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Out of Sight, Out of Mind

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Why getting busted might cost drug users an education

Like 14,000 other ISU students, Jake receives financial aid from the government. He estimates that he receives about $3,000 per year in Stafford Loans and other federal aid.

And like a number of other ISU students, Jake does drugs. He smokes pot two or three times a day, and he drops acid once every couple of months. He has experimented with shrooms, hash, nitrous, and opium. Despite this, Jake, a junior in religious studies, says his grade point average has remained consistent for the past three years, hovering around 2.5.

Jake knows, however, that by using drugs he might be risking more than his grades or his health. If he gets busted — even once — his aid will be taken away, and he won't be able to afford to go to school anymore.

That's because of a law called the Higher Education Act Drug Provision that denies financial aid to college students convicted of any drug charge — from one hit off a joint to selling heroin. That means no more Stafford Loans, Pell Grants, Work-Study funds, Perkins Loans, PLUS Loans, or any other kind of financial help from the government.

But that doesn't stop Jake from lighting up every day. And it doesn't stop him from occasionally tripping with his friends. Or experimenting with other drugs. But it just might keep him from graduating.

The Higher Education Act of 1965 established how financial aid for students would be distributed. In 1998, Congress passed the HEA Drug Provision, which was devised by Rep. Mark Souder, R-Ind. This provision denied all federal financial aid to students convicted of any drug charge — from one hit off a joint to selling heroin. That means no more Stafford Loans, Pell Grants, Work-Study funds, Perkins Loans, PLUS Loans, or any other kind of financial aid from the government.

But that doesn't stop Jake from lighting up every day. And it doesn't stop him from occasionally tripping with his friends. Or experimenting with other drugs. But it just might keep him from graduating.

The legislators who support the bill claim the law will act as a deterrent for drug use, which they say is too accepted on today's college campuses.

"I believe it is completely legitimate and justifiable for Congress to restrict access to federal aid for those with substance-abuse problems. To do otherwise would support the erroneous notion that people have a right to taxpayer funds regardless of their actions," Rep. Ron Paul, R-Texas, told Rolling Stone magazine.

Iowa Rep. Russell Eddie, R-Storm Lake, says that although he can see two sides to the issue, "by denying or restricting funding, the government would be sending a message to those who use drugs that there is more at stake than criminal charges. Plus, we are helping ensure the government's investment in young people's education, since those who use or deal drugs are probably more likely to drop out of school. Undoubtedly, there are many students out there who don't use drugs who would greatly appreciate that extra funding."

But opponents, who range from religious groups to minority-rights advocates, say the law is unfair and discriminatory in a number of ways.

"We don't believe that this provides anything more than political cover for politicians. It is designed for reelection for politicians," says Ben Stone, director of the Iowa Civil Liberties Union. "It doesn't solve anything."

No one is perfect, Stone contends. Not even those at the highest levels of American government, which is why it is pretentious for legislators to allocate financial aid on the basis of drug use. There are already legal means of punishment in place to deal with drug use. Why should drug use be kept in check with something like financial aid? What do the two have to do with one another?

"The ability to get money should be tied to higher education concepts like need and academic merit," Stone says. "People like [U.S. President] George W. Bush and others who have used illegal drugs in the past are complicit in the hypocrisy of imprisoning hundreds of thousands of people just like them who have used drugs." Of course, Bush has never admitted to using illegal drugs. He just says that he hasn't since 1975. Before that?

No comment.

But hypocritical politicians are nothing new. What is new is the federal government passing a law that denies the opportunity for education to the very people who need it the
Drug convictions are more common among minorities and students from low-income families, so the law simultaneously defeats the American goal of making access to a higher education an equal playing field for students of all races and ethnic backgrounds. The law places an unjust disadvantage on students from low-income families as opposed to families that don't need help from the government to send their children to college. A wealthier student could easily be convicted of a drug charge and continue to attend school without suffering any kind of economic setback.

On the other hand, a poorer student with the same charge would lose all federal financial aid, putting him or her in danger of having to drop out. The vast majority of the federal aid money goes to students from lower-income families, many of whom cannot afford a college education without government aid.

In addition to unfairly targeting America's working class, Stone says the drug provision "has a hugely disproportionate impact on people of color."

Stone says Iowa has a 29:1 ratio of black to white male drug offenders. So for every 29 black males in Iowa prisons for drugs, there is one white guy. One. Nationwide, the problem is even worse. "Thirty percent of the people who use drugs are of color. Thirty-five percent of those arrested are of color. Fifty-seven percent of those convicted on drug charges are of color. And 74 percent of people sent to prison on drug charges are of color," Stone says.

