

REINTEGRATION AND THE IMPORTANCE OF CIVIL RIGHTS RESTORATION: AN
EXAMINATION OF EX-FELON DISENFRANCHISEMENT IN FLORIDA

By

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For all of those who remain voiceless

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LIST OF ABBREVIATIONS

AA	Alcoholics Anonymous
ACLU	American Civil Liberties Union
AG	Attorney General
CFO	Chief Financial Officer
COA	Commissioner of Agriculture
DOC	Department of Corrections
DUI	Driving under the influence
ECB	Executive Clemency Board of Florida consisting of the Governor, Attorney General, Chief Financial Officer, and the Commissioner of Agriculture
FAQ	Frequently Asked Questions
FDLE	Florida Department of Law Enforcement
FPC	Florida Parole Commission also referred to as the Florida Parole and Probation Commission
FRRRC	Florida Rights Restoration Coalition
GED	General Education Degree
NA	Narcotics Anonymous
OEC	Office of Executive Clemency
OPPAGA	Office of Program Policy Analysis & Government Accountability
RCR	Restoration of Civil Rights
REC	Rules of Executive Clemency
SFAG	State of Florida Auditor General
TANF	Temporary Assistance for Needy Families

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In the state of Florida, when someone is adjudicated guilty of a felony crime they forfeit the right to vote, serve on a jury, and run for elected office. These civil rights are lost regardless of whether they are sentenced to incarceration, probation, or released into the community. The process to regain these civil rights can be difficult, time consuming, and nearly impossible for some. Current research on prisoner reentry suggests that the loss of these civil rights constitutes a barrier to full citizenship that may impede the process of community reintegration. This research examines data from the hearings of the Executive Clemency Board to evaluate the predictors of having one's rights restored. In addition, 54 semi-structured interviews with ex-felons were conducted to understand the meaning former offenders attribute to the loss of their civil rights and the impact this may have on staying out of trouble. Findings from this study show rights restoration to be difficult, and their denial to pose a significant obstacle to successful reintegration.

CHAPTER 1 INTRODUCTION AND PROBLEM

Introduction

The United States is unique among democratic nations in how it handles the right to vote for those convicted of criminal offenses. The United States is set apart by both the application and scope of disenfranchisement (Ewald and Rottinghaus 2009). Internationally, there has been a move towards “reenfranchising” prisoners (Uggen and Inderbitzin 2009; Ewald and Rottinghaus 2009; Ispahani 2006). Uggen, Van Brakle, and McLaughlin (2009) noted that 40 of 105 nations surveyed allowed for prisoners to vote while incarcerated, and another 65 disenfranchised only those who were currently incarcerated. In the United States, by contrast, only two states (Maine and Vermont) allow current prisoners to vote, while the majority of states prohibit offenders from voting while incarcerated or while under probation, or forms of community supervision like parole. Florida is one of 13 states that disenfranchise either all or some former offenders even after the completion of their sentences (Uggen and Inderbitzin 2009). The United States disenfranchises more non-institutionalized offenders than any other democratic country (Ispahani 2006). The terms ex-felon and ex-offender are used to identify those who are in completion of their criminal justice sanctions. The focal point of this work is the unique group of disenfranchised citizens, consisting of community members, homeowners, volunteers, and taxpayers.

The right to vote for those convicted of crimes is an issue that has received growing attention in several disciplines. Manza and Uggen (2006) thoroughly examined the electoral consequences of criminal disenfranchisement policies. After the close presidential elections of 2000 and 2004, a growing number of people became

concerned about the electoral consequences of disenfranchisement policies. Manza and Uggen's (2006) findings suggest that both the 2000 and 2004 elections, along with a number of congressional and state elections, would have been decided differently had felons been permitted to vote. Manza, Brooks, and Uggen (2004) noted that there was a growing discourse on the disenfranchisement of criminals and evaluated changes in public opinion. This political debate has further brought attention to the issue of criminal disenfranchisement.

This growing debate has raised many philosophical questions over the meaning of the right to vote in a modern democratic nation. Embedded in this discussion are the conflicting perspectives of the qualified franchise and universal suffrage. The supporters of criminal disenfranchisement policies often argue that violators of the law have also violated the social contract, and that this break with the social contract justifies the prolonged loss of rights for criminal offenders (see Kalogeras 2003). Further, Federal courts have ruled that felons "choose" disenfranchisement by engaging in illegal acts (Johnson vs. Bush 2002; Richardson vs. Ramirez 1974). Further debates over the duration of disenfranchisement and its disproportionate affect on minorities remain (Keller 2006; Goldman 2004; Dugree-Pearson 2002; Harvey 1994; Wheelock 2005). Hull (2006) evaluated the affect of disenfranchisement on racial minorities noting that Black disenfranchisement "threaten[s] to negate the fifty years of hard-fought civil rights progress" (Leadership Conference on Civil Rights as cited in Hull 2006:27).

Legal scholars have debated and challenged the constitutionality of criminal disenfranchisement policies (Behrens 2005; Cosgrove 2004; Litwin 2003; Reback 1973; Saxonhouse 2004; Shapiro 1993; Thompson 2003; Tims 1975). As recently as 2000,

the Supreme Court affirmed that “States do not have to extend suffrage to ex-felons, nor do they have to allow citizens to register and vote on Election Day” (Bush vs. Gore 2000). Newer legal challenges have focused on the disproportionate affect that these policies have on racial minorities (Handelsman 2005). On January 5 2010, the Ninth U.S. Circuit Court of Appeals found that a Washington state law allowing for felony disenfranchisement violated the Voting Rights Act of 1965 (Farrakhan vs. Gregoire 2010). Although, given the history of case law and the current political make-up of the Supreme Court, this ruling is likely to be overturned. The growing concerns over the legality of these laws have prompted a number of states to reexamine their criminal disenfranchisement policies (King 2006, King 2008).

The political, legal, and philosophical questions that arise regarding criminal disenfranchisement policies are compelling, and worthy of further time and attention. This dissertation, though, proposes to examine a neglected dimension of the issue – the criminological perspective. More concretely, the primary concern of this dissertation is to consider the impact of these policies on the post-sentence lives of criminal offenders. My purpose is to address the impact, if any, of disenfranchisement on the reintegration of ex-offenders into their communities.

Problem

More than 600,000 adults leave state and federal prisons every year and face the challenges of reintegration. Put another way, over 1,600 prisoners are released into the community each day (Petersilia 2003). This annual figure is predicted to increase, as many of the two million currently incarcerated Americans transition into community life in the coming years. Current research indicates that about two-thirds of newly released prisoners will be arrested, and about half will be re-incarcerated, within three years of

their release (Petersilia 2003). In an effort to reduce high levels of recidivism, increased attention has been placed on the challenges facing former prisoners. One emerging area of focus has considered the impact of sanctions that restrict the civil liberties of ex-offenders, including disenfranchisement.¹

In 2004, Governor Jeb Bush created the Governor's Ex-Offender Task Force to assess the effectiveness of Florida in facilitating the reintegration of ex-offenders. On November 30, 2006, the task force concluded: "Successful reentry and reintegration in one's community is a matter of critical import to the public's safety. Without successful re-entry into one's community, recidivism is likely to occur, to the great detriment to the public safety, Florida's communities, families, taxpayers, and individual ex-offenders" (Governor's Ex-Offender Task Force 2006:4). The final report suggested that a re-commissioned Task Force should study "additional issues such as community supervision, graduated sanctions, *the loss of civil rights upon conviction of a felony*, and the over-representation of African Americans among the inmate population with the aim of additional reform recommendations" (Governor's Ex-Offender Task Force 2006:3, emphasis added). Following the recommendations of the Governor's Ex-Offender Task Force, this research critically evaluates the impact that the loss of civil rights has on convicted felons.

In the state of Florida when someone is adjudicated guilty of a felony crime they lose the right to vote, serve on a jury, and run for elected office.² These rights are lost

¹ The word "disenfranchisement" is used to describe the loss of voting rights and is used because it is most prevalent in contemporary literature. This term is synonymous with the word "disfranchisement" used in the 19th century and by many historians to note the loss of voting rights (See Manza and Uggen 2006, p. vii).

² In addition to these civil rights, many state occupation licenses require the restoration of civil rights to become eligible (or as part of the eligibility requirement).

regardless of incarceration, probation, or release into the community. The process to regain these civil rights can be difficult, time consuming, and nearly impossible for some. Focusing on the right to vote, Florida disenfranchises more ex-felons than any other state, in the process creating barriers to voting unprecedented since before the passage of the Voting Rights Act of 1965 (Manza and Uggen 2006). This research evaluates the importance of rights restoration in the reintegration process. For ex-offenders, the right to vote in Florida is a complex issue embedded in racism, increased punitive attitudes, and changes in post-release practices and policies. Despite a growing interest in this issue, little is known about the impact political exclusion has on community reintegration.

This is the first study to conduct a comprehensive examination of ex-felon disenfranchisement and the process of rights restoration. My research uses both qualitative and quantitative methodologies to further evaluate the impact of ex-offender disenfranchisement. This research employs 1) a comprehensive evaluation of state records from the Executive Clemency Board (ECB) focusing on predictors of successful rights restoration, 2) a qualitative assessment of the process of rights restoration and the Executive Clemency Board's quarterly convening, and 3) and 54 in-depth semi-structured interviews with ex-offenders who are disenfranchised. This diverse methodological strategy is used to triangulate the impact of ex-felon disenfranchisement and to better understand its effect on the process of successful reintegration into the community.

The data collected from the Executive Clemency Board over the past six years were used to evaluate predictors of having one's rights restored. This rich data were

used to perform the first analysis of systematic patterns in the process of rights restoration. The Executive Clemency Board convenes four times a year and offers an opportunity for ex-offenders to speak before the governor and his cabinet to ask for the restoration of their civil rights. The Florida Parole Commission (FPC) provides the governor, attorney general, chief financial officer, and commissioner of agriculture with its recommendations. Victims are notified and sometimes speak at these hearings or have statements read. To supplement the quantitative assessment of this process, I provide a detailed account of these hearings and an evaluation of ex-felons' arguments and the decision process.

The final component of this research is 54 in-depth interviews with ex-offenders. Ex-offenders were recruited throughout the state from halfway houses, recovery groups, faith-based reentry groups, ex-felon advocacy groups, and through community outreach programs. This strategy produced an interview population with a representative range of felony offenses who were at various stages of community reintegration. The aim of these interviews was to better understand the impact ex-felon disenfranchisement has on self-identity and the reintegration process. Towards that end, the interviews had two main points of focus. The first was to understand the meaning ex-offenders attribute to the loss of their basic civil rights after their criminal sentence. The second was to examine the impact of this loss, and the subsequent restoration process on the ability of ex-offenders to successfully reintegrate into the community.

By evaluating the role ex-felon disenfranchisement has on ex-offenders, recommendations can be made on whether modifications to the current policies may reduce recidivism rates. As the Governor's Ex-Offender Task Force concluded, this is

an issue of great concern and one that impacts public safety. The following chapters explore the relationship between ex-felon disenfranchisement and reintegration.

Chapter Outline

The chapters are organized to give a natural progression towards answering the primary question of this research: Does ex-felon disenfranchisement have an impact on community reintegration? Chapter 2 critically evaluates the current state of research and the history of invisible punishments, the right to vote, and offender reintegration. This chapter is organized so that the reader can form a complete picture of the history, application, and policy implications of ex-felon disenfranchisement.

Chapter 3 details the methodological strategies employed to triangulate the impact of the restoration process and disenfranchisement of ex-felons. This chapter is separated into two sections. The first section describes the data used to evaluate the process of rights restoration utilizing quantitative data from the Governor's office, observations of Executive Clemency Board hearings, and interviews with ex-offenders who have experienced the restoration process. The second section discusses the use of 54 semi-structured interviews with ex-felons intended to better understand their interpretation of the meaning of disenfranchisement and reintegration. Justifications for this research design are discussed along with a description of the sample size and its representation. Lastly, the interview instrument and analytical strategies are presented.

Chapter 4 presents the results from the quantitative evaluation of the rights restoration process. Utilizing data from the Office of Executive Clemency, the primary goal of this chapter is to explore the predictors of rights restoration. The chapter thoroughly describes the measures used in the analyses. Next, bivariate correlations

and a logistic regression model are presented. The chapter concludes with a discussion of these findings and limitations of the data.

Chapter 5 is intended to supplement Chapter 4 with a more in-depth qualitative assessment of the restoration process. This chapter presents data from the Auditor General's Office, discussions from the Executive Clemency Board members, correspondence with the Executive Clemency Office, observations of the Executive Clemency Board hearings, and interviews with ex-felons. This chapter focuses on the issues of time required for the restoration process, the importance of attendance, the impact of victim statements, and provides a qualitative assessment of successful strategies employed. The chapter concludes with a discussion of the restoration process with a focus on the various problems associated with the current structure and practices.

Chapter 6 utilizes the 54 semi-structured interviews to give a better understanding of what losing the right to vote means for ex-felons. The chapter begins by discussing when and how ex-felons learned about the forfeiture of their voting rights. Next, ex-felons describe how losing the right to vote makes them feel. The work of Sherman (1993) and Braithwaite (1989) are utilized to hypothesize about the impact ex-felons' attitudes may have on recidivism. The following section looks at the intersection of civic exclusion and social identity. This section explores the meaning of disenfranchisement for minority groups examining the impact of race, poverty, and veteran status. The last section of this chapter discusses the stigmatization created by a criminal record.

Chapter 7 is the final chapter of the dissertation and answers the most important question of this research by evaluating the relationship between disenfranchisement

and reintegration. The chapter begins with a discussion about reintegration along with exploring factors ex-felons have identified as instrumental in their desistance process. Next, the chapter directly evaluates the role of voting in the reintegration process by placing ex-felons' narratives into four distinct categories representing the importance voting plays in their lives and whether they perceive a connection between voting and the desistance maintenance process. This typology is further discussed along with the offenders' narratives. Lastly, conclusions, limitations, further research questions, and policy implications are presented.

CHAPTER 2 REVIEW OF THE LITERATURE

Introduction

Voter disenfranchisement is only one of a variety of legal sanctions that restricts liberty and opportunity for former prisoners. The increased application of these punishments in recent years seems to be a reflection of a more punitive approach to criminal sanctioning and has raised important questions about the proper scope, size, and duration of punishment. This discussion is partly a philosophical one focused on determining at what point offenders have served their debt to society and the extent to which it is possible to regain full citizenship. But it is also a criminological and policy discussion of how these factors affect the reentry process and impact successful reintegration. To evaluate how these punishments affect ex-offenders requires a better understanding of the historical conditions that gave rise to increased punitive sanctions and disenfranchisement.

The denial of voting rights to a segment of the population has a long history in the United States. For much of that history, voting restrictions were driven by the unique racial dynamic in the Deep South. Ex-felon disenfranchisement is therefore partially the product of both increasingly punitive policies and a history of disenfranchising racial groups. The purpose of this research is to understand how ex-felons perceive these punishments. To further our understanding, the following sections look into the rise of punishments restricting citizenship, the effects these policies have on reintegration, and the history of disenfranchisement in Florida.

Invisible Punishments

Ex-felon disenfranchisement is only one example of a larger group of punishments that exist outside of the sentencing process and often restrict the liberties of offenders even after the completion of their incarceration, probation, or parole. Jeremy Travis has termed these types of punishments *invisible punishments*. He defines them as “the punishment that is accomplished through the diminution of the rights and privileges of citizenship and legal residency in the United States” (Travis 2002:15). Unlike the prisons and criminal justice supervision mandated by a criminal conviction, invisible punishments remain less discernable. They cannot be easily evaluated on their effectiveness, impact, or implementation, “because these laws operate largely beyond public view, yet have very serious, adverse consequences for the individuals affected” (Travis 2002:16). They have devastating effects on civic engagement, occupational opportunities, housing options, and welfare aid. These punishments include requirements that sex offenders register with local law enforcement, that immigrants face deportation over minor offenses, and that felons become ineligible for welfare, housing, student loans, and are legally barred from a number of occupations.

In an attempt to be respectful to those who have been incarcerated I have used terminology most preferred by convict criminologists. I use the word “prisoner” to refer to those who are currently in prison, and I refer to those who have been released from prison as “former prisoners.” The use of “inmates” is problematic in that it is inclusive of mental patients as well as prisoners (See Travis 2005:xxvi). But further compounding the issue is the lack of language to refer to violators of the law who have not gone to prison. I use the most popular terms “ex-felon” and “ex-offender” to refer to this larger group, although, this terminology is seen as more stigmatizing language. As Jeremy

Travis (2005) points out, the use of ex-felon and ex-offender “implies that this former status is forever the defining characteristic of a person. Moreover, all of these labels tend to diminish the humanity of individuals who have violated the law” (p. xxv). This language becomes important as it offers very little in aiding ex-offenders in changing their self-identity, which is an important step in successful reintegration (Maruna 2001). Instead the language reinforces the idea that those who have been in trouble with the law are outsiders and must remain this way. Invisible punishments further exclude ex-offenders by reinforcing their position as sub-citizens. None of these punishments are as severe as ex-felon disenfranchisement that serves as a way to permanently strip ex-offenders of their citizenship.

Civil Death

Judge Henry Wingate (1951) explained the importance of the right to vote and the use of disenfranchisement as a form of punishment in the following quote:

Disenfranchisement is the harshest civil sanction imposed by a democratic society. When brought beneath its axe, the disenfranchised is severed from the body politic and condemned to the lowest form of citizenship, where voiceless at the ballot box... the disinherited must sit idly by while others elect his civic leaders and while others choose the fiscal and governmental policies which will govern him and his family. Such a shadowy form of citizenship must not be imposed lightly (McLaughlin vs. City of Canton 1951).

Punishing crime through limiting citizenship is a practice with deep roots in Western society. In ancient Greece, criminals who were pronounced “infamous” were prohibited from going to court, voting in the assembly, and making public speeches (Edwald 2002). In Medieval Europe, when convicted of certain crimes one would suffer “civil death,” or the loss of all civil rights. Those suffering these penalties would lose the right to vote, hold property, enter into contracts, and even in some cases the right to life. Those criminals who were declared “outlaws” could be killed without penalty since they

were literally considered to be “outside of the law.” These punishments were viewed as severe and reserved for only the most heinous of offenses. Unlike a death sentence which destroys one’s physical existence, civil death destroys the legal capacity of the individual forcing them into permanent exclusion from the civic order. In England “a criminal was said to be ‘dead in law’ [when they] could not perform any legal function – including, of course, voting” (Edwald 2002:1059).

To say that civic exclusion has deep roots, however, is not to say that it is an unchanging feature of Western law. There is significant evidence of a renewed interest in promoting this idea of civic exclusion in modern U.S. criminal justice policies and practices, as evidenced in the growing number of invisible punishments resulting from a criminal conviction (Manza and Uggen 2004). Petersilia (2003) notes: “Invisible punishments and legal restrictions are growing in number and kind, being applied to a larger percentage of the U.S. population and for longer periods of time than at any point in U.S. history” (p. 136). Unlike the civil death of medieval times, ex-felon disenfranchisement is widespread. Even minor offenders are stripped of their civil rights. This has rendered a large segment of the population unable to participate in the most basic elements of democratic life.

The widespread application of these invisible punishments inevitably raises the philosophical question over the utility of such punishments. Deterrence-based theories stress the importance of sanctions in preventing criminal actions (Glueck 1928). One problem with invisible punishments is that they are widely unknown. Often the defendant who agrees to a plea-bargain does not realize in doing so they are forfeiting their right to vote, get federal student loans, live in section 8 housing, hold certain

occupational licenses³, and receive TANF (Temporary Assistance for Needy Families) welfare benefits (Travis 2005). Further compounding the deterrence argument for invisible punishment is another founding part of deterrence theory, the principle of proportionality, which calls for the punishment to be proportional to the offense (Glueck 1928). Invisible punishments make no such distinction, barring both drug felons and murderers from voting. In some cases as a consequence of the “war on drugs” a murderer has a better chance of getting federal aid than a drug felon. This discrepancy in the application of these punishments furthers the debate over the purpose of invisible punishments (Travis 2002).

Invisible punishments serve as a continuation of prison practices used to separate offenders from the full status of citizenship. James Q. Whitman (2003) argues that punishment in the U.S. represents a form of “harsh justice.” American prisons actively practice rituals of degradation ranging from stigmatizing clothing and chain gangs to addressing a prisoner by a number. In contrast, continental European prisoners have been elevated to the level of punishment reserved for higher social classes and accordingly are treated with more respect than American prisoners (Whitman 2003). Whitman argues that the historical conditions of democracy and equality in America have resulted in harsh penalties for all social classes. As such, many European countries allow prisoners to vote while incarcerated and are often addressed by surnames and allowed to wear their own clothing. American prisons actively

³ In Florida the following occupational licenses require the restoration of civil rights: private investigator, private security and repossession services, notary public, terminal supplier, exporter, blender, carrier, terminal operator, wholesaler fueler, labor union business agent, horseracing or dogracing permit, jai alai fronton permit, permits for explosives users, pest control operator license, paramedic, licensed practical, nurse, certified nursing assistant, construction contractor license, asbestos abatement licenses. Note that these are occupations that *only* require civil rights restoration to become eligible. Many occupational licenses ex-felons can never obtain or have additional requirements beyond RCR that is required.

dehumanize criminals and treat them as sub-citizens. Former criminals retain this status and fall subject to invisible punishments even after their sentence is completed (Whitman 2003).

Punitive Attitudes and Invisible Punishments

While Whitman sees the denial of citizenship and respect as a fundamental element of the American system of criminal justice, others observe a more recent shift in the role of corrections – one that helps to explain the growth of invisible punishments over the past 30 years. Rehabilitation is no longer the primary goal of the criminal justice system, but instead crime control and incapacitation have dominated criminal justice policies through the era of mass incarceration (Simon 2007). The “nothing works” rhetoric made famous by Martinson’s (1974) critique of the prison system echoed the growing concerns over rehabilitation based penal policies. Attacks from both the left and the right over rehabilitation led to the downfall of the rehabilitative rhetoric that had dominated penal discourse. The rise of “law and order” politics and growing fear of crime compounded with the inability to accept a narrative of rehabilitation left the criminal justice system searching for a new goal (Flamm 2005). Crime control through incapacitation became the dominant ideology of the era of mass incarceration. Debates over the exact mechanisms that gave rise to this model will be discussed briefly. Many criminologists agree, despite the conditions that created this shift, that penal policies have accepted a new goal of crime control through incapacitation (Gottschalk 2006; Maruna 2001; Mauer 1999; Petersilia 2003; Simon 2007; Tonry 2004; Travis 2003; Wacquant 2001; Western 2006; Whitman 2003).

Shadd Maruna (2001) observes the current American narrative of the unredeemable villain. In his book *Making Good*, he opens with a discussion about the

novel *Clockwork Orange* by Anthony Burgess. In *Clockwork Orange* a key part of the original book – the 21st and final chapter – never appeared in American editions of the book, nor does it appear in the film by the director Stanley Kubrick. In the 21st chapter (symbolizing 21 years of age) the main character rejects his violent past and looks back on it with shame. As Burgess explained:

There comes a time, however, when violence is seen as juvenile and boring. It is the repartee of the stupid and ignorant. My young hoodlum comes to revelation of the need to get something done in life – to marry, to beget children, to keep the orange of the world turning in the rookers of bog, or hands of God, and perhaps even create something – music, say... It is with a kind of shame that this growing youth looks back on his devastating past. He wants a different kind of future. (Burgess cited in Maruna 2001:3).

This moral lesson was omitted from the final American version. Maruna (2001) explains that the omission of this chapter is reflective of the decline of a rehabilitative rhetoric among Americans. Present day American culture is deeply imbedded in the myth of the boogeyman: a purely evil entity preying on good souls (Maruna 2001). The downfall and subsequent challenges to rehabilitation are premised on the lack of a common narrative of the criminal gone straight.

Criminologists explain the decline in rehabilitation rhetoric by dramatic changes in social attitudes that have shifted towards more punitive policies. Michael Tonry (2004) argues that over time sensibilities fluctuate, and the past 30 years represents a shift towards a more punitive stance. He argues that crime policies follow social attitudes, which shift back and forth in their punitive level. During the 20th century social attitudes have fluctuated greatly. Social attitudes have moved from those of a helping/welfare society to one of a discipline society, thus creating the conditions in which invisible punishments, mass incarceration, more intensive community supervision, and various “wars” on drugs, sex offenders, and gun crimes can flourish.

Beckett and Sasson (2000) make a similar argument using Gramsci's theory of hegemonic strategies to link increased control by the criminal justice system as a response to changes in the perception of the undeserving poor. Similarly, Flamm (2005) argues that the change in policies are linked to attitudes surrounding racial backlash from the civil rights movement. Scholars have linked changes in the political economy away from Keynesian policies such as the New Deal and Great Society to Neo-liberalism to represent these attitude changes incited by the Civil Rights Movement and challenges to the dominant culture (Beckett and Sasson 2000; Gottschalk 2006; Flamm 2005; Western 2006). Important to this theoretical paradigm is a dramatic shift in hegemonic strategies of control reflected in ideological changes in attitudes (Gramsci 2000). It is argued that the dominant culture was able to maintain its position through the endorsement of the welfare state until The Civil Rights Movement directly challenged the authority of the dominant culture resulting in a shift in hegemonic strategies towards a more punitive based ideology. Tonry (2004) found support for this thesis by analyzing data from the General Social Survey (GSS), which provided longitudinal information on punitive attitudes over the past 30 years. Tonry concludes that there have been significant shifts in social attitudes towards more punitive treatment of criminals.

Jonathan Simon uses the analogy of waste management to describe the current state of corrections; one that has become preoccupied with processing large amounts of people through the system in the most efficient manner (Simon 2007, Feeley and Simon 1992). These dramatic changes in policy, arguably, created by changes in social attitudes have changed the primary function (and assumptions) of the criminal justice

system from one of rehabilitation to incapacitation. Release policies and practices have become less concerned with successful reintegration and have focused primarily on more efficient ways of processing and monitoring offenders (Simon 2007). Therefore, reintegration becomes a secondary goal to crime control, which is well associated with restricting liberties rather than granting them. Although many of these theories disagree over the mechanisms of change, they all acknowledge a fundamental change in the nature of punishment towards more punitive practices. If the primary assumptions of the corrections system have changed from that of possible rehabilitation to simply incapacitation, then ex-felon disenfranchisement policies may reflect the idea that this population is unredeemable.

Faced with the economic burden created by mass incarceration, invisible punishments have become a favorable and cheap adjunct to tough-on-crime policy (Travis 2002). Recently, Congress has used its financial power over states to implement invisible punishments. Travis argues that attaching them as riders to other pieces of legislation allowed them to be enacted outside the traditional judiciary committee review process. Further, Travis argues: “anyone speaking up in opposition to this legislature could easily be branded as ‘pro-criminal’ ” (Travis 2002:31). Thus, Congress has been able to successfully pass restrictions on various types of aid such as student loans, section 8 housing, welfare, and food stamps with little resistance. Unlike mandatory minimum sentence laws, which require great financial commitments, invisible punishments are economically attractive ways of promoting lawmakers’ tough on crime image. Recently, these policies have faced increased scrutiny as the financial costs of mass incarceration and the challenges of mass reentry have significantly

increased (Travis 2002). Many criminologists are now questioning the role of invisible punishments in the challenges of successful reintegration (Travis 2002; Petersilia 2003; Maruna 2001; Simon 2007; Tonry 2004).

Invisible Punishments and Reintegration

This section outlines the many challenges ex-felons face upon reentry and offers a discussion of how ex-felons attempt to “make good.”⁴ Important to this discussion is an understanding of the meaning that former prisoners attribute to their desistance in criminal activity. Finally, I will look at how ex-felons attribute meaning to the loss of their civil rights and the process of reintegration.

One of the main challenges to reentry is in understanding who is coming home. “Most of those released from prison today have serious social and medical problems. They remain largely uneducated, unskilled, and usually without solid family supports—and now they have the added stigma of a prison record and the distrust and fear that it inevitably elicits” (Petersilia 2003:3). Unfortunately, very few released prisoners receive adequate aid to help them cope with these problems. Instead, invisible punishments further restrict their access to education, employment, and social services. These policies leave many former prisoners in a position of failure, as the causes of their criminality remain untreated (Petersilia 2003).

Language

James Austin (2001) argues that reentry has become the new code word for “correctional reform.” He argues that reentry implies a reinstatement of parole supervision that has been under attack during the age of mass incarceration. The

⁴ To “make good” is one way in which former prisoners refer to criminal desistance (see Maruna 2001).

attack on indeterminate sentencing and parole reflects the fundamental change in penal policy from rehabilitation to incapacitation. The consequence of this change in penal strategy is the challenge of supporting a massive prison population. As the financial and social costs of this strategy have become more apparent, focus has been directed more towards addressing the issues that prevent former prisoners from successful reentry. Certainly this is not the first time that a term has changed names in an attempt to garner support for a paradigm shift (see Cohen 1985), which suggests a need to review the terminology used in prisoner reentry.

