Bill of Rights Celebration



**THANKS TO ALL THE MEMBERS AND FRIENDS WHO MADE THIS EVENT A GREAT SUCCESS!!**

**OCT. 2, 2010**

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the opt-out are immediate and significant. SNAP dollars are 100% federal funding and their effect is felt immediately (people are hungry!); and each federal dollar spent in West Virginia generates \$1.83 in spin-off economic activity. And even though the TANF benefits require a state match to the federal dollars, this minimal outlay can provide economic stability that makes the difference between a return to criminal activity and staying sober and getting a job. Recidivism is expensive in many ways!

Restoring benefits can also enhance the availability (and thus the effectiveness) of drug rehabilitation since residential programs often rely on a client's TANF benefits to pay for his or her room and board at the treatment facility. As former drug felons lead more stable lives, and

provide a more stable home life for their kids, society benefits from reduced crime and reduced stress (and cost) on an already overcrowded prison system.

As you may recall from an earlier newsletter: it costs approximately \$24,000 per year to send a young man to Mount Olive, but it only costs about \$16,000 per year to send him to WVU. Restoring SNAP benefits to persons reentering society would cost the state nothing, while generating sorely needed economic activity. Restoring TANF benefits, while requiring a state match, is an investment in people, including children, instead of additional prison beds. The cost savings from opting out of this heartless policy for West Virginians and our families - -- immeasurable.

# Goodbye and Good Luck, Seth!

## Friends,

The last three years have been tremendous, and I humbly thank you all for your activism. I have begun a new chapter in my life, and by the time you read this, I will have left West Virginia to work for the NAACP Legal Defense Fund in New York City.

The ACLU of WV membership and our coalition allies have been a second family to me since my arrival in Charleston three years ago. Together we have made great strides in our efforts to protect the constitutional rights of all West Virginians. From fighting the REAL ID boondoggle to achieving landmark progress in the fight for LGBT equality, ACLU of WV and its membership have been at the front lines. During the 2010 regular session of the State Legislature, our dedicated affiliate worked to make racial profiling avoidance training mandatory for all WV law enforcement, and the passage of Senate Bill 649 (which requires mandatory recordation of roadside, consent based searches of motorists' vehicles) will go down as one of the most positive pieces of pro-active legislation passed by any ACLU affiliate.

And that doesn't even broach the subject of all the

bad, civil-liberties trashing legislation we work to defeat every year. After three years on the job, I can safely say the number one reason Mountaineers are STILL FREE is the ACLU. No other organization commits its resources to fight right-wing groups who would ensconce discrimination in our state constitution via the "Marriage Amendment" or give law enforcement nearly unfettered power to invade your privacy or take away your freedom.

No matter what the fight or how unpopular it may be at the time, the membership of this organization has stood on the right side. I am proud to have stood with you and humbled by the trust placed in me to represent ACLU of WV, its membership, and the highest ideals of America at our State Legislature.

Thank you, and good luck on your future endeavors.

**Seth DiStefano, Field Organizer**



## JOIN US FOR OUR NEXT EVENT!

### ACLU of WV ANNUAL LEGISLATIVE UPDATE and MEMBERSHIP MEETING



**Sunday, February 20, 2011  
Charleston Woman's Club  
2 p.m. - 5 p.m.**

Our featured speaker is **Franz Boening, ACLU-WV board member and former employee of the Central Intelligence Agency**. As an agent handler and analyst, Franz became well acquainted with CIA 'culture,' and in 1994 filed the CIA's first whistleblower complaint concerning misleading statements a senior CIA official had made to a member of Congress with regard to the failed Human Rights Information Act. Franz retired from the CIA in 2005, and began actively supporting the ACLU as a result of our strong stand against torture. Franz will talk about this decision and CIA's secretive culture. This event is free and open to members and non-members!

# BOARD MEMBER ELECTION

The election for the Board of Directors of the ACLU of West Virginia will be by mail-in ballot in February. Five Board positions are up for election. These positions are for three-year terms starting in February 2011.

“We are looking for people who are really committed to being active in fundraising, decision-making, and promoting civil liberties in their communities,” said Sara Bird, president of the ACLU-WV Board of Directors.

Members who would like to serve on the Board should send a 200-word biography to the ACLU-WV. The biography should emphasize why the member wishes to serve and his or her commitment to civil liberties.

**The letter containing the biography must be postmarked no later than January 3, 2011.** Biographies may also be sent by email to [mail@acluwv.org](mailto:mail@acluwv.org).

To qualify for Board membership, one must be a member in good standing of the ACLU, be willing to participate in fundraising for the ACLU of WV Foundation both as a donor and solicitor, and be able to attend meetings every two months. The meetings are held at various sites around the state on Saturdays.

## *Byrd Memorial Panorama Photos Available*

Photographer and filmmaker Doug Chadwick of Hillsboro is selling panoramic photograph he took of the Robert C. Byrd Memorial and he is donating a portion of the proceeds to the ACLU of WV Foundation. Framed prints are \$299 plus \$10 shipping; and unframed prints are \$95 plus \$3 shipping.

If you would like to order a framed or unframed print, please phone the ACLU of WV office at (304) 345-9246.



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