



4

Disenfranchisement and the Civic Reintegration of Convicted Felons

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This chapter addresses the political life of criminal offenders, with a particular emphasis on felon disenfranchisement. After a brief historical overview of voting restrictions on felons and ex-felons, we discuss the scope and likely political impact of disenfranchisement on state and national elections. The chapter then considers the question of the “civic reintegration” of large numbers of released offenders. This section draws on some recently collected interview and survey data regarding the political thoughts and attitudes of convicted offenders. The relationships among disenfranchisement, political participation, and recidivism are considered, as well as the merits of current procedures for the restoration of civil rights in some states. Finally, we discuss other barriers to democratic participation, taking stock of existing knowledge and suggesting some potentially promising future avenues of research.

Disenfranchisement and the Civic Reintegration of Convicted Felons

When criminologists talk about “citizens,” they generally use the term in opposition to convicted offenders, placing criminals on one side of the ledger and law-abiding community residents on the other. Yet felons are *themselves* citizens, who occupy roles as taxpayers, homeowners, volunteers, and voters. This chapter explores the civic and political life of criminal

66 • Christopher Uggen and Jeff Manza

offenders, with a particular emphasis on felon disenfranchisement. Although a well-developed research literature addresses socioeconomic (e.g., Sampson and Laub 1993; Uggen 2000) and family reintegration (e.g., Laub, Nagin, and Sampson 1998), the subject of reintegration into community life and civic participation has received comparatively little attention. In our view, civic reintegration represents a third reintegrative domain in which increased social participation may affect desistance patterns. If, as Shadd Maruna (2001: 7) contends, desistance is only possible when ex-offenders “develop a coherent pro-social identity for themselves,” then prisoner reentry programs could facilitate this development by removing barriers to democratic participation. In fact, it is possible that developing a self-concept as a pro-social conforming citizen may be a key mechanism linking adult work and family roles with desistance from crime (Uggen, Manza, and Behrens 2003).

Because relatively few peer-reviewed research articles on the political life of convicted felons have been published, this review will rely to some extent on unpublished work (including our own current project) and journalistic accounts. No account of this area would be complete without a historical overview of voting restrictions on felons and ex-felons, as well as a discussion of current legal challenges. We then turn to recent estimates of the scope and likely political impact of disenfranchisement on state and national elections. The topic that may be of greatest interest to the discussion of successful reentry is the question of the “civic reintegration” of large numbers of released offenders. To understand the political thoughts and attitudes of those most affected by these laws, we will draw here upon some recently collected interview and survey data. Next, other barriers to democratic participation are discussed, such as constraints on engaging in political discussions and demonstrations. Finally, we conclude on a programmatic note, taking stock of existing knowledge and suggesting some potentially promising areas for research and policy.

Felon Disenfranchisement Law

Felon disenfranchisement refers to the loss of voting rights following a felony conviction. Almost all convicted felons in the United States face the temporary or permanent suspension of their access to the ballot. More generally, the idea of limiting the citizenship rights of criminals is founded on the liberal legal model and early Enlightenment notions of the social contract. For Thomas Hobbes [1651] (1962: 233), for example, “A banished man is a lawful enemy of the commonwealth that banished him; as being no more a member of the same.” Employing a similar logic, Jean-Jacques Rousseau [1762] (1957: 32–33) argued that criminal

offenders who violate the social compact must be separated from their fellow citizens:

[E]very malefactor, by attacking the social right, becomes by his crimes a rebel and a traitor to his country; by violating its laws, he ceases to be a member of it and, in fact, wakes war upon it. The existence of the State then becomes incompatible with his; one of the two must therefore perish; and when the criminal is executed, he suffers less as a citizen than as an enemy. *The proceedings and the judgment pronounced in consequence, are the proofs and the declaration that he has broken the social treaty, and, consequently, that he is no longer a member of the State.* [Emphasis added.] But as he is still considered as such at least while he sojourns there, he must be either removed by exile, as a violator of the pact, or by death, as a public enemy.

For centuries, governments have punished criminals by restricting the fundamental rights of citizenship. States justify such sanctions as a form of retribution and deterrent to future offending. As Alexander Keyssar (2000) notes in the *Right to Vote*, his authoritative social history of the franchise, disenfranchisement of criminal offenders has long been imposed in English, European, and Roman law. In the United States, individual states began to incorporate felon disenfranchisement provisions into their constitutions in the late-18th and 19th centuries. Many of the more restrictive state laws were adopted in the era of the post-Reconstruction South, perhaps as part of a larger strategy of disfranchising African-Americans (Fellner and Mauer 1998). Some disenfranchisement laws also emerged in northern and southern states as anticorruption reform efforts, ostensibly to “preserve the purity of the ballot” (*Washington v. State*, 75 Ala. 582 1884).

