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Existing But Not Living: Neo-Civil Death And The Carceral State

CalvinJohn Nagel Smiley

Graduate Center, City University of New York

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EXISTING BUT NOT LIVING:  
NEO-CIVIL DEATH AND THE CARCERAL STATE

by

CalvinJohn Smiley

A dissertation submitted to the Graduate Faculty in Sociology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York.

2014
This manuscript has been read and accepted for the Graduate Faculty in Sociology in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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THE CITY UNIVERSITY OF NEW YORK
ABSTRACT

EXISTING BUT NOT LIVING: NEO-CIVIL DEATH AND THE CARCERAL STATE
BY CALVIN JOHN SMILEY

Advisor: Professor Juan Battle

In 2010, the United States prison releases exceeded prison admission for the first time since the Bureau of Justice Statistics began collecting jurisdictional data in 1977. Prisoner reentry—the transition from prison to community—has grown exponentially in the 21st century. While individuals are coming home in larger quantities, many formerly incarcerated men and women lose social, political, and economic rights, otherwise known as civil death. The fundamental purpose of this dissertation is to investigate the impact of civil death on prisoner reentry. More specifically, how does the loss of civil rights construct notions of citizenship for recently released men and women? In addition, how do men and women navigate and negotiate the reentry process with both legal-related barriers imposed by the State as well as social obstacles created by incarceration? A community-based reentry program in Newark, New Jersey, is the field site of this research. Employing qualitative methods: interviews, focus groups, and ethnographic observations, this research explores the development of the prison industrial complex, which has led to mass incarceration and the growing prisoner reentry industry. The findings of this research give insight to the furthered underdevelopment of low-income communities via the carceral continuum.
Dedicated to Mary Nagel my beloved Grandmother
(May 6, 1917- September 15, 2013)
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Chapter 1: “Coming Back to What?”: Reentry and Exclusion

Introduction

MELVIN is a muscular 51 year-old Black\(^1\) man who has spent over half his life in a New Jersey State Prison. At six-feet tall with chocolate brown-skin, Melvin’s physical presence can be construed as intimidating because of his race and gender (Wacquant 2005, Alexander 2010, Muhammad 2010) as well as the many features of scars on his face and head and chipped teeth in his mouth giving him the prison look (Moran 2012). He stands erect, still in shape from his daily regiment of push-ups, pull-ups, and sit-ups. He wears a t-shirt that says “Newark We Hit Hard,” blue jeans, Yankee baseball cap, and white tennis shoes, something that might be worn by someone half his age on the streets of Newark. The only sign of his growing older is the peppered gray hairs in his neatly trimmed goatee. Melvin was one of the first people I met at the reentry agency in Newark, New Jersey. We shared this space, but for completely separate reasons. I came to this reentry agency to study and design a research project for my dissertation, whereas he came looking for employment and assistance in reintegrating back into society after a quarter plus century spent in prison.

Each week men and women, who are were recently released from jail or prison as well as many more who were now residing in one of several halfway houses, use this reentry agency. Reentry Aid Society (RAS)\(^2\) is a space to gather information about potential employment, identification (e.g. birth certificate, social security, etc), life skills training, and attend one of the several mentorship groups. The group, “Breaking the Cycle,” served as a medium for clients\(^3\) to

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\(^1\) Throughout this text, I will use the term Black to refer to people of African Diaspora, and to such populations that reside within the United States. To some, African Americans are a subgroup within the larger Black community. Since our discussion purposely includes those who may be first-generation immigrants or who, for whatever reason, do not identify as African American, we employ the term “Black.” Furthermore, we capitalize it to distinguish the racial category and related identity from the color. Similarly, we capitalize the word White when referring to race.

\(^2\) Pseudonym for reentry organization this study took place.

\(^3\) Term used to refer to men and women who used reentry organization.
share experiences and network. This particular group grew organically by several male clients utilizing this space after other similar groups had been discontinued due to financial cutbacks in late November 2011. I was asked to facilitate this group early on in the process of my field research at the organization’s request and was told this would be a great way to learn and understand the dynamics and challenges of reentry firsthand.

Melvin began attending the weekly group sessions in December 2011. In his first group, he was reserved and expressed, “I’m all grouped out,” indicating that he had attended enough groups while incarcerated. However, he continued to attend each week. At the start of each group session, Melvin would begin by stating, “I’m good.” This short phrase, which could be dismissed as avoidance of direct participation was Melvin’s way of showing emotion and engagement. For him, to be “good” meant to be alive and one day closer to freedom. Week after week, Melvin would faithfully attend the two-hour session and would begin each group with his signature phrase of exclaiming his existence. After the fourth week of attendance, I challenged Melvin to tell the group something more than “I’m good.” I called him out; as this was the first time he had been asked to speak. I was not sure how he would react but felt it was necessary to hear more from this man who tended to sit quietly at a chair against the wall rather than at the conference table with the rest of the group. As promised he stated, “I’m good.” When asked what else was going on in his life, he sat back, took a moment, and settled in his chair then pulled something out of his pocket many of us take for granted: his wallet.

Melvin held up the dark-brown leather wallet and said, “I don’t know why I have this?” Others, including myself, looked perplexed and began to explain to him the rudimentary fundamentals of a wallet. He calmly stopped all of us and said, “I get all that, but what I mean is I don’t know why I have this.” Melvin went on to explain that he was just released to a halfway
house after thirty years in state prison. Since being placed in the halfway house, he had only been “on his own” less than a half a dozen times. He said:

I get the concept and idea of a wallet, but it means nothing to me after all this time. I have no money, I have no credit cards, I have no family like a wife or kids to put their pictures in it…so for me it’s just something they told me to put in my pocket when I go outside. I don’t even have a state ID. All I have is this prisoner identification card for now. For the last thirty years I haven’t had any of these things: money, women, and all that…so I guess it just feels weird carrying this and not having anything to really use it for, except take up space in my pocket.

Melvin’s story ignited a number of conversations amongst the subsequent groups over the next two years about many of the drastic, yet seemingly insignificant changes in society as well as other challenges many men and women have leaving prison and returning to “free” society.

This dissertation’s focus is on the issues facing men and women, who have been convicted, in many cases spent time in jail or prison, and now are returning to their community through the process known as reentry—transitioning from incarceration to community. The reentry process is compounded and coupled with social obstacles and legal barriers of political, social, and economic exclusion or rather the loss of civil rights known as civil death. This research looks to expand the field of reentry by looking at the role of citizenship, the rights lost because of a criminal record, and the many damages and inhibitors because of incarceration for transitioning from prison to the community. Identifying the following questions informs this work:

1. How does the loss of rights affect the construction and identity of citizenship in a democratic society?

2. What is the relationship between civil death and the carceral continuum?

3. How do men and women returning from prison navigate and negotiate reentry and reintegration?
4. Does loss of rights and reentry play a role in the underdevelopment of low-income urban communities?

Through several qualitative methodologies: interviews, focus groups, and ethnography, this project explains how men and women with a felony conviction are concurrently a “citizen” and “other.” In other words, Americans who have a felony conviction are simultaneously included and excluded in society, thus creating confusion and contradictions in democratic values. Furthermore, this study elucidates the many obstacles of reentry, particularly how men and women navigate and negotiate this process, thus challenging the concept of “successful” reentry in contemporary America.

Over time, Melvin began to open up by slowly moving to the conference table, participating at group discussions, and giving more information than just being “good.” Eventually, he agreed to sit down for a one-on-one interview. It was during this interview Melvin explained his life and spending the majority of it as SBI Number: 000236401B.

Melvin was born in the summer of 1960 in Newark, New Jersey. He couldn’t recall much of his early childhood for the exception of the Newark riots, “I remember the riots because I remember it was around my birthday and it was hot in our apartment and we couldn’t go outside.” Despite not remembering his early childhood, he explained the he had a regular youth playing with his friends, going to summer barbeques, and liked to play baseball. He did not know his father and never had a relationship with this man as he explained, “I found out who he was later in life and he died when I was locked-up so we never got a chance to meet. I always heard stories he was a jail-bird himself so I was always expecting to run into him on the inside but that never happened.” Melvin’s childrearing fell to his mother. He spoke admirably of her as a hard worker and someone who always had more than one job. According to Melvin, she was pretty

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4 Fake SBI Number. SBI (State Bureau Identification)
brown-skinned woman who worked as a nurse during the week and cleaned “rich folks” houses on the weekend. Melvin explained, “My mother was from the South and she had a good work ethic. We didn’t have a lot but I never went hungry, always had a place to sleep, and clothing on my back.” He spoke fondly of his mother being able to move her and her son out of the projects and into a house she rented, “When I was little we moved out the projects and into a house. In some ways it was better ‘cause the projects is bad but we still lived in the hood and I remember it still being violent but my mother did best she could.” Melvin’s description of his mother abruptly ended when in a stoic fashion he explained that she was murdered, “My mother was killed when I was about twelve.” Delicately probing, I asked if he could elaborate on his mother’s untimely death. He explained:

She was dating this guy and I remember hearing them fight a lot but that was grown-up matters and kids didn’t have any business in that. So I guess she broke up with him or whatever because he wasn’t coming around as much anymore. Anyway, he must have not seen it that way and came to the house one day and shot her to death. I was told that he came to the house to kill both of us but my mother sent me to store to pick up milk, eggs, and sugar…it’s funny I’ve never forgotten after all this time what she had me get. So I guess she saved my life. By the time I got back home, which wasn’t that long, the cops and everybody was outside…this happened middle of afternoon.

