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Michael Leo Owens

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Ex-Felons' Organization- Based Political Work for Carceral Reforms

By
MICHAEL LEO OWENS

This commentary argues that community organizing among citizens with felony convictions may, combined with other factors, reduce the civic degradation of custodial populations in the future. It summarizes a critical case of the restoration of voting rights for probationers and parolees in Rhode Island via a state referendum to identify implications for engaging and sustaining felons in political activity.

Keywords: carceral state; disenfranchisement; collateral consequences; community organizing

The criminal justice system, assisted by the punitive isomorphism of carceral and non-carceral agencies (Owens and Smith 2012),¹ degrades the civic life of persons under and after correctional control in the United States. It undermines their trust in government and reduces their participation in politics (Weaver and Lerman 2010; Manza and Uggen 2006). It also weakens the political potential of custodial-prevalent communities because they contain a large number of formerly incarcerated persons (Burch, this volume; Bowers and Preuhs 2009; Lee, Porter, and Comfort, this volume). Nevertheless, there may be a few good omens for better to come for the convicted class from criminal justice and civic life in the future.

First, penal choice and variation endures across and within states (Barker 2009; Kutateladze 2009). To be sure, amid mass

Michael Leo Owens is an associate professor of political science at Emory University and chair of the governing board of the Urban Affairs Association. His publications include God and Government in the Ghetto: The Politics of Church State Collaboration in Black America (University of Chicago Press 2007).

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incarceration, many states' policies took a punitive turn. But other states never did so, or are reversing course and moving in less punitive directions. Fiscal crisis for decades to come, coupled with improved correctional empiricism regarding effective sanctions and supervision, may foster more reforms that benefit ex-offenders, especially if conservative elites make a "right u-turn" (Dagan and Teles, this volume) toward being "smart on crime." If so, steering away from carceral punitiveness and civic degradation may become routine.

Second, surveys suggest that the public "is not so punitive as to serve as an impenetrable barrier to correctional reform" and "ideological space exists in which more progressive policies might take hold and grow" (Listwan et al. 2008, 427). Supermajorities of Americans, regardless of partisanship, believe imprisonment rates and costs are too great (Public Opinion Strategies/Mellman Group 2012). Despite ambivalence about strong decriminalization and decarceration, mass opinion favors progressive reforms such as diverting nonviolent offenders from prison, raising thresholds for felony charges, and reducing corrections spending to cover other public expenditures (Public Opinion Strategies/Mellman Group 2012). Additionally, most Americans recognize, for instance, that felony disenfranchisement hinders positive reentry by ex-prisoners (National Council on Crime and Delinquency 2006). Most would impose it only during correctional control, especially for violent/sexual offenders (Manza and Uggen 2006).

Third—and the focus of this commentary—is the increasing investments in community organizing for political engagement and influence by felons and ex-felons. Arguably, "some of the most interesting political work around the country is happening among organizations trying to mobilize those segments of society too often deemed deviant . . . people incarcerated and reentering their communities" after incarceration (Cohen 2004, 41). Much of this work goes unnoticed by scholars, leading them to conclude that the political "role of ex-offender groups is unclear" (Stolz 2002, 57). Sustained and scaled up, however, political work among ex-felons, parolees, probationers, and even inmates may affect a different future for their citizenship and democratic practice in custodial-prevalent communities.

Civic Lessons for Persons with Felony Convictions

We know "some policies draw citizens into public life and others induce passivity"; "living under a given policy regime affects citizens' goals, beliefs, and identities—and hence, the possibilities and limits for future political action" (Mettler and Soss 2004, 56). Most carceral policies—supplemented by noncarceral policies of voter registration boards, children and family services agencies, licensing boards, public housing authorities, and so on—teach a "hidden curriculum of punishment" (Justice and Meares, this volume). It instructs felons/ex-felons to avoid civic engagement and participation, aided by "a political picture that is the inverse of democratic, responsive government" (Weaver and Lerman 2010, 819). Watching it, persons with felony convictions see an authoritarian arm of democracy, blocking their preferences and claims, impeding their mobility and liberty.