Disenfranchisement Regimes

The recent explosion in rates of criminal punishment is well known to those of us studying reentry and reintegration. Nevertheless, it is important to note in this context that felon disenfranchisement constitutes a growing impediment to political participation primarily because of the rapid rise in the number of convicted felons since the 1970s. Seven times more people were imprisoned in state and federal facilities in 2000 (1,381,892) than were imprisoned in 1972 (196,429) (U.S. Department of Justice 2001; 1975). Other correctional populations have also increased in rate and number, with a quadrupling in the number of felony probationers (from 455,093 to 1,924,548) and parolees (from 160,900 to 712,700) from 1976 to 1999. Today, the United States incarcerates more of its citizens than most other advanced industrial societies (Mauer 1997a). Although many other

68 • Christopher Uggen and Jeff Manza

nations currently disenfranchise some portion of their correctional populations, the United States is unusual in combining both high rates of criminal punishment and restrictive felon disenfranchisement laws. Within the United States, the correctional populations affected by disenfranchisement differ dramatically across the individual states. As of February 1, 2002, 48 of 50 states (all but Maine and Vermont) disenfranchise prison inmates, many more disenfranchise probationers and parolees, 10 states bar some or all ex-felons from voting (Alabama, Florida, Iowa, Kentucky, Mississippi, Nevada, Tennessee, Virginia, Washington [for those convicted prior to 1984], and Wyoming), two more disenfranchise recidivists (Arizona and Maryland), and another state requires a waiting period before voting rights are restored (Delaware). The following list summarizes the correctional populations affected by felon disenfranchisement in the United States to the best of our knowledge. Although some within-category variation remains, the list illustrates a gradient, reading from top to bottom, of restrictiveness: states such as Maine and Vermont currently impose almost no restrictions and states such as Florida and Alabama disenfranchise felons for life, or until their rights are restored through pardon or clemency procedures:

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No restrictions (2):

Maine, Vermont

Inmates only (14):

Hawaii, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Utah

Inmates, Parolees (5):

California, Colorado, Connecticut, Kansas, New York

Inmates, Parolees, Felony Probationers (16):

Alaska, Arkansas, Georgia, Idaho, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, South Carolina, Texas, West Virginia, Wisconsin

Inmates, Parolees, Felony Probationers, Ex-Felons (13):

Alabama, Arizona (recidivists), Delaware (5-year waiting period), Florida, Iowa, Kentucky, Maryland (recidivists), Mississippi, Nevada, Tennessee, Virginia, Washington (convictions pre-1984), Wyoming

Population Estimates

Although the Bureau of Justice Statistics provides head counts of the number of felons currently serving prison, probation, and parole sentences, the number of ex-felons currently residing in a given state is typically not known.

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Disenfranchisement and the Civic Reintegration of Convicted Felons • 69

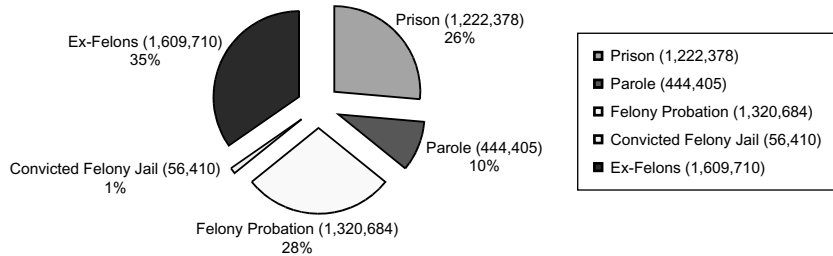


Fig. 4.1 Estimated Distribution of Legally Disfranchised Felons in the United States, 2000 (Uggen and Manza 2001).

Estimates of the size of the disenfranchised population therefore vary with the methodology used to compute the number of ex-felons no longer under supervision in states that disenfranchise ex-felons. In 1997, Marc Mauer of the Sentencing Project estimated the disenfranchised felon and ex-felon population at approximately 4.2 million (1997: 12). In an updated and expanded analysis, the Sentencing Project and Human Rights Watch reported in 1998 that approximately 4 million adults were disenfranchised, representing about 2% of the voting age population (Fellner and Mauer 1998). Uggen and Manza (2001), using a demographic life table method to calculate the ex-felon population, obtained higher estimates: approximately 4.7 million at year-end 2000. Based on these estimates and increases in correctional populations and releasees since 2000, it seems likely that between 4 and 5 million Americans are currently legally disenfranchised. Additionally, a large number of those in jail awaiting trial or serving time on misdemeanor convictions are “practically disenfranchised.” Several hundred thousand jail inmates thus retain the legal right to vote, but lack access to a polling place on Election Day.