Melvin spoke of his mother’s murder in a calm and reserved manner, clearly something he had not spoke about much over his lifetime and also something he didn’t know how to show emotion towards. This could be mainly because of the prison environment in which he spent much of his life where being “emotional” is a sign of weakness. When asked what happened to the man, he responded:

I guess at the time I didn’t know or realize but I found out later that he was locked up. I don’t know if it was for killing my mother or something else, but he was in prison in Florida. At that time, states had swapping programs so I was trying to get a transfer to go down there and get into the prison he was in, cause I was going to kill him…but that never happened and because that never happened probably only reason why I am sitting here now and not on death row.
After his mother’s death, Melvin’s maternal uncle took him in and became his legal guardian. Living with his uncle is when he started to vividly remember his childhood and adolescence. He explained, “My uncle…I don’t know how to put it but he was a gangster, like a real gangster. So I grew up really fast living with him. All the stuff I did as a kid stopped.” Melvin explained various situations that he thought turned him from a boy to a man, “I remember my uncle picking me up from school and I must have been like 13 and seeing him pull over and running up on a guy for whatever reason, owed him money or something, and hit the guy in the head with a lead pipe. I was probably around 15 when he gave me the pipe and told me to be the man.” Melvin alluded to the idea that he became an enforcer of sorts for his uncle, “I was always bigger and was good with my hands, so I could fight. If something went wrong or people got out of line I would go.” By the age of sixteen, Melvin had dropped out of high school and experienced his first adult charge, “you know as a kid cops stop you or you get in trouble for stealing candy…dumb shit. Most times parents just come to police station and pick you up or pay a fine.” However, Melvin had shot someone and was being charged as an adult. He explained, “Yea, I never went to Jamesburg [youth facility], all my time been in adult prisons, so if I wasn’t growed [sic] up by then, I learned quick in prison.” Melvin spent the next four years in a New Jersey adult prison facility. During this time he said he didn’t do anything with himself but got angry, “I came out of prison at twenty and went back to the same lifestyle but worse.” For Melvin, worse was an upgrade of being a simple enforcer to going down the path of career criminal and robbery became his forte. He stated, “I liked guns, cause it don’t matter how big somebody is or how good they can fight, if you got a gun you got all the power.” Melvin’s freedom did not last long and after less than nine months of obtaining his freedom and just a week shy of his 21st birthday he was arrested on armed robbery charges and accessory to murder.
Melvin explained his story of what events took place:

There was this guy I knew from around the way who was a few years older than me and we had done a few jobs together, nothing big. I usually liked to do things myself cause I’m a loner and always have been but every once in a while you need help. Plus I was drinking some and smoking a little reefer at this time, which was messing with my mind. Anyway, this guy told me about a bar that had a lot of cash and would be an easy score. So I should have gone with my gut and declined his offer but I was young and stupid and thought I was invincible. So we go into this bar and I thought it was going to be ‘business as usual’ get the money and get out. However, this guy who got me to do this with him had a different agenda. He went in to kill this other guy over money or a girl or something…I don’t know. So they start to arguing and the other guy ended up dead.

As someone on parole for his prior convictions of weapons possession compounded with these new charges Melvin was facing a long prison sentence. He said, “My accomplice snitched on me. They had him on the murder charges but he gave me up and said I was the brains behind the operation and forced him to rob the place. So his charges were reduced to manslaughter or something, all I knew was he was out in like ten years and I was given life.” A life sentence was the judge’s verdict in Melvin’s case. When asked did he plea bargain he responded indignantly, “For what? First, I was and still not a snitch. We was out there doing bad things, so I’m not gonna sugar coat that. Second, I’m a man and you got to take what’s coming to you like a man. Children want the easy way out. Third, even if I wanted to cop out or snitch, them krackas wasn’t having that with me. I became an example case. This was the early 80s and they was getting tough on crime, so I got to be the poster child for them.”

Melvin served thirty years on this charge and coupled with his previous prison term, has close to thirty-five years in a state prison. In other words, more than half of Melvin’s life has been as a number within the New Jersey Department of Corrections. Many factors, which included model prison behavior and restructuring of past sentencing guidelines, Melvin’s charges were reduced to life with possibility of parole after thirty years served. With his time served
Melvin was paroled to a private halfway house run by Community Education Center (CEC) in Newark, NJ.

One of the many regulations of Melvin’s release is that it is a conditional release. He has a life parole sentence. He explained, “The stipulation for my release was that I would be on parole for the rest of my natural life. If I mess up, I can be sent back.” This constant danger of “messing up” is something that is not rare for men and women on parole but the majority of parole sentences are short-term. However, for Melvin his life parole sentence is a constant reminder of his past, “I think they will get more relaxed with it as I get older. I mean this brand new to me now, so I don’t even really know what all it means. I only been out a few months. But maybe over time they will reduce the parole or I’ll have a parole officer who isn’t a stickler, cause I would like to travel, maybe go to another country and stuff like that but I can’t do all that if I’m on parole.” Melvin can only hope the state of New Jersey restructures his parole sentence in order to have mobility to freely move around the country and world. Currently, Melvin’s eligibility for parole is December 31, 2999.

Some of Melvin’s main concerns are finding employment as he said, “I never had a job, at least not a formal job with a paycheck.” As someone who was now over fifty years of age, Melvin has never had a motor vehicle license, owned a credit card, had a bank account, owned a house, or rented an apartment. In addition, he lacks much of the formal skill training and other requirements (e.g. GED, high school diploma, or college degree) to work in any formal job, which makes the task of finding gainful employment much more difficult. Furthermore, Melvin has never had a legal drink of alcohol because he was incarcerated prior to his 21st birthday.

In addition, Melvin expressed interest in American politics being inspired by the presidential election of Barack Obama in 2008. Melvin said, “Voting and politics was never
important to me, but that’s cause I was young. How many young people actually care about politics? But as I got older and particularly the situation I was in, I became interested and really started caring when Obama was elected.” Despite Melvin’s interest in politics, as someone who has been incarcerated the majority of his adult life, he has never voted and as long as he remains on parole he will not be allowed to vote in the state of New Jersey. He is permanently disenfranchised based on New Jersey state law.

Melvin has limited networks outside of prison having no known family left stating:

My uncle died when I was locked up, my grandmother died when I was locked up, and everyone else I knew either dead or locked up. I see people from time to time when I’m walking back to the halfway house and they wanna act like they cool with me, but if they was really cool with me, where was they all this time when I was away? A lot of people got alternative motives too. Guys asking me when I’m ready to put work in and hustle and all this non-sense cause they know my reputation both on the streets and in prison. Even guys younger than me, who wasn’t even born yet know who I am asking me when I’m ready to get back in the game. Like I tell them, I’m old and just wanna be a civilian. I don’t need to prove anything.

All those important to Melvin were gone and the only person he spoke of with any indication of a life source was a woman that he knew from before being locked up. He said:

She not my girl…yet. I mean she had her life and she know my life and we still cool, so she someone I could probably get to know more, but I gotta focus and make sure I get out this situation and able to really go home before I start thinking about relationships and stuff. I have to help me first, like get a place to live, a job, and other stuff ‘cause I know it’s not gonna be easy. I seen way too many guys come back to prison. A lot of guys talk about prison crazy too, like ‘I was out six months,’ which is stupid. You should flip that around, only been in jail six months or no months instead of being happy you was home for six months. Too many guys are comfortable and get programmed for this to be their life. Guys start calling their cell their ‘crib’ and making this place home. I couldn’t never do that even when I thought I was going to die in here, this was never home for me.

Melvin’s story is not necessarily unique or particularly new but highlights many of the biographical stories of urban, black, male, youth coming of age during the rise of the crack epidemic, the War on Drugs, and de-industrialization of the United States. However, Melvin’s
story is unique that Melvin is the only person who can truly understand his experiences and his story really begins as he exits prison and confinement for the first time in over a quarter century being faced with this concept known as “reentry.” Melvin faces the daunting task of many challenges of reentry, more specifically the loss of many aspects of life due to de facto social consequences because of his incarceration such as familial ties, romantic relationships, and employment opportunities, but also faces de jure legal consequences of exclusion because of his conviction, including limitations to political participation and legal barriers to other rights such as housing and other forms of public assistance.

To begin, it is important to establish what will be argued and define different concepts to set the foundation and groundwork for this research. First, a brief historical analysis of the ancient concept of “civil death” and how it applies to men and women today, particularly how it differs from earlier societies. Second, an extensive literature review on key concepts of citizenship, particularly focusing on the intersectionality of race and class, will establish the dichotomy of inclusion (i.e. citizen) and exclusion (i.e. other), particularly through mass incarceration and mass conviction, in a democratic society. Moreover, establishing how law is used to promote the prison industrial complex and prisoner reentry industry, which furthers the stigmatization of a criminal record. Finally, this chapter will explain the contribution to the field of sociology and criminology as well as provide a road map for the five remaining chapters.

Civil Death to Neo-Civil Death: An Ancient Practice in Modern America

Zombies exist in American society. This is not a reference to Michael Jackson’s 1984 “Thriller” video or the latest Hollywood horror film. The “zombies” I refer to are the potential 65 million Americans with a criminal record (Wright 2013) who suffer or suffered from civil death. In 1937, the Harvard Law Review explained, “With living men regarded as dead, dead men
returning to life, and the same considered alive for one purpose but dead for another, the realm of legal fiction acquires a touch of the supernatural under the paradoxical doctrine of civil death” (p. 968). In other words, it is the nullification of all civil rights while the physical body continues to live on. Thus creating a zombie like individual, someone who still remains living within society but cannot fully engage or participate, thus not recognized.

Civil death is not a new concept. Its earliest forms are found in ancient Rome and Greece. In ancient Greece, the term was known as “infamy” and Rome known as “sacer,” which prohibited appearing in court, ability to vote, make public speeches, or serving in the army (Scott 1975, Harv. L. Rev 1989, Agamben 1998, Fellner and Mauer 1998, Ewald 2002, Manza et al 2004, Liles 2007). It was later adopted in Germanic tribes of Europe, known as “outlawry.” In this case, those who were convicted of a crime were literally considered “outside of the law,” thus one’s civil rights were taken away but one’s physical life was also at risk because the law no longer protected the individual from the impunity of others (American Criminal L. Rev. 1973, Scott 1975, Harv. L. Rev. 1989, Fellner and Mauer 1998, Ewald 2002). As society developed and European countries established nations the concept of losing rights evolved into “attainder” (Harv. L. Rev. 1937, Saunders 1970, Scott 1975, Harv. L. Rev. 1989, Fellner and Mauer 1998, Ewald 2002, Liles 2007, Chin 2012). Attainder was the concept of stripping a person convicted of a crime from their property, land, and potential inheritance. It literally means to cause a permanent stain or mark on one’s name. In the case of English Common law, one’s family name would be ruined by attainder. While seemingly less brutal than “outlawry”, the attainder or concept known as “civil death” (Liles 2007) was brought from England to America with the colonists.
The legal concept of “civil death” has been used in the United States longer than the establishment of the nation and been integral in defining rights and privileges through court decisions. According to Saunders (1970), “Several American Jurisdictions passed bills of attainder in the latter part of the eighteenth century” (footnote 4, p. 989). Both state and federal courts ruled on civil death. In *Ruffin v. Commonwealth* (1871), the Virginia court ruled:

He [the convicted felon] has as a consequence of his crime, not only forfeited his liberty but all his personal rights except those which the law in its humanity affords him. He is for the time being a slave of the state (Saunders 1970, p. 991).

Other such court rulings established marriage/divorce rights, the right to sue or be sued, right to contract, and property rights.

Civil death is best summed up by the Harvard Law Review (1937), which states, “The continued existence of civil death, outworn as a mode of punishment and ineffective as a deterrent to crime, leads to increasing confusion and uncertainty in its effect on the personal and property relationships of life convicts” (p. 977). In other words, there is no clear definition of the concept of civil death in modern society, therefore it is left to the courts to interpret and thus leaving individuals and society confused on how it operates but still has impacts on individual lives and communities.

Because civil death becomes a nebulous concept that does not directly match the historical legacy of “infamy”, “sacer”, “outlawry”, or even “attainder”, it might be important here to establish and distinguish contemporary civil death, particularly how it relates to American felons in the 21st century. There is a new civil death, which established a system of collateral consequences and permanent change to one’s life having a “shattered character” (Chin 2012). Under new civil death convicted criminals could be disenfranchised, lose the right to hold public office, barred from entertaining specific occupations, serving on a jury, lose the right to
bear arms, and deportation (for non-citizens). I want to distinguish between the manners in which Chin (2012) is discussing new civil death, from the term I propose as *neo-civil death*.

The term “neo”-civil death (referred to as neo-civil death from here on) seeks to critically understand how the loss of civil rights not only affects collateral consequences of incarceration but also *(de)constructs identity surrounding citizenship* for those convicted of a crime. In other words, understanding the differences between “can’t” and “won’t” when it comes to the notion of civic engagement, political participation, and social responsibility. The convicted population is consciously omitted from democratic practices by the State, thus are denied access to many of the rights and privileges other Americans have the opportunity to be involved in. Additionally, American felons become a category unto themselves because they are not a total in-group as well as not a total out-group when it comes to their citizenry. It is this fundamental concept of citizenship that becomes crucial in understanding and establishing the current effects of civil death on both the individual experiencing the loss of rights as well as the impacts on democratic values, specifically underdevelopment of community (Rodney 1970, Marable 2000).

As I move forward in this research the term neo-civil death will refer to conceptualizations of citizenship. In particular, neo-civil death creates and establishes a contradiction in an individual’s citizenry. On one hand, a man or women convicted of a felony loses many of their social, economic, and political rights, however, is not considered a total out-group—if an American citizen. Whereas, an immigrant such as an undocumented or temporary resident, can be deported or banished to their native country (Brotherton and Barrios 2011). However, because of neo-civil death, an individual is not considered an in-group member of free society and restricted from many of the rights and privileges including: political participation, economic opportunities, and various social benefits. Therefore, a felon in the United States falls
into a category all of their own—the convicted class\textsuperscript{5} of not being a total out-group forced to leave, but not wanted as part of the in-group, leaving a quagmire of how these people are treated and viewed within society. Finally, the use of “neo” might make one think of neo-liberalism, which advocates deregulation and privatization. This is true of contemporary civil death. It will be shown in later chapters that there is private interest and investment in securing and maintaining “reentry” for the purposes of profit by private entities. Thus, it is appropriate to conceive modern civil death (i.e. neo-civil death) as an extension and growth out of neo-liberalism.

Lastly, establishing how neo-civil death operates in contemporary United States, scholars have shown the profound connections and correlations to race relations, particularly the use of exclusion prohibited by law as well as custom to further White supremacy. Historically, there was a rise in civil death statutes and legislation in the form of disenfranchisement during the end of the 19\textsuperscript{th} century as newly freed Blacks acquired voting rights (Fellner and Mauer 1998, Pinaire et al 2003, Manza and Uggen 2006, Alexander 2010). Furthermore, these laws once again reinvented citizenship for Black Americans, even after the passage of the Reconstruction Amendments. In order to establish this connection it is important to first define citizen membership in democratic society.

\textit{Citizen or Not: Establishing One’s Claim in the State}

The establishment of inclusion or exclusion is the cornerstone of democracy, because those included are part of the system and are charged with making decisions for society. The social contract (Hobbes 1651, Locke 1690, Rousseau 1755) characterizes society as a collective effort where each member of society contributes for the greater purpose of all, therefore everyone consents into this contract and fissure can result in the loss of rights. Torpey states,

\footnotesize{Term used by former death-row inmate, Mumia Abu-Jamal in personal letter to the author, January 2009.}
“This consideration is especially important in a world of states understood as nation-states that is, as comprising members conceived, at least from the outside, as citizens” (1997, p. 841). It is important to establish a firm basis and exercise one’s rights accordingly. Furthermore citizenship gives individuals rights, particularly agency to exercise one’s voice as well as establishes particular groups as a part of a particular society. This is demonstrated through the usage of passports (Torpey 2000) and other symbolic modes of identification, which determine residency.

A principle foundation and seminal theoretical framework of establishing citizenship is T.H. Marshall’s, *Citizenship and Social Class*. In this text, Marshall (1950) describes three typologies of citizenry: (1) Civil-right to individual freedoms of faith, speech, and property; (2) Political-right to participate in the exercise of political power (e.g. vote); and (3) Social-right to economic welfare and live in a civilized society. This triangular benchmark of citizenry not only sets the foundation for one’s sense of belonging but also institutes the rights an individual is afforded by society. According to Glenn (2011), the vast majority of sociology has focused on social citizenship through research on the welfare state and neglecting both civil and political citizenship as firm bases of acceptance.

Despite Marshall’s influential analysis of the rights of citizenship, Glenn (2011), insightfully articulates citizenship is not a linear pattern. She states:

> Citizenship is not just a matter of formal legal status; it is a matter of *belonging*, which requires *recognition* by other members of the community. Community members participate in drawing the boundaries of citizenship and defining who is entitled to civil, political, and social rights by granting or withholding recognition (p. 3).

In other words, rights are granted and taken away at various stages of constructed membership for different groups, particularly non-White males in the United States. Variation and progression of citizenship differs by group (Glenn 2002). In the case of Black Americans, there
are clear established historical points of conscious exclusion and undoubtedly this conflates the inclusion/exclusion dichotomy, which happens simultaneously throughout most of the Black American experience.

The citizenship of Black people in the United States has been a constant debate. Throughout American history there has been one clear stance about Black citizenship and this comes from the Supreme Court ruling in *Scott v. Sanford*, otherwise known as the Dred Scott Decision. In 1857, the *Dred Scott Decision* ruled that Dred Scott (a Black slave) had no rights because of his status not only as a slave but also because of his African ancestry. Chief Justice Taney wrote in the majority opinion, “And the State in which he resides may then, unquestionably, determine his status or condition, and place him among the class of persons who are not recognised as citizens, but belong to an inferior and subject race, and may deny him the privileges and immunities enjoyed by its citizens” (Taney 1857, emphasis added). As explicitly indicated, Black people free or slave, were not granted citizenship because of this ruling. The court’s decision was overturned with the Union victory in the American Civil War and the establishment of the Reconstruction Amendments, more specifically the 14th Amendment, which extended citizenship to the newly freed Black population. However, this opportunity to establish full benefits of citizenship was curtailed by the de jure system of segregation known as Jim Crow, which was then substantiated by the Supreme Court ruling of *Plessy v. Ferguson* (1896), where the court ruled “separate but equal as constitutional.” This ruling not only allowed but also encouraged the unequal and unfair treatment based solely on race. In 1954, *Brown v. Board of Education* overturned the *Plessy* ruling. Subsequently, the modern Civil Rights Movement
Calvin John Smiley 2014

(1954-1985)\(^6\) followed and led to the passage of Civil Rights Act of 1964 and Voting Rights Act of 1965, which federally protected full citizenship to Black Americans. For close to one hundred years, Black people were seen as non-citizens or otherwise known as “second-class citizens” (Malcolm X, 1964).

This inferior status of citizenship is highlighted by the concept of double-consciousness (DuBois, 1903), in which Blacks have to be able to live both in their world and the White world, hence see the world through the dominate groups perception to successfully navigate life.

DuBois (1903) writes:

It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity. One never feels his two-ness,—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder (p. 9).

This two-ness DuBois describes fits into Marshall’s analysis of citizenry as part of the Black experience in America of not always having these rights afforded as well as upholds Glenn’s point that these forms of citizenship do not come gradually or in a particular order. Being Black in America means to be consistently excluded with points of semi-inclusion.

*From Racial Inclusion to Criminal Exclusion: Race as Crime & Stigma*

DuBois begins chapter one of *The Souls of Black Folk* by asking, “Do not these Southern outrages make your blood boil?” referring to the Jim Crow system of segregation (1903, p. 7). In the century since DuBois published this book, scholars are still wrestling with the effects of this segregation system and the ways it permeated into the fabric of American society. Scholars have made connections between Jim Crow and hyper incarceration (Wacquant 2001), which has

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\(^6\) For purposes of this study the modern civil rights movement will be classified between 1954-1985 as based upon the documentary series, *Eyes on the Prize*, which captures the Civil Rights Movement through file footage and interviews with organizers and leaders of various organizations within the movement.
created racial inferiority of Blacks as the new legal form of Jim Crow (Alexander 2010). After
the American Civil War, the passage of law and court rulings was used to justify the exclusion of
Black citizenship.

The 13th Amendment—the abolition of slavery—is the first of three amendments
(including 14th and 15th) in the United States Constitution, known as the Reconstruction
Amendments. The Reconstruction Era took place from the end of the American Civil War until
1877. This time period assisted in re-unifying the North and South after the Southern secession
in 1861. In addition, it was an attempt to transform Southern society into accepting newly freed
Blacks as citizens rather than property. While cut short because of the Compromise of 18777, the
Reconstruction period provided opportunities for Blacks that were not afforded to them under the
previous institution of slavery including education, financial gain, and political agency. For
example, two Black United States Senators, Hiram Revels and Blanche K. Bruce, were elected
during this time period in Mississippi. Less than a dozen more have been elected since. Despite
the strides of Reconstruction, the abrupt end had tumultuous effects on the Black community.
More specifically, the ways these Amendments were written and adopted have been used to
further continue and justify the subjugation of Black and poor people through legal validation.

Adopted on December 6, 1865, the 13th Amendment abolished slavery in the United
States. As the Amendment was written in two sections it reads:

Section 1. Neither slavery nor involuntary servitude, except as a punishment for
crime whereof the party shall have been duly convicted, shall exist within the
United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate
legislation (U.S. Constitution 2010)

7 The Compromise of 1877 was an unwritten agreement that promised Rutherford B. Hayes the presidency if federal
troops were removed from Southern states, which effectively ended the Reconstruction Era (DeSantis 1982).
Looking closely at section one, this Amendment has profound contradictions. While on one hand it eliminates the institution of slavery in private enterprise, it creates a space of not only allowing but also justifying the use of bondage by the state, more specifically the branch of government known as the criminal justice system. Furthermore, section two allows Congress to determine or rather use interpretation to deem what is acceptable legislation to fulfill this Amendment. This one sentence in Section 1 frees a population, while simultaneously encapsulates another.

Historian and scholar, W.E.B. DuBois’ (1935) book, Black Reconstruction, criticizes the abrupt stoppage of the Reconstruction Period and how it effectively leads to the furthering of slavery of Black people. He writes:

Slavery was not abolished even after the Thirteenth Amendment. There were four million freedmen and most of them on the same plantation, doing the same work that they did before emancipation, except as their work had been interrupted and changed by the upheaval of war. Moreover, they were getting about the same wages and apparently were going to be subject to slave codes modified only in name. There were among them thousands of fugitives in the camps of the soldiers or on the streets of the cities, homeless, sick and impoverished. They had been freed practically with no land nor money, and, save in exceptional cases, without legal status, and without protection. (p. 188)

The 13th Amendment allowed for slavery to take a new form. No longer would the degradation of Blacks rely on the institution of chattel bondage but maintained through a system of regulations enforced on newly freed Blacks acceptable through the law. No longer would the term “slave” be used to discuss those seen as less than human (i.e. non-citizen) but rather the term “criminal.” In order to design such a system of continued inequality, legislation on the local and state level had to be enacted. Known as Black Codes, this legislation was designed to deliberately restrict Black freedom. According to DuBois (1935):

The original [Black] codes favored by the Southern legislatures were an astonishing affront of emancipation and dealt with vagrancy, apprenticeship, labor contracts, migration, civil and legal rights. In all cases, there was plain and
indisputable attempt on the part of the Southern states to make Negroes slaves in everything but name (p. 167).

The creation of legislation by Southern states that was bias towards Blacks was carried out in a number of ways. For example, South Carolina established special courts for colored people, Mississippi reenacted slave codes, and parts of Louisiana made it illegal for Negroes to be on the streets after ten o’clock at night (DuBois 1935). The breaking of these laws or as it became known “acts of moral turpitude” (Keyssar 2000) had various repercussions. This was done through a growing penal system, which used methods of hard labor, whipping, imprisonment, and capital punishment as penalty for various crimes. DuBois asserts the rapid increase of the criminal justice system became lucrative for the South. He quotes “An English traveler”:

I confess I am more and more suspicious about the criminal justice of these Southern states. In Georgia there is no regular penitentiary at all, but an organized system of letting out the prisoners for profit. Some people here have got up a company for the purpose of hiring convicts (1935, p. 698).

Another Southern White woman writes, according to DuBois:

In some states where convict labor is sold to the highest bidder the cruel treatment of the helpless human chattel in the hands of guards is such as no tongue can tell nor pen picture…During the day all are worked under armed guards, who stand ready to shoot down any who may attempt to escape from this hell upon earth—the modern American bastile (1935, p. 698).

Imprisonment of Blacks and the role of creating capital became a viable tool for Southern Whites in the years following the Civil War. Summed up by DuBois (1935):

This penitentiary system began to characterize the whole South. In Georgia, at the outbreak of the Civil War, there were about 200 white felons confined at Milledgeville [prison]. There were no Negro convicts, since under the discipline of slavery, Negroes were punished on the plantation. The white convicts were released to fight in the Confederate armies. The whole criminal justice system came to be used as a method of keeping Negroes at work and intimidating them. Consequently, there began to be a demand for jails and penitentiaries beyond the natural demand due to the rise of crime (p. 506).
The building of a wider and more expansive prison system became the effective method to ensure Black suppression. As Uggen et al (2003) explain, “In Alabama, for example, 2 percent of the state’s prison population was non-white in 1850 compared to 74 percent in 1870” (p. 50). Furthermore, what is referred as “the prison industrial complex,” has been part of Black life from the ending of slavery and beginning of emancipation. The prison system was used to effectively curb any growth of the Black community.

The initiative of creating a criminal justice system was to secure social, political, and economic exclusion of Blacks. Socially, Blacks became targeted and vulnerable to White violence. Lynch mobs and terrorist organizations like the Ku Klux Klan would inflict violence upon Blacks who were seen as threatening Whiteness or the social life of Whites (Litwack 2004). Throughout the late 19th century into the middle of the 20th century, lynching was common practice in dealing with Blacks to remind them of their place. Rebecca Latimer Felton, the first woman U.S. Senator, responded to the idea of white women being raped, “If it takes a lynching to protect [White] woman’s dearest possession from drunken, ravening human beasts [Black men], then I say lynch a thousand a week if it becomes necessary” (Manza and Uggen 2006, p. 47). Therefore, absolute monitoring of Black men in a total institution (Goffman 1961) became a useful tool to curtail any fraternizing of Blacks and Whites, specifically Black men and White women (Fields 1990). More specifically, it helped further the myth of Black men being inherently criminal (Robinson 2000).

Other forms of social isolation took place in customs that grew out of the Jim Crow Era. Blacks had to be subservient to Whites and “know their place” (DuBois 1903). This would mean never looking at White people in the eye, moving off the sidewalk if Whites were passing, and
refer to Whites in proper lexicon (e.g. “Yes Sir” or “No Ma’am”). Any deviation of this social
custom could result in violence against individual Blacks and Black communities.\footnote{Throughout the late 19\textsuperscript{th} and early 20\textsuperscript{th} century, White mobs attacked Black communities, known as ‘race riots.’ Many times these violent acts were ignited by stories of Black men assaulting or raping White women. Notable race riots: Red Summer (1919), Tulsa, OK (1921), and Rosewood, FL (1923). See \textit{Race Riot: Chicago in the Red Summer of 1919} by William Tuttle. See \textit{Death in a Promised Land: The Tulsa Race Riot} by Scott Ellsworth.}

In addition to social exclusion, the exacerbation of the prison system destroyed political
participation though the promotion of felon disenfranchisement. Under the 15\textsuperscript{th} Amendment of
the United States Constitution, Black men were given the right to vote:

\textbf{Section 1.} The right of citizens of the United States to vote shall not be denied or
abridged by the United States or by any State on account of race, color, or
previous condition of servitude.

\textbf{Section 2.} The Congress shall have power to enforce this article by appropriate
legislation.

Despite the fact Federal guidelines ensured Black suffrage, local and state laws as well as social
customs diminished participation. Southern states used laws such as poll taxes, literacy tests, and
grandfather clauses to prohibit the right to vote. Additionally, custom created barriers to vote.
Organizations such as the Ku Klux Klan terrorized Black communities to prevent voting.
According to Howard Zinn (1999) one of the major reasons the Ku Klux Klan was organized
was to curb Black voting following the end of the Civil War. In addition to these efforts, an even
more deterring method was to enact disenfranchisement laws. Uggen et al (2003) highlight the
historic trends of disenfranchisement laws based on felony convictions:

Felon disenfranchisement laws can be viewed as part of a larger movement to
maintain control over access to the ballot following the gradual establishment of
universal white male suffrage after the 1830s. Only four states had
disenfranchisement laws prior to 1840, but between 1840 and the beginning of the
Civil War in 1861, some fourteen states adopted their first disenfranchisement
law…In the ten years following the Civil War, eleven states passed a felon
disenfranchisement law for the first time or dramatically broadened an existing,
but narrowly tailored law. (p. 48).
Disenfranchisement created a lack of political power in the Black community, which was essential in producing and cultivating thriving communities (DuBois 1903). In fact, the use of felon disenfranchisement was argued to be justifiable by the 14th Amendment Section 2:

> Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. (Emphasis added)

The “other crime” becomes a vague and wide interpretation of what type of offense is justified to disenfranchise. In 1971, Supreme Court Justice Thurgood Marshall, in his dissent in the decision of Richardson v. Ramirez, which upheld California’s disenfranchisement law, argued that the first section of the 14th Amendment would supersede the second section under the equal protection clause, therefore disenfranchisement should have been deemed unconstitutional. Unfortunately the majority of the court did not decide that way and used section 2 of the 14th Amendment as the basis of their decision. Therefore, felon disenfranchisement because of a criminal offense further blocks suffrage of the Black community.

Today, forty-eight out of fifty states have disenfranchisement laws and all fifty states have some form of social, political, or economic exclusion for those convicted of a felony and in some cases convicted of lesser crimes such as misdemeanors. While the United States is more than one hundred and fifty years removed from the Civil War, many of the same issues are still affecting low-income and working class Black communities.

Finally, the imprisonment of Blacks had crucial economic implications. As Manza and Uggen (2006) point out incarceration reduces an economic threat to Whites. Broadly, joblessness for one community (e.g. Blacks) allows for employment in other communities (e.g. White).
Scholars such as Robert Park (1924) assert race relations are conflictual and competitive, particularly over job opportunities. Others like Donald Noel (1968) argued ethnocentrism, competition, and differential in power negatively affected minority populations, particularly in securing economic resources and establishments. Currently, scholars Bruce Western (2006), Devah Pager (2007), and Becky Petit (2012) highlight the economic loss because of race and incarceration, which have significant impacts and effects on communities. Not being able to work or find gainful employment has many collateral consequences not only affecting the individual, but the family and overall society.

Exclusion on multiple levels is the catalyst to neo-civil death. Despite the strides over the past fifty years in the Black community, the criminal justice system has arguably worsened the life chances of low-income and working-class Black communities because of the continued and expanded sentencing guidelines and other restrictions based on criminal records. Thus designing underdeveloped communities that lack many of the fundamental opportunities afforded for economic, social, and political mobility. Furthermore, the over saturation of the criminal justice system in contemporary Black America has provided a platform to intrinsically believe Blackness is synonymous with criminality (Davis 1998b, Robinson 2000, Alexander 2010, Muhammad 2010). This alienation and fear of the scary and hardened Black criminal is shown through many depictions of Black people more generally and Black men specifically, in media and culture. The Willie Horton ad campaign for George H. Bush’s presidential election was thirty-three seconds of fear mongering to allude to the need for “tough on crime,” or rather tough on Black folks. Other more contemporary cases draw from examples of ex-LAPD officer, Christopher Dorner. In early 2013, Dorner took police on an extensive manhunt in California after being accused of killing a police officer. Many blogs, postings, comments, and some news
officials spoke of Dorner as a “wild beast” and used other suggestive adjectives to try and draw conclusions of inherit criminality. Another famous case is of teenager, Trayvon Martin who was killed in February 2012. A neighborhood watchman who believed young Trayvon was “suspicious” and looked “dangerous” killed Martin, a 17 year-old Black male teenager. These ideological views of a young Black male looking suspicious were only confirmed by the acquittal and not-guilty verdict in this case of the defendant George Zimmerman. In the 2013 New York City mayoral race, Republican candidate, Joe Lhota, used a smear campaign to deface the credibility of Democratic candidate Bill De Blasio. In these ads, New York was shown as crime-filled city plagued by the dangers of gangs and young men “willing,” a term heavily associated with the 1989 Central Park Jogger Rape Case, where five young men of Black and Hispanic background were accused, tried, and convicted of this assault. While these men were eventually acquitted when DNA evidence of another man matched that of the rape, the stigma and association still resonate in society, as Black youth being the most dangerous segment of society, therefore must be stopped. Last, the controversial NYPD protocol and tactic known as “Stop and Frisk,” overwhelming affects young Black and Hispanic men more than any other demographic, thus reinforcing who comprises the dangerous class and who should be monitored closely in the name of “law and order.” The U.S. prison system becomes the platform to justify such practices of racial profiling and other discriminatory practices that violate civil rights, all done in the name of trying to curb violence and crime.

*The Collateral Consequences of the Prison Industrial Complex & Prisoner Reentry Industry*

Mass incarceration (Garland 2001) or a better fitting term mass conviction (Chin 2012) has skyrocketed the American carceral system. The expansion of the U.S. prison system for the purposes of economic and political profit, known as prison industrial complex (Davis, M. 1995,
Davis, A. 1998a, Schlosser 1998, Davis, A.Y. 2003, Gilmore, 2007) and growing prisoner reentry industry (Thompkins 2010), has placed over 2.3 million people in jail or prison and roughly 7.3 million adults under some form of correctional control including parole or probation. This leads to the carceral continuum (Shedd 2011). Today, there are roughly 65 million Americans with a criminal record. Therefore, tens of millions of Americans share the experience of living, at least at some point, without having full citizenship to exercise all civil rights.

The growth of reentry—coming out of prison—has become an interest for scholars and policy makers because the annual 600,000-700,000 (Visher and Travis 2003) men and women released from prison adds to the already scarce economic opportunities in society as well as complicates other social services and political participation of understanding who should be allowed to obtain and exercise supposed inalienable rights. In 2010, 708,677 men and women were released (Guerino et al 2012) and this trend will seemingly only rise as 95% of all those who enter prison return home (Travis, Solomon, & Waul, 2001).

An abundance of literature has developed around prison growth and its collateral effects. Lucia Trimbur (2009) conceptualizes how formerly incarcerated men re-engage upon reentry, specifically using boxing as an outlet. Alice Goffman (2009) with six years of ethnographic research discusses how young African-American men from Philadelphia are constantly trying to avoid criminal justice contact for fear of being arrested and incarcerated in her article, “On the Run.” Loic Wacquant (2010) believes reentry is a symbolic deed, nothing more than a gesture, and not meant to successfully keep those who have been incarcerated from being recidivists. Others such as, Khalil Muhammad (2010) re-opens the conversation about race, specifically Blackness, becoming synonymous with criminality. Michelle Alexander’s (2010), *The New Jim Crow* has opened up dialogue about the criminal justice system creating a caste system, which
reflect much of de jure segregation of the late 19th and early 20th century in America. Last, Brotherton and Barrios (2011) highlight that mass incarceration is not limited to the boundaries of U.S. soil but the effects on ethnic enclave communities both in the U.S. and abroad in their book about Dominican deportees.

This “Post-Obama” scholarship, adds to the work on mass incarceration (Garland 2001, Gotteschalk 2006, Simon and Burns, 2007). Scholars such as Donald Braman (2007) and Megan Comfort (2008) explore family effects of incarceration through ethnographic fieldwork. Whereas some scholars are able to illustrate how economic loss of jobs and employment correlate to imprisonment rates soaring and adversely affect Black men (Petit and Western 2004, Western 2006). Devah Pager (2008) discusses lack of employment, looking at race and criminal background. Pager’s results dreadfully predict that Black men, even without a criminal record, were less likely on average to be hired than a White male with a criminal conviction. The seminal book, Locked Up (2006), by Jeff Manza and Christopher Uggen, which accurately measures how disenfranchisement (loss of voting rights) has had a significant effect on elections, namely the 2000 and 2004 presidential races, highlight the tragedy and disparity felons are confronted with in the U.S.

The Pew Center on the States, reported that between 1970-2005 the United States prison system saw a 700% increase of inmates in correctional facilities (Austin et al 2007). This expeditious growth prompted mass incarceration (Garland 2013) or as Loic Wacquant has argued “hyper-incarceration,” because those who are being placed in prisons tend to come from the same racial and socio-economic background (2005).

The growth in prison populations reached an all time zenith in 2009 according to the Pew Center on the States report, which indicated one in every 100 Americans is incarcerated and one
out of every thirty-one adults is under some form of criminal justice control (Warren 2009). Blacks, in the criminal justice system, outnumber every other racial category having one in every three Black males between twenty and twenty-nine years of age is on probation, parole, jail or prison (Hagan and Dinovitzer 1999, Western 2007). This intensive interaction with the criminal justice system, according to some scholars, has left a lasting impression on poor Black males that incarceration is part of the life-course (Petit and Western 2004).

Loic Wacquant (2001) argues African-Americans have had a unique experience in the U.S. culminating in four peculiar institutions: slavery, Jim Crow, ghetto, and hyper-ghetto. Throughout each period, Blacks have been consistently denied basic civil and human rights and these peculiar institutions have all been vehicles of exclusion for the Black experience in the United States (Duneier 1992, Marable 2000, Wacquant 2001/2002/2005, Clear 2007). The most common criterion is usually the “deadly” combination of being Black, young, poor and male (Wacquant 2005, Western 2006, Alexander 2010, Muhammad 2010), which is seen as dangerous and therefore must be stopped. Hence, Black life is deemed less valuable and can be taken without repercussion, which is seen in cases like, Emmitt Till’s death by two White men in 1955 and Trayvon Martin’s murder in 2012 by a community patrol vigilante.

The use of exclusion is an act of social, political, and economic distance. Scholars have discussed the concept of being made the “other” (DuBois 1920, Cohen 1965, Fanon 1967, Said 1975, Wacquant 1995, Young 1999, Kretsedemas & Brotherton 2008). Exclusion has pushed different groups into hyper-segregated spaces that are disconnected from one another, resulting in ghettos that contain a clustering of exclusionary mechanisms—in the housing, labor, marriage, and cultural markets—based on skin color (Wacquant 1995). Jock Young has called the excluded the ‘outgroup’, described as, “…a scapegoat for the troubles of the wider society: they are the
underclass, who live in idleness and crime” (Young 1999, p 20). This “outing” does more than physically limit options and choices that groups have the ability to obtain. The outing creates the “other,” which not only isolates a group but also places them beneath the mainstream strata of society. In this case, being excluded (physically) is only the first step in being cut off from society and other forms of civic isolation occur.

Albert Cohen (1965) describes the “other” as a way to reaffirm one’s own status by judging others to use as a measurement of one’s own self. In other words, society deems the “other” as an exploitable group because they are characterized as deviant. Young (1999) describes othering as a way to legitimize privilege and deference. Therefore, being made the “other” designs a sense of credibility and standard for the included population, while simultaneously looking at the excluded group as not only different but also altogether wrong and less functional. The “other” is easily moved to the margins and exclusion is accepted by society. Kretsedemas and Brotherton (2008) describe, “the otherness as an impermeable, ontological divide that separates ‘us’ from ‘them’” (p. 372). Therefore, it is not only tolerated but also encouraged to alienate and curtail civil rights from formerly incarcerated men and women, particularly viewing them as the other. Thus creating a unique status of citizenry via neo-civil death, where one’s citizenship is constantly in flux between being an in-group and out-group member of society. This makes managing one’s identity within the community much more difficult and allows for agency and visibility to be moved from the center to the margins.

The othering process occurs to give the dominant group the power to validate their own identity, thus feeling good about themselves, while concurrently stripping the exploited group of their own self-worth and characteristics. In this case, the mark of a felon and being deemed a criminal is used to support denying civil rights in the name of justice. An oxymoron is created,
which makes society believe they are being protected if individuals are prohibited from partaking in all facets of society. This illusion of safety is inundated by political rhetoric of “tough on crime” and other sanctions. Prisons and corrections are presented as preventatives to crime and catalysts to safety, whereas in reality they are nothing more than reactionary and damaging to communities.

Contribution to the Field

The goal of this dissertation is to highlight several points. First, discuss the connection between neo-civil death and the construction and identity of citizenship for men and women with a felon conviction. Second, understand the relationship of the loss of civil rights and how this impacts the reentry process. More specifically, understanding how men and women navigate and negotiation this transition from prison to community. Finally, exploring the idea of underdevelopment of communities because of neo-civil death and current reentry policy.

Much of the literature and academic research on civil death focuses on three different methodologies: philosophical, historical, or quantitative analysis. The philosophical argument (Ewald 2002, Mauer 2002, Austin 2004) focuses primarily on the idea of understanding civil death through political thought, particularly theorizing the moral and democratic implications of the practice. This perspective constructs abstract arguments that contend that civil death has the potential to inhibit civic engagement, stemming from political thought models of liberalism and republicanism, which premise the argument of why an individual would lose rights. In this case, liberalism argues the point of breaking the social contract; an individual in return would forfeit his or her own rights. On the other hand, republicanism argues from the vantage point of looking at society as whole, rather than individual rights. Therefore, by denying civil rights, the state is protecting society from corruptness, or retaining “the purity of the ballot box” (Ewald 2002,
The second area is historical content analysis (Wacquant 2005, King 2007, Middlemass 2007, Alexander 2010, Muhammad 2010), which links slavery and mass incarceration. There is an abundance of research that constructs arguments that mass incarceration and subsequently the prison industrial complex is an extension or updated version of slavery and Black experience. Finally, quantitative data analysis (Manza and Uggen 2006, Warren 2009) uses census and other survey data along with sentencing guidelines to understand how many citizens are disenfranchised in the U.S. illustrating a stark reality that many Americans face challenges in the ability to participate and exercise individual agency, which then has a rippled effect and collateral consequences (e.g. presidential elections).

While the above-mentioned methodological approaches have highlighted part of the argument, previous research has not fully developed an understanding of how political, social, and economic loss of rights—civil death—effects individuals on day-to-day basis. Placing an emphasis on learning how formerly incarcerated men and women navigate and negotiate their lives is crucial for this research. This work looks to push beyond the discourse focused narrowly on theory, history, and quantitative data that have no resonance with the people feeling the effects of neo-civil death currently. The study by Alice Goffman (2009) of young Black men in Philadelphia “on the run” and strategically trying to avoid the criminal justice system provides an insight to the day-to-day lived experiences, however, does not touch upon those who have completed sentences and want to establish themselves within social institutions, thus going through the reentry and reintegration process. In summary, all of this work brings an abundance of knowledge and wealth to an increasing phenomenon of mass convictions in the United States leaving many individuals without their civil rights as well as the growing and lesser-studied prisoner reentry industry, which ultimately furthers the carceral continuum. By understanding the
loss of one’s rights and experiences with neo-civil death this research seeks out contemporary understanding and meanings of membership in a democratic society.

Overview

To gain a more insightful understanding of how reentry and civil death work in tandem the following outline will discuss what each chapter hopes to grasp in unpacking citizenship. Chapter two will focus on the reason of why Newark, New Jersey, was selected as the field site and methodology used. A brief historical narrative of Newark, particularly looking at two key points in modern Newark history: the 1967 riots and election of Corey Booker as mayor. Beyond this, chapter two will outline the methodological approach as well as who was used for this study and why. Chapter three is the first of two findings chapters. This chapter will illustrate and highlight the prison experience (e.g. de facto consequences) and reentry experience (de jure consequences) in regards to construction of identity and citizenship for men and women coming home from prison. Chapter four looks closely at this concept of reentry, more specifically what reentry means and the types of programs developing to assist in this transition. More specifically, how do men and women coming home navigate and negotiate both the legal and social barriers of supposed reentry. In chapter five, I scrutinize and become critical of privately owned for-profit halfway houses that operate under the guise of the state of New Jersey. In addition, I offer policy recommendations to improve already existing protocol as well as propose other recommendations to curb mass incarceration and effectively deal with prisoner reentry. Finally, chapter six, which is the conclusion chapter, will illuminate how neo-civil death contributes to underdevelopment of communities. In addition I will summarize all findings, limitations to this study, and what prospective future scholarship would look like both nationally and internationally in understanding civil death and reentry.
Chapter 2: “Welcome to Newark: The Cultural Capital of New Jersey”

Newark & Brick City, New Jersey

At the top of the Gateway Center, a system of interconnected buildings and skyways in Newark Penn Station, an advertisement kiosk reads, “Welcome to Newark: The Cultural Capital of New Jersey.” The poster advertises images of parks, music, sports, sculptures, and none other than “The Boss”—Bruce Springsteen. This image of Newark being the epicenter of culture, history, and entertainment does not mesh with the more media-driven sensationalized representation of “Brick City,”9 which is a crime-filled, poverty-stricken, and dangerous community. In essence, the city of Newark has two drastically different images, which find their crossroads at two major points in the city’s modern history. First is the history of the 1967 riot/rebellion10 that gave Newark a negative association to much of White America. Second is the mayoral election of Corey Book in 2006, which brought a new representation to Newark and its young mayor as a rising star in the Democrat party.

It is important to identify why Newark, New Jersey, has been chosen as the location for this research field site. In general, New Jersey is the most densely populated state per capita in the United States and in recent years one of the leading states to reduce or rather de-incarcerate its prison system (New Jersey Department of Corrections 2013a). Despite this, in 2007, The Sentencing Project released a report indicating New Jersey as one of four states with the highest black-to-white ratio of disproportionately incarcerated residents (Mauer and King 2007). According to the report, New Jersey has an average rate of black incarceration and a below-average rate of white incarceration. According to the New Jersey Department of Corrections, sixty-one percent (61%) of New Jersey Department of Corrections’ inmates are Black, while twenty-three percent (23%) are White, and

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9 Nickname for Newark, NJ.
10 Riot and rebellion have been used interchangeable to describe the events of July 12-17, 1967. Politically, more sympathetic supporters of why this event occurred use the term rebellion. See Tom Hayden’s Rebellion in Newark: Official violence and ghetto (1967). Conversely, members of society who held more disdain for this event refer to it as a riot. According to the Kerner Report, which documents the Detroit, Watts, Chicago, and Newark civil unrest refer to the events as “race riots.” See Report of the National Advisory Commission on Civil Disorders also known as Kerner Report, headed by Otto Kerner Jr. (1968).
Calvin John Smiley 2014

sixteen percent (16%) are Hispanic (NJ Department of Corrections 2013b). Of the 21 counties in the state, Essex County (Newark’s location) leads as the highest contributor of those incarcerated (15%).

It should be noted, that while the state has been applauded for lowering incarceration rates throughout the state, Essex County has remained the leading county of incarceration at 15% for the past four years (2009-2012) (NJ Department of Corrections, 2013c). Newark is a leading contributor to this high rate of incarcerated men and women for the county. New Jersey also has an eleven percent (11%) higher national average of residents on probation per 100,000 (National Institute of Corrections 2013). This furthers neo-civil death because the state disenfranchises at all three levels of the criminal justice system: incarceration, parole, and probation. Therefore, because of the concentrated incarceration in specific communities within the state, the state’s highly disproportionate racial gap of incarceration nationally, and Newark as the scene of a rapidly changing community, this makes it an ideal research site.

Newark is the largest populated city in New Jersey. Beyond its close proximity to New York City, Newark is host to six colleges and universities, including Rutgers University-Newark, New Jersey Institute of Technology (NJIT), Seton Hall University School of Law, the University of Medicine and Dentistry of New Jersey (UMDNJ), Essex County College, and a Berkeley College campus. The city is home to Newark Liberty International Airport, which is the closest airport to Manhattan. Additionally for transportation, the city hosts Newark Penn Station, which serves both New Jersey Transit and Port Authority Trans-Hudson (PATH) trains. In terms of industry, Newark has the largest seaport on the eastern coastline, known as Port Newark; it serves as the principal container ship facility for goods entering and leaving New York-Newark metropolitan area. Major businesses such as Prudential Financial Inc. and Public Service Enterprise Group Inc. (PSEG) maintain their headquarters in the city. The Hilton and Marriot Hotel Corporations have recently both
found a home in downtown Newark. Beyond industry and business, Newark has major sporting and entertainment venues. The Prudential Center is home to the New Jersey Devils Hockey Team, New Jersey Rockets Tier III Hockey Team, Seton Hall Men’s College Basketball, and the Women’s National Basketball Association New York Liberty. Additionally, the Bears & Eagles Riverfront Stadium (baseball) and Red Bull Stadium (soccer) are also located in Newark. Cultural institutions such as, The New Jersey Performing Arts Center (NJPAC), the New Jersey Historical Society, and the Newark Museum, all are located within the city limits. Finally, there are nine parks in Newark. The city is home to the oldest park in the United States, Branch Brook Park, which also has the largest collection of cherry blossom trees in America.

Despite these many institutions and advantages the city offers in terms of employment, art, history, entertainment, and sports, it is plagued by its history of July 1967. Newark has been combating this negative image for more than forty years.

July 1967

On July 12, 1967 civil unrest began in Newark. Sparked by the arrest of cab driver, John Smith, rebellion lasted for six days. According to Epps (2010) the Advisory Committee on Civil Disorders ranks Newark second, only to Detroit as the city with the most property damage of more than $10 million and an official count of 26 deaths during the rebellion. Historically, Newark had once been a thriving industrial community of mixed racial groups. Zecker (2008) indicates many former Newark residents of traditional European descent (e.g. Italian, Jewish, Irish, etc.) saw Newark change after the 1967 rebellion. Former residents had fond memories of the city prior to the rebellion; however, today, see the city as a dangerous area. Zecker illustrates, Newark had been a scene of organized crime and violence dating decades prior to the riot. As he explicitly points out,

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11 This was while renovations occurred at Madison Square Garden (2011-2013).
12 Located in nearby Harrison, NJ, but for purposes of this paper and the kiosk advertisement, the credit is given to the larger city, Newark as its host.
13 For a longer and more in-depth history of Newark, read From Zion to Brick City: What’s going on? Newark and the legacy of the sixties by Linda Caldwell Epps
Blackness became the measurement of criminality for the White community to place judgment on the city’s rebellion. Other scholars have demonstrated the concept and idea of “blackness” becoming synonymous with criminality in the United States (Davis 1998b, Robinson 2000, Eberhardt et al 2004, Wacquant 2005, Muhammad 2010). This stigma the city carried was only compounded with corrupt politicians, urban decay due to white flight, and violence over taking the city.

The rebellion did not occur in a vacuum. The United States went through massive social and political change in the 1950s-1960s, along with other radical changes throughout colonized countries around the world, such as Cuba and the Congo. The Brown v. Board of Education decision in 1954, which desegregated schools and effectively ended institutional Jim Crow began this movement. Additionally, the Civil Rights Act of 1964 and Voting Rights Act of 1965 both aided and assisted in ending de jure segregation. Much of the Civil Rights Movement was focused primarily in the southern United States, where organizations such as the Ku Klux Klan and White Citizens Council terrorized Black communities in both speech and practice, specifically in the form of lynching. While the Civil Rights Movement focused its attention on the actions of de jure segregation and believed in assimilation into the larger American society, not all Black Americans believed in this ideological premise. In many northern American cities where Black communities were free of the Klan they had to combat urban poverty, lack of employment, and police brutality, in addition to prejudice and discrimination.

Northern Black organizations, such as The Nation of Islam and leaders such as Malcolm X took a more militant stance pursuing pluralistic views on achieving freedom. This assisted in the rise of the Black Power Movement. Popularized by Stokely Carmichael, “black power” became a call for liberation. Carmichael (1967) states:

When black people lack a majority, Black Power means proper representation and sharing of control…The power must be that of a community, and emanate from there…The goal of black, self-determination and black self-identity—Black Power—is full participation in the decision making processes affecting the lives of black people, and recognition of the virtues in themselves as black people (p. XX)
This ideological framework became appealing and developed across many urban Black communities in northern cities. One of the most famous Black Power organizations, The Black Panther Party, began in late 1966. The Black Panthers were founded in Oakland, California by Huey P. Newton and Bobby Seale and challenged police brutality of Black communities and designed community programs throughout the United States (Seale 1970).

Newark, New Jersey became a space where Black Power ideologies flourished. The Black Panther Party had a statewide chapter in New Jersey, which did a lot of organizing in Newark and neighboring Jersey City (Waggoner 1968). Additionally, Newark native, Leroi Jones, better known as Amiri Baraka, founded the Black Arts Movement. Locally, the Committee for a Unified NewArk (CFUN) was responsible for helping create organizations such as the Congress of Afrikan Peoples (CAP) (Encyclopedia of Anti-Revisionism On-Line 2013). The CFUN was responsible for assisting in electing the first Black mayor, Ken Gibson in 1970.

On July 20, 1967, only days after the Newark rebellion ended, the Black Power Conference, hosting over 1,100 delegates, was convened in Newark and lasted for three days (Foner 1972). Organizers and participants of the Black Power Conference shared their sentiments about the direction of Black America. Most notably, Floyd B. McKissick of the Congress of Racial Equality (CORE) gave a speech entitled “Why the Negro Must Rebel”, which criticized civil-rights leaders who condemned the “riots” in Newark just days earlier (Foner 1972).

Therefore, the Newark rebellion cannot be looked at as a mistimed or irrational event that was done in isolation but rather the build-up of frustration and anger as well as individuals and groups trying to find their voice in a newly developing ideology that would guide Black Americans that felt non-violent civil rights fell short of tangible goals of liberation. As Stokely Carmichael, otherwise known as Kwame Toure, stated, “Those of us who advocate Black Power are quite clear in our minds that a ‘non-violent’ approach to civil rights is an approach black people cannot afford and
a luxury white people do not deserve” (1967). These sentiments of “violence” compounded with the
Newark rebellion did not go over well with White America who perceived these actions and
ideologies as a threat to a lifestyle that would challenge the established dominant and subordinate
roles between the races.

Political Corruption

Historically, Newark has been a vessel of corrupt politicians. The mayor at the time of the
1967 riots, Hugh Addonizio, was convicted of conspiracy and extortion and served five years of a
10-year sentence in Federal prison. Addonizio was once reportedly heard saying, “there was no
money in being a congressman, whereas you could make a million dollars being the mayor of
Newark” (Brady 1970). The following mayor, Ken Gibson, defeated Addonizio and became the
first Black mayor of Newark. Gibson, like his predecessor was indicted while mayor on charges
of conspiracy and official misconduct (Raab 1982). While acquitted on these charges, in 2002 he
admitted to federal income tax evasion. Gibson was charged with bribery and fraudulently
diverting funds from his firm (Smothers 2002). Gibson was defeated in his run for a fifth term by
councilman, Sharpe James. James went on to become the second Black mayor of the city and the
longest serving mayor reigning for two decades. James, known as Newark’s prodigal son (Feuer
2010), was instrumental in developing much of the downtown section of the city. He was able to
successfully oversee the construction and completion of the New Jersey Performing Arts Center
in 1997 and fought fervently to have the Prudential Center built in the downtown section in
2006. The residents of Newark loved James because “he was for Newark and for Black people”
as was heard many times during this research field period of this study. However, like both his
predecessors, James fell victim to being corrupt. In 2008, James was convicted of corruption
charges and spent 18-months in a federal prison (Whelan 2008, Feuer 2010).
Urban Decay & White Flight

While the corruption of politicians in Newark extended over half of the 20th century, including previous mayors before Addonizio (Epps 2010), the strike of urban decay crippled much of the growth of the city. In the early 1960s, businesses began to leave the metropolis. As the Kerner Commission points out:

Black in-migration and white exodus, which have produced the massive and growing concentrations of impoverished Negroes in our major cities, creating a growing crisis of deteriorating facilities and services and unmet human needs… The vast majority of white population growth (78 percent from 1960 to 1966) is occurring in suburban portions of metropolitan areas. Since 1960, white central-city population has declined by 1.3 million (Kerner 1968).

This national white flight took its affect on Newark, as more than 70,000 White residents left between 1960 and 1967 (Epps 2010). White flight took many of these former residents to suburban areas outside the city, which excluded potential Black residents through unfair mortgage loans from banks, redlining, and other acts of White terrorism, which is highlighted in the play A Raisin in the Sun (1959) by Loraine Hansberry. The decline and decay of the city only extrapolated after the 1967 riots. Epps writes, “During the 1970s and 1980s, Newark lost more than 50% of its already diminished population” (2010, p. 86). As businesses and industry left for other cities across America and other nations for a cheaper labor force, Newark and its residents suffered many of the consequences. Shaw and McKay (1972) discuss, in their contribution to the field of sociology and criminology, social disorganization occurs and focuses on the breakdown of inner-city neighborhoods, particularly institutions such as family, school, and employment. Historian and scholar, W.E.B. DuBois (1899) discussed this breakdown of neighborhoods in his pioneer study, The Philadelphia Negro. DuBois’ study highlights how social inequalities such as: poor education, lack of employment, and use of prejudice and discrimination based on race had devastating effects on the Black community. DuBois’ study of Philadelphia in 1899 could be
used as an example of Newark leading up to 1967. The lack of industry, business, education, and other social institutions, only furthered crime and violence to breed throughout the city.

**Violence**

As Zecker (2008) and Epps (2010) point out, criminal activity is nothing new to the city of Newark. Historically, the city was an epicenter of Italian and Jewish organized crime (Zecker 2008). Newark was home to famous mobsters, Ruggiero “Ritchie the Boot” Boiardo and Abner “Longy” Zwillman as well as the site of Jewish gangster Dutch Schultz murder in 1935. Despite these historic trends of crime, popular culture has only remembered much of the violence that has plagued Newark post-1967. In other words, White violence has been downplayed; while Black violence has taken center stage. Over the past four decades, Newark has been ranked amongst some of the worst cities across the United States. In 1996, Newark ranked number one in America as “Most Dangerous City.” The nickname of “Brick City”\(^\text{14}\) has become synonymous for violence, drugs, and gang lifestyle. This image is only exacerbated by media sensationalism with articles in popular magazines like, *Don Diva: The Original Street Bible*, which showcases the “Zoo Crew,” a notorious drug dealing operation out of Newark. In addition, the Hollywood film, *New Jersey Drive* showcases teenagers from Newark who are obsessed with criminal behavior, particularly carjacking, which Newark has become notoriously known. Last, other media, like the popular HBO show, *The Sopranos*, illustrates a crime-filled and drug-invested Newark that is seen as something that was a good place to live prior to the riots for hard-working Italians. Now, Newark residents are only used as muscle to do the “dirty work” of the Italian Mafia. In 2010, the city celebrated its first month since 1966 without a homicide (McShane 2010). At a lecture in that same year hosted at John Jay College of Criminal Justice, the now former police commissioner of Newark, Garry McCarthy stated, “In 2006 Newark had 107 homicides, which would be over 3,000 homicides

\(^{14}\) Epps pg 8. According to Epps, Ron Mummahad has popularized this name of the city.
per capita in New York City” (McCarthy 2010).

Newark’s legacy and stigma has, in some respects, lived up to its name. As you walk down Broad and Market St. in downtown Newark, street vendors sell t-shirts saying “Bricks Go Hard”, “The Bricks Hit Hard”, and “Newark: We Hit Hard”, which all play into this gangster and hardened image. As one Newark resident in this study, Shirley, pondered in a group discussion, “Well maybe Newark is bad cause [sic] that’s what people expect it to be? Like, I moved from Newark to Plainfield and everyone just assumed I was bad cause I was from Newark. So like, I had to be bad to keep up that image.” This image has permeated generations of Black Newark residents. Like many urban cities across the country, Black Newark residents have some sort of reputation or standard that must be filled, otherwise, they would be seen as weak or not authentic.

Corey Booker

Despite these negative images and stigmas associated with the city and its residents for almost four decades, in the summer 2006, the face of Newark changed drastically. