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Citizenship, Democracy, and the Civic Reintegration of Criminal Offenders

By

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and
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Convicted felons face both legal and informal barriers to becoming productive citizens at work, responsible citizens in family life, and active citizens in their communities. As criminal punishment has increased in the United States, collateral sanctions such as voting restrictions have taken on new meaning. The authors place such restrictions in comparative context and consider their effects on civil liberties, democratic institutions, and civic life more generally. Based on demographic life tables, the authors estimate that approximately 4 million former prisoners and 11.7 million former felons live and work among us every day. The authors describe historical changes in these groups; their effects on social institutions; and the extent to which they constitute a caste, class, or status group within American society. The authors conclude by discussing how reintegrative criminal justice practices might strengthen democracy while preserving, and perhaps enhancing, public safety.

Keywords: crime; punishment; voting; democracy; reintegration

Recent increases in U.S. correctional populations have stirred both academic and public interest in the emergence and growth of “America’s criminal class” (Cose 2000, 48; Pettit and Western 2004; Sutton 2004). Yet in spite of rising awareness of criminal justice expansion, we lack precise information about the number of convicted felons and former felons in society. Furthermore, few attempts have been made to theorize how former felons fit into, and reshape, American democracy. To what extent do former felons share similar life chances? Does a criminal conviction represent a temporary or a permanent blot on their records? How does the growth of

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the felon and ex-felon population spill over to affect other individuals, families, and groups? In particular, how does the social production of felons and ex-felons ripple outward to affect social and political institutions?

[T]he civil penalties imposed with a criminal conviction effectively deny felons the full rights of citizenship. This denial, in turn, makes performing the duties of citizenship difficult.

We address these questions in this article. We begin by presenting a new analysis of the size and scope of the felon and ex-felon population and some of the characteristics of its members. Applying demographic methods to criminal justice data, we develop estimates of the size and social distribution of the ex-felon population. We chart the growth of this group over time, showing not only the increase in prisoners, but also the even greater growth in the ex-prisoner population, and the much larger ex-felon population that also includes former probationers and jail inmates. In the second part, we summarize and synthesize research on the impact of felony convictions across three social spheres: work, family, and civic life. This information provides the foundation for the third part of the article, where we apply what we know about the felon population to consider how they should be analyzed in terms of the political and stratification system. Finally, we

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make use of these analytical tools to consider their implications for crime and reintegration. To the extent that felons belong to a distinct class or status group, the problems of desistance from crime and reintegration into civil society can be interpreted as problems of mobility—moving felons from a stigmatized status as outsiders to full democratic participation as stakeholders.

[A] “felon class” of more than 16 million felons and ex-felons [represents] 7.5 percent of the adult population, 22.3 percent of the black adult population, and an astounding 33.4 percent of the black adult male population.

The citizenship status and social position of felons raise important questions about the meaning and practice of democracy. The barriers to full polity membership faced by convicted felons are substantial and wide ranging, although they are usually ignored in public debates. A dizzying array of informal barriers also impedes the performance of citizenship duties, in particular those related to employment, education, and reestablishing family and community ties. As we will see, the civil penalties imposed with a criminal conviction effectively deny felons the full *rights* of citizenship. This denial, in turn, makes performing the *duties* of citizenship difficult.

Scope and Composition

It is important to clarify at the outset why we focus on felons. “Felony” is a generic term, historically used to distinguish certain “high crimes” or “grave offenses” such as homicide from less serious offenses known as misdemeanors. In the contemporary United States, felonies are considered crimes punishable by incarceration of more than one year in prison, whereas misdemeanors are crimes punishable by jail sentences, fines, or both. Not all felons go to prison, however, and many serve time in jail or on probation in their communities.

Misdemeanants as well as felons experience wide-ranging criminal penalties and disruptions in their lives. Nevertheless, the line between a felony and misdemeanor is significant because convicted felons face far more substantial and

frequently permanent consequences. They typically confront legal restrictions on employment, access to public social benefits and public housing, and eligibility for educational benefits. Depending on their state of residence, they may also lose parental rights, the right to vote, the right to serve on juries, and the right to hold public office. In many states, their criminal history is public record, readily searchable for anyone who wants to know.

Determining the size and characteristics of the total felon population—including current felons in prison, those on probation and parole, and those who have completed their entire sentences—is a difficult task. To be sure, it is relatively easy to obtain data on people currently under criminal justice supervision; the U.S. Department of Justice has long provided detailed information on current correctional populations. Yet as we discuss in more detail below, many of the civil disabilities imposed on felons represent permanent rather than temporary suspensions of their rights. To estimate the size of the entire group, we need information about *former* felons who are no longer under supervision. Although some recent work has estimated the number of former prisoners in the population (Bonczar 2003; Pettit and Western 2004), no one has yet attempted to estimate the scope of the much larger population of former felons. In addition to ex-prisoners and parolees, the ex-felon population also contains ex-probationers and ex-jail inmates. After outlining our methodology, we present our estimates of ex-prisoner and ex-felon populations and describe historical changes in these groups.

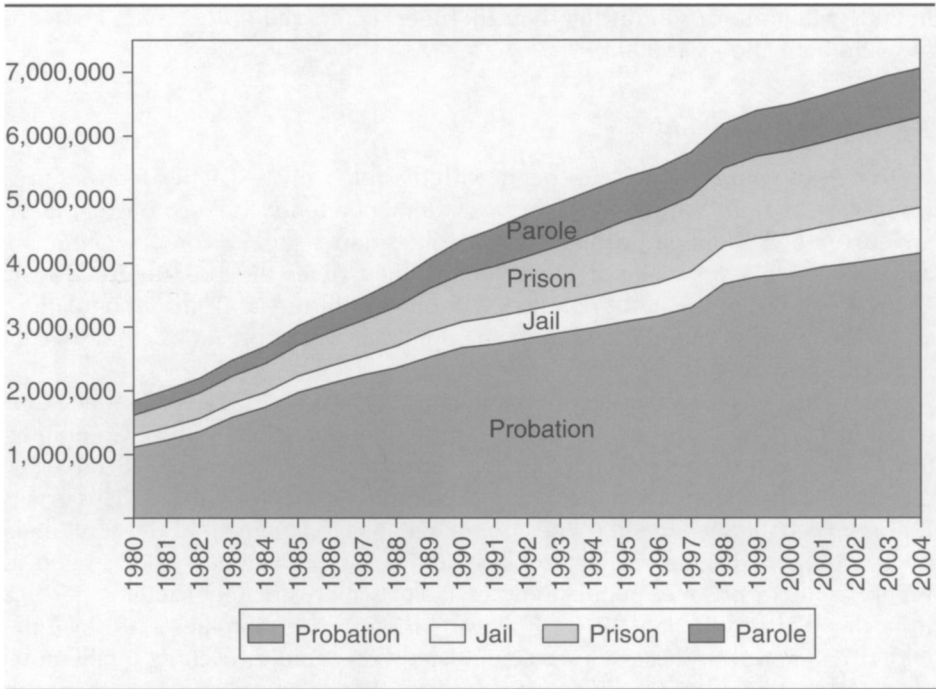
Method

Our estimates of the number of ex-prisoners in the United States are based on the number exiting prisons each year (including those conditionally released to parole) since 1948. In addition to these former prisoners, our estimates of ex-felons include those felons leaving probation supervision and jails each year. Using demographic life tables, we compute the number of these former felons lost to recidivism and mortality annually. Based on national studies of probationer and parolee recidivism, we assume that most ex-prisoners will ultimately return to prison and that a smaller percentage of ex-probationers and jail inmates will cycle back through the justice system. We further assume a much higher mortality rate among felons relative to the nonfelon population. Both groups are removed from the ex-felon pool—the recidivists because they would already be counted among the “current” felon population, and the deaths because they are permanently removed from the population. Each existing release cohort is thus successively reduced each year and joined by a new cohort of releasees, allowing us to compute the number of ex-felons no longer under supervision in each year. Details for this technique are discussed in the appendix.