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Figure 4.1 shows the approximate distribution of disenfranchised felons and ex-felons for year-end 2000 by correctional supervision category. Uggen and Manza include a very conservative estimate of the legally disenfranchised jail population, based on 10% of the inmate population at year-end 2000. Although the distribution is shifting continuously as states alter their disenfranchisement regimes, it remains the case that only a minority of disenfranchised felons are prison inmates. In 2000, almost three-fourths of those disenfranchised were either supervised in the community or ex-felons who had completed their sentences. The philosophical justification for disenfranchisement would appear to be stronger for current prison inmates than for those who have completed their sentence (ex-felons), or those otherwise deemed fit to maintain community ties (probationers and parolees). Even as the loss of voting rights is a powerful symbol of a felon’s

70 • Christopher Uggen and Jeff Manza

“outsider” status, their restoration provides a clear marker of reintegration and acceptance into a community of law-abiding citizens. In keeping with this logic, Congressman John Conyers (D-MI) and other have argued that voting rights should be restored as soon as inmates have been released from incarceration.

Perhaps more striking than the absolute rate or number of disenfranchised felons is their distribution by race and social class (Mauer 1999; U.S. Department of Justice 2001). African-American men are disproportionately affected, with over 1.4 million, or 13%, of the African-American male population disenfranchised owing to a current or former felony conviction (Mauer and Fellner 1998). Uggen and Manza (2001) find that in 15 states more than 10% of the total African-American voting age population (male and female) was disenfranchised in 2000.

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Although it is more difficult to obtain reliable information on the social class distribution of the correctional populations affected by disenfranchisement, the *Survey of State Prison Inmates* data series shows that inmates have relatively low levels of educational attainment, with fewer than one-third having achieved a high school diploma in 1997 (U.S. Department of Justice 2000). Employment levels are also much lower than in the general population, with a slim majority holding a full-time job prior to their most recent arrest in the 1997 survey. In contrast, over three-fourths of males of comparable age in the general population held full-time jobs and 87 percent had attained a high school diploma or equivalency (Uggen and Massoglia 2002).

Current Legal Challenges

While many states implemented or altered their laws in the period immediately following the Civil War (Keyssar 2000), a century of relative inactivity in disenfranchisement provisions followed. The past 40 years, however, have witnessed the greatest changes in felon disenfranchisement law since the post-Reconstruction era (Behrens, Uggen, and Manza 2003). States once again began revising their laws in the 1960s and 1970s. In the past decade, a new flurry of legislative and judicial attention to felon disenfranchisement has occurred at both state and national levels. Although a comprehensive discussion of these cases and the legal issues they raise is beyond the scope of this chapter, we will briefly summarize some recent developments in this area.

Though some courts have overturned particular state disenfranchisement laws, most Constitutional challenges have been dismissed or otherwise unsuccessful, as courts have generally followed the 1974 United States Supreme Court decision in *Richardson v. Ramirez* (418 U.S. 24, 56 1974). *Richardson* ruled that felon disenfranchisement does not violate the equal

Disenfranchisement and the Civic Reintegration of Convicted Felons • 71

protection clause of the Fourteenth Amendment, in part because Section 2 of that amendment appears to allow states to impose voting restrictions for “participation in rebellion or other crime.” While acknowledging the sovereignty of individual states and the legal issues raised by the *Richardson* precedent, the National Commission on Federal Election Reform, headed by former presidents Jimmy Carter and Gerald Ford, recently argued against the disenfranchisement of ex-felons. The commission recommended that “each state should allow for restoration of voting rights to otherwise eligible citizens who have been convicted of a felony once they have fully served their sentence, including any term of probation or parole” (2001: 8).

A number of recent state court rulings have affected the voting rights of convicted felons. In New Hampshire, a 1998 state court decision barred the disenfranchisement of inmates, but in 2000, the New Hampshire Supreme Court reversed the lower court’s ruling (*Fischer v. Governor*, 145 N.H. 28; 749 A.2d 321 2000). The Pennsylvania state Supreme Court affirmed a lower court decision in 2000, overturning a disenfranchisement clause passed as part of the Pennsylvania Voting Rights Act of 1995 (*Mixon v. Commonwealth of Pennsylvania*, 783 A.2d 763 2001). This clause, which prohibited ex-felons from registering to vote for five years following their release from prison, was also challenged in Federal District Court (*NAACP v. Ridge*, U.S. Dist. LEXIS 11520 [2000]).