As noted, reentry seems to be a new term for an old idea (Austin 2001). Maruna et al. (2005) points out that “As a buzzword, ‘re-entry’ appears to connote something similar to previous terms such as ‘prisoners aftercare’ (Haines 1990), ‘throughcare’, (McAllister et al. 1992), ‘discharged prisoners’ aid’ (Soothill 1974), ‘reintegration’, ‘integration’, ‘parole’, and the currently preferred term in Britain, ‘resettlement’ (see Morgan and Owers 2001)” (p. 7) What all of these terms have in common is that they deal with the challenges former prisoners face in reestablishing themselves in the community. Travis and Visher (2005) define reentry as what “happens when incarceration ends” (p. 4). Thus, reentry is about the challenges former prisoners face in finding employment, housing, and rebuilding healthy relationships. In studying reentry, successful reintegration is dependant on rebuilding lives and community ties, not just preventing future criminal involvement. The concept of reentry and reintegration denotes more than just the absence of criminal activity; it also confronts the need to address the underlying causes of re-offending.

Travis and Visher (2005) define recidivism as “an arrest for a new crime,” but others have defined recidivism in both broader and narrower terms (p. 5). For instance, some researchers have relied on self-report surveys and include the committing of any new crimes as recidivism, whereas other researchers only include a conviction or arrest of a new crime as recidivism. Nevertheless, recidivism aims to measure new criminal involvement of a former prisoner (Blumstein and Larson 1971).

Desistance is a related term. It notes that a former offender has stopped engaging in illicit acts. Made popular by life-course criminology, desistance theory focuses on key events that precede the decline in criminal involvement (see Sampson and Laub 1990). Maruna (2001) explains two competing views of desistance. The first of these views desistance as a termination event. Thus, desistance is defined as “the voluntary termination of serious criminal participation” (Shover 1996:121). What this definition misses is the frequency with which individuals “terminate” their behavior. Mark Twain illuminated this concept with a joke about the difficulty of quitting smoking: “Giving up smoking is the easiest thing in the world. I know because I've done it thousands of times” (Schmidt 2009).

Maruna (2001) points out that in contrast to the termination model, desistance can be more accurately viewed as a maintenance process. Maruna writes, “The focus here is not on the transition or change, but rather on the maintenance of crime-free behavior in the face of life’s obstacles and frustrations- that is, when ‘everything builds up’ or one receives ‘some slap in the face’ ” (p. 26). From this perspective, researchers should focus on the conditions and factors, which allow a former prisoner to resist criminal

involvement rather than focusing on the event(s) which preempted the initial decline and termination of crime.

It is this latter view of desistance that seems more useful for reintegration studies, and in understanding how former prisoners are able to maintain their crime-free status and “make good.” Former prisoners do not use the language of termination, but instead ex-offenders use language like “going straight,” “making good,” or “going legit” (Maruna 2001:26). This terminology implies that the ex-offender is actively controlling their criminality. Maruna also finds that former prisoners prefer the terminology “recovery” as it implies a more active process than that of “rehabilitation.” When assessing successful reintegration more focus needs to be given to the process of recovery and the maintenance of desistance rather than focusing on a single turning point. Further, it has been suggested that invisible punishments have a drastic effect on the ability to successfully maintain criminal desistance.

Civic Engagement and Reintegration

Petersilia (2003) notes, “losing the right to vote is not the most pressing concern for most convicted felons, and few criminologists have considered its broader implications” (p. 133). Unlike unemployment, homelessness, and education, each of which can have immediate affects on prisoner reentry, the significance of losing civil rights are often submerged and only come to the foreground as an ex-offender contemplates permanent exclusion from civic life:

I really get kind of peeved when people say ‘give back to the community’ because I’m not a part of the community anymore as far as I can see... so when they [say], ‘What are you going to give back to the community for this and that?’ I’m like well, hey, community doesn’t want a damn thing to do with me, why should I go back and give anything to do with the community? (Former prisoner cited in Manza and Uggen 2006:162).

Civic reintegration is important in understanding how ex-offenders are able to desist from criminal activity. In order for ex-offenders to achieve successful reintegration it is essential that they “develop a coherent *prosocial* identity for themselves” (Maruna 2001:7, emphasis added). The former prisoner cited above has not done this, but instead has focused on his exclusion from the community. Along with work and family, civic reintegration is an important aspect of criminal desistance (Uggen, Manza, and Behrens 2004). By reintegrating an ex-offender into civic life as well as the community it allows them to (re)build a “prosocial” identity. Ex-felon disenfranchisement threatens to impede this goal by alienating the ex-offender from the civic processes that signify membership in the community. This creates potential friction for recovering offenders who attempt to demonstrate their maturity, but are no longer treated as adult citizens.

Theory of Sanctions

The Supreme Court has asserted that ex-felon disenfranchisement “is not a punishment but rather a non penal exercise of the power to regulate the franchise” (Trop vs. Dulles 1958:96-97). Nevertheless, others have argued that restrictions on voting rights are a form of punishment (Manza and Uggen 2004). Assuming ex-felon disenfranchisement exists partially as a punitive practice, it becomes necessary to evaluate the criminological impact of these forms of punishment. The following sections review criminological literature on the impact of sanctions for criminal offenders, focusing on deterrence, labeling, reintegrative shaming, and defiance approaches.

Deterrence

Deterrence theory is based on the work of the 18th century philosopher Jeremy Bentham and the ideas of utilitarianism. The basic assumption is that people make decisions based on weighing the costs against the benefits of their actions. To prevent

crime, the costs of criminal activity must outweigh the gains. Cesar Beccaria's (1764) classic work on crime and punishment outlines the basic tenets of deterrence theory. Beccaria argued that punishment must be certain, severe, and swift. Glueck (1928) makes the distinction between two types of deterrence: *general* and *specific*. General deterrence refers to the effect punishment has on preventing others from engaging in illicit acts. Nagin (1978) points out that the "imposition of sanctions on one person demonstrate to the rest of the public the expected costs of a criminal act, and thereby discourage criminal behavior in the general population" (p. 96). Specific (or special) deterrence refers to the effect that a punishment has in preventing future criminal acts (Glueck 1928). Andenaes (1968) defines specific deterrence as offenders who are "deterred by actual experience of punishment" (p. 78). Deterrence theory argues that punishment will deter future behavior through first hand experience of the cost of crime.

One of the major criticisms of invisible punishments is that they are widely unknown (Travis 2002). According to deterrence theory if the punishment is not well known, then its value as a general deterrent is reduced. Invisible punishments, including the right to vote, may have a specific deterrent effect, in that those who have lost rights as a consequence of their criminal involvement may be deterred from engaging in future crimes. Braithwaite and Mugford (1994) suggest that reintegration ceremonies, in which former offenders are recognized for their criminal desistance, have the potential to further aid in preventing future crimes. The civil rights restoration process in Florida has the potential to serve this function. Those who have endured the loss of their civil rights at some point in their life may find additional motivation to avoid criminal involvement in order to prevent undergoing the loss of these rights again.

Labeling

Labeling theory argues that punishment (sanctions) can increase the likelihood of re-offending by stigmatizing the offender. Lemert (1951) argues that the societal reaction to crime is important in understanding why criminals re-offend. The argument is that once individuals are labeled as deviant and treated as such their opportunities become limited and they internalize their label further affecting their self-identity.

Howard Becker (1963) describes how offenders are affected by labeling:

Social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an "offender." The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label (p. 9, emphasis in the original).

Labeling theory has roots in the symbolic interactionism perspective. Cooley's (1902) concept of the "looking-glass self," in which individuals base their self-identity as a reflection of their perceptions of how others view them, explains how deviant labels are internalized. Labeling theory suggests that if someone is viewed as a deviant, and treated in that way, then they are likely to internalize this label and act accordingly. Ex-felon disenfranchisement serves as a formal reminder that former offenders are "others." Labeling theory would suggest that this type of treatment is likely to increase the chances of re-offending.

Reintegrative Shaming

Braithwaite's (1989) theory of reintegrative shaming proposes that in order for punishment to be effective, it needs to shame the individual and be followed by gestures of reacceptance into the community. Braithwaite explains the benefits of shame: "When we shame ourselves, that is when we feel pangs of conscience, we take the role of the

other, treating ourselves as an object worthy of shame” (p. 74). He argues that shame is beneficial when it is applied in a reintegrative manner. Braithwaite expands:

Reintegrative Shaming means that expressions of community disapproval, which may range from mild rebuke to degradation ceremonies, are followed by gestures of reacceptance into the community of law-abiding citizens (p. 55).

Further, Braithwaite makes a distinction “between shaming that is reintegrative and shaming that is disintegrative (stigmatization)” (p. 55). He argues that disintegrative shaming “divides the community by creating a class of outcasts” (p. 55). In contrast, reintegrative shaming is “followed by efforts to reintegrate the offender back into the community of law-abiding or respectable citizens through words or gestures of forgiveness or ceremonies to decertify the offender as deviant” (p.100-101).

Braithwaite (1989) argues that reintegrative shaming works best in communitarian societies. He explains: “A communitarian society combines a dense network of individual interdependencies with strong cultural commitments to mutuality of obligation” (p. 85). He suggests that the United States has lower levels of interdependencies, and is likely to be more disintegrative than reintegrative.

Ex-felon disenfranchisement has the potential to invoke shame for former offenders who are affected. In addition, the civil rights restoration process has the capability to serve as a “ceremon[y] to decertify the offender as deviant” (Braithwaite 1989:100-101). The remaining question is whether or not the process is reintegrative or disintegrative. If the prolonged loss of civil rights for ex-felons only further stigmatizes them, then the benefits of this practice are diminished, as they are not reintegrated back into the community.

Defiance

Sherman (1993) argues deterrence and labeling may be on two extreme ends, where the reality is that punishment has a differential effect depending on ones social bonds and perception of the punishment as just and fair. Sherman adds to the deterrence and labeling perspectives by building on the work of Tom Tyler and John Braithwaite to form a more complex theory of how offenders respond to punishment. Sherman argues that if an offender believes that their punishment is illegitimate, then they are more likely to respond in anger and defiance. Sherman utilizes Tom Tyler's definition of legitimacy referring to the fair and equitable administration of justice. Tyler (2006) expands on the work of Thibaut and Walker (1975) creating a new way of viewing legal compliance. Tyler argues that legitimacy, defined as the just view of legal procedures and enforcement of the law is the most important factor in determining "why people obey the law."

Defiance theory focuses on four key concepts – legitimacy, social bonds, shame, and pride. Sherman hypothesizes that perceptions of sanctions can result in defiance, deterrence, or irrelevance depending on these factors. Sherman (1993) explains:

Sanctions provoke future *defiance* of the law (persistence, more frequent or more serious violations) to the extent that offenders experience sanctioning conduct as illegitimate, that offenders have weak bonds to the sanctioning agent and community, and that offenders deny their shame and become proud of their isolation from the sanctioning community (p. 448, emphasis in the original).

Sanctions produce *deterrence* of law-breaking (desistance, less frequent or less serious violations) to the extent that offenders experience sanctioning conduct as legitimate, that offenders have strong bonds to the sanctioning agent and community, and that offenders accept their shame and remain proud of solidarity with the community (p. 448, emphasis in the original).

Sanctions become *irrelevant* to future law breaking (no effect) to the extent that the factors encouraging defiance or deterrence are fairly evenly counterbalanced (p. 449, emphasis in the original).

Those ex-felons who have weak social bonds and perceive restrictions on their civil liberties to lack legitimacy may likely respond in anger and defiance putting them at higher risk of recidivism.

The Right to Vote

Ex-felon disenfranchisement exists at the intersection of punitive policies and practices of political exclusion. Practices of political exclusion are not new in the United States. Many of the historic policies and practices restricting voting have specifically targeted many of the same groups currently impacted by ex-felon disenfranchisement. To better understand ex-felon disenfranchisement, an examination of the history of voting contingencies is warranted.

Universal suffrage has become a global benchmark of democracy. Embedded in narratives of progress, the concept of “one person, one vote” has become one of the standards by which the modern state is judged. Universal suffrage appears in the United Nations Declaration of Human Rights. Article 21 subsection 3 reads: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” Considered a basic human right in the modern world, the right to vote has a long history of great turmoil and little consensus.

In the 18th and 19th centuries two major philosophical viewpoints emerged in the move towards democratization – that of the qualified enfranchise and of universal suffrage. John Stuart Mill (1859) argued that universal education needed to precede universal suffrage. Thus, only the propertied (educated) were “qualified” to determine the public good. The alternative viewpoint to Mill’s was that of universal suffrage, which

posited that all members of a society had a stake in the common good, and therefore all members should be granted the right to vote. Universal suffrage has become the dominant viewpoint in modern day democracies, but the history of the United States is deeply rooted in the idea of qualified enfranchisement. I will briefly explore the history of voting rights in the United States and discuss the extension of the right to vote.

Voting in the United States

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed (Declaration of Independence 1776).

Laying down the foundations of democracy, the founding fathers of the United States argued that governments should be granted the power to rule by those who are governed. The contradiction that emerges is whether all men (or women) should have an equal stake in governance. Clearly, this is a point of contention over the history of the United States. At various points in history, groups have been excluded from voting based on race, gender, age, religion, nationality, economic status, literacy, and property ownership (Keyssar 2000). Only after many years, a destructive and wrenching civil war, bitter political battles, and massive social movements, did all citizens gain the ability to vote – with the exception of criminals and the mentally ill.⁵

Keyssar (2000) has noted that the conventional narrative of “progress” is an oversimplification of the struggles and political climate contingencies in extending the franchise in the U.S. De Tocqueville best summed up the conventional story of democratic progress:

⁵ Each state sets qualifications on whether a felon, ex-felon, or mentally insane citizen can vote.

Once a people begin to interfere with the voting qualification, one can be sure that sooner or later it will abolish altogether. That is one of the most invariable rules of social behavior. The further the limit of voting rights is extended, the stronger is the need felt to spread them wider; for after each new concession the forces of democracy are strengthened, and its demands increase with its augmented power. The ambition of those left below the qualifying limit increases in proportion to the number of those above it. Finally the exception becomes the rule; concessions follow one another without interruption, and there is no halting place until universal suffrage has been attained (De Tocqueville cited in Keyssar 2000:XVIII).

Against this “inevitability” argument, Keyssar (2000) highlights contingency, suggesting that racial attitudes, class conflict, and war had more to do with the extension of franchise than the natural progression of democracy. He implies regression as well as progression. Understanding these complex interactions of race, class, and political change to the disenfranchisement of felons and ex-felons is helpful to keep in mind as many states restrict their right to vote (Inderbitzin et al. 2007). An examination of the history of disenfranchisement in Florida will further the understanding of current disenfranchisement policies.

Disenfranchisement in Florida

Florida adopted its 1838 territorial constitution as a state constitution on March 3, 1845, becoming the 27th state in the Union. Of the 27 states at the time, it was in the majority as one of the 21 states restricting voting based on race. In Florida’s original constitution only White citizens of the U.S. were permitted to vote:

Every free white male person of the age of twenty-one years and upwards, and who shall be at the time of offering to vote a citizen of the United States; and who shall have resided, and had his habitation, domicil, home, and place of permanent abode in Florida for two years next preceding the election at which he shall offer to vote; and who shall have at such time, and for six months immediately preceding said time, shall have had his habitation, domicil, home, and place of permanent abode in the County in which he may offer to vote, and who shall be enrolled in the Militia thereof, (unless by law exempted from serving in the Militia,) shall be deemed a qualified elector at all elections under this Constitution (Florida Constitution 1838, Article VI: Section 1).

Further restrictions on voting appeared in the adoption of the 1838 Constitution restricting criminal's civic participation: "The General Assembly shall have power to exclude from every office of honor, trust or profit, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, or other infamous crime" (Florida Constitution 1838, Article VI: Section 4). Also, "laws shall be made by the General Assembly, to exclude from office, and from suffrage, those who shall have been or may thereafter be convicted of bribery, perjury, forgery, or other high crime, or misdemeanor; and the privilege of suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices." (Florida Constitution 1838, Article VI: Section 13). The idea that voting is a privilege and one that is forfeited when convicted of a criminal act is clearly articulated in the language.

On January 10, 1861, Florida seceded from the Union and joined the Confederacy. After the Civil War, the First Reconstruction Act of 1867 mandated that former Confederate states had to extend male suffrage without regard to race in order to rejoin the Union. Florida refused to comply and denied Blacks the right to vote in their 1865 Constitution. Further, Florida rejected the Fourteenth Amendment and created crimes targeting freed Blacks in the state (Chin 2004).

In 1868, Florida convened the second post-war Constitutional convention where suffrage was granted to Black men. The 1868 Constitution allowed the legislature to set education requirements; however, none were set. It also reestablished criminal disenfranchisement: "Nor shall any person convicted of felony be qualified to vote at any election unless restored to civil rights" (Florida Constitution 1868, Article XIV: Section 2).

Further, the 1868 Constitution extended disenfranchisement to misdemeanors such as larceny:⁶

The Legislature shall have power and shall enact the necessary laws to exclude from every office of honor, power, trust, or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make or become, directly or indirectly, interested in any bet or wager, the result of which shall depend upon any election (Florida Constitution 1868, Article XIV, Section 4).

In 1870, passage of the Fifteenth Amendment guaranteed the equal right to vote regardless of race, color, or previous condition of servitude. The Fifteenth Amendment is often noted more for what it did not say than what it actually did. Despite the Fifteenth Amendment's ban on racial discrimination, many former Confederate states created ostensibly non-racial barriers to prevent Blacks from voting. These included literacy requirements, poll taxes, grandfather clauses, and criminal disenfranchisement. As a result, "voting rights continued to be a legal fiction for people of color – particularly blacks – in many parts of the South despite Constitutional protections" (Florida Advisory Committee to the United States Commission on Civil Rights 2008:4).

These types of discriminatory voting practices occurred in Florida. From 1880 to 1910, Florida passed legislation permitting "literacy tests, property qualifications, 'grandfather clauses' and other measures to disenfranchise black voters" (Florida Advisory Committee to the United States Commission on Civil Rights 2008:4). In 1885, an amendment to the state constitution allowed for tax requirements to be placed on voting: "The legislature shall have power to make the payment of the capitation tax a prerequisite for voting, and all such taxes received shall go into the school fund"

⁶ A crime that Blacks were charged with at much higher rates.

(Keyssar 2000:354). In 1889, the Florida legislature set the poll tax at \$1.00⁷ and remained in place until 1938. These policies had a dramatic impact on the Black vote. Black male turnout went from 62 percent in 1888 to 11 percent by 1892 (Florida Advisory Committee to the United States Commission on Civil Rights 2008). Further evidence of the electoral consequences of these policies is that Josiah Thomas Walls (a former slave and Union soldier) was elected to Congress in 1870 becoming the first and only elected Black Congressman from Florida until the 1990s.

In 1902, the Florida Democratic Party adopted a “White primary” policy that excluded Blacks from the nomination process for the general elections. Given the dominance of the Democratic Party at the time, this essentially prevented Blacks from voting in the only election that really mattered. Even after the Supreme Court struck down the Texas’s White-only primary in 1944, Florida continued to allow political parties to restrict membership based on race (Florida Advisory Committee to the United States Commission on Civil Rights 2008). In 1965, after the murders of civil rights workers registering Black voters in Mississippi and the violent attack on a voting rights march perpetrated by Alabama State Troopers, the Voting Rights Act of 1965 was passed prohibiting racial discrimination against voters.

In 1968, Florida revised the state constitution limiting disenfranchisement to only felony convictions: “No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability” (Florida Constitution 1968, Article VI: Section 4). It is under this provision that the current ex-felon disenfranchisement policy remains.

⁷ An equivalent value of \$23.27 in 2009 currency using inflation adjustments with the Consumer Price Index (CPI).

Currently, in the state of Florida, when an individual is convicted of a felony crime the Department of Corrections notifies the Florida Division of Elections and that individual endures the loss of voting rights, the right to serve on a jury, and the ability to hold an elected office. The process to regain these rights is a long, often difficult, and in some cases an impossible task. Ex-felons become eligible for the restoration of their civil rights upon completion of their sentence and all forms of supervision. At level 1, the lowest level of offenses (non-violent felonies), the Department of Corrections automatically sends a list to the Parole and Probation Commission (see Table 2-1).⁸ The Parole and Probation Commission review these lists and once they can determine that 1) all terms of their sentence have been fulfilled, 2) all restitution has been paid (in any jurisdiction), and 3) they have no other convictions or arrests pending (in any jurisdiction) they then approve the individual and send their information to The Executive Clemency Board for the governor, chief financial officer, commissioner of agriculture, and the attorney general for an “automatic” approval signature. This process is greatly impeded by an underfunded and highly burdened Parole and Probation Commission.

For more serious level 2 and level 3 offenses the process becomes exponentially more difficult. For level 2 offenders, consisting of violent and habitual offenders (see Table 2-1), an in-depth review by the Parole and Probation Commission is required and then sent to the Executive Clemency Board which look over the case files and either approves or denies their rights restoration. Level 3 offenders, consisting of sex offenders and homicide offenders, are required to go before the Executive Clemency

⁸ Governor Charlie Crist dramatically changed this process in April 2007. Prior to the rule change most ex-felons had to apply for rights restoration and go before the Executive Clemency Board.

Board in Tallahassee at one of its quarterly hearings to have their cases heard. Any offense can be considered at a higher level based on the governor's discretion. Currently for level 3 offenders there is a four to seven year backlog and even once their cases are heard there is little certainty that they will have their rights restored. If denied rights restoration, which is a common occurrence, the ex-felon must wait two years before re-applying.

Many former offenders face problems when having their rights restored due to the complexity of the restoration system, inaccuracies in state data, and problems with making restitution payments. Changes made by Governor Charlie Crist in April 2007 were intended to make it easier for lower level offenders to have their rights restored. Despite these changes, Florida remains one of the top disenfranchisement states. In 2004, it was estimated that close to a million people in the state of Florida were prohibited from voting (Manza and Uggen 2006). Since the rule changed in April 2007, only 115,000 ex-felons have had their rights restored (Florida Advisory Committee to the United States Commission on Civil Rights 2008). Of this group, many of the ex-felons still remain unaware that their rights have even been restored. Outdated addresses, a lack of effort to properly notify ex-felons of their rights restoration, and conflicting information from voting officials prevent many eligible ex-felons from ever making it to the polls. The differential effect of these policies on minorities' civil rights is alarming. With over one in ten Blacks in the state unable to vote due to a felony conviction, the racial implications of ex-felon disenfranchisement are astounding. Many have argued that ex-felon disenfranchisement serves as an effective way to keep minorities from voting (Hull 2006). With restitution payments preventing many

Floridians from restoring their rights, many have argued that these essentially serve as defacto poll taxes that bar ex-felon minorities from the voting booths.

Ex-felon disenfranchisement has been cast as one of the ways the Black vote in Florida has been suppressed. Elizabeth Hull (2006) argues that ex-felon disenfranchisement exists as a mechanism to prevent minorities from voting. She states, "Not all disenfranchisement laws are intentionally racist... but they have nevertheless succeeded in banning Blacks from the polls at rates last seen during the heyday of the Jim Crow era" (p. 27). Manza and Uggen (2006) argue that without ex-felon disenfranchisement the electoral outcome of the past decade would look completely different. They suggest that if as little as 15 percent of the disenfranchised voters in Florida had made it to the poll in 2000 George W. Bush would not have taken the presidency. Furthermore, Governor Jeb Bush's policies and practices on preventing ex-felons from voting directly impacted the outcome of both his brother's elections (Hull 2006, Manza and Uggen 2006).

Ex-felon disenfranchisement has become an important issue as a growing segment of the population has lost the right to vote. Furthermore, the impact these policies have on ex-offender's self-identity and successful community reentry remains vastly unknown.

Table 2–1. Restoration of civil rights process by different level

	Eligibility	Procedure
Level I	<p>No violent offenses (see Appendix E: Level I).</p> <p>And</p> <p>Not declared a habitual violent felony offender, a 3-time violent felony offender, violent career criminal, prison releasee reoffender, sexual predator.</p>	<p>Rights are restored without a hearing.</p> <p>Ex-offenders in Level I are not required to apply for rights restoration.</p>
Level II	<p>Convicted of offenses more severe than Level 1 offenses, except murder and sex offenses (see Appendix E: Level II).</p> <p>Not declared to be a sexual predator.</p> <p>Or</p> <p>15 years arrest and crime free.</p>	<p>Rights may be restored without a hearing after a mid-level investigation. If civil rights are not restored without a hearing, then the case can be considered at a hearing after a full investigation, if you notify the Office of Executive Clemency that you want a hearing.</p>
Level III	<p>Convicted of murder or sex offenses, sexual predators and those not approved in Level I or II.</p>	<p>Full investigation and hearing.</p>

Source: Rules of Executive Clemency 2007.

CHAPTER 3 RESEARCH METHODOLOGY

Introduction

The goal of this research is to conduct the first comprehensive examination of ex-felon disenfranchisement and the process of rights restoration. In doing so, this research employs 1) a comprehensive evaluation of state records from the Executive Clemency Board focusing on predictors of successful rights restoration, 2) a qualitative assessment of the process of rights restoration and the Executive Clemency Board's quarterly convening, and 3) 54 in-depth semi-structured interviews with ex-offenders who are disenfranchised. This diverse methodological strategy is used to triangulate the impact of ex-felon disenfranchisement and to better understand its impact on successful reintegration into the community. This chapter outlines each of these research strategies and discusses how they are implemented.

Setting

Florida is an excellent case study because it is among the states that have most fully embraced disenfranchisement policies and practices in recent history. Florida currently disenfranchises more felons than any other state, with recent estimates ranging from 600,000 to 1.2 million. The impact of disenfranchisement has differentially affected the Black communities with 10 to 14 percent of Blacks ineligible to vote in the state.⁹ Estimates suggest that as high as one in three Black men cannot vote in Florida (Manza and Uggen 2006). Ex-felon disenfranchisement in Florida has received increased attention in the wake of the close 2000 and 2004 presidential elections, spawning questions over the racial implications, history, and effects of these laws.

⁹ In 2004, nine percent of the adult population was disenfranchised in Florida (King 2008).

Large increases in incarceration have drastically increased the scale of ex-felon disenfranchisement. As a consequence, unprecedented (in contemporary history, in any event) numbers of Floridians have lost their right to vote. Although Florida is not the only state that practices ex-felon disenfranchisement, it is an extreme example and offers a unique opportunity to study the impacts of civic exclusion. Although the focus of this study is exclusively on the disenfranchisement of ex-felons in Florida and its unique system of restoration, many of the issues explored can better the understanding of civic exclusion, reintegration, and bureaucratic processes.

The Executive Clemency Board

Rights restoration in Florida is a unique and complex process that is largely void of transparency. Unlike criminal justice processes that are open to the public (public hearings, public court records, public dispositions, etc.), the process of rights restoration in Florida remains mostly hidden from public record. This partially accounts for the large discrepancy in published estimations of those who are ineligible to vote in Florida. The complex set of rules, along with confusion over them at every level of the bureaucracy, has produced a system where many remain unaware of their voting status. I employed several strategies to better understand which ex-felons get their rights restored, including an evaluation of records from the Executive Clemency Board, observation of the hearings, and interviews with ex-felons about the process.

The Executive Clemency Board has the authority to restore the civil rights of an individual who has forfeited them by receiving a felony conviction. The Constitution of Florida allows for the governor and his cabinet to use their discretion in granting clemency. Because the governor and his cabinet have ultimate authority, this process exists outside of the normal checks and balances of the criminal justice system. The

applicant for clemency has no entitlement to due process, nor is the governor required to give a reason for denying their petition. The particular operations of this system raise the question of whether or not this system favors certain groups or types of applicants over others. In order to answer this question, I used records from the public hearings of the Executive Clemency Board over the past six years to evaluate predictors of rights restoration. In addition, observations of four Executive Clemency Board hearings, along with interviews with ex-felons who have experienced this process, were conducted to advance the knowledge of these proceedings.

Six Years of Hearings

One of the great challenges to research on rights restoration is that records are held confidential¹⁰ and neither the Governor's Office nor the Florida Parole Commission evaluates them to determine if bias exists. In order to analyze data on the rights restoration process, I was limited to using the only part of the process that is open to the public, the meeting agenda. As stated in Chapter 2, not all ex-felons are required to go through the process of a formal hearing, and these requirements have changed from one governor to the next and even in the middle of a governor's term. To give a better understanding of the current process of rights restoration, I evaluated the meeting agendas over the past six years: 2004-2009. The timeframe of six years was chosen to allow for an analysis of changes in trends and to make a comparison between Governors Jeb Bush (3 years) and Charlie Crist (3 years). In addition, this time period

¹⁰ "Due to the nature of the information presented to the Clemency Board, all records and documents generated and gathered in the clemency process as set forth in the Rules of Executive Clemency are confidential and shall not be made available for inspection to any person except members of the Clemency Board and their staff. Only the governor and no other member of the Clemency Board, nor any other state entity that may be in the possession of Clemency Board materials, has the discretion to allow such records and documents to be inspected or copied" (Rules of Executive Clemency 2007:14).

encompassed two presidential elections and varying political climates. These six years of data collected from the Executive Clemency Board were then used to evaluate the predictors of having one's rights restored. This rich data allowed me to perform the first analysis of systematic patterns in the process of rights restoration.

The meeting agendas were formally requested through the Florida Parole Commission in accordance with Florida's Sunshine Laws (88 pages were received). The information contained on the agenda included the type of petition, individuals legal name, favorable or unfavorable recommendation by the Florida Parole Commission, and whether the applicant attended. The agendas sent to me contained the Coordinator of the Office of Executive Clemency, Janet Keels, personal notes that marked the disposition and any other relevant notes including whether a victim was present or a victim statement was read. Over the six years the Executive Clemency Board held 23 meetings. It meets four times a year (March, June, September, December), except in 2008 the board only met three times (February, June, October). The ECB would not state a reason for why the board only met three times in 2008, but it is likely that scheduling conflicts were the primary concern.

In order to gather background information on the ex-offenders, I used a commercial criminal records search engine. For a monthly fee the search engine allowed criminal records to be located using offender names. The database also allowed searches to be limited to ex-offenders who had Florida criminal records by selecting Florida as a search parameter.¹¹ This methodology has several limitations,

¹¹ Although those who have convictions in other states are allowed to go through the process of rights restoration as long as they are a permanent Florida resident, the original jurisdiction in which they are convicted has the authority to restore their voting rights. Because the process to restore civil rights in Florida is more difficult than most states those who did not have Florida convictions were excluded.

but was able to illuminate patterns among ex-offender characteristics that made them more likely to have their rights restored.

Ironies abound in this particular methodological approach, ironies which deserve some elaboration. Even after an ex-offender has their rights restored, in many cases their criminal records will continue to be readily available on the Internet for a minimal fee. The use of criminal background checks has dramatically increased, and more states are now making them available online (Blumstein and Nakamura 2009). A survey conducted by SEARCH (2001), revealed that 13 of the 37 reporting states allowed individuals to purchase criminal records over the Internet. Florida is one of these states that provides criminal histories containing everything on the file (that has been entered into the computer). The accuracy of these records has been questioned (SEARCH 2005) and often records are incomplete or contain inaccurate information.

Along with possible inaccuracies with this data there was also a significant amount of missing data. I will briefly discuss some of the reasons why I was unable to retrieve records for some of the ex-felons. More common for women than men, some of the missing cases can be attributed to legal name changes preventing the names on the agenda to be connected to the name on the criminal records. This is one clear limitation of this methodology. The date of the criminal offense may also complicate locating a criminal record. Some of the electronic county records in the state of Florida only go back as far as 1997, whereas others go back much further. Thus, if an offense occurred before the start of records in the database for a particular county then the individual may not be in the database (see Appendix C). In many cases, older records

have been entered into these databases, but certain offenses such as sex offenses and homicides may be more likely to be represented in the database than lesser offenses.

Another issue of concern is the problem of duplicate names. In some cases when common names were entered into the database several records came up for different people with felony convictions. The information was omitted when this happened, and there was no way to be sure which ex-felon was the one who was petitioning for clemency (see Chapter 4 for a complete discussion on missing data).

The analytic strategy for exploring these records was to first look at trends over the past six years in the granting of clemency. Next, correlations were evaluated between attendance, offense type, victim's presence, FPC recommendation, race, sex, and the disposition. The final component of this analysis was to perform a multivariate logistic regression analysis to isolate the effect of these predictors on disposition while controlling for other factors. Chapter 4 explores the results of this analysis and provides further discussion.

Observations

The Executive Clemency Board convenes four times a year and offers an opportunity for ex-offenders to speak before the governor and his cabinet to ask for the restoration of their civil rights. The Florida Parole and Probation Commission provides the governor, attorney general, chief financial officer, and commissioner of agriculture with their recommendations. Victims are notified and sometimes speak at these hearings or have statements read. To supplement the quantitative assessment of this process, I provide a detailed account of these hearings and an evaluation of ex-felons' arguments and the decision process.

I attended the four hearings during 2009 (March 12, June 11, September 24, and December 10). During these hearings I used an electronic recording device to record parts of the hearing. In addition, I took notes on the interactions between the governor, his cabinet, petitioners, victims, and staff members present at the hearings. I provide in detail some of the successful strategies implemented by ex-felons in seeking clemency along with those less successful. I give detailed accounts of the various formalities of the process, along with an assessment of these public hearings and how they were conducted. Chapter 5 contains the results of this analysis along with providing official data from the audit of the Florida Parole Commission during this time period. Further, personal interactions with the Governor's Office and the Florida Parole Commission are discussed. The results from this analysis can also be found in Chapter 5.

Interviews

The final component of the analysis of the Executive Clemency Board was derived directly from those who had experienced it. Interviews were conducted with four ex-felons who presented their petition to the governor during the time period. During the interviews I asked them about their experiences with this process. I analyzed both their speeches to the governor and his disposition in these cases. In addition, I supplement their performances with their own assessments of the hearings. This analysis is discussed in Chapter 5 and allows for both an objective and subjective account of their strategy and experience with the Executive Clemency Board.

Understanding Ex-Felon Disenfranchisement

The final and most substantial component of this research is 54 in-depth interviews with ex-offenders. Participants were recruited through various organizations with the goal of ensuring a diverse sample of ex-felons. Ex-offenders were recruited

from halfway houses, recovery groups, faith-based reentry groups, ex-felon advocacy groups, and through community outreach programs. This strategy produced an interview population with a representative range of felony offenses who were at various stages of community reintegration. The primary goal of these interviews was to better understand the impact ex-felon disenfranchisement has on self-identity and the reintegration process. The interviews had two main points of focus. The first was to understand the meaning ex-offenders attribute to the loss of their basic civil rights after their criminal sentence. The second was to examine the impact the loss and the restoration process had on the ability of ex-offenders to successfully reintegrate into the community.

This study focused on the meaning that is attributed to the loss of voting rights for ex-offenders. It is important to note that this research did not focus on the electoral effects of disenfranchisement, but concentrated on how the loss of these rights affect ex-offender's self-identity. Furthermore, whether the individual would vote was not as important as the meaning they attributed to the loss of this right. Prior research on this topic has primarily focused on the electoral effects of these policies except for one notable chapter in Manza and Uggen's (2006) book *Locked Out*. This chapter used interviews with 33 current prisoners in the state of Minnesota to assess the impact of disenfranchisement on civic reintegration. This research extends this one promising study by assessing how ex-felons interpreted the loss of their civil rights.

Literature on reintegration suggests that self-identity plays a vital role in desistance maintenance. Without a vote, ex-offenders are not treated as full citizens and the impact this has on self-identity and the formation of a "prosocial" identity is unknown.

Using Florida as the setting, this research explored if ex-felon disenfranchisement impacts the ability of former offenders to successfully reintegrate into their communities by examining the meaning they attributed to these policies and evaluating what effects this has on their self-identity.

Methodology and Research Design

I used semi-structured active interviews, which posed a series of open-ended questions to ex-offenders, to better understand how they viewed the loss of their civil rights and the restoration process. Open-ended interviews and narrative analysis permit for a systematic look at patterns of perception among ex-offenders, especially the issue of civic exclusion and its relationship to desistance maintenance. Vital to this perspective is an assessment of agency among the sample. As Maruna (2001) has noted, the language of rehabilitation lacks this element, suggesting that breaking the cycle of criminality is outside of the control of the ex-offender. In contrast, the use of the language of recovery suggests a level of agency in maintaining their abstinence from crime. Charles Terry (2002), reflecting on his own narrative of recovery, emphasized the critical elements of change, observing: “At times, it seems that I am living in a different world. In many ways, this is true. In retrospect, it seems that my ever-changing self-concept and subsequent behavior have been affected by how I have interacted with and interpreted the sociohistorical circumstances, conditions, events, and people in my life – all of which are always changing as well.” (Terry 2002:2).

The main focus of analysis was on how ex-offenders perceive their life narratives and the effect ex-felon disenfranchisement played on their “recovery” process. Maruna (2001) suggests that in order for ex-offenders to achieve successful reintegration it is essential that they “develop a coherent prosocial identity for themselves” (Maruna

2001:7). Therefore, this study will pay close attention to the ways in which disenfranchisement or rights restoration impacted the development of a prosocial identity. This will aid in assessing one of the primary goals of this research by identifying if ex-felon disenfranchisement had an effect on the desistance maintenance process. Further, the ex-offender's narrative will be taken very seriously. In order to understand the impact disenfranchisement has it is important to understand how the ex-offenders perceive their own civic exclusion.

Sample Size and Representation

To date, only one other study has examined the effects of disenfranchisement on reintegration. The current study differs in many ways from Manza, Uggen and Behrens' (2006) study conducted in 2001. Most importantly, Manza, Uggen, and Behrens looked at felons who were incarcerated, on parole, or on probation. In the state of Minnesota, where these authors conducted 33 interviews with felons, the right to vote is restored after the completion of their criminal sentence and supervision. In the state of Florida that is not the case: ex-felons remain ineligible to vote until they go through the process of rights restoration. Furthermore, this research is the first study to examine how ex-felons perceive the loss of their voting rights after the completion of their sentence and supervision.

The sample of ex-felons was intended to be diverse, though not necessarily representative of the entire population of ex-offenders. Each respondent was evaluated based on the meaning they attribute to the loss of their civil rights and the effects this has on their self-identity. Various narratives were assessed to generalize about the meaning these events have for the respondents.

Due to the lack of research in this field, a sample of 54 ex-felons aids our understanding of how individuals attribute meaning to disenfranchisement. This sample size is large enough to make a useful survey of the meaning ex-felons attribute to disenfranchisement and provides for diversity in their narratives. This study explores a substantially different population from that of Manza, Uggen, and Behrens (2006). Although Florida is unique in its history of disenfranchisement and current policies, the meaning ex-felons attribute to disenfranchisement and general themes from the interviews should enrich our accounting of the impact of disenfranchisement on reintegration.

Management and Organization

I conducted the interviews with ex-offenders beginning in April 2009 and concluded in November 2009. Participation in this research was voluntary and each interviewee was given an informed consent form (see Appendix D) and told that their participation was voluntary. Interviews were recorded using two digital electronic recording devices (one served as a backup). Prior to the start of the interview the participants were given a questionnaire to complete (see Appendix B). In most cases, the interviewee filled out the questionnaire on their own. In several cases I had to explain the meaning of a question, and in a couple of cases I had to read the questions to them and fill out the questionnaire on their behalf (due to illiteracy). The interviews took place in quiet, private settings and were exclusively conducted by me. The majority of the interviews took place within ex-felon reentry type facilities (in backrooms of centers, churches, and halfway houses). A few interviews were conducted at the university in a private office, or in the back of a coffee shop close to the interviewee. Several undergraduate research assistants and I transcribed the interviews.

Data

Fifty-four interviews were conducted with ex-felons at various stages of community reintegration. Former offenders were recruited through various groups that had contact with ex-offenders. To be eligible for the study, interviewees had to be convicted of a felony, in completion of all terms of one's sentence (parole and probation completed), and unable to vote in the state of Florida because of their conviction. Only men were recruited for the study. The goal of recruitment was to produce a diverse group of ex-offenders at various stages of reintegration (see Table 3-1). Ex-offenders were recruited from faith-based reentry groups (19), halfway houses (15), rehabilitation centers (9), community outreach groups (4), Executive Clemency Board hearings (4), and voting rights organizations (3). Participants were from various geographic regions throughout the state including North Florida (27), Central Florida (14), and South Florida (13).

There was a large amount of diversity in the offenses committed by the ex-felons. The four ex-offenders who had engaged in homicide included a first-degree murder conviction, second-degree murder, voluntary manslaughter, and DUI vehicular manslaughter. There was one sex offender, seven convicted of robbery, and eight assaults. The rest of the offenders had non-violent convictions consisting of burglary (7), larceny (8), motor vehicle theft (2), and various types of drug offenses (10). Three individuals had convictions for habitual driving on a suspended license or habitual DUI. The majority of offenders had between two and five felony convictions. Fifteen ex-offenders had over five felonies and several had over ten. There were twelve participants with only one felony conviction. There was also a large variation in sentences, from probation to over twenty years in prison. Some reported being clean

for over thirty years while others for just a couple of days. Based on the participants' responses, of the 54 former offenders, 25 (46 percent) would qualify for level 1, 21 (39 percent) would qualify for level 2, and eight (15 percent) would qualify for level 3 investigations to have their rights restored.

Among the sample there was a wide range of diversity in the demographic characteristics. Thirty-five participants were White representing 65 percent of the sample and nineteen participants identified themselves as being Black representing 35 percent of the sample. The average age was 45 years old with a range from 21 to 63. The majority reported being employed (56 percent), but the average annual income was between \$10,000 and \$15,000. There was a large range in occupations including: a former professional athlete, social worker, painter, cook, construction worker, plumber, counselor, welder, electrician, truck driver, student, and tattoo artist. There was also a large range in education. Five participants never attended high school, seven had some high school, and 25 graduated from high school, while 17 had received their GED. There were 19 participants with some college, four with college degrees, and two with graduate degrees.

Among the sample there was variation in the political and religious beliefs of the participants. The majority of individuals identified themselves as being Democrat with 57 percent (31) of the sample. Fifteen percent (8) of the sample identified themselves as being Republican, and 19 percent (10) best identified themselves as being an Independent. Five individuals reported being apathetic towards voting or having other political views. The majority of the sample was Protestant with 70 percent (38) of the

sample. There were nine Catholics, one Jewish subject, and five people who reported not being religious.

Interview Strategy

Manza and Uggen (2006) argue that “*why* offenders hold the political views they do, and *how* are those views driven by underlying values or dispositions, are [questions] not well captured by a survey instrument (however well designed)” (p. 137, emphasis in original). Furthermore, to understand the meaning that individuals place on civic engagement, interviews “allow felons to articulate their views within their own frames rather than those provided by survey questions” (Manza and Uggen 2006:137). Following these same assumptions, this research employed in-depth interviews to explore the relationship between disenfranchisement and reintegration.

This research employed an active semi-structured interview style, where an interview instrument was used to ask general questions and allow for respondents to tell their story. Predetermined themes were addressed by probing questions that were used to facilitate narrative construction. What makes this an active interview is that both the interviewer and the respondent were actively participating in *meaning construction*. Holstein and Gubrium (1995) argue that “all interviews are interpretively active, implicating meaning-making practices on the part of both interviewers and respondents” (p. 4). Taking a social constructionist approach they view the interview process as a “reality-constructing” and “meaning-making” occasion. From this perspective, the goal of the interview was to actively participate in constructing and interpreting the meaning of events. This is different from an interview aimed at producing some type of survey-like response. Instead, “The model of a ‘facilitating’ interviewer who asks questions, and a vessel-like ‘respondent’ who gives answers, is replaced by two active participants

who jointly construct narrative and meaning” (Riessman 2008 p. 23). The primary goal of this research was to understand the meaning that ex-offenders attribute to the loss of their voting rights and the effects this may have on self-identity. By using the active interview I was able to use a series of probing questions to aid the respondent in constructing and interpreting the meaning of these events.

The interviews took, on average, approximately a half-hour with some as short as fifteen minutes and others well over an hour. These interviews were guided by an open-ended set of questions (see Appendix A). The interview instrument was modeled on Manza and Uggen’s (2006) instrument, but many of the questions were modified to gauge the meaning of civic exclusion and its impact on reintegration efforts. Questions pertaining to political preferences and involvement were omitted. Furthermore, the interview instrument was designed to assess three major themes: civic meaning, civic inclusion, and reintegration.

Civic Meaning

One of the major themes that the interview instrument explored was what civic participation means to ex-felons. Questions were asked to assess how ex-felons learned about the loss of their right to vote and what their reaction was to this information. For example respondents were asked: “How did you find out about losing your right to vote? Have you had your rights restored? Have you voted since then? Why or why not? What do you understand your voting rights to be?” One of the goals of the interview was to elicit respondents’ experiences and understanding of disenfranchisement. Respondents were asked: “Do you think elections are a good way to make the government pay attention to what people think? Do you think that people

like you have a say about what government does?” These questions were intended to challenge the respondent to construct what civic participation means to them.

Civic Inclusion

Another major theme of the interview was to assess whether ex-felons feel like they are part of their community. Questions asking respondents to interpret what community means to them were asked: “The word ‘community’ has a lot of different meanings. A lot of people that I’ve talked to mention the word ‘community’ –saying things like ‘I want to give back to my community.’ What do you think of when you hear the word ‘community’?” This question was intended to have the respondents construct what they think community means to them. Furthermore, questions were asked to assess whether the respondent felt part of a larger community. Other questions were intended to question what community involvement means for them: “Should people who have been in trouble with the law help out their communities?” These questions allowed for the respondent to construct meaning and interpret if they felt that they have “paid their debt to society” and wanted to give back to their greater community.

Reintegration

Another major theme that the interview instrument focused on was community reintegration. Questions were asked to assess what factors have either helped or hindered community reintegration: “Aside from voting and politics, I’m interested in how people who’ve been in the criminal justice system eventually move away from crime. Could you describe things in your life that have moved you away from crime—or pulled you into crime? Can you name any turning points in your life?” These questions were asked to allow the respondent to construct a personal narrative and actively interpret how life events played a part in their criminal involvement.

Analytical Strategy

One of the goals of this research was to determine the meaning ex-felons attributed to the loss of their voting rights and to evaluate the impact that this loss of voting had on successful reintegration. Themes of civic meaning, civic exclusion, and reintegration were evaluated (see Appendix A). To assess what meaning ex-felons attribute to the loss of voting rights, special attention was given to themes of increased punitiveness towards criminals, racial prejudice, and political suppression.

Assessments of the impact of disenfranchisement on self-identity were based on themes of exclusion versus inclusion. Probing questions were used to assess the degree to which respondent had reintegrated into their community. Themes of whether the respondents viewed themselves as part of the community or outside of the community were evaluated.

Ex-offenders were categorized into groups using common themes that best represent how they perceive civic exclusion in impacting their ability to stay clean (desistance maintenance). Ex-offenders were categorized into four ideal types to better understand the effect that voting disenfranchisement has on reintegration. These four groups include those ex-offenders who were directly impacted by civic exclusion, those who were indirectly impacted by civic exclusion, those who were not impacted by civic exclusion, but argue individual responsibility was more important, and those who did not view voting as being important and were not impacted.

Each interview was analyzed to determine which of the following groups best represented their view of voting exclusion's impact on reintegration: direct impact, indirect impact, individual responsibility, and low salience. Although the entire interview was analyzed for themes of voting and reintegration, specific questions asked at the

end of the interview instrument were designed to facilitate a response to their perception of the role of voting and reintegration. The following questions were asked:

Do you think that losing rights because of your criminal conviction has made it more difficult to stay clean or out of trouble with the law?

Do you think that losing the right to vote makes it tougher to stay clean or out of trouble with the law?

Is voting a small or large factor compared to other issues?

The focus of this analysis was based on the response to these questions and other comments made by participants relative to the role of voting and reintegration. The results of this analysis appear in Chapter 7 and are discussed in great detail.

Table 3–1. Ex-offender sample characteristics

Age	Occupation	Race	Income	Education	Currently Employed	Political Affiliation	Religious Affiliation	Recruitment Source	Location	Level for RCR
21	Not Given	Black	< 5k	Some HS	No	Dem.	Catholic	Rehab.	South	Level 1
21	Construction	Black	10k-15k	GED	No	Dem.	Protestant	Faith-based	North	Level 2
30	Carpenter	White	25k-35k	HS grad	Yes	Rep.	Protestant	Faith-based	North	Level 2
33	Electrician	Black	15k-25k	Some college	Yes	Dem.	Protestant	Outreach	Central	Level 2
35	Tattoo Art.	White	15k-25k	GED	Yes	Ind.	Not Relig.	Outreach	Central	Level 2
35	Cook	Black	10k-15k	Some HS	No	Dem.	Protestant	Faith-based	Central	Level 1
36	Sales Rep.	White	< 5k	No HS	Yes	Ind.	Protestant	Rehab.	South	Level 1
37	Painter	Black	35k-50k	Some college	Yes	Dem.	Protestant	Outreach	Central	Level 2
37	Bricklayer	White	10k-15k	GED	Yes	Dem.	Protestant	Faith-based	North	Level 3
37	Carpenter	White	15k-25k	Some college	Yes	Dem.	Catholic	Rehab.	South	Level 1
37	Eng. Tech	Black	25k-35k	Some college	Yes	Ind.	Protestant	ECB	Central	Level 3
39	Construction	Black	< 5k	GED	No	Dem.	Catholic	Voting Org.	South	Level 1
39	Lawn Work	Black	< 5k	Some HS	No	Dem.	Protestant	Faith-based	Central	Level 2
39	Biomed Tech	White	50k-75k	College grad	Yes	Rep.	Protestant	Faith-based	Central	Level 2
40	Electrician	White	5k-10k	HS grad	Yes	Ind.	Catholic	Halfway	North	Level 1
40	Paralegal	Black	< 5k	HS grad	No	Dem.	Protestant	Faith-based	Central	Level 2
40	Truck Driver	Black	< 5k	GED	No	Dem.	Protestant	Faith-based	North	Level 1
41	Social Worker	White	35k-50k	Grad degree	Yes	Other	Protestant	Voting Org.	North	Level 1
41	Realtor	White	15k-25k	Some college	Yes	Ind.	Not Relig.	ECB	Central	Level 3
42	Network Eng.	White	15k-25k	College grad	Yes	Ind.	Protestant	Outreach	Central	Level 1
42	Student	Black	5k-10k	In college	Yes	Ind.	Protestant	Voting Org.	South	Level 2
43	Tire Sales	White	< 5k	No HS	Yes	Dem.	Protestant	Faith-based	North	Level 1
44	Not Given	White	50k-75k	Some HS	Yes	Dem.	Catholic	Rehab.	South	Level 2
44	Construction	Black	15k-25k	GED	Yes	Other	Protestant	Faith-based	Central	Level 2
44	Roofer	White	35k-50k	Some HS	Yes	Dem.	Protestant	Faith-based	Central	Level 2
45	Roofer	White	< 5k	GED	Yes	Rep.	Protestant	Halfway	North	Level 2
45	Cook	White	10k-15k	Some college	No	Rep.	Not Relig.	Halfway	North	Level 1

Source: Interviews with Ex-offenders.

Table 3–1. Continued

Age	Occupation	Race	Income	Education	Currently Employed	Political Affiliation	Religious Affiliation	Recruitment Source	Location	Level for RCR
45	Hospitality	Black	15k-25k	Some college	Yes	Dem.	Protestant	Faith-based	South	Level 1
46	Lawn Work	White	10k-15k	Some college	Yes	Ind.	Protestant	Faith-based	North	Level 1
46	Pipe Layer	White	5k-10k	GED	No	Dem.	Protestant	Halfway	North	Level 2
46	Counselor	White	< 5k	Grad degree	Yes	Dem.	Not Relig.	Halfway	North	Level 1
46	Cook	White	< 5k	Some HS	No	Ind.	Catholic	Faith-based	South	Level 1
46	Student	Black	< 5k	In college	Yes	Dem.	Protestant	Faith-based	North	Level 1
47	Carpenter	White	15k-25k	Some college	Yes	Rep.	Protestant	Halfway	North	Level 2
47	Painter	White	15k-25k	No HS	No	Dem.	Protestant	Halfway	North	Level 1
47	Carpenter	White	5k-10k	Some college	No	Other	Protestant	Halfway	North	Level 1
47	Sales Rep.	White	< 5k	Some college	Yes	Rep.	Catholic	Rehab.	South	Level 2
48	Painter	White	5k-10k	Some college	No	Dem.	Protestant	Halfway	North	Level 2
49	Truck Driver	Black	10k-15k	College grad	Yes	Dem.	Protestant	Halfway	North	Level 1
49	Electrician	White	50k-75k	Some college	No	Dem.	Catholic	Rehab.	South	Level 2
50	Tile Worker	White	< 5k	Some college	No	Other	Protestant	Halfway	North	Level 1
50	Carpenter	Black	< 5k	HS grad	No	Dem.	Other	Rehab.	South	Level 2
53	Truck Driver	White	< 5k	College grad	Yes	Rep.	Protestant	Halfway	North	Level 3
53	Journeyman	White	< 5k	GED	No	Dem.	Not Relig.	Halfway	North	Level 2
53	Plumber	White	< 5k	Some college	No	Dem.	Jewish	Rehab.	South	Level 1
54	Reverend	Black	5k-10k	Some college	No	Ind.	Protestant	ECB	Central	Level 3
54	AC Tech	White	25k-35k	HS grad	No	Dem.	Protestant	Faith-based	North	Level 1
56	Painter	White	< 5k	GED	No	Other	Protestant	Halfway	North	Level 1
57	Welder	Black	35k-50k	Some HS	No	Dem.	Protestant	ECB	North	Level 3
60	Driver	White	< 5k	GED	Yes	Dem.	Protestant	Faith-based	North	Level 3
61	Cook	White	15k-25k	Some college	Yes	Rep.	Protestant	Faith-based	Central	Level 3
61	Maintenance	Black	5k-10k	No HS	No	Dem.	Protestant	Halfway	North	Level 1
62	Not Given	White	< 5k	GED	Yes	Dem.	Protestant	Faith-based	North	Level 1
63	Cook	White	< 5k	No HS	No	Dem.	Catholic	Rehab.	South	Level 2

Source: Interviews with Ex-offenders.

CHAPTER 4 ANALYSIS OF THE EXECUTIVE CLEMENCY BOARD

Introduction

The Executive Clemency Board meets in the basement of the Capital building in Tallahassee four times a year to hear petitions for commutation of sentences, pardons, restoration of firearm authority, and the restoration of civil rights. Applications for the restoration of civil rights made up the majority of the agenda and the board heard 56 rights restoration cases on average for meetings from 2004 to 2009. During this time period the board considered 1,344 cases for restoration of civil rights, 437 (33 percent) of which were granted, 846 (63 percent) denied, and 61 (4 percent) continued or taken under advisement.¹² These numbers varied considerably from hearing to hearing, between governors, and even within a governor's term. From 2004 to 2006, while Jeb Bush was Governor, he restored 381 (44 percent) applicants' civil rights and denied 491 during the ECB meetings. From 2007 to 2008, Governor Charlie Crist restored 56 (14 percent) applicants for restoration of civil rights while denying 355 applicants during the ECB meetings. It is important to note that in April 2007, Governor Charlie Crist amended the Rules of Executive Clemency to allow for a larger number of non-violent offenders to have their rights restored without a hearing.¹³ Table 4-1 shows the changes in civil rights restoration over time.

¹² The governor has the option of taking a case "under advisement" allowing him to make a decision later on if he wishes. A "continued" case will appear on the next meeting's agenda. Those cases that were continued were only counted on the agenda that a disposition was reached and since cases taken under advisement do not have public dispositions they were omitted from analysis.

¹³ See Chapters 2 and 5 for a detailed description of this change.

Measures

Dependent Variable

Each meeting agenda provided by the Office of Executive Clemency indicated the disposition of the applicant's petition. After each name, a handwritten note indicated if the petition was granted, denied, continued, or taken under advisement. Applicants that had a granted note next to their name were coded (1) and compared to those whose petitions were denied (coded 0). Those applicants whose cases were either continued or taken under advisement were excluded from this analysis.

Independent Variables

Factors

Key factors, that may influence the disposition of the case, were indicated on the agendas. These included the applicant's attendance at the hearing, the Parole Board's recommendation for the case, and whether the victims spoke or provided a statement for the hearing. On the Florida Parole Commission's Web site under Frequently Asked Questions (FAQ) about clemency, question number 6 stated: "If my case is scheduled for a clemency hearing, do I have to attend the hearing?" The question is answered with the following: "No, it is not a requirement for any individual to attend the clemency hearing, although in rare cases, the governor or any board member may request that an individual appear to answer specific questions about his or her case" (Florida Parole Commission 2009). Although attendance was not required, it is hypothesized that those who attend the hearings will have a greater likelihood of having their rights restored. Those who indicated they would attend prior to the hearing were noted on the agendas by the placement of an asterisk after their name. Individuals who failed to attend and were given asterisks or those who attended and were not marked on the agenda, were

corrected on the copies received from the Office of the Executive Clemency Board. In the rare cases where applicants were not in attendance, but arrangements had been made for someone to represent them (attorney, family member, or friend) were included in the attendance group indicating their representation. Those who were represented at the hearing were coded (1) and compared to those who were not represented (coded 0).

The Florida Parole Commission evaluates all level 3¹⁴ applicants cases prior to the hearing. This investigation often consists of interviews with the ex-felon, family member, employers, victim(s), and other people in contact with the applicant. The FPC is required to provide the Executive Clemency Board with a copy of this report and give the applicant either a favorable or unfavorable recommendation. The governor and his cabinet are not constrained by this recommendation and have full autonomy to overrule the recommendation of the FPC. It is hypothesized that those who received favorable recommendations are more likely to have their rights restored than those who received unfavorable recommendations. On the agenda those who received favorable recommendations were grouped together and presented their cases prior to the group of unfavorable recommendations. Those who received favorable recommendations from the FPC were coded (1) and compared to those who received unfavorable recommendations (coded 0).

