



## Policy Position Paper on Discrimination

**OUR MISSION:** Faces & Voices of Recovery is dedicated to organizing and mobilizing the over 20 million Americans in recovery from addiction to alcohol and other drugs, our families, friends and allies into recovery community organizations and networks, to promote the right and resources to recover through advocacy, education and demonstrating the power and proof of long-term recovery.

**OUR POLICY POSITION ON DISCRIMINATION:** People in or in need of recovery from addiction to alcohol and other drugs face myriad forms of discrimination. Discrimination creates barriers to our full participation in community life. Faces & Voices of Recovery strives to eliminate all policies and practices that discriminate against people and their impacted families based solely on their recovery status.

### I. Background

Discrimination is a broad concept and often interconnects with terms like stigma, prejudice and bias. For the purpose of this policy position, we are focused on those legal and administrative obstacles that serve to exclude or deny benefits to people in or in need of recovery because of that status.

Both historically and currently, excessive alcohol consumption and the use of illicit substances have been conflated with other behaviors and conditions deemed undesirable by the larger society. For example, during the 19<sup>th</sup> century it was common to find references to excessive alcohol and illicit drug use that connected these behaviors with mental retardation (imbecility), crime, disease and moral degradation. Today, alcoholism and drug addiction are often connected in the public mind to illegality thereby demanding action from the criminal justice system. The illegal behavior (e.g. driving while intoxicated) becomes superimposed on the public health issue (alcohol-related problems) such that the police and courts often become the principal mechanisms to respond.

The public's view of excessive alcohol consumption and illicit drug use is further complicated by society's tendency to prohibit use of these substances as an indirect response to racial and ethnic anxieties. Hence, the first prohibition of the use of opium occurred in response to increasing numbers of Chinese laborers brought to California in the late 1800s (the Opium Exclusion Act of 1909). Nowhere is this connection more obvious than in the huge criminal justice sentencing disparities that developed between powder cocaine possession (practiced primarily by whites) and crack cocaine possession (practiced largely by minorities).<sup>1</sup>

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<sup>1</sup> *Cracks in the System: Twenty Years of the Unjust Federal Crack Cocaine Law*, American Civil Liberties Union, October 2006.

The moral stigmatization of excessive alcohol use and the criminalization of illicit drug use have created an environment in which discrimination aimed at people in or in need of recovery has been commonplace in American society.

This culture of discrimination has been vigorously challenged by individuals and organizations in recent years. Court cases, legislative victories and high visibility anti-stigma campaigns have resulted in shifts in public opinion and policy.<sup>2</sup> In 2009 Faces & Voices of Recovery promulgated The Recovery Bill of Rights, which called for an end to discriminatory practices in the provision of health care, as well as educational, housing and employment opportunities.<sup>3</sup> These changes have expanded opportunities for people in or in need of recovery to participate in community life without fear of discrimination.

Despite these advances, much work remains...

## II. Public Opinion

In 2004 Faces & Voices of Recovery commissioned Peter D. Hart Research Associates to survey public attitudes about addiction and discrimination.<sup>4</sup> The findings included the following:

***Evidence of widespread discrimination.*** *The survey findings provide evidence of widespread discrimination against people in long-term recovery from addiction to alcohol and other drugs, as 43% of Americans say that they would be less likely to vote for a candidate for governor of their state who is in recovery. The survey defined someone in recovery as being free from the disease of addiction and no longer using alcohol or drugs.*

*If responsible for deciding who to hire for their company, a significant minority (27%) of adults admit that they would be less likely to hire an otherwise qualified job applicant just because they learned that candidate was in long-term recovery from addiction. Most think that these patterns of discrimination should be changed. While 27% say that it is acceptable that companies are less likely to hire people who are in recovery from addiction to alcohol or other drugs, a solid majority (65%) feels that this attitude should be changed and 47% feel strongly about the need for change. To illustrate the point, a 74% majority says that it was good that radio personality Rush Limbaugh had a job waiting for him when he returned from his most recent treatment for an addiction to prescription pain medications; only 20% think that this was bad.*

***Overwhelming majorities say that discrimination against people in recovery is a problem.*** *When asked whether the situation is a problem in the United States today, three-quarters (75%) of Americans believe that people in recovery being denied medical, life, or other insurance coverage is a problem (47% believe it is a major problem). Similarly, an 80% majority says that people in recovery being denied jobs or promotions is a problem (42% major problem). Further, 52% say that people in recovery being denied government-backed student loans is a problem today (27% major problem).*

A 2001 Faces & Voices of Recovery survey of members of the recovery community found that discriminatory experiences and the fear of discrimination are common to people in recovery.<sup>5</sup> The report states:

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<sup>2</sup> Court Case that Could Galvanize a Field: Outcome of Worker's ADA Claim has Implications for Addiction Community, *Behavioral Healthcare Tomorrow*, December 2003.