Felon disenfranchisement is also facing challenges stemming from its disproportionate racial impact. Another case is currently pending in United States District Court for the Southern District of Florida, challenging the disenfranchisement of ex-felons in Florida as a violation of the Fourteenth Amendment’s equal protection clause and the Voting Rights Act of 1965. In *Johnson v. Bush*, the plaintiffs argue that Florida’s Reconstruction-era voting ban on those who had completed their sentences was adopted with discriminatory intent, as part of a strategy to reduce the political power of ex-slaves.

In addition to these lawsuits, several state legislatures have also overturned longstanding disenfranchisement provisions for ex-felons, including New Mexico (2001) and Delaware (2000). Texas recently (1997) liberalized their disenfranchisement laws by removing a waiting period in which those who had completed their sentences were ineligible to vote before automatically regaining their voting rights after two years. In addition to changes in ballot restrictions for ex-felons, a number of states have begun to examine restrictions on probationers and parolees. Connecticut, for example, recently extended the franchise to felony probationers (Zielbauer 2001).

In contrast to these trends toward liberalizing disenfranchisement laws, however, other states have adopted more restrictive regimes. In both Utah

72 • Christopher Uggen and Jeff Manza

(1998) and Massachusetts (2000), the electorate voted to disenfranchise state prison inmates who had previously been permitted to vote. Alaska (1994), Colorado (1997), and Oregon (1999) have all recently disenfranchised felons convicted of federal offenses. On a national level, proposed legislation to liberalize the voting rights of convicted felons has generally met with little success. For example, a bill introduced by Congressman John Conyers (D-MI) and Senator Harry Reid (D-NV) in the 106th Congress (the Civic Participation and Rehabilitation Act of 1999, H.R. 906) was unsuccessful in its attempt to secure voting rights for felony probationers, parolees, and ex-felons in all Federal elections.

Political Impact

Aside from the legal status of felon disenfranchisement, many observers have begun to consider its potential impact on political elections. Because felon eligibility rules are state-specific, several researchers have used state-level estimates of the size of the disenfranchised felon population to estimate the average impact of disenfranchisement laws across states. Using a sophisticated variant of this strategy, Miles (1999) finds that the felon disenfranchisement effect is small relative to its standard error and is not distinguishable from zero (cf. Hirschfield 2000). Specifically, Miles reports that neither a state's electoral participation rate, nor its likelihood of electing a Republican candidate, is significantly affected by legal restrictions on the voting rights of felons.

Uggen and Manza (2001), in contrast, develop an alternative approach, examining what would have happened in specific elections if disenfranchised felons had been permitted to vote and if their voting behavior mimicked the turnout and party preferences of those matched to them in the general population. They rely on censuses and surveys of prison inmates to determine the social characteristics of the felon population, the Current Population Survey's Voter Supplement Module to estimate turnout rates, and the National Election Study to predict voting intention. Combining these data sources, they estimate the net votes lost to disenfranchisement in closely contested presidential and U.S. Senate elections, and recompute vote returns after including these "lost felon voters."

Because felons are drawn disproportionately from the ranks of racial minorities and the poor—populations that have historically supported Democratic Party candidates—disenfranchisement laws tend to favor Republican candidates. Uggen and Manza's model predicts that the turnout rate among disenfranchised felons would have been substantially lower than among the general population, but that their strong Democratic Party preferences would have been a tipping point in a number of elections. They find that felon disenfranchisement would have altered the outcome of at

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least four, and likely six, recent U.S. Senate elections and four Governor's races. Moreover, felon disenfranchisement may have affected control over the U.S. Senate. Assuming that Democrats who might have been elected in the absence of felon disenfranchisement had held their seats as long as the Republicans who narrowly defeated them, the Democratic Party would have gained parity in the 1984 Senate and would have maintained majority control of the U.S. Senate from 1986 to the present. Of course, this counterfactual analysis relies upon a *ceteris paribus* assumption: holding all else equal, changes in felon disenfranchisement law may have produced changes in the composition of the Senate.

In examining presidential elections, Uggen and Manza find that the Republican presidential victory of 2000 would have been reversed by a large margin had felons been allowed to vote, and that John F. Kennedy's Democratic presidential victory of 1960 would have been jeopardized had contemporary rates of disenfranchisement prevailed during that time. Today, disenfranchised felons and ex-felons make up more than 2% of the voting age population. Because the margin of victory in four of the last eleven presidential elections has been 1.1% of the voting age population or less, felon disenfranchisement may be an important, and perhaps decisive, factor in future presidential races.

It should also be noted that a focus on national and state-level elections may understate the full impact of felon disenfranchisement. Because of the geographic concentration of disenfranchised felons and ex-felons in urban areas (Rose and Clear 1998), it is likely that such impact is even more pronounced in elections below the state level, such as House, state legislative, and mayoral races. More targeted studies of local elections are needed, as well as better data on the effects of criminal sanctions on political participation.