The Commission's Victims Coordinator notifies victims of upcoming hearings that involve offenders, including applicants for restitution of civil rights. Victims are informed of the hearing date and given the opportunity to provide a written statement or to appear

¹⁴ Level 3 offenders include all homicide and sex offenders, plus any other offense type that the governor (or governor's office) wants to evaluate with a hearing.

in person to speak either for or against the applicant's petition. As noted before, the FPC usually attempts to contact the victim(s) prior to determining their recommendation to the board as well. Although victims did not speak in many cases, it is hypothesized that in those cases where a victim was either present or had a statement read to the board that this would have an impact on whether the applicant's rights are restored. The agenda contained handwritten notes indicating whether the victim(s) spoke or had someone speak on their behalf. The cases where a victim or victim statement was indicated were coded (1) and compared to cases without victim(s) involvement at the hearing (coded 0).

Demographics

Demographic variables were used to evaluate if certain groups were more likely to have their rights restored than others. Criminal background checks were used to provide the applicants gender, race, and age.¹⁵ Gender was a dichotomous measure indicated on the criminal records with males coded (1) and females coded (0). The applicant's race was also indicated on the criminal record. Although one would expect that Florida would have a large Hispanic group, historically the Department of Corrections has only used White or Black classifications, failing to accurately report Hispanics. Race was therefore treated as a dichotomous variable where Whites were coded (1) and non-Whites coded (0). Taking the birthdate given on the criminal record and subtracting it from the date of the applicant's hearing determined the applicant's age. Age was a continuous variable measured in years and represented the age of the applicant during their hearing.

¹⁵ See a more complete discussion of this methodology in chapter 3.

Offense type

A criminal records search was used to determine what offenses the applicant had committed. The categories were determined using the Florida Department of Law Enforcement (FDLE) classification system and reduced to represent the major categories of crimes. Included were homicides, sex offenses, robberies, assaults (including other violent offenses), thefts (property crimes), drug offenses, and other offenses. Homicides included murder and manslaughter, including both vehicular manslaughter and DUI manslaughter. Any offense designated by the state of Florida and included by the state's registry as a sex offense was included in the sex offense category. Any type of robbery (armed robbery, strong arm, etc.) was included in the robbery category. The assault category consisted of aggravated assaults and aggravated stalking. The category of thefts included burglary, larceny, forgery, and motor vehicle thefts. All drug offenses were placed into the drug offender category. Lastly, those offenses that did not fit into one of these categories were placed into the other category (arson, felony DUI, carrying a concealed firearm, bribery, eluding, trespassing, cruelty to animals, child abuse, etc.). For those applicants who had multiple offenses only the most severe (higher FDLE) offense was selected. Because this is a categorical variable seven dummy variables were used in the analysis and drug offenders were excluded and used as the reference group.

Results

Descriptive statistics for the dependent and independent variables in the analysis are summarized in Table 4-2. Due to issues of missing data only 884 cases were

included in the analysis.¹⁶ Among these, about one-third (32 percent) had their rights restored. The majority of the applicants were male (84 percent) and White (66 percent). The average age at the hearing was 47 years old. Only about one-fourth of the applicants received a favorable recommendation (28 percent) and less than one-fourth were represented at the hearings (22 percent). Victims were only represented in three percent of the cases. The largest group of applicants was sex offenders (34 percent). Other violent offenses made up nearly half of the applicants with homicides (14 percent), assaults (23 percent), and robberies (7 percent). The rest of the offenses consisted of property thefts (4 percent), drug offenses (8 percent), and other (9 percent). Of the cases in the sample, about two-thirds were considered during Jeb Bush's governorship (66 percent) compared to Charlie Crist (34 percent).

Correlations

Table 4-3 shows bivariate correlations between the independent and dependent variable. Of particular interest, several demographics and factors were significantly ($p \leq .05$) correlated with the restoration of civil rights. With respect to demographic characteristics, gender, race and age were negative and significantly correlated with rights restoration. That is, males (-0.22), White applicants (-0.09) and older ex-offenders at the time of the hearing (-0.22), were less likely to have their rights restored as compared to, females, non-White applicants, and younger ex-offenders. Furthermore, the Parole Commission recommendation (0.70) and the applicants' attendance (0.26) were positively and significantly correlated with receiving clemency.

¹⁶ List wise deletion of missing data was performed. For a detailed discussion of missing data please see chapter 3 and the section on limitations.

Those who had victims speak at the hearings or had victim statements read were negatively (-0.11) and significantly correlated with having their rights restored.

Applicants who committed homicide (-0.09) and sex offenses (-0.38) were negative and significantly correlated with having their rights restored. For all of the other types of offenses they were positive and significantly correlated with the restoration of civil rights. These included robbery (0.17), assaults (0.14), thefts (0.12), drug (0.17), and other (0.12) offenses. These patterns of bivariate correlations for offense type were expected given the varying levels of seriousness of the offenses.

Last, the governor at the time of the hearing was negative (-0.29) and significantly correlated with rights restoration. This indicates that ex-offenders that appeared during Charlie Crist's term were less likely to have their rights restored as compared to those applicant's cases heard during Jeb Bush. This may partially be contributed to the change in rule during Governor Crist's term. Of all the bivariate correlations, Parole Commission recommendation exhibited the strongest correlation with rights restoration. In order to better understand the relationship between these factors and the restoration of civil rights, I performed a multivariate regression analysis.

Logistic Model

A logistic regression model was estimated to predict the restoration of civil rights. Logistic regression analysis is a well-established statistical technique and is appropriately used with a dichotomous outcome (DeMaris 1993). The multinomial logistic regression model takes the following form:

$$\begin{aligned}\text{Logit}(\pi) &= \alpha + \beta_i X_i + \dots + \beta_k X_k \\ \text{Log}\left(\frac{\pi}{1-\pi}\right) &= \alpha + \beta_i X_i + \dots + \beta_k X_k\end{aligned}$$

Where $\left(\frac{\pi}{1-\pi}\right)$ represents the odds of an applicant having their rights restored relative to having their petition denied given any change in X . Analyses were conducted using the Statistical Package for the Social Sciences (SPSS), and results were reported using a two-tailed significance test.

Model diagnostics were conducted for this model. The Model Chi-square statistics ($\chi^2= 645.60$) indicated that the model was a better fit than the model with only the constant and all the coefficients being held to zero. It was found that the model fit significantly better as a whole model than as an empty model. Results of these tests are presented in Table 4-4.

Logistic models can be interpreted by either examining the probability of an outcome (the disposition) or by examining the odds of an outcome (DeMaris 1993, Roncek 1993). The reporting choice should be based on the research question. DeMaris (1993:1061) indicates that using odds and odds ratios are appropriate when the research is interested in "the *relative* impact of variable X_1 on the likelihood of the event net of other predictors" (DeMaris 1993:1061). This approach was adopted by using odds ratios to evaluate the relative impact of each predictor on the likelihood of the disposition while controlling all other effects in the model. Table 4-4 summarizes the multivariate results. The column marked $\exp(b)$ represents the antilog, or odds ratio, for each predictor variable.

The results from the logistic regression model indicated that those who were predicted to have their rights restored received favorable recommendations, attended the hearings, and did not have victim representation. Compared to unfavorable recommendations, those with favorable recommendations were nearly 60

($\exp(b)=59.28$) times more likely to have their rights restored while controlling for other factors. Those who attended the ECB hearing were 12 ($\exp(b)=11.94$) times more likely to have their rights restored as compared to those who did not attend. Those who had victim statements or testimony during their hearing were 100 ($\exp(b)=-0.01$) times less likely to have their rights restored compared to those who did not have victims present while controlling for other factors. Further, there was only one case where a victim statement was given and the applicant's rights were restored. These results indicated that the recommendation of the Florida Parole Commission, attending the hearing, and whether a victim is represented are very strong predictors of the likelihood of rights restoration.

Among the demographic variables, age was the only significant predictor of rights restoration. Those who were younger at the time of their hearing were more likely ($\exp(b)=-0.98$) to have their rights restored. As previously noted, the odds ratio represents the *multiplicative* impact on the odds of reporting for individuals who are one unit apart on a given predictor variable. Thus, the interpretation of the ratio is straightforward with categorical variables, but a bit more complicated for interval predictors since the range of variation is greater than one unit. Still, for interval variables such as age, the odds of reporting can be calculated for cases that are a particular number of units apart. The resulting ratios have a similar interpretation in that they represent the net impact on the odds of reporting for an individual at one age versus an individual at another age while controlling for all other predictors in the model. For example, the probability of a 20-year-old applicant at the time of the hearing (the

youngest applicant) having their rights restored was 0.39.¹⁷ The probability of an 88-year-old applicant (representing the oldest applicant) having their rights restored was 0.14. The resulting odds ratio, 0.39/0.14 or 2.79, indicates that the odds of reporting are roughly 2.8 times greater for the youngest respondent compared to the oldest.

For the offense type only homicides and sex offenses were significant in predicting the denial of rights restoration compared to drug offenses. Those applicants convicted of homicide were 4.76 ($\exp(b)=-0.21$) and sex offenders were 6.67 ($\exp(b)=-0.15$) times less likely to have their rights restored than drug offenders while controlling for other factors. All other offenses were not significantly different than drug offenders.

Discussion

As predicted, the parole recommendation, attendance, and victim representation were all significant and large predictors of rights restoration. Victim representation had the largest impact on rights restoration, and in only one case did someone have their rights restored when a victim was represented. The victim's representation at these hearings deserves further discussion since in those cases where a victim was present the likelihood of the applicant being successful in the restitution of their civil rights was close to zero while controlling for other factors. Therefore, the presence of a victim can even trump a favorable recommendation and attendance. Chapter 5 further investigates some of the reasons for this finding focusing on the emotional responses to victim's statements and offers a discussion on the appropriate nature of their presence. In short, the victim's presence appears to be a conflict in the stated purpose of the rights

¹⁷ The odds of an event, like reporting behavior, are defined as the ratio of the probability that the event will occur to the probability that it will not occur. The probability of an event is defined by the logistic regression equation as: $1 / 1 + e^{-z}$, where $Z = B_0 + B_1x_1 + B_2x_2 + \dots + B_px_p$.

restitution system. If the purpose of the rights restitution hearing is to evaluate whether applicants have successfully changed their life around to re-earn full citizenship, then what amounts to a retrial of their offense through the victims testimony of their loss may seem less appropriate. These victim statements are typically very emotional and often focus on events that may have occurred many years ago. Further, in six out of the 42 cases when a victim was represented, the applicant received favorable recommendations, yet in five of those cases they were denied.

While controlling for other factors in the model, those applicants who attended were 12 times more likely to have their rights restored compared with those who did not attend. This is an important finding given that the Office of Executive Clemency clearly states that attendance is not required on their Web site (Florida Parole Commission 2009). Further, this may have a differential impact on those who do not have the financial resources to travel to Tallahassee to be present on a Thursday morning. The logistics and costs for someone who lives in Miami, Key West, or Fort Meyers may make them far less likely to make the trip. Although this analysis had no economic indicators, it can be deduced that those who are able to attend the hearings have greater financial or social resources to make such a trip in the middle of a workweek. Chapter 5 further explores the financial burden of the rights restoration process.

The recommendation by the Florida Parole Commission had a large impact on the likelihood of having ones rights restored. This was not surprising, but one issue of concern is that the Parole Commission does not have to give a reason for their recommendation. In many cases where applicants appeared at the hearing, they did so in an effort to correct mistakes in the FPC's report. Mistakes included listing that

restitution was still owed (when the applicant had receipts to prove payment), mistaken identity claiming applicants had other offenses they can prove they didn't commit, and a misunderstanding of the rules of executive clemency. The hearing for many serves as a last chance to correct poor investigative work by the Florida Parole Commission. Those unable to attend who received unfavorable recommendations based on false information have no mechanism of correcting these types of errors. Further, because the FPC does not publicly give any type of metric or calculation for its decision, the recommendation may be more a product of an individual parole officer's discretion rather than a systematic process. Chapter 5 further investigates these issues.

The only demographic variable that significantly impacted rights restoration was age. The younger the applicants the more likely they were to have their rights restored. This can partially be attributed to the inability to control for the seriousness of the offense. The model was able to control for type of offense, but was unable to measure key variables such as length of sentence or time served. Because these measures were not included, it is likely that those who were older at the time of their hearing spent more time incarcerated or on parole, which could indicate a more serious offense. This is a clear limitation of the data and future research should attempt to take these factors into consideration.

Neither race nor gender was significant in predicting the likelihood of rights restoration. This finding was surprising given that many contend that ex-felon disenfranchisement may be a way to suppress minority votes. Indeed, minorities are disproportionately impacted by the loss of civil rights due to higher arrest, conviction, and incarceration rates than Whites, but it appears that when controlling for the other

factors in the model, race had no impact on the likelihood of rights restoration. One further point of inquiry is whether Whites were more likely to apply for a hearing than Blacks. These findings may have systematically excluded those without the resources to apply for rights restoration. Future research should attempt to explore whether or not race has an impact on the likelihood of applying for rights restoration.

One of the great limitations of these data is in the methodology of the criminal record search. Although the nature of these data did not lend many other options, the large amount of missing data needs to be further addressed. One consequence of these missing data is that it may have systematically excluded certain groups of offenders. There were 132 applicants that showed no criminal record when entered into the database. It is likely that these names returned without a criminal record because the applicants changed their name, committed the offense outside of Florida, or committed the offense prior to the jurisdiction making the record available online (see Appendix C). Consequences of these omissions are that women (with 11 percent no record found missing) were excluded more often compared to men (with 9 percent no record found missing).

Another consequence of these missing data is that more serious offenses such as homicides and sex offenders were more likely to be included in the database regardless of offense date, whereas lesser offenses that occurred a while ago were more likely to not show a record. This may partially explain the relationship between age and disposition due to the omission of older applicants with lesser offenses committed during their youth. This data did not provide the extent of the applicant's criminal

record, which may also explain why older applicants are less successful. Those with many convictions over a long period of time may be older at the time of the hearing.

This analysis suggests that the type of offense, FPC recommendation, attendance, and victim representation are all significant predictors of rights restoration. The following chapter further evaluates these relationships and employs firsthand observations of these hearings and interviews with ex-felons to supplement this quantitative analysis.

Table 4–1. Restoration of civil rights at the Executive Clemency Board by hearing date:
2004-2009

Year of Hearing	Date of Hearing	ECB Applicant Sample (N=1,283)		
		Number Restored	Percent Restored	Total Applicants
2004	March 18 th	25	44%	57
	June 17 th	28	51%	55
	September 23 rd	27	64%	42
	December 9 th	29	66%	44
2005	March 3 rd	23	53%	43
	June 23 rd	30	53%	57
	September 8 th	33	57%	58
	December 6 th	49	39%	127
2006	March 2 nd	66	47%	141
	June 15 th	26	25%	104
	September 21 st	27	28%	95
	December 7 th	18	37%	49
2007	March 1 st	23	43%	53
	June 14 th	0	0%	29
	September 20 th	5	11%	45
	December 6 th	1	3%	34
2008	February 28 th	7	25%	28
	June 5 th	3	16%	19
	October 21 st	3	6%	51
2009	March 12 th	4	9%	45
	June 11 th	2	7%	28
	September 24 th	4	10%	40
	December 10 th	4	10%	39

Source: ECB Data 2004-2009. ** Change in ECB rules

Table 4–2. Descriptive statistics for variables used in rights restoration model

Variables	ECB Applicant Sample (N=884)	
	Mean	S.D.
Dependent Variable		
Disposition (restored =1)	0.32	0.47
Demographic Variables		
Gender (male =1)	0.84	0.37
Race (White = 1)	0.66	0.47
Age at Hearing	47.09	13.09
Factors		
Parole rec. (favorable =1)	0.28	0.45
Attendance (attended = 1)	0.22	0.44
Victim Statement (yes=1)	0.03	0.18
Offense Type		
Homicide	0.14	0.35
Sex Offense	0.34	0.47
Robbery	0.07	0.26
Assault	0.23	0.42
Theft	0.04	0.21
Drug Offense	0.08	0.27
Other	0.09	0.29
Control Variable		
Governor (Crist = 1)	0.34	0.47

Source: ECB Data 2004-2009

Table 4–3. Bivariate correlations with rights restoration

Variables	ECB Applicant Sample (N=884)	
	Pearson Correlation	
Demographic Variables		
Gender (male =1)		-0.22**
Race (White = 1)		-0.09**
Age at Hearing		-0.22**
Factors		
Parole rec. (favorable =1)		0.70**
Attendance (attended = 1)		0.26**
Victim Statement (yes=1)		-0.11**
Offense Type		
Homicide		-0.09**
Sex Offense		-0.38**
Robbery		0.17**
Assault		0.14**
Theft		0.12**
Drug Offense		0.17**
Other		0.12**
Control Variable		
Governor (Crist = 1)		-0.29**

* $p \leq .05$, ** $p \leq .01$ Source: ECB Data 2004-2009

Table 4–4. Logistic regression analysis predicting restoration of civil rights

Variables	ECB Applicant Sample (N=884)	
	Beta	Odds Ratio exp(b)
Demographic Variables		
Gender (male =1)	-0.40	0.67
Race (White = 1)	-0.34	0.71
Age at Hearing	-0.02	0.98*
Factors		
Parole rec. (favorable =1)	4.08	59.28**
Attendance (attended = 1)	2.48	11.94**
Victim Statement (yes=1)	-4.98	0.01**
Offense Type (compared to drugs)		
Homicide	-1.55	0.21**
Sex Offense	-1.91	0.15**
Robbery	-0.29	0.75
Assault	-0.32	0.73
Theft	0.13	1.14
Other	-0.19	0.83
Control Variable		
Governor (Crist = 1)	-1.89	0.15**
Intercept	-0.06	
	Chi-Square	645.60**
	Pseudo R-Square	0.73

* $p \leq .05$, ** $p \leq .01$ Source: ECB Data 2004-2009

CHAPTER 5 RIGHTS RESTORATION

Introduction

Governor Jeb Bush stated that the restoration of civil rights is “an exhausting, emotionally draining process that can also be uplifting when people have changed their lives and turned things around” (Pfankuch 2001). Scholars have noted the potential benefits of *reintegration* (Braithwaite and Mugford 1994), *delabeling*, or *deviant decertification* (Trice and Roman 1970) ceremonies in that “some variant of these restoration processes may hold promise for reducing the stigma associated with a felony conviction... while helping convicted felons to move on with their lives” (Uggen and Manza 2005:78). Kai Erikson (1964) stated that 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” (p. 16). By implication, a formal ceremony in which individuals are acknowledged for their recovery from crime and readmitted into the political community has the potential to aid the reintegration process.

This chapter examines the rights restoration process in Florida, focusing on some of the practical problems faced by ex-felons seeking the restoration of their rights. In April 2007, Governor Charlie Crist amended the Rules of Executive Clemency to extend the number of ex-offenders who were eligible for “automatic” restoration of civil rights (RCR). A report from the auditor general stated: “Prior to revising the rules, only 26 percent of ex-offenders were eligible, based on their crime, to have their civil rights restored without a hearing. After the revision, approximately 80 percent of ex-offenders became eligible” (State of Florida Auditor General 2009:5). This chapter will outline the

“automatic” rights restoration process in addition to an analysis of the Executive Clemency Board hearings and assess whether this type of deviant decertification rite is beneficial for reintegration.

The Bureaucracy of Disenfranchisement

Once somebody has truly paid their debt to society, we should recognize it. We should welcome them back into society and give them that second chance. Who doesn't deserve a second chance? (Florida Governor Charlie Crist cited in King 2008).

The revised disenfranchisement policy of April 5, 2007, changed the rules of eligibility for having rights restored without a formal hearing before the Executive Clemency Board. Those who were convicted of a non-violent felony became eligible for “automatic” rights restoration. This process requires the Florida Department of Corrections to send the names of non-violent first-time felons to the Florida Parole Commission to assess their case for eligibility. The Department of Corrections (DOC) estimates that they send about 4,000 names per month to the Florida Parole Commission (FPC). The DOC estimated that this consists of approximately 2,000 inmates being released into the community, and 2,000 former offenders terminating their supervision (probation or parole).

The Florida Parole Commission investigates all of these submissions to make sure that three requirements are met: 1) completion of all sentences imposed and all conditions of supervision have expired, 2) there are no outstanding detainers or pending criminal charges, and 3) all restitution paid pursuant to a court order or civil judgment is paid (OPPAGA 2009). The Florida ACLU has argued that the last requirement has a considerable impact on those seeking rights restoration (as it may take many years to pay off restitution payments). Furthermore, the Florida ACLU and others have equated

this requirement to Reconstruction-Era poll taxes (American Civil Liberties Union of Florida 2009).

In an Operational Audit by the Auditor General of Florida, 13 cases were found in which the Florida Parole Commission had restored individuals' rights through the automatic restoration process in error – producing an error rate of six percent (State of Florida Auditor General 2009). The primary focus of the report was investigating false positives. It is also likely that many of those who were denied or delayed restoration may have occurred in error as well. The focus of the audit identified six individuals who still owed restitution and three with outstanding warrants that should not have been eligible for RCR. Further, they identified four individuals who were evaluated at the inappropriate level. Three individuals should have gone through a level 2 investigation and one individual (convicted of sexual battery) should have had a level 3 investigation requiring a hearing before the ECB.

The Executive Clemency Board discussed these errors on September 24, 2009. The report published just days before the ECB hearing had criticized the performance of the FPC severely. Alex Sink (Chief Financial Officer) suggested that they revoke the restoration of civil rights for those individuals awarded in error. Bill McCollum (Attorney General) and Governor Charlie Crist agreed that they should do an investigation into these cases in order to determine if revocation is necessary. Both Alex Sink and Governor Charlie Crist challenged Frederick Dunphy (the chair of the Florida Parole Commission) to explain these errors. Dunphy argued that his agency has operated as best it could despite significant funding cuts to the agency. Indeed, the audit revealed 33,000 cases that had been ignored for three years, and a queue of over 60,000 cases

to be evaluated (not to mention the 60,000 prisoners released each year in Florida). “We don't have adequate funding and staffing,” Dunphy said. “I would say for the amount of cases we did that our agency has done a tremendous job in processing all those cases. Yes, we did have a handful of mistakes, but the process is very cumbersome and complex” (Bousquet 2009:1). Duphy's full-time dedicated staff for evaluating these cases was cut from thirteen to six in 2008. For the fiscal year 2008-2009, the FPC requested \$1.8 million to fund the increased caseload. In the midst of budget crises, the Florida Legislature denied this request and a special request in September 2008 for 20 additional staff members was rejected by the Governor's Office. In January 2009, however, the governor vetoed the state legislature's plan to cut an additional \$300,000 from the FPC's budget.

The rule change may have earned Charlie Crist political capital among some ex-felon groups, but for many the policy change without the adequate funding to support the required investigations has created a bureaucracy of practical disenfranchisement. This system creates very long waiting periods even for lower level offenders, in order to get their rights restored. It is fraught with errors and inaccuracies in records. The following sections use observations from my attendance at Executive Clemency Board hearings, interviews with ex-felons, and correspondence with the Executive Clemency Board to explore some of the failures of the current system.

It's About Time

During the September 24, 2009, Executive Clemency Hearing, Alex Sink asked Frederick Dunphy how long it takes for applicants to have their cases heard. This question was asked after an applicant had described a frustrating seven-year process to reach the hearings. Dunphy explained that because of the backlog and underfunding it

was not unusual for the process to take over five years. The exchange between Sink and Dunphy prompted numerous ex-felon applicants to express similar frustrations with the system during their hearings. Rising to take their turns to speak, they repeated stories of waiting for five, six, and even seven years. My conversations with the ACLU and ex-felons revealed that even level 1 offenders were required to wait several years. The Florida ACLU cites these extended waiting periods as one of the reasons the “automatic” restoration label is inaccurate (American Civil Liberties Union of Florida 2009).

The length of time it takes for an applicant to secure a scheduled interview means that many life events can intervene in the meantime. Observations of the Executive Clemency Hearings suggested that the governor and cabinet officials expressed little sympathy for those experiencing adverse life events. This seemed especially true in those instances of ex-offenders describing economic “hard times.” Those who had recently been laid off and were dealing with the hardships of the economic downturn seemed much less likely to garner support from the board than those who had recent positive economic events.

Indeed, it would be fair to say that unpredictable life circumstances at the equally unpredictable point of evaluation (anywhere from three to seven years after the initial application) may be a critical factor in the governor’s decision. The Florida Parole Commission often conducts interviews with recent employers, friends, and other references, not at the time of the petitioner’s application, but instead many years later. For many, this delayed process may place them in much different circumstances then when they originally applied for their rights restoration.

If applicants had their application denied the ex-offender must wait two years before reapplying. An applicant at the December 10, 2009, hearing pleaded with Governor Crist to continue his case, indicating that he had some material he wanted to bring in, but he was not ready to present. The governor, showing a reluctance to continue the case at the applicant's request, patiently waited for him to use his time to argue for himself. The room fell quite silent, as the applicant fumbled through an improvised statement and concluded with a plea for a continuance. The governor said he would take the case "under advisement." The applicant, clearly not understanding the governor's comment, asked what he meant. In response, the governor explained that he would look over the case later to evaluate it and see if he should schedule a new hearing. This dialogue may seem trivial, but under the current rules, if a petition is denied the applicant must wait two years from the date of the hearing before reapplying for rights restoration. Thus, if the governor had denied this case, the applicant would have had to wait two years to reapply and then endure another three to seven years before having another hearing. In many cases the governor would deny a petition, but stated that he "encourage[s] you to reapply." It is very likely that by the time the applicant has another hearing scheduled that the governorship would change more than once before their petition is heard. As knowledge of the amount of time this process requires becomes better known, many ex-offenders may be discouraged from ever applying.

One of the unintended consequences of Governor Crist's rule change is the impact this policy may have on repeat offenders. Under section 5 of the Rules of

Executive Clemency, the last paragraph of subsection E. (Restoration of Civil Rights or Alien Status under Florida Law) reads:

Notwithstanding any provision of this rule, an individual who has previously had his or her civil rights or Alien Status under Florida Law restored and is subsequently convicted of any offense listed in Rule 9(A)(4) or 9(A)(5) shall be ineligible for restoration of civil rights or Alien Status under Florida law unless the individual has remained crime and arrest free for a period of no less than ten (10) years after completing all sentences and conditions of supervision (including but not limited to, parole, probation, community control, control release and conditional release) arising from the subsequent conviction.

This section of the rule change is often referred to as the McCollum Rule because Attorney General Bill McCollum insisted this provision be included. It is too early to know the full impact this policy will have, but for many ex-felons who may have several convictions before their recovery process is initiated, it may make it much more difficult for them to have their rights restored. For instance, ex-offenders, who get another felony conviction after having their rights restored (possibly through the automatic process), would not be eligible until at least 10 years after their second conviction to reapply for restoration.

Executive Clemency Board

The following sections discuss the Executive Clemency Board hearings. Those who are not eligible for restoration of their civil rights through the administrative process must appear before the governor in one of these quarterly hearings to present their case for rights restoration. Research has suggested that these types of ceremonies have the potential to reduce the stigma of a felony record and aid the former offender in the reintegration process. These types of “deviant decertification” or “reintegration ceremonies” (Braithwaite and Mugford 1994; Uggen and Manza 2005; Maruna 2001; Erikson 1964) have the ability to create a “delabeling” (Trice and Roman 1970) effect.

This chapter draws on observations of the four Executive Clemency Board hearings conducted during 2009 along with correspondence from the Office of Executive Clemency to assess the impact this ceremony has on former offenders.

The Spectacle of the Hearing

During 2009 on four different Thursday mornings, I drove to Tallahassee to observe the hearings of the Executive Clemency Board. Watching the sunrise over the course of my three-hour drive, I reflected on the challenges faced by those ex-felons traveling much further distances. Once in Tallahassee, I located parking in a nearby garage and climbed the stairs to the entrance of the imposing Capitol building. Passing through metal detectors, I made my way down to the basement floor where the Executive Clemency Board meets. Outside of this basement meeting room, a woman with a clipboard eagerly checked off the names of those who attended that day's hearing, marking off those who were there to present their cases, and directing victims to the victims advocate standing on the other side of the door. People walked in and out of the room, anxiously searching for cell phone reception, and pacing up and down the corridor. Inside, the chambers revealed a basement room with a low ceiling that had the appearance of a courtroom. The back wall was wood paneled and in the center was a large wooden Florida state seal. During several of the hearings the room was decorated with various artwork from local artists. One meeting featured a photographer's pictures of children while another displayed paintings of various swamp life. At the front of the room sat six plush executive chairs, the four on the right were labeled with finely etched name plaques. The attorney general's chair was next to the two empty chairs sitting the farthest left. The governor's chair was seated next, followed by the chief financial officer, and the commissioner of agriculture.

During each hearing I managed to recognize some faces. The head of the Parole and Probation Commission sat in the first row along with his four-person team. In front of them stood a shoulder-height stack of binders. A lawyer from the ACLU, whom I was familiar with attended each of these hearings. During the March 2009 hearing, there were several members of the Florida Rights Restoration Coalition who wore blue t-shirts inscribed in large font with the text: "Our vote counts too." The ACLU lawyer was wearing a suit, but clenched the blue t-shirt in his hands as he talked to several other lawyers in suits.