<sup>3</sup> Available at: [http://www.facesandvoicesofrecovery.org/about/campaigns/bill\\_of\\_rights.php](http://www.facesandvoicesofrecovery.org/about/campaigns/bill_of_rights.php)

<sup>4</sup> Available at; [http://www.facesandvoicesofrecovery.org/resources/hart\\_survey.php](http://www.facesandvoicesofrecovery.org/resources/hart_survey.php)

<sup>5</sup> Available at: [http://www.facesandvoicesofrecovery.org/resources/2001\\_hart\\_survey.php](http://www.facesandvoicesofrecovery.org/resources/2001_hart_survey.php)

*A substantial proportion of people in recovery fear being fired or discriminated against if their history of addiction becomes known (19%). Later in the survey, nearly two-thirds (63%) of the recovery community indicate the importance of conveying to the public how shame and discrimination hinder the recovery process; only 23% say that communicating that message is just somewhat important or not important.*

*The intensity of feelings on this measure most likely stems from the fact that so many people in the recovery community also have first-hand experience with discrimination. Twenty-four percent of people in recovery report that they personally have been denied a job or promotion (12%), or been denied insurance coverage or paid a higher premium because of their recovery (12%), and four in ten (39%) say that they have experienced shame or embarrassment because they were in recovery from alcohol or drug addiction. In fact, 37% of people in recovery say that when they first decided to seek help for their problem with alcohol or drugs they were very or fairly concerned that other people would find out about their problem. These fears were realized for many of them, as they faced overt acts of discrimination.*

### **III. Recent examples of anti-discrimination activities**

In 2008 The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act was signed into law by President Bush. The law requires health insurance companies to offer addiction treatment coverage benefits that are comparable to the benefits offered for other health conditions. The bill provides an example of how government policy can remedy discriminatory practices in the private sector.

In 2006 eligibility for federal financial aid was restored to all students with prior drug convictions in an important victory for recovery advocates.<sup>6</sup> The federal ban on student loans for people with drug convictions was passed in 1998, and is an example of how the criminalization of drugs can affect people in long term recovery.

A Supreme Court decision in 2004 affirmed that Joel Hernandez (Raytheon v. Hernandez) may have been discriminated against when his former employer refused to consider his application for employment as a person in long term recovery.

Since 1996, 16 states have enacted reforms of their disenfranchisement laws, but in Kentucky some 128,000 individuals who have served sentences for drug felony convictions are permanently disqualified from voting.

### **IV. Examples of Anti-discrimination efforts by Recovery Community Organizations**

Recovery community organizations around the country are mobilizing to protect and/or restore the rights of those in or seeking addiction recovery. Recovery activists around the country are galvanizing communities to educate and activate the public about how recovery is a community asset that brings hope, health and economic vitality to individuals, families and communities. Learn more about successful anti-discrimination efforts in your communities across the country by going to [www.facesandvoicesofrecovery.org](http://www.facesandvoicesofrecovery.org).

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<sup>6</sup> More information at: [http://www.facesandvoicesofrecovery.org/about/campaigns/financial\\_aid.php](http://www.facesandvoicesofrecovery.org/about/campaigns/financial_aid.php)

- ▶ People Advocating Recovery (PAR) in Kentucky has been working to restore voting rights to formerly incarcerated persons in long term recovery. The PAR website contains a link to the Kentucky Department of Corrections form that is used to apply for a “restoration of civil rights”.
- ▶ The Washington, DC City Council passed the "Returning Citizens Public Employment Inclusion Act of 2010," taking an important step in reducing and eliminating barriers that prevent individuals with criminal records from obtaining employment. The DC Recovery Community Alliance worked with allied organizations to support the law, which will get questions about a job applicant's criminal history removed from many of the city's job applications and make other changes.
- ▶ Addiction services often receive a disproportionate share of funding cuts during periods of resource contraction. In Maine members of the Bangor Area Recovery Network organized testimony in 2011 before the state legislature and a letter writing campaign to prevent an imbalance in funding reductions to addiction/recovery services.

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