Until recently, most observers considered felon disenfranchisement to be an interesting legal or philosophical issue, but one lacking strong political implications. As the *Harvard Law Review* put it in 1989, "ex-felons are unlikely to constitute more than a tiny percentage of the population and thus are electorally insignificant" (Harvard Law Review Note 1989). Today, this is no longer the case. A confluence of high rates of criminal punishment and restrictive disenfranchisement regimes has created a situation in which the uncounted ballots of "lost felon voters" may be determining election outcomes.

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Disenfranchisement, Reentry, and Reintegration

Disenfranchisement in Perspective: Does It Matter to Felons Themselves?

The meaning of disenfranchisement to those most affected by these laws is a critical issue in the analysis of barriers to democratic participation for

74 • Christopher Uggen and Jeff Manza

criminal offenders. Uggen, Manza, and Behrens (2003; see also Uggen and Manza 2004; Manza, Brooks, and Uggen 2004, and; Manza and Uggen forthcoming) conducted 33 semistructured interviews with convicted felons in Minnesota. Of course, losing the right to vote is not the most pressing concern for most convicted felons. Nevertheless, we observed that disenfranchisement carried a sting for many and elicited an emotional response for some of our respondents. Under a pseudonym, which the researchers gave to each of the respondents, Steven, a middle-aged probationer, put disenfranchisement into perspective with the other problems in his life as follows (Uggen, Behrens, and Manza 2002):

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On top of the whole messy pile, there it was. Something that was hardly mentioned, and it meant a lot. [Steven, male probationer, age 52]

Pamela, a female prisoner, similarly described disenfranchisement as “salt in the wound,” explaining how the loss of voting rights is part of a larger package of restrictions that confounded her efforts to become a “normal citizen”:

I think that just getting back in the community and being a contributing member is difficult enough. . . . And saying, “Yeah, we don’t value your vote either because you’re a convicted felon from how many years back,” okay? . . . But I, hopefully, have learned, have paid for that and *would like to someday feel like a, quote, “normal citizen,” a contributing member of society,* and you know that’s hard when every election you’re constantly being reminded, “Oh yeah, that’s right, I’m ashamed.” . . . It’s just like *a little salt in the wound.* You’ve already got that wound and it’s trying to heal and it’s trying to heal, and you’re trying to be a good taxpayer and be a homeowner. . . . Just one little vote, right? But that means a lot to me. . . . It’s just loss after loss after loss. And this is just another one. *Another to add to the pile.* . . . When I said salt in the wound, the wound’s already there. Me being able to vote isn’t going to just whip up and heal that wound. . . . It’s like haven’t I paid enough yet? . . . You can’t really feel like a part of your government because they’re still going like this, “Oh, you’re bad. Remember what you did way back then? Nope, you can’t vote. [Pamela, female prisoner, age 49; emphasis added]

These quotations make the point that voting rights are fundamental to conceptions of citizenship, even for those of us who take them for granted or fail to exercise them. If civic reintegration is a process of weaving offenders back into the social fabric, then restoration of voting rights is likely to help offenders begin to feel like citizens again and may even reduce the stigma associated with conviction.

Disenfranchisement and the Civic Reintegration of Convicted Felons • 75

Persons convicted of a felony form a very heterogeneous group. For example, those convicted of drug possession are likely to differ in important ways from sex offenders, burglars, or other offender groups. In discussing civil disabilities, felons express a clear desire for more *narrowly tailored* restrictions. Rita, a drug offender, made the case that disenfranchisement should only apply to election crimes:

I didn't do anything that would affect how I voted or anything. It's not like I don't have a brain anymore. . . . And I really don't think it should go by the crime because that doesn't have nothing to do with it. [Reconsidering] Well, that I could see, you know, *if you did something that had something to do with an election*, I could see it, but at least 99% of the people didn't have to do with an election. [Rita, female prisoner, age 41]

Manza and Uggen (forthcoming) also gathered survey data to learn more about the effects of criminal sanctions on political attitudes and behavior. In particular, we wished to determine whether the experience of punishment affects political efficacy, or the sense that one's individual efforts could influence government and policymaking. We included a battery of political attitude items on a recent wave of the Youth Development Study, a longitudinal survey of 1000 9th graders in St. Paul Public Schools begun in 1988 (Mortimer, forthcoming). By 1998, approximately 23% of the sample had been arrested and 7% of the sample had been incarcerated. We found that the young adults who had experienced criminal sanctions expressed significantly lower levels of political efficacy than those who had not been arrested or incarcerated. As Figure 4.2 shows, 57% of the former

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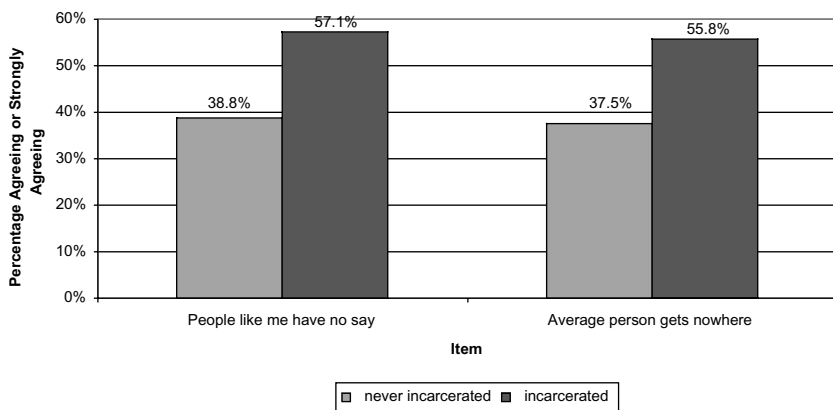


Fig. 4.2 Political Efficacy by Incarceration History (Manza and Uggen, Forthcoming).

76 • Christopher Uggen and Jeff Manza

inmates agreed that “people like me have no say in what the government does,” relative to 39% of those who had not been incarcerated. Similarly, a majority of the former inmates agreed that “the average person can get nowhere talking to public officials,” relative to about 38% of the young adult comparison group.

Procedures for the Restoration of Civil Rights

If felons generally feel alienated from the political processes, formal mechanisms to restore their citizenship rights may encourage felling of political efficacy and trust in government institutions. States that disenfranchise ex-felons beyond the duration of their sentence have generally established procedures and offices to administer clemency and restoration of voting rights and other civil disabilities. In Florida, for example, the Office of Clemency Administration is part of the state Parole Commission, providing support to the governor and cabinet members who make up the Board of Executive Clemency. Are such procedures impediments or facilitators of democratic participation? According to proponents such as Governor Jeb Bush, who heads the Florida Board, “it’s an exhausting, emotionally draining process that can also be uplifting when people have changed their lives and turned things around” (Pfankuch 2001). Such statements suggest that some variant of these restoration processes may hold promise for reducing the stigma associated with a felony conviction in a “delabeling” (Trice and Roman 1970) or “deviant decertification ceremony.” Conceivably, such procedures would ensure public safety while helping convicted felons to move on with their lives.

In practice, however, relatively few disenfranchised ex-felons are ever restored to full citizenship. Of approximately 600,000 ex-felons in Florida last year (Uggen and Manza, 2001), for example, only 1,067 were restored to civil rights (Kane and Hiaasen 2001). Critics charge that existing application processes are overly burdensome—requiring criminal records, bank statements, job history, and character references (Pfankuch 2001). Although automated restoration procedures exist in some states, a large proportion of convicted felons are ineligible for them because they owe outstanding fines, restitution, or court costs, or because they have committed multiple felonies or certain crimes from a proscribed list (Florida Parole Commission 2001).

Other states impose additional burdens. Alabama, for example, requires a DNA sample as part of the application process. Virginia requires case-by-case approval from the governor, and offenders must wait 5 years from completion of sentence before even applying for clemency (7 years if they have been convicted of drug offenses). According to State Senator Yvonne Miller, the clemency process in Virginia is “harder than God—God

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Disenfranchisement and the Civic Reintegration of Convicted Felons • 77

forgives” (Vegh 2001). Moreover, existing procedures to restore the civil rights of felons appear to perpetuate, and may even exacerbate, existing racial disparities (Kane and Hiaasen 2001; Vegh 2001).

Criminologists and sociologists have long noted the rehabilitative potential of deviant decertification or reintegration ceremonies (Braithwaite and Mugford 1994; Erikson 1964; Maruna 2001). As Kai Erikson observed in the 1960s, one is “ushered into the deviant position by a decisive and often dramatic ceremony, yet is retired from it with hardly a word of public notice. And as a result, the deviant often returns home with no proper license to resume a normal life in the community” (1964: 16–17). Unfortunately, existing procedures to restore the civil rights of convicted felons do not appear to perform this reintegrative function—too few individuals are restored to civil rights and the process is generally alienating rather than inclusive.