The room gradually filled and, as the clock passed 9:00 a.m., the cabinet members entered through a hidden back door that blended in with the wood paneling behind their seats. About 10 past the hour the governor finally entered the room and took his seat. As the room grew quiet in anticipation, the governor would speak into the microphone and address the group. The governor repeated the same opening remarks before every hearing, which included a brief summary of the rules, and a statement that every case presented before him will be heard. The governor then instructed everyone to stand for a prayer led by a chaplain from the Department of Corrections. The main theme of the prayers tended to focus on giving strength to the governor in making difficult decisions. Several people looked around anxiously, and even though the prayer was nondenominational, it clearly had a Christian undertone. Unfamiliar with the ritual, most people would sit before realizing that they were supposed to remain standing for the Pledge of Allegiance led by the governor. The "regulars" remained standing and followed the governor's lead in reciting the pledge, as the rest jumped back to their feet.

The governor then moved on to the agenda. The woman with the clipboard had handed agendas out to observers, applicants, and victims prior to the meeting's start. The agendas were several pages long, consisting of a list of numbered names. The agenda was broken into different groups: commutation of sentences, pardons, restoration of firearm authority, and civil rights restoration.

The hearings lasted anywhere from two to four hours and in only one case did the governor take a ten minute break. During one hearing, Alex Sink left for about five minutes during a case. Often there was a WFSU television crew in attendance that would capture bits and pieces of the hearing on camera. Several times during the hearings I would spot reporters coming in and out of the chambers, and at the end of every hearing various media representatives would rush to the front of the room to try and get an opportunity to ask the governor a few questions.

The meetings followed this general pattern except for two notable events that seemed out of place given the nature of the hearings. During the March 2009 hearing, several classrooms of students entered the room and sat for about 10 minutes. Then that group left for the next group to sit in. The elementary school-aged children were well behaved, but drew the attention of the audience as they took seats next to them. The teachers and chaperones did their best to move the children in and out of the room orderly and quietly. At one point during the hearing, the governor took a minute to thank the visitors from the school. As I sat in the back of the room, I wondered how the ex-felons perceived this event. Because of the nature of the hearings, the children were exposed to graphic questions concerning violent and sex-related offenses; I also wondered if the students and teachers knew that they were sitting next to these types of

offenders, and I wondered if this in any way violated any of their registry requirements. Given the age of the children, I am not sure if someone critically evaluated the benefit of observing this form of civics in action compared to the discomfort created in the room. The three following hearings did not have any school children in attendance, and the few children at those meetings were usually infants or high school-aged family members.

The September 2009 hearing marked the last hearing that Janet Keels (Coordinator for the Office of Executive Clemency) would attend before her retirement. To honor this event the governor made an announcement, and all of the board members took several photos with Keels. A professional photographer directed them where to stand and took numerous photos. The governor was then asked to stand by as Keels and her family (and extended family) took pictures with him. This whole process took about 20 minutes and the lighthearted joking by the governor lightened the mood as many of the nervous applicants laughed along with him. It was not unusual for the governor to make a joke every now and again during the hearings. Comments like, "You can have your rights back if you slow down," to the applicant with the bad driving record, often would get a laugh from the audience. Several applicants even employed comedy as a strategy to win the governor over. For many of them, this strategy was successful. During the December 2009 hearing, a man was asked by the governor if he had ever hit his wife. He responded by making a reference to Tiger Woods and implied that he wouldn't dare (for his own safety). The applicant's wife who worked as a correctional officer made it clear to the governor that she was in charge of keeping him

in line. This lighthearted exchange and her command of the discussion probably helped in the success of his application.

What to Say

Some applicant strategies employed by those seeking rights restoration were more successful than others. One of the few elements of control that an applicant has at a hearing is the manner in which they present their case. The Florida Rights Restoration Coalition suggests in its workshops that applicants should write down what they want to say before hand, practice their speeches, and have people speak on their behalf. The following section outlines some of the strategies employed by applicants that improved their likelihood of success.

Based on my observations, several things seemed to increase the likelihood of success for applicants. The most important was being articulate and positive. Those who were articulate, well dressed, and respectful appeared to do much better. Even those who read from prewritten speeches fared much better than those whose improvised remarks were often rambling and repetitive. A focus on accomplishments seemed far more successful than talking about obstacles and hardships. Those who formed narratives focusing on the inconveniences of their punishment and how it further hindered their ability to get a job (even if it was the case) were not as successful as those who talked about how they had overcome many challenges and found success.

Good character references seemed to be key for many. A well-dressed and articulate lawyer seemed to do very little for someone relative to the word of a respected community member.¹⁸ The most influential speakers were police officers and

¹⁸ Miller (2000) noted in her work on clemency during the Reconstruction Era in Florida that lawyers have never been as important as a respected community member. She explains: "In some cases, however,

prosecutors. In several cases the prosecutor or the arresting police officer spoke on behalf of the applicant, indicating that the punishment had already been very severe given some type of mediating circumstance. Further, those speakers (victims, police officers, prosecutors, and social workers) who forgave the offender and affirmed the offender's remorse contributed to successful cases. Business figures, church references, and family all helped an applicant when they were able to speak of their positive accomplishments in the applicant's life. In many cases a supportive and articulate wife helped an applicant win the support of the governor. Often those towards the end of the hearing would amend their strategy to mimic successful ones that had gone before. This seemed to help those who were good speakers and those who focused on their accomplishments.

Still, even well prepared and presented cases were frequently denied. In some cases, the governor and cabinet wanted to know the details of the offense.¹⁹ This line of questioning did not bode well for the applicant. Those who showed more remorse tended to do better than those who tried to make excuses for why they committed their offenses. Some of the best strategies were to simply say they were "a different person" and then talk about their accomplishments since that time. Those who got trapped in this line of questioning often ended up trying to justify their crimes, which inevitably reflected poorly on them. An applicant who explained how a tough financial situation

the narrative played little part in the eventual outcome of the pardon application if the case received substantial support from influential persons in the local community" (p. 138).

¹⁹ Each of the Executive Clemency Board members has aides that presumably help review each case prior to the hearing. It is likely that questions over the circumstances of the offense, based on the files provided by the FPC, often arise and are noted. Although, as noted before, very little is known about how these cases are evaluated. During one hearing, I sat behind an aide to Alex Sink. After inquiring what the color-coding meant on her agenda, she informed me they were "internal notes" and she promptly found a seat away from me.

lead to committing robbery had little chance compared to someone who simply said they had a drug and alcohol problem, received help, and now they were a different person.

For some offenders, the presentation may not matter at all. The governor seemed to regularly have his mind made up about a case even before it was presented, particularly in the case of sex offenders and murderers. They appeared to have little chance of success, and the governor might even acknowledge this in his denial by stating, "given the severity of the case I will deny the application." In one case a former sex offender asked the governor what else he needed to do to get his rights restored stating the many achievements he had done since that time. The governor decided to take the case "under advisement," possibly as a way of avoiding a more honest answer that there was nothing the man could do.

Some applicants would try to address their offense upfront by claiming that they were not the same person that was in the file. This strategy seemed to be less successful as well because it brought attention to the facts of the case. Miller (2000) noted, in her historical analysis of clemency in Florida, that during "the pardon application, the applicant's explanation of the crime predominates; and whereas a criminal trial began with and focused on the victim's story, a pardon application began with that of the defendant" (p. 138). Nevertheless, these hearings differ in that anything the applicant could do to focus attention on their current life status rather than the circumstances of the crime seemed to enhance their likelihood of having their petition granted. This included bringing certificates and diplomas to show the board or providing many references to keep the discussion focused on the applicant's current status.

Lastly, as the data in Chapter 4 suggests, if the victim was present or a statement was read, then the probability of rights restoration was dramatically decreased. When a victim was present, the discourse changed from the accomplishments of the applicant to a retrial for the offense. This created a no-win situation; if the applicant tried to deny committing the offense, it made them look like a liar, and if the applicant admitted to the act, it helped to justify continued sanctions.

Victim Rights

Gottschalk (2006) argues that the more punitive approach to criminal justice is partially a product of the victim's rights movement. In Florida, it is required that the victims be notified of any hearing, including civil rights restoration, and victims are permitted to speak out against their perpetrator at any of these hearings. As the data in Chapter 4 suggest, the presence of a victim or a victim's statement was the greatest impediment to success for civil rights restoration. Regardless of how well applicants presented their cases, a victim's presence trumped all other efforts. The only exception to this would be if the victim had forgiven the applicant for their offense, but even in these cases denial was a common occurrence. In one case, the victims were obviously struggling to cope with their loss and stated that they were conflicted, because as Christians they wanted to forgive the applicant, but because he had hurt them they wanted him to suffer. The applicant was denied.

During the December 2009 meeting an applicant did not attend the meeting, but the victim advocate notified the governor that he had a statement from the victim's family. The advocate stated, "The deceased victim's brother wanted to come today, but wasn't able to because of a job situation, but he just wanted me to convey to you that he believes, that he does want to believe that if the applicant is on the right path than he

does not want to stand in his way of receiving his rights” (ECB Meeting 12/10/2009). The governor asked the advocate, “Is this involving the second degree murder?” The victim advocate replied saying, “Yes, sir, that is correct.” The governor waited a few minutes to open the file in front of him. The governor looked to the cabinet members and said, “Are there any questions? [Silence] Then I am going to deny the application” (ECB Meeting 12/10/2009). In this case, the governor was reluctant to restore the applicant’s rights even with the consent of the victim’s family, their presence seeming to trump even their own words.

A middle-aged woman who had worked as a paralegal prior to her incarceration pled for her civil rights back in order to continue work as a paralegal and be a notary (a right dependant on the restoration of civil rights). She was well spoken during her hearing and had several lawyers speak as character witnesses. Next, the victim’s family was permitted to speak and soon the details of the offense were revealed. The applicant had shot and killed her husband. Many of the husband’s family members had traveled from Tennessee and North Carolina to speak out against her application. The first family member to speak was the youngest child of the victim who spoke against his former stepmother detailing how he had suffered growing up without a father. The victim’s brother and sister spoke next, but the most persuasive speech came last from the victim’s oldest son. Now a Marine he spoke about his time in Iraq and how he had witnessed the first women voting in Fallujah. He stated that he knew what the right to vote means and how he saw the sacrifices made for it. He finished his speech by saying that someone who creates such pain and misery does not deserve those hard-

earned rights. The governor quickly denied the application and thanked the family members for making the trip.

During the March 2009 meeting, after hearing a victim talk about the loss of a loved one and the hardship of having to travel to the hearing, Alex Sink suggested to the governor that they bar the applicant from ever reapplying.²⁰ The governor looked over to Bill McCollum, the attorney general, and asked if this was permitted. The attorney general said that the governor could take this action (permanently barring the applicant from reapplying), but it probably would not be wise and that the next governor would be able to let them reapply. After a short discussion the governor agreed that this was not a good idea. This situation further illustrates some of the questions surrounding the rules on due process. Because the governor does not have to restore anyone's rights, it creates a system in which individuals could be permanently deprived of having their case even heard. Further, this situation speaks to the fundamental assumptions addressed in Chapter 2, of whether people are able to change. Alex Sink's position exemplifies the view that some offenders will never be worthy of redemption and, therefore, should never be returned to full citizenship.

Importance of Attendance

During the March 2009 meeting, a glance around the room sparked an observation on the curious demographic makeup of the assembled group. With the exception of one Black family and what appeared to be an aide, the entire room was filled with Whites. Even more surprising was that there were only two Hispanic families

²⁰ It is important to put into context the political climate in which these observations occurred. Governor Charlie Crist (Republican) is likely to run for the U.S. senate in 2010. Currently, the two front-runners for the governorship are Bill McCollum (Republican) and Alex Sink (Democrat).

(one of which was there to give a victim's statement). Data from 2004-2009 showed that 38 percent of White applicants attended, while only 26 percent of non-Whites attended the hearing. Over the 23 hearings from 2004-2009 only 64 non-Whites were heard before the governor representing an average of less than three applicants per hearing and about one-fourth of the total applicants who attended.

While observing the hearings the governor would simply say, "denied" right after the name was read if they were not in attendance. This process was repeated many times during the hearings. In the cases where a victim was present and the applicant was not, the governor would let the family members know that they did not have to testify unless they wanted to, making it clear that he was going to deny the applicant. In several cases the coordinator would read a name indicating that the person was not present, and before someone in the audience would have a chance to speak up announcing their presence, the governor would deny the application. The governor would then retract his statement and call the applicant forward to have the case considered.

Errors

One particular case is worthy of discussing to better illuminate some of the problems with the rights restoration process. The restoration process, as detailed before is "cumbersome and complex" (to use the words of the chair of the Florida Parole Commission). To demonstrate the failure of this system, I will discuss the case of a 57-year-old welder from Georgia. I first met this man at the Executive Clemency Board meeting on June 11, 2009, and he agreed to meet me later in Jacksonville to discuss his situation. I will refer to him as Earl and discuss his experience with the ECB.

In 1988, Earl was drunk at a party and got into a fight with another man. In his angered state he pulled out a gun (he had kept in his truck) and shot the man. Earl later turned himself into the police and was convicted of voluntary manslaughter. Earl spent the next 15 years incarcerated at the Georgia Department of Corrections.

Seven years ago, Earl moved 30 miles south into the state of Florida. When Earl was released from prison in Georgia he received a notice that his civil rights had been restored indicated by a certificate he has managed to keep all these years. In Georgia (unlike Florida), once felons have completed their sentences, their civil rights, including the right to vote are restored. Upon his move to Florida a representative from legal aid, unaware of the rules, filled out a clemency application on his behalf. Unaware of this action, Earl took his certificate to the voter registration office and was issued a card. Earl felt that it was his civic duty to vote and had voted in every election for the past seven years including the presidential election in November of 2008.

The story changed when Earl received a letter from the clemency office in December of 2008. The letter informed him that the governor had agreed to hear his case for the restoration of civil rights. He didn't really understand the letter, investigation, and interviews, which he thought were unnecessary because he had already had his rights restored and had the certificate from the governor of Georgia to prove it. Earl figured he better go to the appointment and clear things up with the Florida Parole Commission's Office. Earl went into the clemency office where the parole examiner was ready to evaluate Earl to determine if he would give a favorable recommendation to the governor. Because Earl committed a level 3 offense, which is reserved for homicide and sex offenses, the parole and probation commission had to do

an investigation of his life, including interviews with him, his family, and the victim's family. Earl went to the office that day and tried his hardest to explain the mistake they had made. He showed the office his rights restoration certificate that he had saved, and he explained that he was a registered voter and had been exercising this right. Earl pulled out his voter registration card to show the officer that there was no problem. The parole examiner told him that he was not allowed to vote and demanded that Earl hand over his voter registration card. Earl didn't really understand what was going on, and refused to give up his registration card. He soon learned that following the investigation that he had received an unfavorable recommendation. He was notified that the agenda for the March meeting was filed and his case was placed on the agenda for the June meeting. Earl received a phone call asking if he would be able to make it to Tallahassee for his hearing. When Earl replied that he didn't think he could find the money or the time to make the three hour drive to Tallahassee, the lady on the phone informed Earl that if he didn't show up he would likely not have his rights restored (given the data from Chapter 4 this is a likely statement). With that information, Earl was able to borrow \$50 from his daughter to buy gas for the drive. Unfortunately, Earl who had been doing well for himself had recently been laid off as his employer was downsizing.

The first time I met Earl, he stood in front of the governor, chief financial officer, attorney general, and commissioner of agriculture. Earl, a Black man of medium build, has short gray hair and glasses. He stood at the podium and spoke softly and nervously, his southern accent was difficult to follow, and his soft voice made it even harder to understand him. After a minute of him talking to the governor, I knew that he would not have his rights restored. His speech was scattered, and he fixated on the

hardships he had endured. He claimed that his rights had been restored, but that point was lost in the rest of his speech, which focused on the loss of his job. The governor simply said, “denied” as Earl walked away with his head down. Earl had traveled over three hours to Tallahassee, waited through two hours of cases, and after ten minutes of talking the governor simply said, “denied.”

Earl walked outside of the chambers of the meeting room where I greeted him and asked if he would be interested in talking to me about his situation. I met with him several weeks later to conduct an interview. He brought with him copies of the report from the Florida Parole Commission, his voter’s registration card, and his certificate of rights restoration from Georgia. After the interview, I re-examined the Rules of Executive Clemency (2007) and discussed his case with members of the Florida ACLU along with a lawyer from the Brennan Center for Justice. Both of these contacts explained that they should have honored his restoration by another state. I e-mailed the Office of Executive Clemency to further clarify the policy on out-of-state civil rights restoration.²¹ Janet Keels promptly responded to my e-mail by stating, “Yes, out of state restoration is honored by the State of Florida.”²² I responded to the e-mail and asked about Earl’s case. Keels informed me that she had asked Stephen Hebert, Director of Clemency Administration, to review his case. Two weeks later I received an e-mail from Janet Keels addressing the situation.

²¹ The e-mail sent on August 31, 2009 stated: “I was wondering if you know where I can find information about out of state felons who have moved to Florida. I have found conflicting information and I was hoping I could find out whether if another state grants civil rights restoration if it is honored by the State of Florida (i.e. if someone committed a crime in Georgia and received restoration of their civil rights in Georgia and then later moved to Florida becoming a legal resident would that person still have to apply for rights restoration in Florida or would the restoration by Georgia be honored?)”

²² Janet Keels, e-mail message to author. September 1, 2009.

I checked with the Florida Parole Commission Director of Clemency Administration, Mr. Stephen Hebert. He contacted the Parole Examiner who did the investigation on [Earl]. Unfortunately, the Examiner did advise [Earl] that he could not vote until Florida restored his civil rights. The Supervisor has been advised and will address this issue with the Examiner and other staff. I don't know why he said this because all the Examiners should know that this is not a correct statement. I'm not sure who told [Earl] he had to request restoration through Florida in the first place. If a person with an out-of-state conviction only wants to be able to vote, the policy is to check to see if the state where the conviction occurred may have already restored voting rights. Of course, sometimes the person wants restoration for employment or licensing purposes which the out of state restoration may not address. [Earl] can take a copy of his Georgia restoration to the Supervisor of Elections and should have no problem registering to vote. We are very sorry that this occurred.²³

The mistakes made by the legal aid worker, parole examiner, and governor all illuminate a situation where complex rules make the restoration process more difficult. In this case, it was the supervisor of elections who issued Earl his voter registration card who understood the rules surrounding ex-felons and rights restoration. This is not always the case for many ex-felons. They often further face embarrassment of being denied the ability to vote when they have the legal right.

A 46-year-old lawn worker was convicted in North Carolina and should have had his rights restored in the state of North Carolina following the completion of his probation for writing bad checks. When he moved to Florida and went to vote, he was told that he wasn't allowed to vote. He said, "Yeah I went to register to vote and I was turned down 'cause I was honest on my application. It's like well what's the point of even living in this United States if I can't share the same simple right that everyone else has here."

This is not a unique case; in 2008, the ACLU conducted a telephone survey with members in all 67 county supervisors of election offices. They found that employees in

²³ Janet Keels, e-mail message to author. September 17, 2009.

these offices did not know the correct rules for misdemeanor offenders, those on parole and probation, out-of-state convictions, and those on pre-trial detention (ACLU of Florida 2009). In addition, they found that election employees required unnecessary documentation, gave misinformation about waiting periods, and failed to inform ex-felons of restitution pre-conditions. The ACLU concluded that many of the changes implemented after 2005, that were intended to better ensure that voter lists are purged correctly, have failed as a result of the complexity of a system where alarmingly high numbers of county supervisors of elections remain unaware of the rules surrounding former offenders and the right to vote (ACLU of Florida 2009).

Several of the ex-felons I interviewed were confused over their legal voting status. Some had claimed they had voted, but their cases suggested they would have been doing so illegally. Other interview subjects, on the other hand, clearly should have had their rights restored, but claimed that they were unable to vote. Furthermore, for some, who wanted to get their rights restored, it seems highly unlikely that under the current rules that it will ever occur.

Another case worthy of some detailed description here is a 41-year-old realtor who seemed to have done just about everything possible to make good choices. He explained to me that he had never stolen anything and tried hard to live a good life. When he was young, he killed his best friend and severely injured his girlfriend in a drunk driving accident. It was hard even 20 years after the accident for him to tell me what had happened. He told me that he had blacked out and did not remember getting into the car. He spent five years in prison and since his release hasn't consumed alcohol and always drives under the speed limit. Despite his incarceration, he had been

successful as a realtor and wanted to get more involved in politics. During the Executive Clemency Board hearing, the governor denied his case without stating a reason for his decision. During my interview with the man I learned why he had received an unfavorable recommendation, likely one of the main reasons for his case being denied.

At the interview after many years with a lady in Tampa for the Parole Commission, her name was Carol... and she was real nice to me and then I never saw her again. Then I get a letter in the mail several months later after that final interview with her and it said 'unfavorable' due to that I owed money or something. Some kind of fines or restitution. I don't know anything. What I saw was there was some kind of restitution but to nobody. All it was, was some fines that I had put into liens after my two years of probation was up many years ago back in 1999. And it said 'I couldn't own property' unless I satisfied these liens. And what it was, was over depositions that my lawyer took for the, you know for the trial back in the '80s and these people never even went to court (48-year-old realtor).

It took him seven years to go through the application process and actually have a hearing. He had traveled seven hours to Tallahassee 20 years after the accident (the only crime he had ever committed) only to be rejected because the records showed he owed money, but it was not clear whom he needed to pay. Other people at the Executive Clemency Board hearings were frustrated with the parole examiner's accusations that they owed money. In several cases people even brought money to the courtroom or pulled out their checkbooks asking the governor to tell them whom they needed to make a check out to in order to get these balances off of their records.

For some, their financial burden may be too much to overcome. A 53-year-old man I interviewed owed \$84,000 in restitution. He had come to the realization that he probably will not live long enough to pay off the debt. A 21-year-old construction worker discussed his restitution with me: "Restitution, they gave me \$30,000 worth of restitution, they gave me 10 years to pay it off, so I'm maintaining my, my limit every

month, paying you know, \$417 every month, it's all for my restitution." Understandably, the young man was having difficulty making these payments doing part-time construction work. For many they may never be able to afford to have their rights restored. This creates questions over the equity of a policy that allows for wealthy felons to have their rights restored while disenfranchising those less financially sound.

Discussion

Braithwaite and Mugford (1994) suggest that the benefits of a redemption ceremony are lost when the system is perceived to be unjust and inequitable. It would be difficult to argue that the Florida's system is equitable, just, or efficient when even those officials in charge acknowledge the many problems in funding and errors that persist. Hull (2006) argues, "The clemency process should first be purged of its numerous gratuitous and onerous hurdles, and pardon seekers should be provided with considerably more assistance than they are receiving even in the states that recently modified their procedures" (p. 42). Although the Florida ACLU and the Florida Rights Restoration Coalition have worked with the Governor's Office to increase awareness for ex-felons about the restoration process, many ex-offenders are unable to receive the assistance necessary to navigate this difficult procedure.

Uggen and Manza (2005) note that the small scale of successful restoration may also negate the benefits of this ceremony indicating, "too few individuals are restored to civil rights and the process is generally alienating rather than inclusive" (p. 79). To this point, the majority of individuals who are rejected may face more challenges in their recovery process dealing with additional alienation after a failed attempt for recognition of their inclusion in the community. The irony that persists is that those individuals most likely to be denied are those who are likely less integrated in the first place. Therefore,

this process may have the inverse effect as a deviant decertification ceremony in that those who are not yet as well integrated are further alienated putting them at increased risk of recidivating.

CHAPTER 6 CIVIC EXCLUSION

Introduction

Losing the right to vote is something that the majority of people living in the United States will never have to worry about, but for thousands of individuals with felony records, this loss can lead to embarrassment, anger, and personal hardship. George Steinbrenner, owner of the New York Yankees, knows what it is like to lose the right to vote. Steinbrenner received a felony conviction for his illegal contributions to Nixon's 1974 reelection campaign and, although he only received a \$15,000 fine, a small amount for the millionaire, it also meant that he endured the loss of his voting rights. Steinbrenner reflected back on the brief period in which his citizenship was reduced: "Maybe people say, 'Oh, it means nothing. It was a petty felony.' Not me. I missed the right to vote until President Reagan, bless his soul, gave me a pardon. It was very tough for me. I am very patriotic. I believe in this country" (George Steinbrenner cited in Manza and Uggen 2006:5). Like Steinbrenner, many of the former offenders I spoke with discussed the impact that the loss of their voting rights had on them. Drawing from the 54 interviews with ex-offenders, this chapter presents the various ways in which ex-felons interpreted the loss of their voting rights. Further, a discussion on the impact of disenfranchisement on marginalized groups is presented, and the stigmatizations of a criminal record along with the limited opportunities that it affords are addressed.

Losing the Right to Vote

One of the questions included in the interview instrument inquired how the ex-offender first found out about losing the right to vote. The response to this question varied greatly. The largest group of ex-offenders (26) stated that they found out about

losing their right to vote from someone in the criminal justice system. Twenty ex-offenders were informed while in prison with 15 hearing from other prisoners, two from a reintegration class, two from their discharge paperwork, and one from a counselor. The following ex-offenders describe how they learned of their disenfranchisement:

Well, I went into incarceration, I talked to the classification officer, and she explained everything to me, 'well, you,' she explained that: 'your rights is now, is now taken away from you since you just committed this crime and everything' (21-year-old construction worker).

They take you in prison; they take you through a thing called transition, trying to get you ready for society. We did a little story on it, a little write up about it (36-year-old sales representative).

Well when I got discharged I got, I had something about my civil rights I had to sign. I didn't even know what the hell it was so I just signed it (47-year-old sales representative).

Four individuals remember the judge mentioning their forfeiture of voting rights. One learned from his lawyer, and one found out from his probation officer.

I think they tell you in [court]. And you know, once you're a convicted felon then they, they just ready to strip you of just everything: 'Okay, we're taking this, this, this, this, oh, this, this, this' and when you think they done took all that they can take they turn around and find something else (46-year-old).

Ten ex-felons noted that they knew from common knowledge, and three said that they heard from word of mouth. A 60-year-old transport driver stated, "I am not overly educated, but you know I'm reasonably educated and... I kept up with the news and I'm aware of the penalties of crimes." Two other ex-offenders noted that they learned through the media: "Basically through media. Not through the judicial system, but through the, uh, media of just paying attention and seeing that you know if you're a convicted felon you lose the right to vote" (39-year-old construction worker). Two ex-offenders found out from other family members. For example a 33-year-old electrician stated:

It's been like that man... ever since, like I said since I first started getting in trouble now I been know the law like no one was voting... like all the people my household, my cousins, they're like, 'you can't vote,' it don't matter anyways, you know what I'm saying, 'cause you're a convicted felon. Like I knew it from an early age.

Four individuals did not learn about the loss of their voting rights until they went to register to vote. A 46-year-old lawn worker explained:

Yeah I went to register to vote and I was turned down 'cause I was honest on my application. It's like well what's the point of even living in this United States if I can't share the same simple right that everyone else has here.

As noted earlier, some ex-offenders still seemed confused about their current voting status, and many who thought they could vote clearly were not eligible, while others should have had their voting rights restored, but believed they were not.

These findings lend support to one of the major critiques of invisible punishments – that they are not widely known or understood (Travis 2002). Even for those directly impacted by these policies, confusion existed over their voting status, and the majority of ex-offenders did not know about their loss of voting rights until after the commission of their offense. General deterrence refers to the effect that a sanction has on deterring future behaviors by other people (see Glueck 1929). As a mechanism of *general* deterrence ex-felon disenfranchisement is likely to have very little impact due to a lack of common knowledge of this type of punishment.

The “Never Franchised”

Many of the ex-offenders noted that they had never voted. Although this finding would not be surprising to many who have suggested that criminals are apathetic to voting (see Manza and Uggen 2006), the surprise was in how many of them have never been eligible to vote. Among the sample of ex-felons, at least six of the former

offenders were convicted of their first felony before they were old enough to cast their first vote. The following ex-offenders note their eligibility status for voting:

I got a conviction before I turned 18, so, and I registered for the draft, but not, I've never voted (43-year-old salesman).

Um, no I couldn't. I ended up in prison when I was like 17 (35-year-old tattoo artist).

I don't think so 'cause I had the uh... I had a felony when I was 17 (39-year-old bio-med technician).

Since 18 I've been a convicted felon so I could never vote. Could never vote (37-year-old painter).

No, I was convicted at 18 (21-year-old man).

It is striking how many of these men never had the opportunity to vote. Many of them didn't even know what it would be like to cast their vote. I asked a 37-year-old bricklayer whether he had ever voted:

Interviewer: I think you answered this, but have you ever voted? You said you were eighteen

Respondent: No

Interviewer: Never voted?

Respondent: I wouldn't even know how

For this group of ex-felons, consisting mostly of men in their 30's, they never had the opportunity to vote and have lived their entire lives without the ability to participate in the American democracy. Many of the ex-felons discussed this as a common phenomenon in the areas where they grew up.

What it Feels Like

One of the questions asked was: "How does losing these rights make you feel?" Although responses to this question were mixed, I could identify three distinct narratives – anger, embarrassment, and fatalism. The first narrative was that of anger. Fourteen

(26 percent) of the ex-offenders focused on the contradiction between serving their time and still being punished. Ex-offenders stated their frustration and anger with the policy:

I'd have to go with kind of angry 'cause I paid my dues to society, I done my time, I did my parole, I've been released, but yet I still don't have these rights. So I think, yeah, it makes me angry (56-year-old painter).