Essentially, this has dual implications for people seeking an education. After taking the money from the offender, the government's job is done. It chucks another "substance abuser" up to its War on Drugs, and moves on, leaving the person — who may have been bussed while experimenting with pot for the first time, or who may indeed have a serious substance abuse problem — high and dry.

"Booting drug users/dealers out of school forces them into an even higher-risk situation for participating in criminal activity" Eddie says. "Plus, there could be perfectly good, dedicated students who simply make a mistake and get in a situation they are not normally in."

Nowhere in the law is there money for treatment or rehabilitation. "One of the problems is that the [drug provision] penalizes, but has nothing to do with rehabilitation," says Linda Ciccone, program coordinator for Iowa State's substance-abuse program. "In order to make a difference, there has to be consequences, but also rehabilitation. It's not a matter of punishing them; it's a matter of helping them."

In many cases, students who cannot afford to go to college without help from the government will not be able to pay for expensive rehab programs, which means they may not be able to quickly get their aid back.

"If you were really interested in solving the problem, you would build rehab clinics instead of prisons," Stone says. "And we don't even try, we just lock them up, and then when they get out they can't go to college."

Another objection opponents raise is the fact that convicted arsonists, robbers, rapists, and even killers can still receive the same aid that is being denied to drug users. Which student should be denied financial aid, opponents ask, one convicted of rape or one who occasionally smokes pot? Unlike rape, murder, and drunken driving, "using drugs, in and of itself, is a viceless crime," Stone believes.

The law also ignores the alcohol problem on many college campuses. Students who have been convicted of underage drinking, public intoxication, and drunken driving are allowed to keep their financial aid, even though a much larger percentage of people are killed in drunken driving accidents than in accidents involving other drugs.

"We all know people who use drugs and do no harm to anyone," Stone says. "It is drug war hysteria that seems to think that if anyone touches drugs they are a worthless human being."

It is this "drug war hysteria" that has students and other groups pushing up their sleeves and lobbying Congress, writing letters, passing referendums on campus, and getting their message out. Colleges throughout the United States have been affected by the new provision, so much in fact, that some are taking drastic steps to show their opposition. The student-led grassroots campaign has been gaining momentum as groups like Students for Sensible Drug Policy and the Drug Reform Coordination Network fight to repeal the bill. Over 40 student governments have passed referendums opposing the provision.

For example, Hampshire College students passed a referendum to create a $10,000 fund that would provide financial aid to drug offenders that had been denied money from the federal government, according to The Drug Reform Coordination Network. In the past, legislators who have tried to repeal the bill have failed.

Rep. Bobby Scott, D-Va., introduced a bill that would have rolled back the 1998 amendment, and it failed 31-16 in the House Education Committee. All of the Republicans in the committee opposed the bill, along with five Democrats.

"The question is what we're trying to accomplish," Scott told The Drug Reform Coordination Network. "It would seem that getting users into college would reduce drug use. We are fighting a philosophical battle as to whether we will reduce crime rationally or with slogans and rhetoric."

Rep. Barney Frank, D-Mass., introduced an almost identical bill, H.R. 1053, in 1999, which, like the Scott Amendment, failed. But it has been reintroduced as H.R. 786, and is scheduled to be on the floor sometime this spring. It currently has one Republican sponsor and 28 Democrat sponsors, according to the Coalition for HEA Reform.

Other legislators suggest a compromise. "I feel that students who have drug charges should not immediately lose their funding, but rather go on a sort of academic probation where the education department would monitor their academic progress to ensure that the government's investment isn't being wasted," Eddie says. "This way, we are weeding out those who don't care about their academic career and not excluding those who make a mistake. Judges should also be allowed discretion for severe cases."

So far the HEA Drug Provision has not been a major issue at Iowa State because a very small minority of students have been arrested on drug charges, Ciccone says.

ISU Financial Aid Director Earl Dowling agrees, adding that it is too soon to predict the effect on universities because the law is still relatively new. He said that since the law's inception, only one ISU student has been denied financial aid because of a drug charge.

But chances are, the university will have to deal with this law's repercussions sometime in the future. Just this school year, over 8,000 prospective students across the nation were rejected because of drug convictions, according to the Department of Education.

Although Ciccone says she disagrees with many of the law's implications, it may send ISU students "a message that we're not going to tolerate it," and get them to think twice before doing drugs.

"Drugs and learning don't mix," she says. "It's like oil and water." Jake doesn't think that is always the case.

"I haven't seen any detrimental affects to my attitude, my lifestyle, or my grades that would cause me to be afraid of drugs or not to do them," he says.

More importantly, he believes that what he chooses to do in his spare time is his personal business — not the government's.

"What's the purpose of financial aid?" he asks. "Isn't it to help people that need it to pay for college? If a person decides to smoke pot, that is their decision."

But if busted, it won't be up to Jake to make decisions. The government has already decided. He's on his own.