Other Forms of Political Participation

Participation in civic life, of course, entails more than voting. Many convicted offenders plan to volunteer time, coach youth sports, speak publicly about their crimes, or engage in some other form of civic participation (Uggen, Manza, and Behrens 2003). Although the impact of such civic participation on criminal behavior has yet to be established, some studies suggest that volunteer service may reduce offending (Nirel, Landau, Sebba, and Sagiv 1997; Uggen and Janikula 1999). Beyond formal disenfranchisement, however, felons and ex-felons face other barriers to civic participation. Susan, a woman in her thirties imprisoned for murder, told how her political discussions and interest in public affairs had waned:

I was thinking about, like, getting involved with politics when I get out, and how I'd love to, and then I'm like, “Well, I can't vote,” so it's so discouraging. Um, *I'm not gonna read this article on this candidate's views or, you know, I'm not going to research on it.* But then the only thing that motivates me is that the people around me don't know I'm an ex-con and can't vote, and so I don't want them to think I'm just like, lame and ignorant because *I can't participate in their political conversations.* So that's like my only motivation, and that's not a lot of motivation because, like, I mean being able to vote, my vote making a difference would be more motivation than the rare political conversation. Even if it's often, how important are they? [Susan, female prisoner; emphasis added]

Craig, a younger inmate classified as a sex offender, expressed interest in attending political gatherings when he was released. He was deterred from such political participation, however, because an arrest might jeopardize

78 • Christopher Uggen and Jeff Manza

his conditional release status. He said that “a lot of times guys do come back on very minor stuff.” I mean even if just doing stuff like participating in *peaceful marches*. You know I’m not talking about anything violent. But peaceful protests or, um, gatherings, but I mean from my understanding, how they go is a lot of times they just arrest everybody on the block. You know, it’s like, “You can’t be here.” *If I got arrested I’d come back to jail for five years and so I’m not about to go participate in anything like that. . . .* I might feel also I’m putting my P.O. on the spot with maybe his superiors. Like, “What’s your kid do-, what’s your guy doing at a march here?” you know? So I, I wouldn’t want to be pissing him off any ways like that. . . . So yeah, it would stop me. [Craig, male prisoner; emphasis added]

The preceding excerpts show how offenders’ criminal histories constrain their ability to participate in political demonstrations and even temper their political discussions with other citizens. Another way in which offenders appear to differ from other citizens is in their relationships with the police and criminal justice system. Many offenders’ attitudes about the government are generalized from their experiences with our courts, corrections, and law enforcement personnel. If felons perceive that they have been treated unfairly, they may view other government institutions with distrust or hostility. In fact, according to Lawrence Sherman’s (1993) defiance theory of offender responses to punishment, commitment to law-abiding behavior will be enhanced if offenders are treated in a procedurally fair and polite manner.

In the excerpt shown in Figure 4.3, we asked Scott, a young African-American probationer, whether he thought he had a say in what the government does (a standard political efficacy item, similar to the one reported in Figure 4.2). He responded to this global question by discussing his experiences with the police, referring to them as the *immediate government*. In our view, this phrase aptly characterizes the centrality of the criminal justice system in convicted felons’ views of the state. Although the presence and demeanor of the African-American officers who now patrol his neighborhood was encouraging to Scott, he still believed that government actors should be “watched and recorded.” This excerpt suggests that one way to reduce political barriers to democratic participation is to improve relations between ex-felons and the “immediate government” they encounter in day-to-day life.

Survey data also show greater distrust of government and the criminal justice system among those with an incarceration history. Figure 4.4 shows that about 22% of those who had been incarcerated had great faith in the criminal justice system, relative to about 33% of the young adults who had never been incarcerated. Similarly, only about one-third of those who had spent time in prison or jail agreed that the government could be trusted to

Disenfranchisement and the Civic Reintegration of Convicted Felons • 79

CU: Do you think that people like you have a say about what the government does?

SCOTT: *Um, I don't think that, I don't think that - I mean I just grew up and, grew up learning that, uh, you know learning about police ... I grew up where the police, you know, the police beat up, beat up people. And that didn't happen in every instance, you know, but you learn to not have trust, you know?*

CU: Mhmm.

SCOTT: *Do you think, uh - asked me if I thought that, you know, that if people like me make a difference, right?*

CU: Or, or if you have a say about what the government does?

SCOTT: *I don't think I have a say about what the government does. They look good for a while, then they get elected and you hear all kind of junk.*

CU: When you mentioned - you connected this with the police and growing up, is that - Like when you think of the government do you think of the police?

SCOTT: *That's the immediate government right there.*

CU: The what?

SCOTT: *The immediate government.*

CU: The immediate government? Yeah. Okay. I've never heard that, that term, but it makes sense. Immediate government. I mean I've never heard anybody describe police like that.

SCOTT: *That's the way I grew up learning about them. You know I see black officers and people of color, you know, that are in the field. They talk to you. I don't know, man. It just - I don't want to feel like I'm saying that I'm prejudice or something, you know, cause I'm not, you know? But I mean I just grew up seeing a lot of things, you know, a lot of my friends from high school are all gone. Killed each other or police killed them. You know?*

CU: Yeah, So that - Well, let me get right into trust then. Do you think the government can be trusted to do what's best for the country?

SCOTT: *I think if - It's something like I think there need to be, like, restrictions ... there other things, other people doing other parts to make it, like, safe and so you can trust do. And I think it should be watched and recorded and stuff.*

Fig. 4.3 Excerpt from Interview with Scott, a Minneapolis Felony Probationer, on Politics and Trust (Manza and Uggen, forthcoming).

do what is best for the country, compared with half of those who had never been incarcerated. Consistent with Scott's remarks in the previous excerpt, we also find stronger intercorrelation of these trust items among those who have experienced criminal sanctions (Manza and Uggen, forthcoming).

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How Is Civic Reintegration Related to Recidivism?

The loss of voting rights affects offenders' views of themselves as deviant or conforming citizens. It is difficult to determine whether disenfranchisement has a direct effect on recidivism or desistance, although some researchers have tied shifting political attitudes (such as faith in government institutions) to trends in aggregate crime rates (LaFree 1998).

80 • Christopher Uggen and Jeff Manza

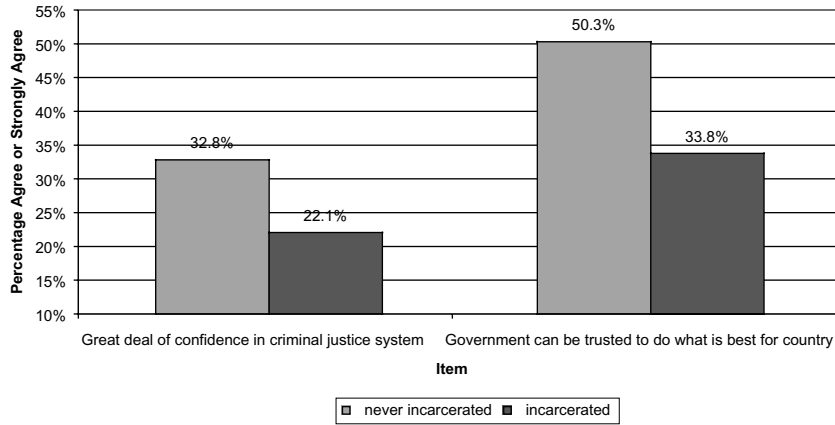


Fig. 4.4 Trust in Government and the Criminal Justice System by Incarceration Status (Manza and Uggen, forthcoming).

It would be possible to compare recidivism rates *across* states with and without disenfranchisement laws, of course, but there is so much interstate variation in criminal justice system operations that these rates are not comparable. For example, the offender mix and administration of justice in a low-incarceration state such as North Dakota is unlikely to be equivalent to the offender mix and administration of justice in a high-incarceration state such as Louisiana. To circumvent some of these difficulties comparing states, we could compare recidivism rates *within* states that have changed felon disenfranchisement laws. Unfortunately, it is also difficult to statistically control for other factors (such as the prevailing political climate and criminal justice practices) that may be responsible for changes in both legislation and recidivism. Moreover, definitions of recidivism vary over both time and locality.

Perhaps a better approach to testing these ideas is to craft an experimental pilot program designed to enhance the civic reintegration of released offenders. Such an intervention would be geared to establishing community ties, providing avenues for supervised volunteer service, and obtaining restoration of civil rights (if they are not automatically granted in the jurisdiction). Although it may be unrealistic to expect significant differences in recidivism rates from a short-term experimental program, it is likely that a civic reintegration initiative would affect intermediate outcomes such as voting and registration and attitudes such as political efficacy and trust in government. (We are grateful to Gary LaFree of the University of Maryland for these suggestions.)

Taking Stock

In the short time since the Sentencing Project's reports on felon disenfranchisement (Mauer 1997b; Fellner and Mauer 1998), we have learned a great deal about the political consequences of felon disenfranchisement (Miles 1999; Uggen and Manza 2001). Today, many states are reexamining their disenfranchisement laws and procedures for the restoration of civil rights. Nevertheless, we have only begun to understand the political life of convicted offenders. More research is needed to determine whether civic reintegration can foster desistance from crime in the same way that adult social bonds to work and family reduce offending over the life course (Sampson and Laub 1993). Although there is no systematic body of evidence on the subject, some early studies suggest that facilitating the civic reintegration of offenders will ultimately hasten their desistance from crime (Uggen, Manza, and Behrens 2003).

Au: 2002?

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82 • Christopher Uggen and Jeff Manza

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