Well it angers me because we're supposed to have a system that is rehabilitative. It's supposed to get a man ready to go back to the outside. There's no transition programs (53-year-old truck driver).

Many of these narratives focused on the contradictions of the corrections system. As discussed in Chapter 2, there has been a notable decline in the framing of prison as a rehabilitative mechanism, yet many ex-felons latched onto rehabilitative language that they had heard, and the seeming paradox of disenfranchisement. A 33-year-old electrician elaborates:

If you really call it the Department of Corrections, or correctional facility why wouldn't you want us to vote, if our problem has been corrected inside your facility why wouldn't you want us to vote? But just send us out to live, live in your community, but you don't want us to vote, but your supposed to corrected the problem, your supposed to have corrected our problem. Why wouldn't you want us to vote?

This ex-offender clearly felt the contradictions of a system claiming to heal the wrongdoer, yet never forgiving their transgression.

Other ex-felons responded much differently to this question with a second type of response that I characterized as embarrassment. Twelve ex-offenders (22 percent) discussed the embarrassment they felt in losing the right to vote and the challenge to regain them as a form of redemption. A 47-year-old painter explained how losing his rights mad him feel.

Interviewer: How does losing these rights make you feel?

Respondent: Like I messed up. I know I messed up.

Other former offenders perceived this type of punishment to bring up feelings of remorse over their criminal acts: “It, uh, makes you more sorry I guess, that you did what you did” (61-year-old cook). Some ex-felons saw the restoration process as a way to demonstrate the changes they have made. For example, a 21-year-old construction worker discussed his feelings about losing the right to vote:

Well, losing rights, I mean, I just feel like that it’s a punishment... I put myself in that situation, so I have to deal with the consequences, so I mean, me earning the rights back, it would be a truly blessing for me, you know, so I would really be thankful to get them back.

This narrative focuses on the shame created by the loss of rights and the challenges of earning them back.

The last narrative formed on losing the right to vote was a fatalistic approach.

Twenty (37 percent) of the ex-felons had accepted that they face a life with restricted opportunities and feel that this is out of their control. A 46-year-old pipe layer explains:

I’ve accepted the fact that there’s a higher percent of chance that none of it’s going to change and I’m gunna have to deal with life and life turns. If that means I don’t ever get a good career or job.

Many of these ex-offenders focused on how losing the right to vote made them feel excluded. Ex-offenders explained:

It makes me feel not accepted. Like I’m a piece of shit because of the mistakes I have made (36-year-old sales representative).

It make me feel like I was different from everybody else man. It just separated me from you know, the rest of the people (44-year-old roofer).

Um, well it makes you feel like you’re apart, like you don’t matter (39-year-old bio-med technician).

For the last two groups of ex-felons, they have accepted the shame of their punishment. Where they differ greatly is that the latter group has much more of a defeatist approach,

whereas the embarrassment group desperately wants to change their status into something that they are proud of.

These three narratives best fit the framework of Sherman's (1993) theory of defiance. Sherman argues that if an offender believes that their punishment is illegitimate, then they are more likely to respond in anger and defiance. Several ex-offenders expanded on their feelings towards ex-felon disenfranchisement:

It makes me feel bitter... I paid my due. I did ten and a half years in prison. I paid my debt to society. It should be over with but it's not. It's going to follow me the rest of my life, so you know, it makes me mad (45-year-old roofer).

It feels like they, that they take them away to, to actually further hurt you. It really, just really kick you when you're down, just get a little kick to the face you know (37-year-old bricklayer).

Like you ask me how does it feel that my rights, that I can't get my rights cause I'm a convicted felon, just that incident right there is enough to just to just make someone lose it (33-year-old electrician).

The fourteen ex-offenders that fit the anger narrative clearly expressed their frustration with the loss of their voting rights after the completion of their criminal sanction.

Braithwaite (1989) claims that "When we shame ourselves, that is when we feel pangs of conscience, we take the role of the other, treating ourselves as an object worthy of shame" (p. 74). According to Sherman (1993) and Braithwaite (1989) punishment is most effective when the individual internalizes shame. In this framework the loss of voting rights may have a deterrent effect on those who are embarrassed and shamed by this loss. For example, a 40-year-old paralegal reflected back on his loss of voting rights with shame. He said, "I'm ashamed... those are the things that haunt me, people get bit by dogs. That how serious they took [the right to vote], me and I'll go rob a store and not think twice, but now I see the consequences of it." For the embarrassment group, of twelve offenders, the punishment is most likely to have a

deterrent effect. An ex-offender addressed the issue as part of the punishment for his offense:

I'm not blaming the judicial system or the state or the governor or anybody else, they did what um, before you commit a crime you know that's going to happen, it's one of the consequences with it (60-year-old transport driver).

One major policy concern over ex-felon disenfranchisement is the extended duration of the punishment (Travis 2002). Those who may feel shame and embarrassment and are excessively punished may eventually view the punishment as illegitimate and turn to defiance. The following ex-offenders gave their interpretation:

I'm going to be real with you; it takes a long time to forgive myself... I think that where society is missing... is they're going to the extreme of punishing people that have learned from their mistakes. They could be better citizens from their mistakes. You don't give a chance for the mistake to turn into prosperity (40-year-old paralegal).

Um, disappointed in myself. The ability to get the rights back makes me feel kind of disappointed in the way it's structured and how it's uh, how many obstacles I have to go through to get my rights (39-year-old construction worker).

I don't have a problem taking responsibility, bearing the consequences for what I did do, but because of the way the system labeled me, I'm sort of bearing consequences that I don't feel I deserve in a certain sense (46-year-old counselor).

Braithwaite and Mugford (1994) warn that the benefits of a redemption ceremony are negated by excessive punishment. In these cases, the individuals have shame and remorse for their actions that could likely deter them from future criminal acts, yet unlike Braithwaite's (1989) suggestion of "reintegrative" shaming, the individual is not accepted back into the community. This further questions the effectiveness of this type of punishment as a deterrent mechanism.

The last narrative took a far more fatalistic approach than the other two. Lemert (1951) suggests that the societal reaction to crime is one of the most important factors

in understanding why criminals re-offend. The argument is that once an individual is labeled as a deviant and treated as such their opportunities become limited, and they ultimately internalize the label as part of their identity (Lemert 1951; Becker 1963). According to this perspective, the fatalistic group is at high risk of re-offending because they perceive the loss of their rights as an inevitable part of their new identity as a convicted felon. Twenty former offenders best fit this narrative.

Labeling theory would suggest that legal sanctions increase the chances of re-offending if the former offender is continuously treated as a criminal. A 42-year-old network engineer explained, "Certainly people that are recruiting for criminal operations and syndicates, they don't care if you got a felony, in fact, it's preferable." This former offender made a connection between being treated like a criminal and staying one.

Other ex-felons discussed how they felt labeled:

It makes me feel that, like I'm still a criminal, I'm still untrusted, you know and people like me, I'm an alcohol addict and even if I weren't people tend to say, 'well screw it I might as well keep doin' stupid things,' but they won't allow me to become a proper member of society in other areas. People get bad thinking (46-year-old cook).

Alienated, I guess to a point. You know, I know I'm not an avid felony breaker or, like I said, I was in my late 40's when I, when I done that, and I, you know, of course put the blame on myself, but you know I blame myself in the situation I was in and allowed it to happen. But nowadays you make a mistake and it comes to a felony (54-year-old AC technician).

Well I feel that as growing up I already had a low self-esteem as it is and knowing that being a convicted felon you're put in another category. Meaning you're lower than other individuals who have never been in trouble and never made the wrong choices and decisions. It's all based on your criminal background and because you made the wrong choices you have to suffer (50-year-old carpenter).

According to the labeling perspective, those individuals who are treated as lesser citizens are likely to act in that way. This group of ex-offenders responded to the loss of

their voting rights with fatalistic feelings and internalized the “criminal” label putting them at further risk of recidivating.

Civic Exclusion and Social Identity

Felon and ex-felon disenfranchisement policies have been linked to Reconstruction Era efforts to restrict the political capital²⁴ of minority groups (Behrens, Uggen, and Manza 2003). In 1906, John Rose’s article in the inaugural issue of *American Political Science Review* discussed the possible racial motives behind disenfranchisement laws stating that criminal disenfranchisement laws “may have been inspired, in part at least, by the belief that they were offenses to the commission of which negroes were prone, and for which negroes could be much more readily convicted than white men” (p. 25). Although much of the overtly racist language of the past has diminished, minority communities remain disproportionately impacted by these policies (Uggen, Manza, and Thompson 2006, Manza and Uggen 2006, Hull 2006). The movement to restore civil rights for ex-felons has often focused on the greater issue of racial injustice acknowledging a unique history of race and civil rights in the United States (Uggen and Inderbitzin 2009). Wacquant (2005) explains:

Race or, to be more precise, *blackness* – for, since the origins, it is the presence of dishonoured dark-skinned persons brought in chains from Africa that has necessitated the (re)invention and perpetuation of racial vision and division – is properly understood as America’s *primeval civic felony*. (p. 136)

Wacquant refers to race as a civic felony for America equating the history of injustice towards minorities in this country to be equivalent to a felony crime. Like all felons seeking redemption this is a difficult task. Indeed, it would be irresponsible to discuss

²⁴ Political capital refers to the resources and power that a group has.

ex-felon disenfranchisement without looking at the unique intersection of race and class in America.

Nationally, one in twelve Blacks were ineligible to vote in 2004 as a result of a felony conviction – a rate nearly five times higher than non-Blacks (Uggen and Inderbitzin 2009). In the state of Florida, the rate is even higher with one in seven Blacks ineligible to vote because of a felony conviction, and as many as one in three Black men prohibited from voting (Manza and Uggen 2006). For minority groups that have historically fought for more political representation, extensive disenfranchisement multiplies their concerns over their influence in the American democracy. The impact of disenfranchisement is further escalated when taking into consideration the concentration of poverty and crime in minority communities (Clear 2007, Burch 2007). The following sections evaluate the intersections of race and class to explore the impact of ex-felon disenfranchisement on minority communities.

Minority Voting

With so many minorities in Florida with felony records, it is not unusual to find large segments of minority communities unable to vote (Clear 2007; Chiricos et al. 2009). Often among the sample, ex-offenders noted this pattern:

When you really look at the ratio of, you know, Puerto Ricans, Whites, Blacks, Mexicans or whatever that's in jail you know what I'm saying, we're [Blacks are] more, I feel like it's aimed at us, not being racist or biased, I think it's, it's kind of aimed at us to a certain degree, you know what I'm saying (37-year-old painter).

This former offender realizes that disenfranchisement policies have differentially affected the Black community. Interestingly, he makes a distinction between overt racism, and what appears to be a result of systematic processes of discrimination. Other ex-felons tended to believe that these policies were more directly intended to

suppress minority votes. They viewed these policies as a direct result of racism. For example, a 42-year-old stated:

I really, really believe that it has to do with some kind of racist motivation. I really believe that because there's really no purpose. After a person has paid his debt to society I think he should be restored back to where he was originally, you know. But... some of the laws that were made, you know, it was made during the time where any and everything was being done to keep a minority down and I know it's just not Blacks, there's other, you know, other races involved but I really believe that it has racial motivation behind it.

Other ex-felons tended to focus on the intersection of racial identity and crime. An ex-offender of mixed descent discussed how his identity is shaped by the criminal justice system:

And that happens to so many, so many young minorities, I'm not going to say Blacks, 'cause me I'm Black, my father's Black, my mother's Puerto Rican and so I am White, Black, and Puerto Rican okay, but when I get arrested they say a Black male, you see what I'm saying this is the type of junk, this is the type of stuff that I deal with man so, and that happens all the time man (33-year-old electrician).

One minority ex-felon warned of the political backlash of focusing on the issue of race.

He states:

Yea, umm but I look at it from this point of view. Being a Black man and being in the criminal justice system, I've seen the racial component, but I think that when you just come at it from the race point of view, it just going make the problem a little worser and people too. I think what we need to do is just make the laws fair for everybody. Because when you make the wording different that stigma is not attached to it like everybody. Because when you start dealing with race, politician don't even want to touch it. But when you give it a different names its easy to go out (40-year-old paralegal).

As noted in Chapter 1, challenges to criminal disenfranchisement policies on the premise of the disproportionate effect towards racial minorities are currently being evaluated by the judiciary system. On January 5, 2010, the Ninth U.S. Circuit Court of Appeals found that a Washington state law allowing for felony disenfranchisement violated the federal Voting Rights Act of 1965 by demonstrating that discrimination

against minorities existed at every level of the legal system (Farrakhan vs. Gregoire 2010). The Voting Rights Act of 1965 prohibited the practices by states that resulted in disproportionately prohibiting minorities from voting. In the majority opinion Judge A. Wallace Tashima noted:

Before one who commits a criminal act becomes a felon, however, numerous other decisions must be made by State actors. Police departments decide where to spend resources, officers decide which individuals to search and arrest, prosecutors decide which individuals to charge (including whether to charge a felony or a misdemeanor), detain, and prosecute. If those decision points are infected with racial bias, resulting in some people becoming felons not just because they have committed a crime, but because of their race, then that felon status cannot, under § 2 of the VRA, disqualify felons from voting (Farrakhan vs. Gregoire 2010:151).

Evidence demonstrating that "minorities are more likely than Whites to be searched, arrested, detained and ultimately prosecuted" justified this decision (p.151). It is likely the Supreme Court, given its current makeup, will overturn this ruling. Regardless, more attention is being placed on the consequences of criminal disenfranchisement policies on minority communities.

Impoverished Communities

William Julius Wilson (1987) describes a "culture of poverty" that has generated areas of concentrated disadvantage, where many poor individuals live in close proximity to each other, amplifying the impact of poverty and limited opportunity. Several ex-felons I spoke with made connections between the poor communities in which they grew up and the limited opportunities available. A 37-year-old painter discussed the challenges of growing up in a poor community:

Really, staying on the south side of town you got crime around you all, all the time so it don't matter... Where I work at, I got my own business... it be more on the outskirts of town. In the city part of town... there's violence everywhere around, there's crime everywhere around no matter where you go or what you do.

He went on to discuss how his record (of three felonies) wasn't bad for someone growing up where he did. He elaborates, "I never been in prison, only been to jail four times in my life... I'm 37. So you know, that's good growing up on the south side of town." He said in reference to felony convictions, "It's so easy to get one, ain't it?" At the age of 37 he feels like he is one of the lucky ones with just a few felony convictions and only spending a small portion of his life behind bars. This former offender has clearly constructed a narrative of change, in which the hardships faced growing up in a bad community, were overcome through maturing. Expanding on this theme, he argued that if individuals are able to endure the challenges of growing up in bad communities, they should be afforded the opportunity to change their life around and work to improve these communities. He reflected back on the loss of voting rights for ex-felons:

You shouldn't have to do your time out here, doing time the rest of your life by not being able to get up on your feet because of something that you did in the past... You grow and you learn... from your mistakes.

He now views his role as a community leader and regards himself as someone who can have an influence on the younger members of his community. He tries to act like the role model he never had growing up, one which he feels many impoverished communities lack:

My friends, they all look up to me and they all come to me. They need help, they come to me. They got a problem, they come to me. It's like I'm, I'm the father over them or I'm the confidant over them. They need a loan, they come to me... They got a problem with somebody in the streets or whatever or they want to come get me to get involved, I say, 'hold on.' I said, 'let me hear your side of the story.' Okay. All right, I'll go with you. I go with them and I *talk* to that person. I say, 'What's going on?' I don't just jump out and say, 'What's up? What popping? Let's do this,' or whatever... 'cause I got too much to lose now... If that person want to talk, I see them acting irrational or whatever, I say 'don't worry about it. Let's go home and worry about it.' I say, 'let's go.' I see where I can make peace 'cause I done did it three or four, five times. I can make peace in between them two whatever, this, that there, then I do it... you learn from your mistakes and mistakes can follow you a long time, for life, like they followed me.

Unfortunately, many ex-felons lack positive role models to help them resolve conflict in more productive ways. In many lower class communities, the absence of male role models makes it even more difficult to avoid the temptations of crime (Clear 2007). This problem is further exacerbated by the large number of individuals from these communities that enter into the criminal justice system. Todd Clear (2007) notes that it is common in many disadvantaged neighborhoods for teenage boys to be processed through the criminal justice system. Studies conducted in disadvantaged Florida neighborhoods found that imprisonment further disrupts neighborhoods and leads to more of the conditions that create crime (Clear 2007). Many of the young men in these neighborhoods could benefit from having role models who demonstrate civil engagement and a willingness to improve the community. For this ex-offender, and many like him, losing the right to vote lowers his status and normalizes a process of incarceration and exclusion in areas of concentrated disadvantage.

One of the common themes among ex-felons is the idea that they wanted to improve their community. In many cases, poor communities with low collective efficacy, referring to the community's ability to control behavior and organize, were likely to foster these conditions where crime is prevalent (Clear 2007). A 37-year-old painter talks about the importance of his community:

Community, really, where I grew up at, wasn't no community man... It just was, the hood, the homies... for a person that grow up in a house... on the street and you got other homeowners and stuff like that, that's what I basically put a community as... people that, you know, look out for people. Like where I stay at now... I got a house now everybody look out for everybody, when you see somebody working on a car we go out there, help each other... see the trash in the yard, you go pick up the trash out the yard, throw it in the garbage, you speak to everybody, the kids play... with all the other kids.

One of the overarching themes for many of the ex-felons was that they wanted to live in a community where individuals worked together and crime was not a daily occurrence.

An ex-offender explained this challenge:

I can't live here because I got a record, I can't have an apartment over here because I got a record, I can't have an apartment so the only place I can have an apartment is in the drug infested area. So that being a trigger for me and I can't find a job so what am I going to go back to? I'm going to go back to selling drugs (33-year-old electrician).

Unfortunately, many of the ex-felons noted the many challenges of finding housing and concluded that many of the restrictions on where ex-felons can live prevented them from escaping high crime communities.

Voiceless Veterans

Veterans constituted a unique group of ex-felons affected by the loss of their voting rights. Veterans have high rates of alcoholism, drug dependencies, and homelessness (Benda, Rodell, and Rodell 2003). Historically, veterans have been linked to high levels of criminal involvement (Willbach 1948; Robins et al. 1980; Higgins 1991). For the few²⁵ veterans participating in this study, voting seemed to hold a special meaning. The veteran subjects placed their own situations in the context of the impact disenfranchisement has on the broader veteran population. A 50-year-old veteran noted a lack of political capital for veterans. He explained,

You know, and in this country there's such a majority of people that have been in the systems, I mean, that's a pretty powerful voting block right there, and you know add on to it that the majority of us are also veterans (50-year-old tile worker).

²⁵ The three veterans were: 42-year-old student, 50-year-old tile worker, and 40-year-old electrician.

Other veterans had a hard time even understanding how a country that they fought for could permanently exclude them from the very element of democratic life that they were attempting to promote around the world.

A 40-year-old veteran discussed how the loss of his voting rights made him feel. “It didn’t make me feel like a veteran, that’s for sure.” As someone who fought for the United States he expected to be treated differently – to be honored – by his country. Instead, he made a mistake and received a felony conviction for habitually driving on a suspended license (his license was suspended several times for failure to pay traffic tickets).

Interviewer: Are you in the process of trying to get your rights restored?

Respondent: That’s why I’m here.

Interviewer: Okay. Why?

Respondent: ‘Cause I want ‘em! I’m an American. I’m a vet, I fought for this country. Over six years.

He further explains, “Being a veteran, a Gulf War veteran, I’d like to be able to vote my leaders in, I would appreciate that back” (40-year-old electrician). He continued to discuss his dissatisfaction with the past election. Even though he listed himself as an Independent he made it clear that he would have liked to have voted for a fellow veteran, John McCain.

Once again, I feel like a third-rate citizen... Because I don’t have any right to vote, I don’t have any say. Not only that, I’m not in the very high income tax bracket, that kind of makes me lesser, too. But I’m a vet... Being a vet and not being able to [vote] because I didn’t pay any tickets when I was a crazy 20-year-old. Now I’m 41 and a little bit more level headed. I want them back (40-year-old electrician).

For this ex-offender, the belief that his status as a veteran should outweigh his past transgressions was an important guiding principle. His case further illuminates the

paradoxes of a policy that strips the right to vote from all felons regardless of the severity of the offense²⁶ or service to their country.

The Lesser Citizens

Some ex-felons perceived the loss of their voting rights as further confirming their status as a lower form of citizen. The ex-felons interviewed spent considerable time talking of the opportunities they felt were closed off to them because of their past. A 46-year-old lawn worker explains, “You don’t have no avenues to get that help and most of them if they find out you’re a felon, the doors are slammed in your face immediately. Where do we go from here?” Many of the ex-felons expressed concern over the lack of resources for those who are attempting to “do good.” A 46-year-old counselor explained:

Sentenced to eight months, do five and a half months in county jail. In the process, lost my house, roughly \$300,000 in assets between equity and cars and this kind of thing. Get out, now homeless. The county I lived in there are no like outreach programs to help ex-offenders or anything like that. End up walking around in a daze for two years doing day labor. Finally realize I need to deal with my depression but once you’ve lost your health insurance, unless you’re basically going to kill yourself or hurt somebody else there’s no place to help you... I basically had to lie and tell them that I had an alcohol problem because basically if you don’t have an alcohol or drug problem nobody wants to help you.

These concerns were echoed by a 53-year-old truck driver who talked about a rough time in his life, and instead of engaging in crime he too had to pretend to be drinking again to get help. He stated, “I stopped and bought two beers, poured them all over everything I have so I’d smell like a brewery and [the recovery center] took me in.”

²⁶ Given the lower severity of his offense it is likely that the April 2007 rule change, and following processing of back cases, may have restored his voting rights. It is important to note, that because he has moved in and out of temporary housing it is unlikely that even if his rights had been restored he would have been notified. Further, it is more important that he believes that he cannot vote rather than his actual status. For many who have had their rights restored they still believe that they cannot vote, this type of misinformation discussed in Chapter 5 clearly may influence the way in which they perceive their voting rights.

Many of the ex-offenders mentioned the lack of services available for ex-felons and how these further create challenges for those who are trying to improve their lives. The challenges for reintegration and the lack of support for ex-offenders stem from the impact of the felony label. The next few sections evaluate these challenges to reintegration.

Making It

One of the themes expressed by many of the ex-felons is how difficult it is living life as a convicted felon. Maruna et al. (2004) found that when offenders were asked about their future long-term goals several of them answered: “Maybe I’ll win the lottery” (p. 225). The authors reflect on this dialogue and at first believe that the offenders do not understand the question. Eventually, they come to the conclusion that perhaps they have a better understanding of their situation than most. In a country where the American dream is in constant conflict with the reality of limited opportunity, social mobility is often over-estimated. For many individuals who grew up in poor communities, the stigma of a criminal record becomes more debilitating in achieving financial success. In this case, the dream of winning the lottery may reflect the former offender’s idea that the only way to achieve economic success legitimately with a criminal record is to win the lottery (in those states that allow felons to win).

Several of the felons I spoke to appeared to be treading water to stay financially afloat. A 21-year-old construction worker, for example, was only able to make his \$417 a month restitution payments with the help of a faith-based organization that provided him with a room to stay and, through their network, a temporary job working construction. Many former offenders I interviewed had not been as fortunate in locating

external support. One former offender noted that he was “making it” and how this was something he didn’t even think was possible to do where he grew up. He explains:

It starts to feel like its a lie... that you can't make it... and you know what I call making it aint even a fraction of what a normal person calls making it, like you, you know this is my car right here (points to an older sedan with faded paint), I'm content, I'm happy... I got a car that runs and don't break down... I don't want a big mansion, a two, three, bedroom house that I own... that's making it, but you'd be surprised... that is hard to come by for minorities, for a convicted felon that's almost impossible to come by... I had to go to Atlanta really to see that these people are really making it... I seen other brothers that been convicted felons, other brothers from Florida... they were up there, they were, they had jobs and they were making it man and that's what really like changed me and my life man (33-year-old electrician).

For this ex-offender he had to leave his community to actually see people who were able to achieve the American dream through legitimate means. As noted before, many of the ex-felons stated how difficult it is to escape criminogenic neighborhoods further limiting their chances of “making it” legitimately.

Marked

Uggen, Manza, and Behrens (2004) noted that no other group was stigmatized more than felons: “Felons often experience stigmatization across all three reintegrative domains [socioeconomic, familial, and civic] simultaneously. The pervasive generalized ‘felon’ label that defines the relationship between ex-felons and society complicates problems of adjustment upon re-entry” (p. 280). With a felony record comes numerous amounts of both formal and informal scrutiny. For many the struggles of finding quality employment are further impeded by the mark of a criminal record. Devah Pager (2007) utilized an experimental design in which she was able to illuminate just how stigmatizing the felony conviction is on a job application negating advantages in work experience, education, and skill level. Her research also concluded that the intersection between race and a felony record compounded the disadvantages faced by those searching for

quality employment. As Pager (2007) revealed, opportunities for ex-offenders seeking jobs are extremely limited by their criminal convictions. More so than ever before employers are enlisting the aid of criminal record search engines readily available on the Internet (Blumstein and Nakamura 2009). Steady employment was one of the primary concerns of ex-offenders. Studies have noted that those who are unable to secure steady employment are at the highest risk of recidivating (Laub and Sampson 2003; Uggen 2000).

Throughout the interviews with ex-offenders they discussed the many challenges they faced finding employment. I conducted interviews with ex-felons between April and October 2009. During this time the unemployment rate was over 10 percent in Florida and only about half of the ex-felons I spoke to had steady employment. Many of the ex-felons discussed their daily struggles of finding day labor and trying to apply to positions:

Now that we're – jobs are very scarce, they're only taking the cream of the crop, and me having a criminal record, and not being able to drive, it puts me a little lower than everybody else that applies for a, for work (44-year-old).

Jobs that are significant to get, meaningful jobs, that put income into a household, what not. You can't get it with a felony, you won't get it (37-year-old engineer tech).

Oh, jobs, its pretty, it's very difficult to get jobs 'cause a lot of companies just make their own assumptions. Oh felony, yes, you know they're not interested in the circumstances or what you're doing today. Like I can get clean and sober and lead a productive life trying to be a good member of society, but they won't see it that way (46-year-old cook).

The ex-offenders were candid about the many rejections they could contribute to their criminal record - something an employer would surely check.

When I first got out of prison I got a job and I did 90 days there. They loved me, they hired me, but as soon as they did a criminal background check they fired me. You know, they loved my work but they didn't love my criminal history (45-year-old roofer).

I've been out. I still pay for it. I can't get employed in any type of job that's career oriented. I can go to the labor pools and get work all the time. I've had no success whatsoever here in Florida. In fact, I've had three companies tell me why they turned be down because I had a people crime, assault and battery with attempt, even though I was 24 since it happened, doesn't matter (46-year-old pipe layer).

Many ex-offenders noted how difficult it is to stay clean and out of trouble when they cannot find employment or they have no option but to take jobs with high concentrations of offenders:

How can you go get that job that you want or feed your kids? That's what makes people go out and cause more crime, 'cause they have to go back to the lifestyle they did before so they can make whatever money, whatever, I feel it pushes maybe 70 percent of your felons back into felony life, is because they don't have opportunities (37-year-old bricklayer).

'Cause a lot of people that go through that stuff, you know, they go to selling drugs and stuff like that, you know, because they don't really have no choice 'cause they can't get a good job now or nothing. So they, so you know what I'm saying, they turn to crime (30-year-old carpenter).

Like, the, the little jobs that I do right now, I'm around crack heads and dope heads all day long, but I don't, I don't, I don't socialize, I don't hang out with them, I work with them, you know. I don't condone them for what they do because I've been there, and, and, but it's very, very hard, and, and, if DOC would have, see how can I say this in a nice way? There's really no nice way to say: if DOC would have allowed me to go to school, and would allowed me to get a trade, and, and just do something besides mop the floor and cook the dinner and mow the grass, then I would have had a lot better chance on the streets (43-year-old salesman).

For many ex-offenders the financial burdens of restitution, court fees, and child support are often greater than their paychecks from day labor jobs. One ex-offender discussed how his financial situation prevented him from paying his probation:

I was convicted felon and I couldn't get a decent job as was only getting minimum or barely over minimum wage jobs and I had a wife and family and I could not afford to feed my children and pay probation so I chose to feed my family and I got put in prison for noncompliance (45-year-old cook).

Unfortunately, many of the ex-offenders mistakenly believed that the restoration of their civil rights would prevent them from having to list their criminal record on job

applications. Although the restoration of civil rights does allow ex-offenders to qualify for some state occupations, the mark on their record will stay with them, limiting job opportunities.

The Usual Suspects

For many middle class citizens, being stopped by the police is an infrequent occurrence, but for thousands of ex-felons this is far more common. With a more technologically connected world a police officer driving through traffic has the ability to enter a license plate into the computer and almost instantaneously know if the individual has a criminal record. A 45-year-old cook described how the police treat him differently because of his felony conviction:

Me and you could go for a walk at 11:30 at night, together the police will stop us and run our driver's license. You'll be gone in two or three minutes. They'll keep me there for a half hour, hour, forty-five you know wanting to find something wrong. If they don't just take me in for general purposes and turn me loose, it will still, it still ruins the night. And I haven't did nothing since early 90s.

Many ex-offenders have had such poor relations with the police that they no longer view them as helpers, but as agents of harassment. A 33-year-old electrician explained:

I mean it's, it's crazy, you know... Prison, prison and stuff has made me, I would never call the police anymore, I just wouldn't, I mean I know that's not the right way, but I just don't trust them, I just have no trust for the law.

Other ex-offenders discussed how the label of ex-offender automatically enters them into the suspect pool when anything bad happens. For example, a 62-year-old responded to the following question:

Interviewer: Do you think that losing rights because of your criminal conviction has made it more difficult to stay clean or out of trouble with the law?

Respondent: Out of trouble with the law, yes, because I do have this record and even though I served time once, if I'm ever questioned about anything they put my name in that computer. As soon as it comes back that I'm an ex-felon, well then they're automatically kind of suspicious.

A 33-year-old electrician discussed how he got pulled over by the police because of his felony record:

This man pulls me over eleven miles down the road, eleven miles down the road he pulls me and says I have a brake light out. If my brake light was out he would have pulled me at that stop sign when I had my brakes on without anything. See, what he did is he waited till he read my tag in and the computer information came back that I'm a convicted, 'cause the car was in my name.

With the increase in technology it has become much easier for police to know who has criminal records and who does not. These stories illustrate some of the increased surveillance from the police that comes with a felony record (Simon 2007; Garland 2001). For many ex-offenders they are constantly reminded of their past by new allegations of wrongdoing.

Discussion

The primary focus of this chapter was to explore the ways in which ex-felons frame the loss of their civil rights and the challenges they face as an ex-offender. Although the Supreme Court has asserted that ex-felon disenfranchisement "is not a punishment but rather a non penal exercise of the power to regulate the franchise" (Trop vs. Dulles 1958:96-97), the vast majority of the ex-offenders interviewed regarded the loss of their voting rights as a form of punishment. To the extent that ex-offenders view this loss as an *unfair* type of punishment, they would seem to be at risk for becoming angry, defiant, and perpetuating anti-social behaviors. For those offenders who accept the loss of voting rights as contributing to the shame they feel for criminal actions, the policy would seem to hold some potential as a deterrent mechanism. It seems likely, though, that the deterrent effect is truly generated through some shaming mechanism, this could be lost if the process to regain rights is not viewed as redemptive, but only complicated and excessive (Braithwaite and Mugford 1994). Those, who internalize the criminal label

and become fatalistic in their approach, risk further identifying with a criminal lifestyle. The further alienation and exclusion of ex-felons may prompt them to seek refuge among those actively involved in crime. The material in this chapter is merely suggestive of the possible affects that the interpretation of the loss of voting rights may have on recidivism; the following chapter takes a far more in-depth approach to exploring the influence of ex-felon disenfranchisement on community reintegration.

This chapter also aimed to explore the intersection of civic exclusion and specific social groups. Minorities are disproportionately impacted by disenfranchisement. These policies have the greatest impact in neighborhoods of concentrated disadvantage. For these communities, the lack of positive role models is problematic in supporting ideas about being a good citizen. The impact of mass incarceration and ex-felon disenfranchisement may put these communities at further risk.

The stigmatizing effect of a criminal record affects almost every part of an ex-offender's life, but the problems of finding adequate housing and employment are key factors in preventing the offender from returning to a criminal lifestyle. High recidivism rates by ex-offenders may be partially explained by the increased surveillance of ex-felons. Many of the "usual suspects" may turn to criminal activity if they are continuously treated as criminals. For many ex-offenders the loss of their voting rights is just one of the many stigmatizing consequences of a criminal record. The following chapter critically examines if the loss of ex-felons' voting rights further impacts the likelihood of successful reintegration into the community.

CHAPTER 7 REINTEGRATION

Introduction

Voting is an act, it's almost like the ultimate act of being a part of society, you know? Being able to actually have your voice heard, have your opinion heard. Being able to make a difference and I think that's the essence of being part of society (42-year-old).

Distinctions are often made between those who have criminal records and those who are citizens, but it is important to acknowledge that former offenders are citizens, participating in the community, owning houses, volunteering, and paying taxes (Uggen and Inderbitzin 2009; Uggen and Manza 2005). Ex-offenders enter the community and attempt to rebuild their lives and “develop a coherent prosocial identity for themselves” (Maruna, 2001:7). The most pressing concerns for the successful reintegration of ex-offenders are work, family, and housing (Petersillia 2003; Laub and Sampson, 2003; Uggen, 2000). Ex-felon disenfranchisement, although important, is secondary to these concerns. Manza and Uggen (2006) explain, “Though political participation likely plays a small role relative to pressing work and family needs, the right to vote remains the most powerful symbol of stake-holding in our democracy” (p.163). As noted earlier several scholars have suggested that the restoration of rights has the potential to serve as a reintegration or deviant decertification ceremony (Uggen and Manza 2005; Braithwaite and Mugford 1994; Maruna 2001), but as discussed in Chapter 5, the indefinite removal of these rights and the difficult process of restoration negate these benefits. In a study of ex-offenders in Minnesota, lower levels of recidivism among individuals who were more politically active suggests that civic involvement has some form of connection with successful reintegration (Uggen and Manza 2004). In the words of a former offender: “You just don't feel like your recovery is complete. You don't feel

reintegrated back into the system until your rights are restored” (41-year-old social worker).

This chapter critically examines the factors that ex-felons noted as being the most important elements of their reintegration. It further evaluates the role of disenfranchisement in the reintegration process. It is important to note that these ex-offenders showed a great deal of difference among them and, consequently, their recovery and reintegration strategies also show a large degree of variation. Therefore, the goal of this chapter is to illuminate the various narratives (instead of imputing one generalized narrative) formed around the process of reintegration and the importance of voting rights. This process is twofold and begins with a general assessment of reintegration narratives, followed by an evaluation of the impact of voting in which ex-offenders are grouped in four distinct categories. The chapter concludes with a discussion of this typology, limitations of this study, future research, and general conclusions of the study’s findings.

Narratives of Reintegration

Ex offenders were asked: “Could you describe things in your life that have moved you away from crime – or pulled you into crime? Can you name any turning points in your life?” The answers to these questions varied, but several common themes emerged. Ex-offenders noted the most important factor or turning point in their move away from crime. These responses included: participation in a recovery group (8), deterrent effect of prison and punishment (8), new found relationship with God (6), betterment for their family (6), membership in a new supportive community (5), finding quality employment (5), and fulfillment through helping others (3). The following

sections take a critical look into how these narratives were formed, highlighting what former offenders perceived to be key in their recovery process.

Recovery Groups

Partially as a product of sampling, a number of ex-offenders were active participants in recovery organizations. Some were faith-based, while others worked with Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) – type programs. These programs have shown to be important in reshaping one’s personal narrative (Maruna 2001). O’Reilly (1997) explains the benefits of a 12-step program:

One such healing strategy is the use of the three-part narrative – a performed, oral description of the speaker’s own gradual degradation, transformation, and recovery. Telling the story – it may be said that, in a sense, there is really only one story in AA – enables the speaker to reconstrue a chaotic, absurd, or violent past as a meaningful, indeed a necessary, prelude to the structured, purposeful, and comparatively serene present (p. 24).

It is this type of narrative construction, that these programs offer, that has the potential to be instrumental for ex-offenders’ recovery process.

Many of the ex-felons cited 12-step programs as being a key factor in their recovery process: “AA is a great program. Excellent program, I can’t say enough about that. I can burn up your whole tape talking about it. It’s just a great thing.” Many of those participating in 12-step programs noted how influential they had been. For example, a 53-year-old plumber stated:

I was a rebel mentally and I’ve changed, this AA and NA program has changed me a lot to form a productive person in society... doing a treatment program and then going to AA and NA, that changed everything because I was able to surround myself around the right people that would push me in the right directions.

This individual noted that the recovery program both helped him mentally change his identity from a “rebel” to a “productive” person and also provided him with a support

network of other individuals moving towards the “right direction.” A 56-year-old painter noted:

The jobs I’ve had, the people I’ve been involved with through AA and NA, the principles I’m learning to live my life by, they’ve had a lot of positive impact on my attitudes to get me out of myself and become concerned with people around me instead of being so self-centered and only thinking of myself. So they’ve been very positive attitude, or influences.

This former offender is learning a degree of empathy in considering the impact of his actions towards others. As Maruna (2001) would suggest this demonstrates a move towards a “prosocial” identity and one that is attributed to the successful experiences found in the 12-step programs and his employment. A 48-year-old painter discussed in detail the importance of a social network to help him with his struggles with alcohol and drug dependencies:

Yeah, support from people who are like-minded, be it Alcoholics Anonymous, other people. That’s essentially it. A lot of prayer, that’s key to me. Everything else is on the fringe of that. It is a necessity. I find it very difficult, through my experiences trying to stay away from drugs and alcohol to do it without some kind of support or somebody to talk to or ‘hey man this is really wrong,’ before I go and do something stupid. Because I’m the type of person, when I consume alcohol, the drug problem pretty much been put to bed of course for years, but the alcohol problem certainly has not. It’s just identifying the things that cause me to act on that. Sometimes it’s really easy to see, sometimes its not... Other people can sometimes see that coming before you see it yourself... I don’t believe there is one end all be all thing. I mean, a lot of people think ‘ok man, if you just go through treatment, you’re ok,’ ‘if you just join church, you’re ok,’ ‘if you just don’t pick up, you’re okay,’ ‘if you just go to AA, you’re ok.’ Some of that works for certain people but some people are different. There’s different ways of getting relief from that disease if you will. There seem to be more results when people who are involved in like-minded, such as recovery 12-step program. I think are probably overall the best approach devised yet.

For this individual, still struggling with his alcohol problems, he argued that a variety of networks are required and that different recovery programs may be better suited for some than others. Many of the ex-offenders noted that recovery programs were important in their ability to control their alcohol and drug problems. Programs helped

them avoid further criminal activity and eight individuals (15 percent) acknowledged this as the most important factor in their recovery.

Prison

Although the impact of prison had a differential effect on ex-felons, some perceived prison (or other forms of punishment) to be an essential element of their recovery process. Several ex-offenders noted the negative effect prison had on their lives, but for some they indicated that prison changed their perspective on things in a positive way. For example, a 53-year-old journeyman explained:

When I was in prison, I studied electrical books and I became a master electrician. But a lot of people don't get to serve time, you know, I let time serve me, I put it to my benefit and I went on and got my GED you know, I was stuck there, I might as well get educated, but a lot of people didn't look at it like that. I knew that I didn't want to go back to prison so to not go back to prison you have to do one of two things: you either work or be a good con man.

For this former offender, prison served as a deterrent mechanism and provided him with the tools to better his life. He was sentenced to prison in 1979, and may have benefited from services and training more widely available in prisons during this time period.²⁷

Important to note was his mindset of letting "time serve" him. From this perspective he used the resources available in prison to better his life by choosing a path towards a legitimate career. Another former offender discussed the benefits he received in prison, but noted that for many prison only furthered their criminal involvement:

I changed my life. I got, when, when I went to prison 'cause I lost everything, my family, and I actually did my time. I didn't let it do me. I got my GED and believe it or not, I don't think I should of gone to prison, but prison helped me. 'Cause I see what you're talking about there was guys who went in there and got worse, it was like a school for them of crime, but I went in there and seen these people and not wanted to get like that so it turned me the other way.

²⁷ Many of the younger ex-offenders complained that not enough services were available to them while they were in prison.

This former offender has made a clear distinction between “doing” his time, and letting the time “do” him. The same theme of using time in prison for the betterment of his education was present, but he was clearly aware of the harmful effects prison can have. For those who let the time “do” them, they risk enrollment in a “school” for crime. A 46-year-old counselor noted that, although educational opportunities were available, he saw a general lack of moral rehabilitative programs:

There is some you know education, getting people their GEDs, letting them get a college education while they're in there, but in terms of really teaching them right from wrong, and you can argue whether that should be you know, a religious based thing, a moral thing, a just logic, carrots and sticks sort of thing, I just don't see it. Maybe I'm not aware of... but in my experience I just don't see it being there.

For this former offender, punishment alone is not enough without educational and moral training. Although prison had negative effects on several of the former offenders, eight individuals (15 percent) noted a significant positive effect of incarceration on their road to recovery.

Religion

Scholars have noted an increased policy interest in faith-based reintegration practices (Lane 2009, Mears et al. 2006). Historically religion has played an integral role in the reintegration and rehabilitation process (O'Connor and Pallone 2003). The majority of former offenders (44) noted that religion had played a positive role in their reintegration. Among that group six ex-felons (11 percent) noted that religion was the most significant factor in their recovery. A 61-year-old cook explained:

Well like any addiction, my belief is that anyway you can only stop that addiction or getting out of it is by turning your life over to God... You've got to change your way of thinking and your way of living and the only way you can do that is with God's help.

This sort of framework echoed the recovery program strategies. Religion, similarly to recovery programs, requires a sense of trust in a higher power. Many individuals directly acknowledged the influence of a higher power in their ability to overcome crime and addiction. Although some mentioned the benefits of a religious community in aiding their recovery, others took a far more personal approach to religion. For example, a 53-year-old plumber stated:

Without God I don't feel I would be here sitting talking to you. So, yeah, but I wouldn't say a church has. I'd say spirituality and connection with God which has been brought on by places like the [recovery center] and AA and NA. Those are really what have brought me back to that, that, that way of thinking. Church has never done that for me.

Others acknowledged religious teachings as the way to live both a more pious and "prosocial" lifestyle. A 21-year-old construction worker discussed his attempts of living a crime free life as being connected to Christian values:

Just me just living the Christian life, just trying to get my focus on God. It really builds me up, and me standing and worrying about it's really taken me a long ways. And me keeping myself focused, not trying to go out there and do the wrong thing.

For this individual he has framed illegal activity as being immoral or "wrong" and is attempting to do the right thing as both a religious person and a citizen. A 42-year-old network engineer discussed his diverse religious beliefs:

My religion transcends Christianity, I have my own relationship with God, it involves, it would probably involve bits and pieces of other religions such as Hindu and things like that, like the reincarnation aspect would be one end of it... I have a little Buddhist going on, just because I studied things like that and I believe in them. I don't believe one religion covers it all. So how does that relate to what happened to me and how I got through it? In my 42 years, it's been for me, I've had people watching over me when I didn't deserve it, I've been taken care of when I didn't deserve it... there's certain things you know with addiction that has caused my crime that you're not always, you can't always umm, deal with yourself and I feel that my relationship with God is that if I do the right thing and I speak to him about it later and you know communicate with him, yeah, um I don't know if I'd pray out loud, but um you know it's in my head and just let him know that um not

only do I know what I need to do and if I do these things you know it will just help me stay strong.

For this former offender his personal relationship with a higher power allows for him to stay “strong.” For some ex-offenders the religious support networks were the most important factor, whereas for others their ability to trust in a higher power gave them the strength to avoid returning to crime.

Family

One of the important elements of successful reintegration is having quality social networks (Petersilia 2003). For many, this includes positive relationships with family members. Many ex-felons (24) noted that their family played an important and positive influence in their ability to stay clean and out of trouble. Sampson and Laub (1993) noted that one-time offenders who took responsibility providing for their spouses and children were significantly more likely to desist from crime. Six ex-offenders (11 percent) noted that their family was the most important positive influence in their recovery process. The majority of these former offenders suggested that their family had given them a greater sense of purpose in life. For example, a 35-year-old cook noted:

Well, since I had my last son and my kid, my youngest kid, you know, I've been thinking about their future more now, and me and their mom separated while I am in this program. I got to get myself together, and if I want to be a part of their life, you know, I got to change my life and the way I think about doing things.

Several former offenders found the birth of a child to be an inspiration for living a better life and providing a better role model:

My nephew being born makes me not want to any, like anything law, unlawful (21-year-old).

Another former offender noted that he still has a ways to go in his recovery process, but that his daughter and son are inspiration for him.

I got my daughter, my son, that's all that I have. My other people have passed, so I just need to work on that, but I haven't got that far yet. I'm working, a work in progress (49-year-old truck driver).

The desire to provide a role model was a common theme among those who were concerned about repairing relationships with their family. For example, a 36-year-old sales representative stated:

I was saying, the relationship with my family, it's not as, that bond, that love, that like, you know as far as like holidays for example, birthdays and all this and that. Some of them don't want to come because they know I'm there. Then you don't get the feeling of being truly welcomed. I feel like an outcast because of the things that I have done in my life. I have took from them time and time again. But the most thing I have took from them, and I will upset them no more. I'm the oldest out of eight. I have to set a role model, example. They look up to me and I have let them down, so many times, and disappointed them.

Many ex-offenders used the embarrassment they felt from disappointing their family to motivate themselves to stay on the path to recovery.

Community

As discussed in Chapter 6, community played a vital role in many of the former offenders' reintegration process. Five of the ex-offenders (9 percent) acknowledged community factors to be the most important influence on their recovery. Half of the former offenders (27) cited that the community had played an important role in their recovery process. The vast majority of these individuals noted the importance of moving away from communities that acted as a "trigger" for criminal activity. For a 33-year-old electrician he had to move to a new city to overcome the temptations of crime:

I moved to Atlanta, and I found a job, it wasn't the best job, but it put me in a different environment, you know what I'm saying. And there still drugs don't get me wrong, there's way more drugs there than there is here, but what it did is it took me out of my comfort level.

This move helped remove the former offender from the individuals and settings that he had attributed to his criminal involvement. For a 37-year-old painter he had to move across town and get out of the “hood,” “It feel good to live in, in a so called community now then what it was me growing up in the hood back in the day.”

A 42-year-old network engineer discussed how a community is important in establishing a “sense of responsibility:”

So you know, there’s a sense of, um, community to me reminds me of a sense of responsibility that hey, its not just you living this life, there’s people around you that you affect, whether it’s your friend in the community that you want to spend time with and you choose to or whether it’s your community that you live in that you’re forced to be around the people whether you like them or not, you should be respectful. You have a responsibility to, to respect their property, their privacy and things like that.

Living in this type of area forced him to develop a level of empathy that he argued wasn’t present in some areas. Further, a 50-year-old painter argued that his newfound sense of community has forced him to embrace higher standards: “I’m willing to do whatever it takes to stay clean and sober and to be a positive role model in my community.” Almost all of the participants acknowledged that living in a good community is vital for successful reintegration. Indeed, the very nature of community reintegration assumes that the individuals are entering into a neighborhood with “prosocial” values. For those who are “reintegrated” into criminogenic neighborhoods, they are likely to develop those values which initially have been associated with high levels of criminal activity.

Employment

Only 22 (40 percent) of the former offenders claimed that they had positive employment experiences that helped them with their reintegration process. Five former offenders (9 percent) noted employment as the most important factor in their move

away from crime. The majority of the ex-offenders interviewed cited the challenges of finding quality employment as directly impeding their reintegration into the community. As discussed in Chapter 6, the stigmatizing effect of a criminal record was often cited as the primary reason for their difficulty in securing a “career oriented” job. Those who did have success in finding quality employment seemed to be on a quicker path towards recovery. The impact of a good job did not seem limited to the positive economic impact, but also provided psychological and behavioral benefits as well. For example, a 44-year-old man stated:

Yeah, work’s a big part of it, work’s, you keep, that’s half the battle: you staying occupied. Idle hands are not, idle hands are trouble, for some people, for myself. Boredom and stuff. Work’s a big thing in my life, helps me out staying clean.

For this ex-offender, the routine and enjoyment of work was just as important as the money he earned, and he found steady employment to be a key factor in his recovery.

Another former offender worked on a military base and found his work to be very rewarding. He explained:

I started working on the bases, yeah, that will give you, like you’re helping. I mean, you’re doing something to help them, the soldiers or whatever. I mean, you’re just part of it, you know (47-year-old painter).

For this ex-felon, work was a way to make a difference and help out a greater cause. In addition, he was able to feel like part of a community.

Unfortunately, many of the former offenders noted the lack of quality employment to be one of the primary reasons behind initially engaging in crime:

If the majority of those individuals, if you took all those individuals and they had a good job some sort of career based uh, thing where they were making a sufficient living with it I would be, I would stick my neck out on the line and say that uh, at least 65 percent, maybe 70 percent of those individuals would not be in prison (60-year-old transport driver).

Even those fortunate enough to find jobs acknowledged just how difficult it is for those who are unable to secure quality employment upon release. A 45-year-old cook explained:

[Employment] didn't with me, but I see it happen with a lot of people. It does because they can't get a decent job so they go back to; they go back to what they know [crime].

Further, a 46-year-old lawn worker discussed the ordeal his friend went through trying to get a job illustrating both the financial impact and the psychological toll rejection has on someone.

One of my good buddies here I've got... Recently got out of prison for a nonviolent crime and went to get a job and he was so excited going in... went in there and he went through all the paperwork... right there at the end they told him, 'well sir you've had a felony so we can't let you drive.' Took the wind right out of his sails. You know, now this guy's walking around out there thinking there's no chance for him.

As discussed in Chapter 6, those unable to find a job often risk returning to the criminal activities they were previously engaged in.

Because without a job, like most jobs don't want convicted felons, so it, it, your resort, your only resort is to go back to like selling drugs or, or doing illegal stuff, because you're convicted so they won't, they're not giving you a job (21-year-old).

Only about half (56 percent) of the former offenders were employed at the time of the interview. In Florida, the unemployment rate was in the double digits at the time of these interviews. Many of the ex-offenders noted that the challenges to finding quality employment were their primary concerns for reintegration, and it is likely that many of those unable to secure employment risk recidivating.

Helping Others

Maruna (2001) noted that the New Careers movement, which encouraged former offenders to work as teachers, counselors, and rehabilitators for other offenders, was

successful in that when “one person helps another, both parties benefit” (p. 129). Many of these formal programs disappeared with the move away from Great Society-era programs. This change coincided with the move away from rehabilitative language discussed in Chapter 2. Nevertheless, the “seventh step” in 12-step programs is typically to help “lift up” other offenders (Maruna 2001; O’Reilly 1997). Three ex-offenders (6 percent) noted that helping others was the most important step in their recovery process. A 42-year-old discussed how helping others had impacted him:

I really, through whatever trials I’ve been through, whatever circumstances I’ve been through, what seemed more important to me was actually helping people... When I was incarcerated and first thing I did I tried to get involved while I was in prison and I became a tutor, I was an assistant. Just like the general counsel was talking about, you know, she kind of flipped it, but I was an assistant to one of the instructors and it was in math and I remember working with a lot of guys and one of, I mean, my greatest joy was actually seeing the joy on their face when they discovered some things and when they was actually able to earn their GED and they was coming in let me know and they’d thank me for it.

Many others noted that helping others was one of the keys to their success. The following former offenders explained how helping others had made them feel:

I mean, helping the people, man, I mean, it feels good to help other people, you know (47-year-old painter).

I enjoy helping people, the better influence I feel like I’ve given back to that community that I live in (54-year-old AC technician).

This was a common theme among many of the ex-felons. One ex-felon had even dedicated his life to helping others with alcohol problems by starting a nonprofit to help alcoholics. He explained what has helped him stay clean:

Straightened out my life, went to AA, quit drinking, started setting up nonprofit corporations and helping out alcoholics and addicts (62-year-old).

Helping others seemed to be very beneficial for those going through the recovery process. Those who were able to help out other people saw a greater purpose in their lives and were able to develop a “prosocial” identity.

Time Clean

The research strategy, detailed in Chapter 3, aimed to locate subjects who were at various stages of their recovery process. Although the recovery process does not dictate a strict timeline in which an offender is able to overcome the temptations of crime, a look into the amount of time that an individual has spent absent of a criminal lifestyle is further revealing in their progress. The following questions were asked: “How long would you say it has been since you’ve done any crime? Serious crimes or smaller crimes?” The following analysis examined those crimes significant enough to likely be arrested and prosecuted for.²⁸ The amount of time clean had a range from only a few days up to 34 years. The average time clean was 77 months (over 6 years) without engaging in a serious crime. Many of the ex-offenders detailed their constant struggles with alcohol and drug dependencies. Among the ex-offenders 35 percent (19) indicated that they were in the beginning stages of recovery. Further, 37 percent (20) indicated they were on the path to recovery, and 26 percent (14) indicated that they were in the final stages of recovery. This distinction, although useful, seemed to do little in predicted attitudes towards voting, or their view of reintegration with the exception that those in the beginning stages of recovery were much more likely to not identify a turning point in their lives. This is suggestive that many of these individuals have not made substantial progress in their recovery. This group was also more likely to list their

²⁸ Minor traffic offenses and misdemeanors likely to result in no jail time were not included.

involvement in a recovery group or cite prison (or punishment) as a mechanism for their desire for change. Among those in all stages of recovery there were very diverse opinions towards the importance of voting and the reintegration process. The following section further evaluates these narratives.

Voting and Reintegration

So when you come out of prison you're looking for food, shelter, you know, getting a job, making money, stuff like clothes. So a lot of people, when I do prison mentoring and stuff, that's what they're looking at, but after you've got that down then you want to start coming up to the next part of the equation. Which [is] being able to vote. You know, not being the one on voting day seeing everyone walk around with the 'I Voted' sticker on there and their 'I voted' and you don't have one. You know, that's pretty important you know (41-year-old social worker).

One of the primary research questions that this project investigated is whether civic exclusion had an impact on an ex-offender's ability to successfully reintegrate into the community. To evaluate this question ex-offenders were asked a series of questions aimed at determining 1) how important the right to vote is for the ex-felon, and 2) if they saw a connection between the inability to vote and maintaining their desistance. Although the entire interview was evaluated, the general design of the interview instrument was constructed in a way to specifically solicit a response to these questions. The initial questions began by vaguely asking about criminal involvement and the consequences of their criminal conviction(s). General reintegration questions were asked first, then followed by specific questions designed to facilitate a response to their view of voting and reintegration (see Appendix A). The questions included were:

Do you think that losing rights because of your criminal conviction has made it more difficult to stay clean or out of trouble with the law?

Do you think that losing the right to vote makes it tougher to stay clean or out of trouble with the law?

Is voting a small or large factor compared to other issues?

The narratives employed by the ex-felons in answering these questions and others were interpreted and scored relative to the importance of voting and their perceived connection between voting and desistance. The following sections evaluate the results of this analysis.

The 54 interviews were placed into four groups based on the importance the respondent placed on the right to vote and whether they saw a connection between voting and staying clean and out of trouble. *Priority* referred to the importance that the ex-offender placed on voting and was categorized as low and high. *Salience* referred to the perceived connection the ex-offender made between civic exclusion and the ability to stay clean and was categorized as low and high. Results of this typology are displayed in Figure 7-1.

Ex-offenders who viewed the right to vote as being both important and as having a significant connection between voting and staying clean were placed into the *direct impact* group. Those who identified some connection between voting and staying clean, but did not view voting itself as a pressing personal concern were placed into the *indirect impact* group. Those respondents who viewed voting itself as very important, but saw no connection between the ability to vote and stay clean were placed into the *individual responsibility* group. Finally, those who viewed voting as not being important to them and also saw no connection between voting and staying out of trouble were placed in the *low salience* group.

Although no individual perfectly fit these ideal types, I will briefly outline some of the common narratives among individuals in these various groups. Furthermore, although I indicate how many of the respondents belonged to each one of these groups,

please note that because this sample is not representative these numbers may not proportionately represent the position of ex-offenders. Nonetheless, the four distinct narrative typologies that emerged encompass a significant number of individuals representing each group (see Figure 7-1). The following sections evaluate each of these narratives focusing on key similarities between group members. Further, discussions of the impact these narratives may play in the successful reintegration process are evaluated.

Direct Impact

The direct impact group consisted of ex-offenders who viewed the inability to vote as directly impacting their successful reintegration. These individuals viewed voting as both being important and connected to their ability to stay clean. There were eight ex-offenders (15 percent) whose response best fit this category. A 33-year-old electrician argued, “It would hurt me personally, because my voice can’t be heard.” Other ex-offenders focused on the psychological impact of being a lesser citizen and the impact that it has on their ability to stay clean:

It’s more of a psychological thing man. Not having a vote is not being able to participate (50-year-old tile worker).

You know, sometimes you feel like you’re beaten you know? You know, like a one legged person in an ass-kicking contest, it makes you feel weak sometimes and yeah you go out and have a drink or whatever. It makes it easier I think to go, mentally to go get in trouble (37-year-old bricklayer).

A 35-year-old cook argued that the inability to vote further stigmatized him:

People look at me differently, because I’m a convicted felon, you know, so I don’t feel like I’m a part of the community, so, a lot of people who don’t feel like they’re a part of the community do other things: they either go back to selling drugs, smoking drugs, or doing crime.

This group in general viewed disenfranchisement as having an immediate and *direct* impact on their ability to successfully reintegrate into the community:

I still consider myself an American citizen even though the government doesn't feel that way. I still believe in hope and prosperity although it's getting thinner and thinner. I start to wonder if all that I'm trying to do is for nothing... not being able to vote at all you might as well be stuck in the back of the class (46-year-old lawn worker).

This group viewed their exclusion from civic life as a way of further separating them as *others* who are outside of mainstream society. Further, this group perceived the alienation caused from civic exclusion (and other practices of exclusion) to put them at *direct* risk of returning to criminal involvement.

Indirect Impact

The indirect impact group consisted of 14 ex-offenders (26 percent) who linked the inability to vote with other factors that made it more difficult to successfully reintegrate. Although they often did not perceive voting to have a direct impact on reintegration, they grouped the issue of voting together with other issues related to their successful reintegration. For example a 45-year-old hospitality worker argued that the only impact that voting can have is if it negatively impacted his employment:

Unless for the same reason I said before about you know, on the chance that they ask you, 'can you, can you vote' and then you say 'no' and they put the pieces together and figure out that you're a criminal and you didn't get a job or don't get something and get frustrated and then you give up and start drinking or something or go do crime or something.

Other ex-offenders focused on the impact their vote could potentially have on changing employment restrictions and other policies for ex-felons. For example, "yeah, in the long term it does because we're able to vote, like I said, that can change the future of laws and stuff, you know, once they're on the ballot" (53-year-old truck driver). Others

voiced this concern as well: a 56-year-old painter focused on the impact that his inability to voice his concerns has on the policies that could directly benefit him:

I lose the right to give my opinion of what issues are important in our government today and they don't deal with some things that from my viewpoint are very important issues like mental health and addiction process and problems and programming to help people with my problem to get better.

Also connecting voting with improving the community a 42-year-old argued, "it is because it's through the voting process that we can make certain changes that would bring positive effects in our community." Some ex-felons argued that the inability to vote did not directly impact their ability to stay clean, but it did have an effect on their attitude. For example, "not losing the right to vote going to make it tougher? Just makes you bitter" (45-year-old roofer).

The last group of those who were indirectly impacted by losing the right to vote argued that it is "small, but it's a positive, it's a positive part. You know, it's just, there's a bunch of things, and that's just one, one more thing that's gonna help me be more positive in life" (44-year-old). The focus was on more immediate issues, and voting was important, but not nearly as important as other factors more directly associated with successful reintegration. A 41-year-old social worker argued:

The first thing you want to make sure is life issues, food, um food, clothes, shelter, um, when you're a person that has just got out of prison, it's the same thing, but civil rights are the finishing touches on coming back to civilization and community, you know coming back to being a citizen.

Another ex-felon argued similarly that voting is not an immediate issue, but voting is something that is very positive: "you know people see that you got a voter's registration card they look at you a little different. You know because you're trying to make a difference in, in what goes on around you" (53-year-old journeyman). For this group, ex-

felon disenfranchisement may not have an immediate impact on the ability to stay clean, but it is considered to be a factor.

Individual Responsibility

One of the common themes among ex-offenders, at various levels of reintegration was an emphasis on personal responsibility. Those who were placed into this group viewed the act of voting as a high priority, but saw the right to as having low salience in their ability to stay clean. This group was the largest and consisted of 20 ex-offenders (37 percent). They argued that the loss of voting or any other rights wouldn't affect them because they had made the personal decision to leave crime. A 61-year-old maintenance worker argued that, "it haven't affect me at all, because I didn't want the criminal life in my life." Another ex-offender similarly argued that:

If you're going to do something wrong, you're going to do it no matter what. The fact that the rights are gone, it's not like 'well I'm going to go out and do drugs again' or 'I'm going to run out and rob or steal because I don't have no rights,' it don't matter. No, nobody thinks like that I don't think (61-year-old cook).

Other ex-felons in this group focused on their bad decisions and argued that they were taking responsibility for them. For example, "That cop didn't push me to go rob that drug store, ok, or convenience store or whatever the case may be. I make that choice, buck stops here" (53-year-old painter). For this group, ex-felon disenfranchisement may have a much smaller impact because they viewed the desistance maintenance process as something outside of environmental conditions and ultimately an issue of individual responsibility.

This type of recovery strategy best coincides with the language of recovery formed within recovery groups (Maruna 2001; Travis 2009). An emphasis is placed on internalizing the cause of one's problems rather than focusing on external conditions.

Therefore, the structural conditions associated with criminal behavior are disregarded and a focus on their future choices is emphasized. This plays into the “three-part narrative” strategy where the former offender can acknowledge a deviant past as a necessary condition for their future choices (Maruna 2001; O’Reilly 1993). This group has most fully embraced the role of agency in their recovery process, and regardless of their desire to vote this does not appear to be a significant factor in their reintegration framework. Maruna (2001) would suggest that this group is most likely to find success implementing this recovery strategy. This group is likely at a lower risk of recidivism regardless of their voting rights.

Low Salience

The last group of ex-offenders included those who simply believed that voting was not important to them and saw no connection between the ability to vote and staying clean. This group consisted of 12 ex-offenders (22 percent) who argued that voting simply did not matter for them. For example:

You know over the course of years I used to be angry about it but now I just kinda like, it’s just there, it’s just a part of life. I just look at it as a way of life. It is just acceptance. I’ve accepted the fact that there’s a higher percent of chance that none of it’s going to change and I’m gunna have to deal with life and life turns (46-year-old pipe layer).

Another ex-offender argued that voting was so far down his list of priorities that it doesn’t matter, “Well compared to, well my priorities are um, making sure my daughter is taken care of and then work, um, and after work I guess is, um, recreation and like voting is pretty far down on the list (laughing)” (35-year-old tattoo artist). For this group disenfranchisement does not likely have an impact because they have defined voting as something that is not important to them. This could be a strategy to cope with the loss of voting rights, but for this group voting is not an issue of concern. For example one

ex-offender stated, “some men and women that’s all they want to be interested in is concern for the community and for, uh then they reject them, not for me though” (46-year-old cook). This group did not view the loss of their voting rights as an important factor in the reintegration process. Furthermore, the actual practice of casting a vote is something not highly important to their lives.

Discussion

Distinguishing four ex-offender narratives advances an understanding of disenfranchisements’ impact on reintegration. Shadd Maruna (2001) argues that these narratives should be taken very seriously because they directly impact the desistance maintenance process. This study found two groups who were impacted negatively by their inability to vote. Both the *direct* and *indirect* impact groups saw a connection between the inability to vote and their ability to stay clean and out of trouble. This relationship was the strongest among the direct impact group. Although this was the smallest group in the sample, it is likely that a substantial number ex-felons fall into this category and perceive voting barriers as barriers to their successful reintegration into the community. The combined indirect and direct groups made up a large portion (39 percent) of the sample and are likely to make up a substantial group of the ex-felon population. Those who have adopted the indirect impact narrative are likely less affected than those in the direct impact group, but still perceive barriers to voting as limiting their opportunities, psychologically harmful, and further stigmatizing. Ex-felon disenfranchisement may have much less of an impact on individuals who are in the individual responsibility and the low salience groups.

The results of this analysis indicate that restrictions on civil liberties have a significant impact on a large portion of ex-offenders either directly or indirectly.

Although not all former offenders indicated that the loss of their voting rights impeded successful reintegration into the community, a substantial number were affected by these policies suggesting that they may be harmful to their desistance from criminal activity. Furthermore, a better understanding of these groups and their corresponding narratives advances the current state of knowledge of the impact invisible punishments have on community reintegration. In addition to the electoral consequences of ex-felon disenfranchisement, voting restrictions for former offenders appear to have a significant effect on ex-felon's reintegration.

Limitations and Future Research

There are several key limitations of this study that are worthy of discussion. One of these limitations is the lack of a representative sample. Although the unique population of former offenders is not conducive to random sampling, the methodology used to recruit participants for this study has limitations in its ability to generalize to the greater ex-felon population. As indicated before, the reliance on faith-based reentry groups and recovery centers may have oversampled those going through the recovery process. In addition, all of those interviewed were unable to vote (or at least perceived to be ineligible to vote). An evaluation of those who were successful in having their rights restored may reveal more positive experiences with the rights restoration process itself.

One clear limitation is that only men were interviewed for this project. In order to form a complete picture of disenfranchisement's impact on reintegration this project needs to be extended in its scope to evaluate women as well. It is possible that women perceive civic exclusion differently from men. Comparisons between men and women's narratives would be valuable in further understanding the recovery process.

Another limitation is that this project was conducted solely in the state of Florida. The unique history and restoration process may limit the generalizability of this study to other places and states where the conditions are significantly different. Future research should extend this study to look at differences between states with varying policies towards disenfranchisement. A comparison between places that practice policies of inclusion for former offenders and those that exclude ex-offenders from civic life would significantly enhance the understanding that these policies have on reintegration.

A limitation of using narrative analysis is that interviews are not static, but as an interviewee contemplates an issue, they may change their interpretation of the events. In some cases interviewees would contradict themselves. In these rare cases, the observer has to take into consideration the change and impute meaning. The careful design of the interview instrument aided in controlling for many of these issues by starting very broad and then narrowing its focus. Nevertheless, the knowledge of the study, setting of the interviews, or perception of the interviewer may have impacted the former offender in altering their narrative.

One aspect of this analysis that is simultaneously a strength and a limitation is that it takes the ex-felon's narrative at face value. Those who have constructed narratives that downplay the impact of civic exclusion may be doing so as a coping strategy particularly for those in the individual responsibility group. One of the surprises was that many of the Black participants downplayed the structural conditions and racial history of disenfranchisement policies. For example, a 40-year-old paralegal discussed how he had let down his ancestors who fought so hard for civil rights: "those are the things that haunt me, people get bit by dogs. That how serious they took it, me and I'll go rob a

store and not think twice.” Instead of perceiving ex-felon disenfranchisement as an extension of the Jim Crow Era voting restrictions on minorities, he interpreted his situation as a personal flaw. Likewise, another ex-felon belonging to the individual responsibility group discussed his first experiences engaging in crime describing how at five years old his uncle helped him crawl through a back window in a convenience store to unlock the front door for him. He was paid for his crime by being permitted to take as much candy as he could carry. He never attended school and learned how to read in prison, yet he had accepted a narrative of taking individual responsibility and perceived his shortcomings as a product of his own choices rather than the structural conditions of poverty, racial prejudice, and poor parenting to which he was exposed.

Another limitation of this study is that the impact on reintegration is evaluated only at a single point in time. This study could greatly benefit from a longitudinal design in which former offender’s trajectories could be tracked over time. An assessment of how attitudes and personal narratives change would advance an understanding of the reintegration process. Future research should employ a longitudinal design to evaluate which narratives are most successful in maintaining desistance. This research design would allow for future criminal behavior to be measured. Unfortunately, this study was unable to identify which offenders failed in maintaining their desistance.

Conclusions

I like to be a part of the number that makes the decisions of who goes where, who does what, and make people accountable for what they do and what they say. And sure it’s good to run for office and I’d like to do that someday myself, but... until people find forgiveness and find a way to... let people go after they done what they done, ‘cause all of us have done some stuff all of us didn’t go to prison for, but until... you get to the point, when is enough, enough? How long do I have to do it? Do I have to do it inside or do I have to come outside and do the same thing and then have another sentence passed on me as well? (47-year-old sales representative).

One of the main questions raised by ex-offenders is how long they have to be clean and crime free to receive recognition for their change. Unfortunately, this is a question that may not have a satisfying answer. Long after an offender has served their criminal justice sentence, they are continuously excluded in many ways. The mark of their criminal record follows them for the rest of their lives. In addition, many states officially brand them as *others* and reduce their citizenship. For many former offenders their cry for redemption falls on deaf ears.

This research found that not all of those who were disenfranchised were negatively impacted in their reintegration process, but a substantial number of ex-felons were both *directly* and *indirectly* affected by these policies. Before making general policy recommendations based on these findings, I will briefly review some of the key findings from the previous chapters.

Chapters 4 and 5 found that the “cumbersome and complex” process of rights restoration has essentially created a “bureaucracy of disenfranchisement.” The restoration process is difficult, and for those ex-offenders denied, it serves to further alienate them. The benefits for the few who are able to achieve restoration of civil rights through the Executive Clemency Board hearings are likely to be far too few to outweigh the negative effect on the many denied, misinformed, or unwilling to even apply for their rights back.

Chapter 6 revealed that the majority of former offenders learned about the loss of their voting rights after they had committed their offense rejecting the claim that disenfranchisement serves a *general deterrent* form of punishment. For many ex-felons the loss of voting rights was viewed as a punishment that created feelings of anger,

embarrassment, and negativity impacted their self-identity. These various reactions to this form of punishment may have consequences for whether the punishment has a defiant, deterrent, or labeling affect.

Chapter 6 also indicated that former offenders linked the intention and impact of these policies to poor minorities. The concentration of disenfranchisement in poor minority communities was perceived to create even more challenges for reintegration in these neighborhoods. In addition, veterans perceived this type of punishment to devalue their service to the country.

Lastly, the stigmatization of a felony record, lack of employment opportunities, and increased surveillance were perceived by many ex-felons to further create challenges to reintegration. Those who were successful in their recovery attributed their success to participation in a recovery groups, prison, God, their family, community, employment, and helping others. Not all former offenders viewed voting to be important in their reintegration, but a substantial number viewed civic exclusion to be either *directly* or *indirectly* related to successful community reintegration.

Policy Recommendations

The primary focus of this research was to evaluate the impact that disenfranchisement policies have on former offenders' reintegration into the community. This is an important issue because, "Without successful re-entry into one's community, recidivism is likely to occur, to the great detriment to the public safety, Florida's communities, families, taxpayers, and individual ex-offenders" (Governor's Ex-Offender Task Force 2006:4). It is with this goal in mind that I make the following recommendations.

The most immediate need is for ex-felon assistance in navigating the process of rights restoration. As noted by the Florida Parole Commissioner the process is “cumbersome and complex,” and unfortunately, many of those directly involved with the process do not understand these rules. Knowledge of the Rules of Executive Clemency need to be better understood by the Parole Examiners, Election Supervisors, Governor’s Office, and members of the Executive Clemency Board in order to prevent further errors. In addition, resources need to be made available for ex-felons attempting to understand this process. Increased information and support is needed for out-of-state ex-felons, and clarifications of these rules need to be made. Furthermore, the under-funded and lengthy process of restoration needs to be further evaluated to assess if the lack of support and low success rate poses a significant threat to reintegration. All four interviewees rejected at the Executive Clemency Board were angry and frustrated with the system. It is likely that this further alienation and rejection can be harmful for reintegration.

Attendance played a very large role in whether or not applicants were able to get their rights restored. The geographic location of Tallahassee creates additional logistical problems for applicants traveling from various parts of the state. I suggest in order to create a more equitable process for all Floridians, that hearings be conducted in various geographic regions. This could be accomplished by either a rotation of the Executive Clemency Board hearings or by establishing satellite facilities in which applicants could communicate with the ECB via video conferencing technology. Additional locations in Orlando and Miami would ease the travel burden many applicants face, allowing them to present their case to the governor.

The presence of a victim was the largest predictor for applicants having their petition denied. Further evaluation into the role of the victim at these hearings is warranted. Hearings involving a victim dramatically changed the focus of the hearing from the positive changes in the applicant's life to the pain caused to the victim. Unfortunately, this process does not seem therapeutic to either party. This creates a situation that is disintegrative for the applicant, further excluding them.

All of these problems could be remedied by either a simplification of the process or the removal of disenfranchisement for those in completion of their criminal justice sentence. It is with this assessment that I recommend altering the current policy of disenfranchisement and increase practices of inclusion for ex-offenders in attempts to help reduce recidivism rates among those reentering the community. Furthermore, this study concludes that ex-felon disenfranchisement is likely to impede the reintegration process rather than aid it. As a matter of public safety, it appears that the consequences of civic exclusion, in impeding the successful reintegration of ex-offenders, outweigh any potential benefit to its criminological value. Ex-felon disenfranchisement's political, philosophical, or legal value should be greatly evaluated against the negative impact that it has on the safety of the community.

Typology

	High Priority	Low Priority
High Salience	Direct Impact (8)	Indirect Impact (14)
Low Salience	No Impact / Individual Responsibility (20)	No Impact / Low Salience (12)

Figure 7–1. Typology of ex-offenders and voting

APPENDIX A
INTERVIEW INSTRUMENT

Semi-Structured Open Interview Instrument:

Informed Consent Procedure:

Read and explain informed consent

Demographics:

Fill out questionnaire

Criminal Involvement:

- 1) Because disenfranchisement policies only apply to people who have been in trouble with the law, I will ask a couple questions about criminal involvement. When did you first get involved in crime? What key factors led to this involvement?
- 2) Have you been convicted of a felony? What was it for? Was this in Florida or another state? Do you have any other convictions?

Invisible Punishments:

- 3) What rights have you lost as a consequence of your criminal conviction? Which ones are most important to you? How has the loss of these rights affected you?
- 4) How does losing these rights make you feel? [PROBE: citizenship] Why do you think these rights are taken from felons?

Voting Rights:

- 5) Some states have laws that let people in prison, or on parole and probation vote and others have laws that take voting rights away for life or for some period of time. Do you think that people should lose the right to vote when they are in prison? What about when they are out on parole? On probation? Forever? [PROBE: voting a right or privilege]
- 6) How did you find out about losing your right to vote? What do you understand your voting rights to be? Are you trying to get your rights restored? Why? Where are you in the process? [PROBE: if yes, have you voted]

- 7) In Florida to be able to vote after a criminal conviction you must go through the process of rights restoration. What do you think of this process? What is your experience with it?

Political Involvement and Engagement:

- 8) Have you ever voted? Were you able to vote in the last presidential election? [PROBE: if yes, did you vote?] Do you think you would have voted if you had the legal right to vote? Why or why not? What about in the future? Do you think you will ever vote in an election?
- 9) What do you see as the purpose of voting? Do you think elections are a good way to make the government pay attention to what people think? Why or why not? Do you think that people like you have a say about what government does?

Community Involvement:

- 10) The word “community” has a lot of different meanings. What do you think of when you hear the word “community”?
- 11) Should people who have been in trouble with the law help out their communities? Is there anything that you have done to help out your community? Why or why not? [PROBE: volunteering, community center, etc.]?

Reintegration:

- 12) Aside from voting and politics, I’m interested in how people who’ve been in the criminal justice system eventually move away from crime or stay in it. Could you describe things in your life that have moved you away from crime—or pulled you into crime? Can you name any turning points in your life?
- a. Work: Have any jobs or work experiences influenced you? How?
 - b. Family: Have any family members been especially helpful or harmful? Friends?
 - c. Community: Is there anything about your community or neighborhood that has made it tougher or easier to move away from crime?
 - d. Religion: Has your church or relationship with God influenced you? How?
 - e. Time: How long would you say it has been since you’ve done any crime? Serious crimes or smaller crimes?

- 13) Do you think that losing rights because of your criminal conviction has made it more difficult to stay clean or out of trouble with the law? Do you think that losing the right to vote makes it tougher to stay clean or out of trouble with the law? Is voting a small or large factor compared to other issues? How?

Wrap-up:

- 14) We've been talking about a lot of issues and I wanted to give you the chance to add anything to any of the topics we've covered. In thinking back over the last hour are there any other thoughts or experiences you'd like to mention which are relevant to the things we've been discussing?
- 15) And finally are there any questions you would like to ask me?

APPENDIX B
QUESTIONNAIRE

Florida Reintegration Questionnaire

Directions: Please fill in the blanks and place an "X" next to the category that applies to you. Your answers will be confidential. Thank You.

1. How old are you? _____
2. How would you describe your race and / or ethnicity? (please specify)

3. What was the approximate annual income of your household during last year?
 Under \$5,000 \$15,000 – \$24,999 \$50,000 – \$74,999
 \$5,000 – \$9,999 \$25,000 – \$34,999 \$75,000 – \$99,999
 \$10,000 – \$14,999 \$35,000 – \$49,999 \$100,000 and over
4. What is your high school education level?
 Did not attend high school High school graduate Alternative schooling
 Some high school GED
5. Do you have any college or special training?
 Some trade school Some college Some graduate school
 Trade school graduate College graduate Graduate degree
 Other (please specify) _____
6. What is your occupation? (please specify)

7. Are you currently employed? Yes / No
8. Which political party most represents your views?
 Republican Democrat Independent Other (please specify) _____
9. What is your religious affiliation?
 Christian-Protestant Christian-Catholic Jewish Muslim Not Religious
 Other (please specify) _____
10. What is your marital status?
 Single Cohabiting Married Divorced Widowed
 Other (please specify) _____
11. Do you have any children? Yes / No If yes how many? (please specify) _____

APPENDIX C SEARCH DATABASE

Florida Corrections Records: Corrections records of statewide criminal convictions and guilty pleas (mainly felonies) on persons who have been sentenced to serve time or community service, or have received a suspended sentence or probation at a state facility since 1974. These records include persons guilty of felonies and some state-level misdemeanors. Results show the defendant name, DOB, race, sex, case number, county, arrest date, charge(s), disposition date, disposition and sentence. Records updated regularly.

Florida Courts: Circuit and District Court records of felony and misdemeanor cases disposed in 50 of 67 counties (excluding Brevard, Broward, Duval, Escambia, Flagler, Hillsborough, Liberty, Nassau, Osceola, Palm Beach, Pinellas, Putnam, Saint Johns, St. Lucie, Sarasota, Seminole, Suwannee) since 1989. Results include name, DOB, race, sex, case number, county of offense, charge(s), disposition, disposition date and sentence date. Updates currently on hold. Last update received October, 2003.

Florida - Alachua County (metro Gainesville) Court Records: Court records of felony and misdemeanor dispositions since 1990. Search results show the defendant name, DOB, race, sex, case number, charge class, charge description, statute, disposition date, disposition description, sentence date and sentence description. Records updated regularly.

Florida - Bay County (metro Panama City) Court Records: Court records of felony and misdemeanor dispositions since 1997. Search results show the defendant name, DOB, race, sex, case number, sequence number, charge class, charge description,

statute, disposition date, sentence description and fine amount. Records updated regularly.

Florida - Brevard County (metro Melbourne-Titusville-Palm Bay) Court Records: Court records of felony and misdemeanor dispositions since 1990. Search results show the defendant name, DOB, case number, charge class, statute, statute description, file date and disposition date. Records updated regularly.

Florida - Broward County (metro Ft. Lauderdale) Court Records: Court records of felony and misdemeanor dispositions from 1975. Search results show the defendant name, DOB, race, sex, case number, file date, charge(s), disposition, disposition date and sentence. Records updated regularly.

Florida - Charlotte County (metro Port Charlotte) Court Records: Court records of felony and misdemeanor dispositions since 1990. Search results show the defendant name, DOB, address, case number, charge class, charge description, statute, file date, disposition date, disposition description and sentence description. Records updated regularly.

Florida - Dade County (metro Miami) Court Records: Court records of felony and misdemeanor convictions since 1980. Search results show the file date, case number, defendant name, DOB, race, sex, charges disposition, disposition date and sentence. Records updated regularly.

Florida - Duval County (metro Jacksonville) Court Records: Court records of misdemeanor and felony dispositions dating back to 1990. Results show name, DOB, race, sex, case number, arrest date, charges, disposition, and disposition date. Records updated regularly.

Florida - Hernando County (metro Tampa) Court Filings: Court records on felony and misdemeanor dispositions since 1989. Search results show the defendant name, DOB, race, sex, address, case number, charge, charge class, statute, statute description, file date, disposition date, disposition description and fine. Records updated regularly.

Florida - Hillsborough County (metro Tampa) Court Filings: Records of court filings on felony and misdemeanor charges since 1988. Search results show the defendant name, DOB, race, sex, case number, file date and charges. Note: These are filings ONLY, not dispositions. Records updated regularly.

Florida - Marion County (metro Ocala) Court Records: Court records of felony and misdemeanor dispositions since 1994. Search results show the defendant name, DOB, case number, sequence number, charge class, charge description, file date, disposition date and disposition description. Records updated regularly.

Florida - Monroe County (metro Key West) Court Records: Court records of felony and misdemeanor dispositions since 1994. Search results show the defendant name, DOB, case number, charge description, file date, disposition date and disposition description. Records updated regularly.

Florida - Orange County (metro Orlando) Court Records: Court records of felony and misdemeanor dispositions since 1990. Search results show the defendant name, DOB, race, sex, case number, file date, charge(s), sentence date and sentence. Updates currently on hold. Last update received November, 2003.

Florida - Osceola County (metro Kissimmee/St. Cloud) Court Records: Court records for felony and misdemeanor dispositions since 1996. Records include offender

name, DOB, race, sex, address, case number, charge county, charge class, charge description, file date, disposition date, disposition description and sentence description.

Updates currently on hold. Last update received November, 2003.

Florida - Palm Beach County (metro Palm Beach) Court Records: Court records of misdemeanor and felony dispositions dating back to 1990. Results show name, DOB, race, sex, case number, charge(s), arrest date, disposition and disposition date.

Records updated regularly.

Florida - Pinellas County (metro St. Petersburg/Clearwater) Court Records: Court records of felony dispositions since 1990. Results show defendant name, DOB, race, sex, case number, charge(s), disposition, disposition date and sentence. Records updated regularly.

Florida Sex Offender Records: Sexual predators and violent offenders sentenced since July 1993. Records updated regularly.

APPENDIX D INFORMED CONSENT

Informed Consent

Protocol Title: Reintegration and the Importance of Civil Rights Restoration

Please read this consent document carefully before you decide to participate in this study.

Purpose of the research study:

The purpose of this study is to examine the effects of voting disenfranchisement on community reintegration.

What you will be asked to do in the study:

You will be asked to answer a series of open-ended questions about your voting rights. This interview will be recorded by an audio recording device. You are under no obligation to be interviewed if you do not wish to do so. You are not obligated to answer any of the questions. You may decline to answer any or all of the questions, and you may terminate the interview at any point.

Time required:

90 minutes

Risks and Benefits / Compensation:

There are no direct benefits, risks, or compensation to you for participating in this study.

Confidentiality:

Your identity will be kept confidential to the extent provided by law. If there is anything that you do not wish to have quoted, you may say at any point during or after the interview that you wish to have it kept “off the record,” and it will not be quoted. If quoted your name will not be used and all names and places will be changed along with any distinguishing characteristics.

Voluntary participation:

Your participation in this study is completely voluntary. There is no penalty for not participating.

Right to withdraw from the study:

You have the right to withdraw from the study at anytime without consequence.

Whom to contact if you have questions about the study:

Bryan Lee Miller is a Ph.D. Candidate working under Dr. Joseph Spillane in the Department of Sociology and Criminology & Law, 3219 Turlington Hall, P.O. Box 117330, Gainesville, FL 32611-7330.

Whom to contact about your rights as a research participant in the study:

IRB02 Office, Box 112250, University of Florida, Gainesville, FL 32611-2250; phone 392-0433.

Agreement:

I have read the procedure described above. I voluntarily agree to participate in the procedure and I have received a copy of this description.

APPENDIX E
RULES OF EXECUTIVE CLEMENCY: LEVELS

LEVEL I

(Rule 9 – Rules of Executive Clemency)

Never been convicted of one of the following crimes:

- Murder, attempted murder, attempted felony murder, manslaughter
- DUI manslaughter
- Sexual battery, attempted sexual battery
- Lewd or lascivious battery, attempted lewd or lascivious battery, lewd or
- Lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition
- Lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person
- Sexual performance by a child, attempted sexual performance by a child
- Aggravated child abuse
- Failure to register as a sexual predator or sexual offender
- Computer pornography, transmission of computer pornography, buying or selling of minors
- Kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a child
- Aggravated battery, attempted aggravated battery
- Armed robbery, attempted armed robbery, carjacking, attempted carjacking, home invasion, attempted home invasion
- Poisoning of food or water
- Abuse of a dead human body
- First degree burglary or attempted first degree burglary
- Arson or attempted arson
- Aggravated assault
- Aggravated stalking
- Aggravated battery or aggravated assault on a law enforcement officer or other specified officer
- First degree trafficking in illegal substances aircraft piracy
- Unlawful throwing, placing, or discharging of a destructive device or bomb
- Facilitating or furthering terrorism
- Treason
- Any offense committed in another jurisdiction that would be an offense listed in above if that offense had been committed in Florida; **and**

Not declared to be: Habitual Violent Felony Offender, Three-time Violent Felony Offender, Violent Career Criminal, Prison Releasee Reoffender, Sexual Predator

LEVEL II

(Rule 10 – Rules of Executive Clemency)

Never been convicted of one of the following crimes:

- Murder, attempted murder, attempted felony murder, manslaughter
- DUI manslaughter
- Sexual battery, attempted sexual battery
- Lewd or lascivious battery, attempted lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition
- Lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person
- Sexual performance by a child, attempted sexual performance by a child
- Aggravated child abuse
- Failure to register as a sexual predator or sexual offender
- Facilitating or furthering terrorism
- Treason

- Any offense committed in another jurisdiction that would be an offense listed above if that offense had been committed in Florida **and**

Not declared to be: Sexual Predator

-Or-

Crime and Arrest Free for 15 Years

LEVEL III

People convicted of murder, sex offenses and declared to be sexual predators and those not approved in Level I or II

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BIOGRAPHICAL SKETCH

Bryan Lee Miller earned both a Bachelor of Science and a Masters of Science in sociology from Virginia Tech in Blacksburg, Virginia. Bryan then joined the Department of Sociology and Criminology & Law at the University of Florida in Gainesville, Florida. His work has focused on issues of drug prevalence, drug policy, and offender reentry. He is currently a Nutter Dissertation Fellow and was a recipient of the 2008-2009 Graduate Student Teaching award for the University of Florida. Upon graduation, Bryan Lee Miller will be an assistant professor at Georgia Southern University.