The civic lessons for persons with felony convictions teach them that their potential for individual and collective efficacy as political actors is low (Schnittker, this volume; Muller and Schrage, this volume; Justice and Meares, this volume). Plus, they should favor free riding over collective action. After all, if political work happens to be successful it will yield public goods, which all ex-offenders (or targeted sets of them) may share regardless of individual contributions. Hence, their capacity and opportunities to practice, or imagine, democratic action shrinks (Weaver and Lerman 2010; Bruch, Ferree, and Soss 2010).

Ultimately, the negative lessons of the carceral state for ex-offenders, along with their limited socioeconomic resources and spoiled status as despised and undeserving, should stymie their ambitions and activities to organize politically and participate in rights-oriented campaigns. They should not double down on democratic values and practices.

Doubling Down on Democracy

Yet many people under and after correctional control seek to restore themselves as full citizens (Manza and Uggen 2006; Coyle 2003). They engage in political work, challenging notions of low civic interest and weak democratic commitments by felons and ex-felons. They do it to broaden and better circumstances for themselves and others. In doing so, they are “good citizens”; “whether in private or in public, the good citizen does something to support democratic habits and the constitutional order” (Shklar 1991, 6). They work with and through political organizations created by, with, and for ex-offenders and their families that mass incarceration birthed. Examples include All of Us or None (California), Exodus Renewal Society (Illinois), Families against Mandatory Minimums (Washington, D.C.), the Ordinary People Society (Alabama), and National Association of Previous Prisoners (Georgia).

The best organizations focused on persons with felony convictions not only develop the capacities of ex-offenders to reconnect in positive ways with their families, obtain stable and licit employment, and remain free, they organize and mobilize felons and ex-felons and their families to rehabilitate (or habilitate) citizenship in their communities. All of Us or None, an exemplar, is clear about this political work: It is, according to its mission statement, “fighting for the rights of formerly and currently incarcerated people and our families . . . fighting against the discrimination that people face every day because of arrest or conviction history . . . strengthen[ing] the voices of people most affected by mass incarceration and the growth of the prison-industrial complex.”²

Beyond making voices stronger, organizations such as All of Us or None are creating opportunities for policy-makers to hear the voices of ex-offenders and their families. Many organizations are working with this group to lobby state legislatures and city councils for the removal of governmental policies that negatively affect their employment, occupational licensing, housing, higher education, and voting. Their achievements, when they happen, signal that political work yields the best results for ex-offenders and their communities. Open Doors

(née Family Life Center), a community-based organization (CBO) “strengthening communities by supporting the formerly incarcerated” in Rhode Island, stands out in this regard. Its political work to restore the vote to felons is helpful for imagining an alternative future for formerly incarcerated persons at the intersection of criminal justice and civic life.

A Critical Case of/for Organized Political Work to Restore Rights³

Open Doors, based in Providence, began its voting rights work in 2004 by supporting community-based participatory research on the racial and spatial inequalities of felony disenfranchisement in Rhode Island. It extended its work by convening CBOs and interest groups (e.g., Direct Action for Rights and Equality, ACLU, Common Cause, and Public Defenders’ Office) for a two-year campaign to abolish felony disenfranchisement. This followed an earlier and fortunate campaign to restore food stamps eligibility for persons convicted of the intent to sell controlled substances.

In the early 2000s, at least one-third of released prisoners in Providence were drug felons. The state, backed by federal law, barred them from receiving food stamps. (Curiously, the state assisted varieties of other drug felons, and federal law permitted violent felons to receive support.) Approximately 36 percent of the clients of Open Doors were ineligible for food stamps because of felony convictions for drug dealing. Open Doors, in coalition with other CBOs, successfully lobbied a “smart on crime” Republican governor and legislators to end the ban. With abolition, Rhode Island joined thirty-three other states in reforming the food stamps ban (Owens and Smith 2012).

As it educated communities about the reform, Open Doors registered drug felons and others with felony convictions to receive food assistance and to vote. The state constitution, however, disqualified many of them as electors because it disallowed probationers and parolees to vote. Open Doors reconstituted its earlier reform coalition. From there, it convinced two black state legislators to introduce a joint resolution for a constitutional referendum on restoring the vote to parolees/probationers and, pending voter approval, the Rhode Island Restoration of Voting Rights Act.⁴ The coalition then recruited volunteers from client networks. More significant, it tapped ex-offenders to lead and staff the campaign, codesign its strategy, and lobby the legislature.

Recognizing that political consideration of the interests and preferences of felons “are contested on the terrain of ‘virtue’ and ‘character’” (Katzenstein, Ibrahim, and Rubin 2010, 1042), it selected a diverse set of parolees and probationers that fit “the good citizen,” drawn from across age, gender, racial, ethnic, and class categories. A face among those selected for the campaign, for example, was a nonviolent, female probationer who, as a college student, was raising a special needs son. An intention of softening the public image of “the felon” with her face and others was to make the claims of felons seem more deserving of civic regard and their potential contributions valuable to democratic governance.

Respecting the “iron rule” of community organizing, the coalition of ex-offenders and their allies never did anything for the probationers and parolees during the campaign that they could do for themselves. It trained them to speak on their own behalf before legislators and civic groups. It helped them to draw on and adapt themes from successful legislative campaigns from Connecticut, Delaware, Maryland, and New Mexico (Coyle 2003; Conn 2005), including notions that disenfranchisement worked against the good of the commonwealth and the rehabilitation of felons. In particular, the coalition prepared their lobbyists-cum-ex-offenders to argue that disenfranchisement hindered the ability of felons to promote and defend their interests as caregivers and promote the well-being of their families, particularly their children.⁵ Doing so connected to and leveraged broader concerns about the social vulnerability of such children (Wildeman, this volume).

Remarkably, organized opposition never emerged in the legislature. A handful of legislators opposed the bills, without much support from “law and order,” victims’ rights, and other conservative groups. Consequently, legislative support for the bills was overwhelming. They passed both chambers by large margins, leading to a historic fall referendum in 2006. It was the first time an electorate in the United States would decide through direct legislation whether to extend the franchise to parolees and probationers.

The coalition decided against mounting a statewide campaign after the results of an internal poll suggested a probable vote of 52 percent in favor, 48 percent opposed. The results also suggested that the deepest opposition (or ambivalence) would be in the suburbs and rural parts of the state. Consequently, the coalition focused its resources, especially volunteers and ad purchases, on the cities and communities of the urban core. It ran a mobilization campaign, rather than a persuasion campaign. Furthermore, it focused on converting latent support into actual support by two groups in particular—the families of parolees and probationers, and ex-felons who could vote. The message was “cast a vote for the voteless.” Putting forward its “model” parolees and probationers, the coalition stressed that a yes vote would increase dignity, respect, and empowerment for felons, their families, and communities.

A raft of progressive and moderate, local and national, groups endorsed a vote for felon enfranchisement in the referendum, as did the *Providence Journal* and the *New York Times*. But dominant governmental elites in Rhode Island, namely, the Republican governor and Democratic attorney general, opposed it, backed by the Rhode Island Police Chief’s Association and a few legislators. Opponents saw the campaign as akin to a Trojan horse, an effort to surreptitiously overturn a principle of American corrections: parole and probation are primary, not ancillary, parts of a criminal sentence. They also questioned the value of enfranchising violent felons. In the end, the referendum passed. Fifty-one percent of votes favored felon enfranchisement. The margin of victory was eleven thousand votes. The victory was significant.

Restoring the vote to ex-felons was trending among state legislatures at the time, and it continues (Sentencing Project 2011; Porter 2010). Restoring the vote to probationers and parolees, however, remained and still is difficult (Conn 2005). Also, legislatures rarely put the enfranchisement of people with felony

convictions before electorates (Campbell 2007). When they did in the past, voters adopted antireforms, disenfranchising persons with criminal convictions, especially inmates (Porter 2010). Yet the Rhode Island coalition for ex-offenders, which began with the work of Open Doors, bested the majoritarian institutions that typically revoke the rights and benefits of the custodial population.

Since then Open Doors has broadened its advocacy portfolio. It includes a comprehensive suite of reforms to redesign and reduce probation, uncouple personal debt from court sanctions (e.g., jail time), expunge criminal records, and decriminalize marijuana and prostitution. The issues direct its political work to multiple policy venues, including the legislature, bureaucracy, and judiciary. It continues to engage and develop persons with felony convictions.

Practical and Tactical: Leveraging the Citizenship of Felons and Ex-Felons for More Political Work

The political work of organizations such as Open Doors raises a number of issues. They range from the practical to tactical, and bear on the potential for more activism by, with, and for ex-offenders. A few of them may influence most the prospects of leveraging felons and ex-felons for more political work. They also may affect what ex-offenders can expect from the intersection of criminal justice and civic life in the future.

Participatory design

The design of participation influences engagement, which affects efficacy and empowerment. Designing participation for efficacy and empowerment brings ex-offenders into political work. Treating ex-offenders as stakeholders and equals in the political activities on their behalf retains and develops them as contributors. The Rhode Island coalition, for example, identified felons as vital participants in advocating for their interests. That led it to incorporate them as coleaders, sharing authority and control over decisions and resources. It made the ex-offenders coproducers of the campaign and its success.

Deeply invested in inclusion, the coalition did not parse ex-offenders for participation or benefits of restoration. It was politically courageous and shrewd. The public and its representatives prefer to distinguish among people with felony convictions, favoring nonviolent offenders over violent ones when it comes to issues of rights restoration (Manza and Uggen 2006; Meredith and Morse, this volume). By ignoring distinctions among ex-offenders, however, the coalition in Rhode Island induced and sustained engagement by formerly incarcerated people in the campaign on their behalf. How?

Broad inclusion of formerly incarcerated people prevented “secondary marginalization” and the divisive “politics of respectability” that accompanies such marginalization, which often splinters minority groups, especially those with inferior, deviant, and spoiled statuses (Cohen 1999, 2004). Also, inclusion over exclusion supported a political frame of the coalition—ex-offenders face group

degradation and marginalization, not individual challenges. Hence, universal problems required policy responses with universal effects. Privileging inclusion, therefore, was and is an investment in engaging and maintaining the participation of formerly incarcerated people in political work.

Vigilance

Successes are vital to sustaining and expanding the political work by, with, and for formerly incarcerated people. They demonstrate progress, reward effort, and signal the soundness of greater contributions to the work by ex-offenders and their families. Still, not all successes are solid ones. An electoral victory such as restoring the vote to felons in Rhode Island is probably solid because of the difficulties of amending state constitutions. Most reforms won in the name of the formerly incarcerated, however, are legislative and bureaucratic. That makes them precarious, vulnerable to repeals driven by moral panics, partisan shifts among government elites, well-resourced moral entrepreneurs, and electioneering.

Executive orders in recent years mandated automatic restoration of voting rights for formerly incarcerated persons in Iowa and Florida, and abruptly ended it within a few years. Vicissitudes of gubernatorial elections and governors produced the antireforms, which significantly reduced the electoral standing and participation of formerly incarcerated people (Meredith and Morse, this volume).

A lesson from all this is that sustaining the political work on behalf of ex-offenders requires vigilance. (Moreover, it suggests that the first rights restorations for persons with felony convictions require the hardest political work, namely increasing and sustaining electoral turnout among allies of ex-offenders, or amending state constitutions.)

Organizational sustainability

The citizenship of ex-offenders is a slack resource for engagement and activism. It also is a resource for organizational survival. Taking on an issue such as disenfranchisement, for example, whether successful or not, can yield benefits for organizations working with persons with felony convictions. It requires CBOs, however, to cultivate a “triadic exchange” of resources with their constituents and politicians to sustain and grow their organizations (Marwell 2004).

Ex-offender organizations provide their clients/constituents (i.e., felons, ex-felons, and their families) with expanded services (e.g., political advocacy on their behalf), employment (e.g., during the campaign), and human capital development (e.g., learning skills of organization and communication). They also offer them psychic benefits such as efficacy, empowerment, and triumph, and political recognition of and responsiveness to their interests and preferences. In return, ex-offenders and their families stick with the CBOs that benefit them, deeming them worthier of continued support than CBOs that ignore them. This may give CBOs that assist ex-offenders greater legitimacy as community-serving organizations.

CBOs with greater legitimacy on the issues of ex-offenders may convert their legitimacy into voluntarism by formerly incarcerated persons and their families for other reform campaigns. Legitimacy may also draw more clients in for their other services. CBOs may also convert their increased legitimacy, coupled with credibility, and grounded sources of information on criminal justice issues into access to politicians. This may increase the policy clout of the CBOs, garnering them increased financial support by government and philanthropies focused on ex-prisoner reentry and neighborhood development. It, in turn, benefits ex-offenders and their communities. As for politicians, the CBOs potentially provide them with a new store of endorsements and votes from the clients and other supporters of the CBOs.

Taken together, the strategic exchanges of resources among CBOs serving ex-offenders, their clients/constituents, and politicians/policy-makers may increase the likelihood that the organizations working among ex-offenders survive for more political work and achieve greater successes.

Conclusion

Political work through organizations by, with, and for ex-offenders develops and mobilizes citizenship to combat civic degradation. It is necessary for opportunity making for formerly incarcerated persons. In the face of serious obstacles to engagement by felons and ex-felons (e.g., negative civic lessons and collateral consequences of felony convictions), the work seeks to reform carceral policies among the states, as well as municipalities (e.g., removal of conviction questions from city employment applications) and the federal government (e.g., reducing sentencing disparities). Its successes, if sustained and multiplied, will improve the lives of formerly incarcerated people and their families. It also will prove that developing citizenship for carceral reforms is worthwhile political work.

Notes

1. Criminal corrections and social welfare policies are converging in curious ways (Wacquant 2009). Formerly distinct agencies of the state collaborate to control the political, economic, and social behaviors of people with felony convictions and to signal and circumscribe their marginalized status. Perhaps the best example of this punitive isomorphism is the coproduction by corrections and social welfare agencies of the federal and state bans on access to subsidized cash, food, and housing assistance by drug felons and other types of felons (Owens and Smith 2012; Rubinstein and Mukamal 2002), which weakens the ability of felons to reintegrate following their imprisonment.

2. For more on All of Us or None, including its mission, visit <http://www.prisonerswithchildren.org/our-projects/allfus-or-none/>.

3. For more on the case, see "Changing Policy Designs for 'Deviants': Political Lessons from the Rhode Island 'Right to Vote' Campaign"; <http://emory.academia.edu/MichaelOwens>.

4. Key elements of the act were automatic restoration of the franchise to parolees and probationers immediately upon release from prison and the requirement that courts notify defendants in advance that disenfranchisement accompanies felony convictions.

5. The carceral state sends negative messages to the children of the civically imprisoned, especially through felony disenfranchisement. As disenfranchisement and other forms of civic exclusion transform ex-offenders into negative political role models for their children, such exclusions misshape democratic attitudes of juveniles, laying foundations for civic disconnections in their adulthood (Lee, Porter, and Comfort, this volume).

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