Population data and previous estimates

Based on his classic analysis of Philadelphia men born in 1945, Marvin Wolfgang (1983) estimated that nearly 50 percent of urban males would experience at least one arrest by age thirty. For more recent cohorts, that percentage would almost

FIGURE 1
CORRECTIONAL POPULATIONS IN THE UNITED STATES, 1980-2004



certainly be higher. Arrest, conviction, and incarceration are becoming increasingly common life events, particularly for young men of color (Pettit and Western 2004). Indeed, all categories of correctional populations—prisoners, parolees, jail inmates, and probationers—have grown at astounding rates since the 1970s. As shown in Figure 1, a total of 7.0 million people were under some form of correctional supervision in 2004, relative to 1.8 million as recently as 1980. Prisons and jails in the United States now house more than 2.2 million inmates, representing an overall incarceration rate of 726 per 100,000 population (U.S. Department of Justice 2005). By comparison, approximately 210,000 were imprisoned in 1974, or 149 per 100,000 adult U.S. residents. The number of probationers and parolees has grown rapidly as well. In 1980, there were only 1.1 million probationers and 220,000 parolees, compared to more than 4.1 million probationers and 765,000 parolees in 2004. In short, more incarcerated and nonincarcerated felons are serving sentences today than at any other time in U.S. history.

These increases are unprecedented. Yet their impact is further magnified because the felon population is not drawn at random from the entire U.S. population. With regard to incarceration, young African American men are dramatically overrepresented relative to other groups. In fact, African American males born from 1965 to 1969 are currently more likely to have prison records (22 percent) than either military records (17 percent) or bachelor's degrees (13 percent)

(Pettit and Western 2004). The Bureau of Justice Statistics further estimates that about 32 percent of African American men and 17 percent of Latino men born in 2001 will go to prison during their lifetimes, compared to less than 6 percent of white men (Bonczar 2003).

The prison population

To develop our estimates, we begin with the relatively restrictive focus of previous work on imprisonment in a state or federal penitentiary. We know that there are currently 2.3 million prisoners and parolees under supervision. As columns 1 and 2 of Table 1 show, this figure is almost eight times the 1968 figure. Today, about 1 percent of the adult population, 2 percent of the adult male population, and 6.6 percent of the black adult male population are in prison or conditionally released from prison on parole.

How many former prisoners are in the population? Our life tables produce estimates of an additional 4 million ex-prisoners in the population by 2004. Combining the current and the ex-prisoner figures, more than 6 million U.S. citizens have served time in a penitentiary, as shown in columns 5 and 6 of Table 1. This group represents about 2.9 percent of the adult population, 5.5 percent of the adult male population, and 17 percent of the black adult male population. As illustrated in Figure 2, the ex-prisoner population was stable at approximately 1 million persons from the 1950s to the late 1970s. Following the incarceration increases since the mid-1970s, however, this group has cumulated very rapidly, reaching 2 million by 1994 and 3 million by 2000. Figure 3 expresses these changes in rates rather than raw numbers, showing how prisoners and former prisoners have increased as a percentage of the U.S. adult population since the mid-1980s.

These estimates for former prisoners are comparable to those provided by other researchers applying different demographic techniques. For example, Bonczar (2003) estimated that in 2001, 2.7 percent of adults, 4.9 percent of adult males, and 16.6 percent of African American adult males had been to prison. Pettit and Western (2004) noted that black men born between 1945 and 1949 had a 10.6 percent chance of imprisonment, relative to a 20.5 percent chance for black men born between 1965 and 1969. These figures are generally congruent with our overall estimate that 17 percent of black men had experienced imprisonment by 2004. This consistency with earlier research provides an important check on our approach, as we next apply it to develop estimates of the much broader class of convicted felons.

The total felon population

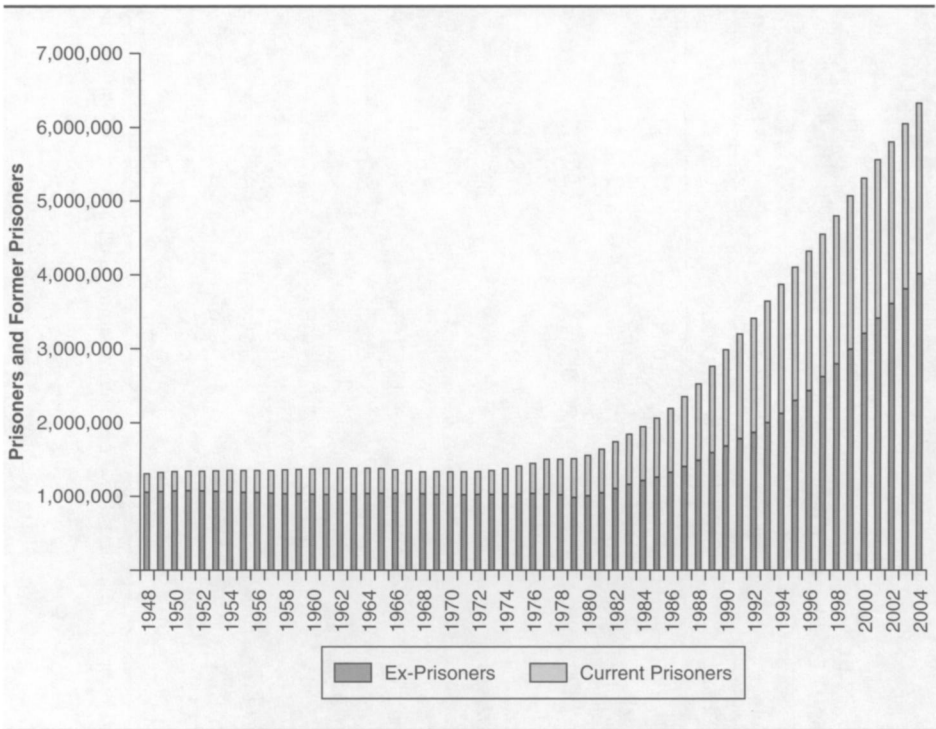
Although imprisonment is an important marker of serious punishment, convicted felons who do not serve time in prison are also members of a stigmatized criminal class. In thirty-one states, for example, convicted felons serving probation sentences lose the right to vote (Manza and Uggen 2006). Though others have estimated the risk of imprisonment and the size of the ex-prisoner population, we

TABLE 1
ESTIMATED U.S. CURRENT AND EX-PRISONERS BY YEAR AND RACE

Year	Current Prison/Parole		Ex-Prison/Parole		Total Prison/Parole	
	(1) Total	(2) Black	(3) Total	(4) Black	(5) Total	(6) Black
1968	298,711	110,122	1,031,279	320,118	1,329,990	430,240
Percentage adult population	0.25	0.95	0.86	2.77	1.11	3.72
Percentage adult male population	0.49	1.87	1.66	5.37	2.15	7.24
1978	485,123	198,190	1,020,182	307,651	1,505,305	505,841
Percentage adult population	0.31	1.21	0.64	1.88	0.95	3.10
Percentage adult male population	0.60	2.37	1.24	3.60	1.83	5.97
1988	1,035,196	492,819	1,487,730	492,977	2,522,926	985,796
Percentage adult population	0.57	2.42	0.82	2.42	1.39	4.84
Percentage adult male population	1.10	4.69	1.56	4.58	2.66	9.27
1998	2,004,060	1,001,819	2,790,155	1,096,014	4,794,215	2,097,833
Percentage adult population	1.00	4.22	1.39	4.62	2.38	8.85
Percentage adult male population	1.90	8.07	2.62	8.66	4.52	16.73
2000	2,107,419	928,645	3,200,076	1,306,559	5,307,495	2,235,204
Percentage adult population	1.02	3.77	1.55	5.30	2.58	9.07
Percentage adult male population	1.95	7.14	2.92	9.87	4.87	17.01
2004	2,318,218	981,798	4,007,829	1,613,937	6,326,047	2,595,735
Percentage adult population	1.07	3.85	1.86	6.33	2.93	10.18
Percentage adult male population	2.03	6.56	3.45	10.52	5.49	17.08

NOTE: Assumes three-year recidivism rate of 41.4 percent for prisoners and parolees (65.9 percent lifetime). Includes prison and parole only.

FIGURE 2
U.S. PRISONERS AND ESTIMATED EX-PRISONERS, 1948-2004

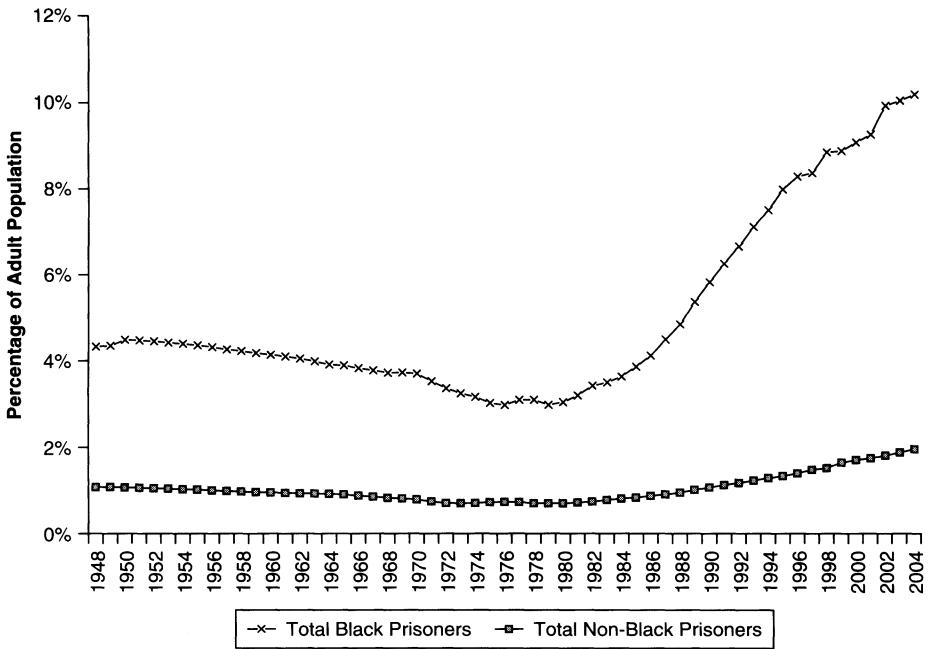


are unaware of any estimates of the ex-felon population, which includes felons sentenced to probation and jail. We adopt this more inclusive view of the total felon class in Table 2.

As shown in column 1 of Table 2, more than 4.4 million felons are currently serving time in prison or jail, or supervised in the community on parole or probation.¹ This represents about 2 percent of the adult population, 3.6 percent of adult males, 6.3 percent of black adults, and about 10.1 percent of black adult males. Columns 3 and 4 show our estimates of the ex-felon population: about 11.7 million overall, representing 5.4 percent of adults, 9.2 percent of adult males, and almost one-fourth of all black adult males. When combined with the current felon group, this produces a “felon class” of more than 16 million felons and ex-felons, representing 7.5 percent of the adult population, 23.3 percent of the black adult population, and an astounding 33.4 percent of the black adult male population. These figures are shown in columns 5 and 6 of Table 2.

The number of ex-felons cumulates more rapidly than the number of ex-prisoners because of the lower recidivism rate of probationers relative to prisoners. As

FIGURE 3
 U.S. PRISONERS AND ESTIMATED EX-PRISONERS AS PERCENTAGE
 OF ADULT POPULATION BY RACE, 1948-2004



Figures 4 and 5 show, the ex-felon population has risen steadily since the late 1960s, when data on nonincarcerated correctional populations began to be more consistently reported. As might be expected, women account for a minority of the population of former felons: more than 82 percent of all current and ex-felons are male.

We realize that these estimates are large in magnitude. Despite our precautions to avoid double counting and our conservative assumptions about mortality and recidivism, it is possible that they may overstate the size of the ex-felon population. On the other hand, our estimates seem far more reasonable when considered alongside *current* correctional populations. The population of current prisoners and felons is based on very-high-quality data by social science standards—we have an accurate census of the total number under supervision at a given time, and good information about their distribution by race and sex. How do the former prisoner and felon numbers stack up against the current numbers? We estimate the ex-prisoner population at 1.7 times the size of the current prisoner population and the ex-felon

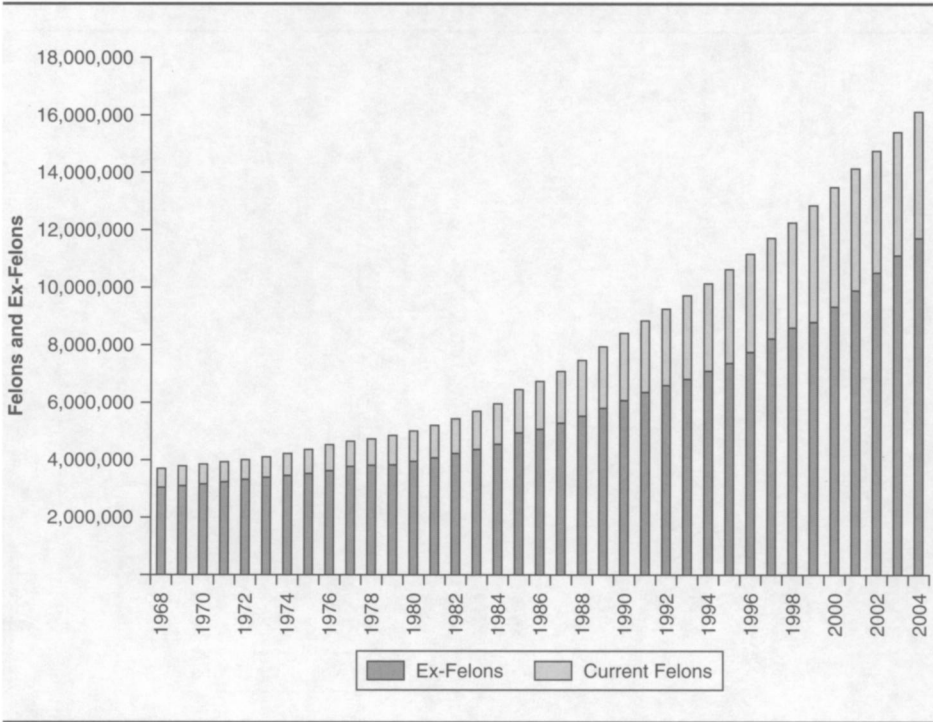
TABLE 2
ESTIMATED U.S. CURRENT AND EX-FELONS BY YEAR AND RACE

Year	Current Felons		Ex-Felons		Total Felons	
	(1) Total	(2) Black	(3) Total	(4) Black	(5) Total	(6) Black
1968	659,462	201,963	3,039,950	750,757	3,699,413	952,720
Percentage adult population	0.55	1.75	2.53	6.49	3.08	8.24
Percentage adult male population	1.03	3.30	4.46	11.55	5.49	14.85
1978	922,282	321,556	3,814,600	908,474	4,736,882	1,230,031
Percentage adult population	0.58	1.97	2.41	5.56	2.99	7.53
Percentage adult male population	1.08	3.68	4.20	9.74	5.28	13.42
1988	1,947,177	791,417	5,520,836	1,448,953	7,468,013	2,240,369
Percentage adult population	1.07	3.88	3.03	7.11	4.10	10.99
Percentage adult male population	1.96	7.20	5.27	12.38	7.24	19.59
1998	3,654,388	1,561,462	8,598,894	2,677,426	12,253,282	4,238,887
Percentage adult population	1.82	6.58	4.27	11.29	6.09	17.87
Percentage adult male population	3.25	11.96	7.38	19.54	10.63	31.51
2000	4,166,091	1,625,044	9,324,621	3,092,869	13,490,711	4,717,914
Percentage adult population	2.02	6.60	4.53	12.55	6.55	19.15
Percentage adult male population	3.58	11.74	7.79	21.61	11.37	31.51
2004	4,409,826	1,606,639	11,704,462	3,890,130	16,114,288	5,496,770
Percentage adult population	2.04	6.30	5.43	15.25	7.47	21.55
Percentage adult male population	3.59	10.11	9.18	23.29	12.77	33.40

NOTE: Assumes three-year recidivism rate of 41.4 percent for all prisoners and parolees (65.5 percent lifetime) and 36 percent for probationers (57.3 percent lifetime). Includes prison, parole, felony probation, and convicted felony jail populations.

population at 2.7 times the current felon population. In light of the average age at release, the large number who never recidivate, and the similarity of our ex-prisoner estimates to those of other researchers (Bonczar and Beck 1997; Pettit and Western 2004), we believe that these ratios are reasonable and lend our estimates some degree of face validity.

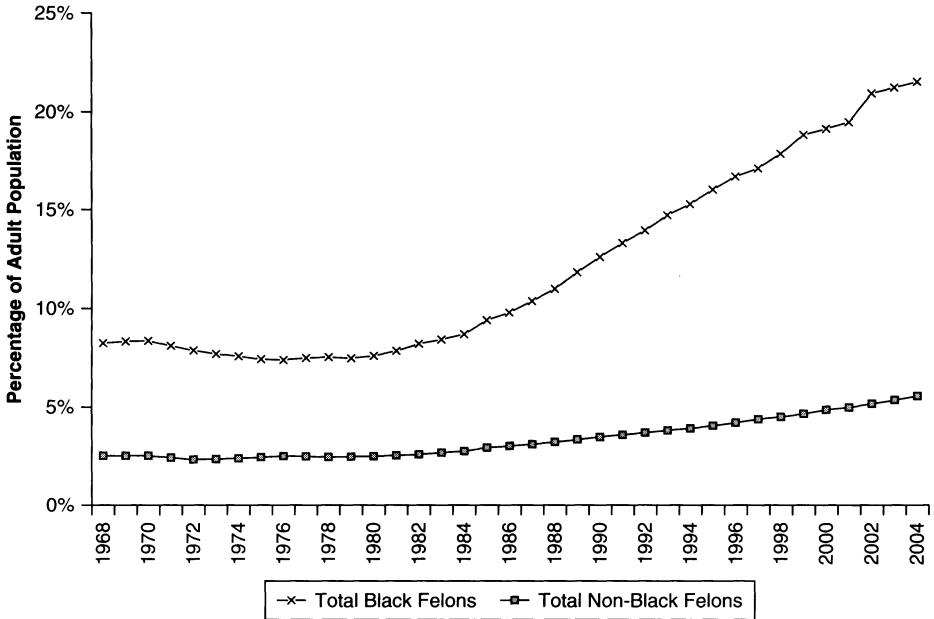
FIGURE 4
U.S. FELONS AND ESTIMATED EX-FELONS, 1968-2004



Social characteristics of felons

Having counted the current felon population and estimated the ex-felon population, we now summarize what we know about these groups. The U.S. Department of Justice regularly conducts large, nationally representative surveys of state prison inmates and occasional surveys of probationers and parolees. As shown in Table 3, men and racial minorities are vastly overrepresented in the criminal justice system relative to the general population. By the late 1990s (the most recent year of data collection), 94 percent of all prison inmates, 90 percent of parolees, and 79 percent of probationers were males. Today, only one-third of all prison inmates are non-Hispanic whites, while approximately half are non-Hispanic blacks. The parole population mirrors the prison population, whereas whites comprise a greater share of the probation population. Although the race distribution has not changed dramatically since 1974, imprisonment clearly affects a much greater proportion of black than white Americans. African Americans make up almost half of the prison and parole populations and almost one-third of the felony probation population, as compared with 12 percent of the general population and 13 percent of the male population aged twenty-five to thirty-four.

FIGURE 5
 U.S. FELONS AND ESTIMATED EX-FELONS AS PERCENTAGE
 OF ADULT POPULATION BY RACE, 1968-2004



Sociological models of inequality suggest three major conceptual schemes for understanding the place of felons in American politics and society: castes, classes, and status groups.

While the rate and absolute number of incarcerated persons has changed dramatically, so too have the conviction offenses. Drug crimes, which had accounted for about 10 percent of the prison population in 1974, increased to more than 26 percent by 1997. The mean age of prison entry has also risen steadily since the

TABLE 3
 CHARACTERISTICS OF PRISON INMATES
 PRIOR TO INCARCERATION, 1974-1997

	Prison Inmates			Parole, 1999	Felony Probation, 1995	U.S. Men Aged Twenty-Five to Thirty-Four, 1997
	1974	1986	1997			
Sex (percentage male)	96.7	95.6	93.7	90.1	79.1	100
Race						
Percentage black, non-Hispanic	49	45	47	47.3	31	12.8
Percentage white, non-Hispanic	39	40	33	35.4	55	68.9
Percentage Hispanic	10	13	17	16.1	11	13.2
Percentage other	2	3	3	1.2	3	5.0
Conviction offense						
Percentage violent offense	52.5	64.2	46.4	24.4	19.5	
Percentage property offense	33.3	22.9	14.0	30.8	36.6	
Percentage drug offense	10.4	8.8	26.9	35.3	30.7	
Percentage public order offense	1.9	3.3	8.9	9.0	12.1	
Percentage other offense	2.0	0.9	3.7	0.5	1.0	
Age at admission to prison	26.5 (9.3)	27.6 (8.7)	32.5 (10.4)			
Current age	29.6 (10.0)	30.6 (9.0)	34.8 (10.0)	34.0	31.9	29.7

(continued)

TABLE 3 (continued)

	Prison Inmates			Parole, 1999	Felony Probation, 1995	U.S. Men Aged Twenty-Five to Thirty-Four, 1997
	1974	1986	1997			
Education						
Years of education	9.9	10.9	10.7			
Percentage with high school diploma/GED	21.1	31.9	30.6	49.2	54.4	87.3
Employment						
Percentage full-time employed	61.6	57.3	56.0			77.0
Percentage part-time/occasional employed	7.3	11.6	12.5			12.1
Percentage looking for employment	12.5	18.0	13.7			3.9
Percentage not employed and not looking for work	18.5	13.0	17.8			7.0
Family status						
Percentage never married	47.9	53.7	55.9		50.8	40.4
Percentage married	23.7	20.3	17.7		26.8	53.0
Percentage with children	60.2	60.4	56.0			
Number of children	1.7	2.3	2.5			
	(2.0)	(1.7)	(1.9)			

SOURCE: *Survey of Inmates in State and Federal Correctional Facilities, 1974-1997* (U.S. Department of Justice 2000b); *Trends in State Parole 1990-1999* (U.S. Department of Justice 2001b); *Characteristics of Adults on Probation, 1995* (U.S. Department of Justice 1997); *Statistical Abstract of the United States* (U.S. Census Bureau 1998). Adapted from Manza and Uggen (2006).

NOTE: Standard deviations for continuous variables are in parentheses.

1970s, with prisoners now averaging more than thirty years of age at the time of admission. Yet prison inmates remain socioeconomically disadvantaged relative to other U.S. men aged twenty-five to thirty-four. They have very low levels of education: less than one-third have received a high school diploma or equivalency, compared to approximately half the parole and felony probation populations. Employment levels at the time of arrest have declined gradually since 1974, with a slim majority of prisoners (56 percent) holding a full-time job prior to their most recent arrest in the 1997 survey. By comparison, more than three-fourths of men of comparable age in the general population held full-time jobs and 87 percent had attained a high school degree.

With regard to family status, married prisoners declined from 24 percent of inmates in 1974 to 18 percent in 1997. The comparable figures for U.S. males in this age range were 80 percent in 1973 and 53 percent in 1997. Despite low marriage rates, most inmates are parents: 56 percent reported at least one child in the most recent survey. Although these trends in marriage and nonmarital births mirror larger societal shifts, the characteristics of the inmate population have remained relatively stable over the past twenty-five years. Prison and jail inmates lag furthest behind their contemporaries in the general population. Probationers and parolees are somewhat better off socioeconomically than prisoners, though they are less likely to be married than males aged twenty-five to thirty-four.

*The major political parties need not attend
to the concerns of more than 5 million
citizens—mostly poor people and people
of color—who are currently locked out
of the democratic process.*

Compared to the nonincarcerated population, prisoners have long been undereducated, underemployed, relatively poor, and disproportionately nonwhite. What has changed, however, are the absolute numbers as well as the proportion of Americans under correctional supervision. Since it is much easier to survey confined inmates than released offenders, we know less about felons after they have been released from supervision. Moreover, most state and national studies of released prisoners are based upon record searches for official recidivism rather than representative surveys about their work, family, and civic life. Qualitative research on desistance from crime provides some evidence on the

social position of ex-felons after their release from correctional supervision. Although most criminal offenders eventually desist from crime as they age, few go on to become successful by conventional standards in work, family, or community life (Irwin 1987; Laub and Sampson 2003).

Individual and Aggregate Consequences

Why do former felons have such difficulties becoming stakeholding citizens? One reason is the formal and informal collateral consequences attending to felony convictions. Collateral sanctions operate as an interconnected system of disadvantage that amplifies disparities in economic and social well-being (Wheelock 2005; Wheelock and Uggen 2005). As suggested above, former felons must fulfill the *duties* of citizenship, but their conviction status effectively denies their *rights* to participate in social life. Table 4 lists examples of formal postincarceration penalties imposed on felons, including those affecting housing, jury service, education, employment, and family life. States differ greatly in the extent to which they apply such consequences. As Jeremy Travis (2002) has pointed out, these “collateral sanctions” are much less visible than the penitentiary, though their consequences to felons may be equally profound. The research literature has only begun to explore the independent contribution of each sanction to the problem of reintegration, although scholarly volumes on “invisible punishment” and “civil penalties” have recently appeared (Mauer and Chesney-Lind 2002; Mele and Miller 2005; Uggen 2005).

We next consider the impact of felony convictions for individuals and for U.S. society as a whole, across three interrelated domains: (1) civic, including political participation and electoral outcomes; (2) socioeconomic, including labor market opportunities and occupational attainment; and (3) familial, including intergenerational transmission of crime and class and aggregate demand for social services.

Civic consequences

British sociologist T. H. Marshall’s (1950) concept of citizenship vividly illustrates how felons are set apart from others in democratic societies. Marshall viewed citizenship as “a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties to which the status is endowed” (p. 84). If citizenship implies “full membership,” what happens when felons lose the rights to perform the duties of citizenship, such as voting and serving on juries? More than thirty years ago, the National Advisory Commission on Criminal Justice Standards and Goals (1973) singled out such political sanctions in its *Report on Corrections*:

Limitations on political rights and those involving courts, such as the right to sue and the use of an ex-offender’s record as grounds for impeaching his testimony, are the most onerous restrictions. They involve in essence a statement by the government that offenders and

TABLE 4
 RIGHTS AND OPPORTUNITIES POTENTIALLY
 AFFECTED BY A FELONY CONVICTION

Domain	Examples	States
Employment	Right to employment; public employment; licensure in specific occupations	Twenty-nine states permit employers to consider arrests that never led to conviction.
Financial aid	Eligibility for student grants and loans	Fifty states restrict for those convicted of drug-related offenses.
Firearm ownership	Right to possess firearms	Forty-three states have firearms, pistol, or handgun restrictions
Immigration status	Residence in United States	Resident aliens may be deported in all states.
Jury service	Right to serve as a member of a jury	Forty-seven states restrict right to serve on jury.
Marital dissolution	Allow criminal conviction as grounds for divorce	Twenty-nine states consider criminal conviction as grounds for marital dissolution.
Parental rights	Termination of parental rights; restrictions on becoming an adoptive or foster parent	Forty-eight states allow for termination of parental rights for some offenses. Fifteen states bar felons from becoming adoptive or foster parents.
Privacy	Registration and community notification for sex offenders	Fifty states mandate criminal registration of sex offenders
Public assistance	Receipt of food stamps and Temporary Assistance for Needy Families	Seventeen states permanently deny benefits for those convicted of drug felonies.
Public housing	Right to reside in public housing	Forty-seven states permit individualized determinations; three states have broad bans.
Public office	Right to hold public office	Forty states restrict the right to hold public office.
Voting	Right to vote	Forty-eight states deny the right to current prisoners.

SOURCE: Buckler and Travis (2003); Chin (2002); Grant et al. (1970); Kalt (2003); Mauer and Chesney-Lind (2002); Office of the Pardon Attorney (2000); Olivares, Burton, and Cullen (1997); Samuels and Mukamal (2004); Steinacker (2003).

former offenders, as a class, are worth less than other men. This lessening of status on the outside reinforces the debasement so common in the institutional setting and hardens the resentment offenders commonly feel toward society in general. (p. 47)

In addition to the individual impact of such restrictions, felon disenfranchisement can affect political elections by reshaping the electorate. Because felons

are drawn disproportionately from the ranks of racial minorities and the poor, disenfranchisement laws tend to take votes from Democratic candidates (Uggen and Manza 2002). Although estimated turnout among felons is well below that of nonfelons, our National Election Study analysis strongly suggests that felon disenfranchisement played a decisive role in the 2000 U.S. presidential election and in several U.S. Senate elections since 1978 (Manza and Uggen 2006). A less visible but perhaps equally important political impact may be in the subtle shifting of the terms of political debate. The major political parties need not attend to the concerns of more than five million citizens—mostly poor people and people of color—who are currently locked out of the democratic process.

Socioeconomic consequences

Arrest, conviction, and incarceration impose immediate wage penalties and alter long-term earnings trajectories by restricting access to career jobs (Freeman 1992; Pager 2003; Western 2002). These findings are not surprising in view of what we know about employer preferences and state laws regulating employment of felons and access to felony records. A number of occupations are closed to some or most categories of ex-felons—for example, jobs requiring contact with children, certain health service occupations, and security services (Dietrich 2002; May 1995). In California, some 261 ineligible job titles span diverse fields and activities; in New York, ineligible occupations include barber shop owner, boxer/wrestler, commercial feed distributor, and emergency medical technician; in Florida, the list includes acupuncturist, speech-language pathologist, and cosmetologist (Samuels and Mukamal 2004).

Another important employment disadvantage for felons is the widespread availability of criminal history information (including, in some cases, arrest records). A 1999 survey found that twenty-three states had some form of public access or freedom of information statutes that permitted access to job applicants' criminal histories (U.S. Department of Justice 1999). In these states, it is relatively easy for employers to conduct criminal background checks of prospective employees. One recent survey of employers in Atlanta, Boston, Detroit, and Los Angeles found that 32 percent always checked, and 17 percent sometimes checked, the criminal histories of prospective employees (Holzer, Raphael, and Stoll 2004, 213). Such employer checks have been justified, in part, by the legal theory of negligent hiring, in which employers may be held liable for an employee's criminal or tortuous acts while on the job (Bushway 2004).

Concerns about the socioeconomic reintegration of large numbers of felons and ex-felons into the labor force are increasingly attracting policy attention. For example, some states are debating whether to seal conviction records of some misdemeanants and nonviolent felons to enhance the employability of these groups (Lueck 2000). Even if such efforts were to become law, however, they would not affect millions of additional felons and ex-felons in these and other states. Background checks, job restrictions, and other socioeconomic consequences of

felony convictions clearly suppress employability and economic attainment. These deficits, in turn, likely hinder former felons from participating as full members of their communities.

Family consequences

Taking care of one's children is a key responsibility of citizenship. The socio-economic and civic consequences of punishment are thus intimately tied to family life and the position of felons and ex-felons within their families. As detailed above, most prison inmates are unmarried fathers, though the number of mothers in prison has risen steadily in recent years. The two family issues receiving the greatest scholarly attention have been the intergenerational transmission of crime and class (Rowe and Farrington 1997) and the effects of criminal punishment on family formation and marriage markets (Lichter et al. 1992; Wilson 1987). A father's criminal conviction is closely correlated with his children's criminality (Rowe and Farrington 1997). Hagan and Palloni (1990, 266) emphasized "reproductive processes" by which incarcerated parents and crime control agents socialize children toward crime. Consistent with these ideas, a national study of prison inmates found the highest rates of parental incarceration among violent recidivists, lower rates among nonviolent recidivists, and the lowest rates among first-time prisoners (Uggen, Wakefield, and Western 2005).

As the felon population has risen, so too has the population of children whose parents have been convicted of felonies. The U.S. Department of Justice (2000a) has estimated that the number of minor children with a parent in state or federal prison rose from 1 million to 1.5 million between 1991 and 1999 alone. Overall, about 2 percent of all children and more than 7 percent of African American children *currently* have an incarcerated parent. A far greater number have parents who are ex-prisoners, ex-felons, and felons currently serving sentences outside of prison.

Theorizing the Social Position of Felons and Ex-Felons

Sociological models of inequality suggest three major conceptual schemes for understanding the place of felons in American politics and society: *castes*, *classes*, and *status groups*. At the most extreme, felons might be viewed as a distinct caste, or caste-like group. In one sense, they are marked for life by a criminal conviction that excludes them from labor markets, educational opportunities, family rights, and, in many states, the right to vote. In class models, they might constitute a distinct "criminal class" or a central part of a larger excluded group, such as a "lumpenproletariat," "underclass," or the disenfranchised poor. Here, their economic disadvantages are highlighted over other characteristics. Finally,

felons may be viewed as a distinctive status group, sharing similar life chances determined by a specific social estimation of honor or dishonor. We discuss how each of these concepts may be used to understand the citizenship status and social position of felons.

Felons as caste

Caste systems of inequality are based on extreme social closure, in which group boundaries are rigidly enforced across wide-ranging social domains that span generations. According to Beteille (1996), a caste is a named group characterized by “endogamy, hereditary membership and a specific style of life which sometimes includes the pursuit by tradition of a particular occupation and is usually associated with a more or less distinct ritual status...based on concepts of purity and pollution.” Caste relations are most clearly developed in (Hindu) India, where the concept famously originated.²

The caste concept has been used to characterize U.S. race relations, beginning with the early work of Warner (1936), Dollard (1937/1988), and Gunnar Myrdal (1944) and more recently in the writings of historian George Fredrickson (1981) on South Africa and the U.S. South. Evidence for the “caste school of race relations” includes residential and occupational segregation by race (the latter especially in the U.S. South prior to the 1960s), extremely low rates of intermarriage, and minimal group contact. Oliver Cox (1948) and other critics have challenged such arguments on grounds that the U.S. post-Civil War system of race relations never assumed the same degree of coherence as the caste system in India, and thus the analogy does not quite hold. Nevertheless, prior to the destruction of Jim Crow, the caste concept highlighted key enduring features of racial inequality (Klinkner and Smith 1999). Caste-like models have also been applied to the upper class (Baltzell 1964; Domhoff 2002).

In tracing the origins of felon disenfranchisement, Pettus (2005) made the important point that unlike the period before 1965—when numerous ballot restrictions were progressively eliminated—felon disenfranchisement is today the *only* real ballot restriction imposed on American citizens. In this sense, it is the defining feature of a modern caste of noncitizens with regard to enfranchisement. A contemporary application of the caste concept to felons and ex-felons would rest on two points. First, it suggests social exclusion from a wide range of institutional settings, including schools, workplaces, and polling places. As we have seen, felons and ex-felons are denied full participation in each of these arenas to varying degrees. Second, as with classical untouchables in India, felons and ex-felons are excluded not merely on the basis of some social characteristic but as a result of an indelible felony conviction that cannot be removed for life. As we discuss below, caste-like relations perhaps best apply to sex offenders, whose addresses, photographs, and personal and criminal histories are widely disseminated through permanent registries in many states.

Felons as class

The concept of the *lumpenproletariat*, introduced by Marx in part V of *The Eighteenth Brumaire* to derisively characterize the supporters of Louis Bonaparte,³ might help place convicted felons in the class structure. But the *lumpenproletariat* is a loose characterization of all societal dropouts, without much analytical rigor. More recently, however, two notable efforts have been made to theorize the class position of the “disenfranchised” poor. The first are the various attempts, especially among European social scientists, to characterize the poor as an “out” group, excluded from economic opportunities available to other actors. The growing numbers of unemployed citizens without immediate employment prospects in capitalist countries poses a clear problem for conventional class analysis, which assigns people based on current class location (van Parijs 1989). Wacquant’s (2001) view of the “meshing” of ghetto and prison is largely consistent with such an excluded class model of felons and ex-felons.

The second innovation, developed in the United States in the 1980s, is the “underclass” concept (Wilson 1987). The underclass concept addresses the hyperdisadvantage faced by residents of low-income neighborhoods with limited access to jobs, good educations, and other avenues for upward mobility. In particular, poor urban males face very high rates of incarceration and shuttle between poverty on the streets and prison. As a number of analysts have suggested, however, the underclass model draws only loosely upon related social trends and lumps together such diverse individuals that it has only limited analytical utility (see, e.g., Jencks 1992, chap. 5; Gans 1994; Gilbert 1999; Whelan 1996). Further problems arise out of any effort to use it to characterize felons and ex-felons, who have clear disadvantages not shared by other members of an underclass.

While some significant scholarship has employed a class language to characterize the intergenerational transmission of crime (Hagan and Palloni 1990), the application of a straightforward class model to characterize felons is clearly problematic. Felons do not share a common relationship to the economic system simply by virtue of a felony conviction. Those felons with some social or cultural resources are in a better position to rejoin the community of citizens than other felons. Furthermore, because of the importance of noneconomic aspects of felon status in shaping economic opportunities, class concepts provide only a limited view of felons’ place in the stratification order.

Felons as status group

In his incomparable *Economy and Society*, Max Weber (1922/1978) proposed a typology of the distribution of power and inequality within a community, distinguishing classes (rooted in property ownership), different types of status groups (stretching from those based on honor to those rooted in group identities such as ethnicity), and castes. As distinct from classes, status groups are determined on

the basis of “a specific, positive or negative, social estimation of honor” (p. 932). Honor can arise from many sources, including occupation, membership in a particular group, or unique individual actions that are accorded prestige. Group boundaries are maintained through processes of social closure in which outsiders are precluded from membership (cf. Parkin 1979; Manza 1992). Caste segregation is the extreme form of such closure; “the normal form in which ethnic communities that believe in blood relationship and exclude exogamous marriage and social intercourse usually interact with one another” (Weber 1922/1978, 932).

The Weberian schema provides a useful foundation for puzzling through the social position of felons in contemporary democracies. To be sure, Weber’s (1922/1978) literal definition of caste and class would not provide viable characterizations of the felon population. Felons are not bound by blood relationships or endogamous marriages and, thus, could not literally be a caste. They may be (mostly) unified in their lack of property and may share similar life chances, but the former is too broad to identify a distinctive felon class, and the latter arises primarily out of the negative status honor that attaches to a felony conviction (rather than lack of property ownership, which is true for all lower-class individuals and households).

Weber’s (1922/1978) conception of status group, however, may be more applicable to felons. Weber defined status groups through either “positive” or “negative” processes: for example, he argued that “the road to legal privilege, positive or negative, is easily traveled as soon as a certain stratification of the social order has in fact been ‘lived in’ and has achieved stability by virtue of a stable distribution of economic power” (p. 933). In the case of felons and ex-felons, the stigmas attached to their legal standing produce a unique status dishonor that, as we have seen, impacts their standing as citizens, their political participation, and their community involvement.

Contingencies by offense and state

All three categorical schemes (caste, class, and status group) are useful in understanding the individual and aggregate consequences of the growing population of felons and ex-felons. Indeed, insights from each are necessary to understand the full range of disabilities imposed on felons and their social consequences. A felony is a broad categorization, encompassing everything from marijuana possession to homicide. Sex offenders represent the most stigmatized group—and the one to which a caste model most readily applies. Since the advent of federal legislation in the 1990s, (1994’s “Wetterling Act,” later amended as “Megan’s Law”), convicted sex offenders have been required to register their whereabouts and states have been required to establish community notification procedures (U.S. Department of Justice, FBI 2005). All but two states (Oregon and South Dakota) currently maintain a searchable Internet site for public use, providing varying levels of detail—everything from MapPoint maps of the offenders’ neighborhoods, to the names and addresses of their employers, to lurid descriptions of their offenses.

Apart from their treatment of sex offenders, however, there are other important differences in stigmatization across the fifty states. Thus, a state-contingent interpretation may provide the most robust way of thinking about the citizenship status of felons and ex-felons. Consider, at one extreme, a state such as Florida. In that state, information about past felony convictions is easily accessible on a free public Internet site, and felons are disenfranchised for life unless they receive formal restoration of their civil rights (Florida Department of Corrections 2005). The former felon's full address is listed, along with a color photograph and detailed information about offense history and release dates. Here, in the name of public safety, a felony conviction may provide an indelible lifetime stain, and in that sense felons can plausibly be characterized in caste-like terms.

At the other extreme, even currently incarcerated prisoners may vote in states such as Maine and Vermont, and these states list cities rather than street addresses on their sex offender registries. We would argue that in such a context, a felony conviction does not produce social exclusion consistent with either caste segregation or class (in the underclass or excluded class models). While the conceptual categorization of felons is an important question for theory, it also raises the practical issue posed by John Braithwaite (1989): does a model of permanent stigmatization or one of reintegration best ensure public safety? Moreover, which policies are best suited for the remaking of citizens and the community involvement and political participation that citizenship implies?

Civic Reintegration

Much of the research literature has focused on socioeconomic (Laub and Sampson 2003; Uggen 2000) and family reintegration (Laub, Nagin, and Sampson 1998) of felons, rather than civic reintegration and citizenship (Uggen, Manza, and Behrens 2004). Yet crime itself is explicitly defined in relation to the state and its citizens. Felons and ex-felons face disadvantages arising out of incomplete citizenship and the temporary or permanent suspension of their rights and privileges. It therefore makes sense to ask whether political participation and community involvement, as well as work and family factors, are central to successful reintegration.

To date, there is little empirical research on civic reintegration and none that would establish a definitive causal relationship between civic participation and desistance from crime. Nevertheless, some evidence suggests a strong negative association between political participation and recidivism. Analyzing a community sample of young adults, Uggen and Manza (2004) compared the subsequent arrest rates of voters and nonvoters in the 1996 presidential election. Approximately 16 percent of the nonvoters were arrested between 1997 and 2000, relative to about 5 percent of the voters. Similarly, approximately 12 percent of the nonvoters were incarcerated between 1997 and 2000, relative to less than 5 percent of the voters. A study of a 1990 Minnesota prison release cohort

yielded similar results among convicted felons. Participation in the previous biennial election significantly reduced the likelihood of recidivism, net of age, gender, race, and offense characteristics (Uggen and Schaefer 2005). Of course, such work barely scratches the surface of the impact of collateral consequences. Far more research is needed on collateral sanctions and recidivism, such as community notification of sex offenders and restrictions on public aid, housing, employment, and educational opportunities (Mauer and Chesney-Lind 2002; Mele and Miller 2005).

Discussion

We have estimated the size of the American criminal class and considered its implications for citizenship and democracy. If we use current or former imprisonment as the criterion for class membership, we estimate its size at approximately 6.3 million in 2004. By our estimates, about 5.5 percent of adult males and 17 percent of black adult males have once served or are currently serving time in a state or federal prison. If we adopt a more inclusive definition of the criminal class, including all convicted of felonies regardless of imprisonment, these numbers increase to more than 16 million persons, representing almost 13 percent of the adult male population and approximately one-third of the black adult male population.

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Any group of this size can have profound and far-reaching implications for democracy. Because they are disproportionately drawn from extremely disadvantaged groups, however, the felon population exerts particularly strong effects on labor markets, family dissolution, and partisan politics. Perhaps the most important lesson from this analysis builds on an emerging consensus in life course criminology. Long-term studies of serious criminal offenders suggest that virtually all

will desist from crime at some point (Laub and Sampson 2003). This tells us that while the march to desistance is difficult and halting, it is also inexorable. The importance of this simple social fact cannot be overstated. If putatively “hardened” criminals can indeed become decent citizens, policies that impose a caste-like stigma upon them may erode democratic institutions.

The data presented here show that literally millions of former felons are successfully living and working among us every day. Many of them pay taxes; raise their children and grandchildren; and, in states where they are permitted to do so, participate in democratic elections. As rising waves of men and women leave criminal justice supervision each year, the time has come for a reasoned reassessment of those sanctions that strip them of their rights as citizens. The problem of recidivism and desistance from crime is thus recast as a problem of reintegration and restoration of full citizenship rights.

To best fulfill the duties of responsible citizenship in a democratic society, former felons require the basic rights and capacities enjoyed by other citizens in good standing.

Appendix Methodology for Computing Ex-Felon and Ex-Prisoner Estimates

Because these numbers are important, we need to explain carefully how we derive them. Our data sources included a wide range of reports and data generated by the U.S. Department of Justice (DOJ) on correctional populations. The most important of these are the annual *Sourcebook of Criminal Justice Statistics* (DOJ 1973-2004) and *Correctional Populations in the United States* (DOJ 1989-1997) series, *Probation and Parole in the United States* (DOJ 2001a), and *Prison and Jail Inmates at Midyear* (DOJ 2005). For early years, we also referenced *National Prisoner Statistics* (U.S. Bureau of Prisons 1948-1971) and *Race of Prisoners Admitted to State and Federal Institutions, 1926-1986* (DOJ 1991). We determined the median age of released prisoners based on annual data from the National Corrections Reporting Program. We then compiled demographic life tables for the period 1948 to 2004 to determine the number of released felons lost to recidivism (and therefore already included in our annual head counts) and to mortality each year. This allows us to compute the number of ex-felons no longer under correctional supervision.

We made a number of simplifying assumptions in obtaining these estimates. First, the recidivism rate we use to decrease the releasee population each year is based upon the Bureau of Justice Statistics *Recidivism of Prisoners Released in 1983* (DOJ 1989) study and *Recidivism of Felons on Probation 1986-1989* (DOJ 1992). For prisoners and parolees, we use a reincarceration rate of 18.6 percent at one year, 32.8 percent at two years, 41.4 percent at three years. Although rearrest rates appear to have increased since 1983, the overall reconviction and reincarceration rates used for this study are much more stable (Langan and Levin 2002). For probationers and jail

inmates, the corresponding three-year failure rate is 36 percent. To extend the analysis to subsequent years, we calculated a trend line using the ratio of increases provided by Hoffman and Stone-Meierhoefer (1980) on federal prisoners. By year ten, we estimate a 59.4 percent recidivism rate among released prisoners and parolees, which increases to 65.9 percent by year fifty-seven (the longest observation period in this analysis). Because these estimates are higher than most long-term recidivism studies, they are likely to yield conservative estimates of the ex-felon population. Our three-year probation and jail recidivism rate is 36 percent; by year fifty-seven, the recidivism rate is 57.3 percent.

We begin by applying these recidivism rates to all felon populations, then relax this assumption in subanalyses. We calculate mortality based on the expected deaths for black males at the median age of release for each year, multiplied by a factor of 1.46 to reflect the higher death rates observed among releasees in the Bureau of Justice Statistics' *Recidivism of Prisoners Released in 1983* study.

Our second simplifying assumption concerns our start date for calculating ex-felons. We begin following these groups in 1948 primarily for data reasons; 1948 is the earliest year for which data are available on releases from supervision. As a result, when we cumulate the number of remaining (nonrecidivist, nondeceased) ex-felons, our estimates are for individuals released 1948 or later. This may slightly underestimate the number of ex-felons in earlier years, but it should have little effect on more recent years, since less than 2 percent of 1948 releases remain in the ex-felon population by 2004. To account for this problem in our earlier estimates, we add to our calculated ex-felon population an estimate of ex-felons released in the years 1925 through 1947. This is done by taking all prison releases in these years, reducing for death and recidivism, and adding the number remaining to each year's total.

The third assumption made by this estimation technique concerns the sex and race of released felons. Historical data reporting the race and sex of prisoners are typically available but difficult to obtain for other correctional populations. Prior to the mid-1970s, we used race and sex data for prison to estimate the race and sex distributions in the jail, probation, and parole populations. This estimation entailed starting with the earliest year for which we have race and sex information for the specific correctional population (e.g., parole) and altering this number based on the percent change in the prison population with that same characteristic. As a result, our estimate of the sex and race of the ex-felon population assumes stability in the ratio of African American probationers and parolees to African American prisoners over time.

In our estimates of the ex-prison and ex-felon populations, we make two alterations to our original methodology to account for the higher rate of recidivism among male and among black offenders. We first recalculate ex-prisoner estimates using the higher three-year rate of 45.3 percent for African American prisoners, as reported by the 1983 recidivism study. By applying the trend line used for the total population estimates to this higher three-year rate, we estimate a lifetime (fifty-seventh year) recidivism rate of 72.2 percent for African American ex-prisoners. Using the same logic, we calculate a 62.7 percent lifetime recidivism rate for African American probationers. The resulting population totals are then more conservative estimates of the African American ex-felon population.

A second alteration to our original estimates is used to calculate the impact of the felon population by gender (presented in Tables 1 and 2). Because women have a significantly lower recidivism rate than men, we again recalculated our estimates, using the three-year reincarceration rate of 33.0 percent for women provided by the 1983 Bureau of Justice Statistics recidivism study. Again, we apply this percentage to our trend line and apply a lifetime rate of 52.6 percent for female prisoners and (when used together with the African American estimates) a lifetime recidivism rate of 57.5 percent for African American female prisoners. For probation populations, these rates are 45.7 and 50.0 percent, respectively. Once the female rates are calculated, we simply subtract the total female population from the total felon population to obtain estimates for males. Similarly, we subtract the African American female population from the total African American population to obtain estimated African American male populations.

Notes

1. This number is smaller than the total correctional population shown in Figure 1 because misdemeanants serving jail or probation sentences are counted among persons under correctional supervision but not counted among the total *felon* population.
2. Recent anthropological and historical work on the Indian caste system has challenged the view that caste relations were a defining feature of Indian society prior to the British colonization (see, e.g., Fuller 1996).
3. In Marx's (1963) vivid descriptions, the *lumpenproletariat* is the "refuse of all classes," composed of "ruined and adventurous offshoots of the bourgeoisie, vagabonds, discharged soldiers, discharged jailbirds . . . pickpockets, brothel keepers, rag-pickers, beggars, etc."

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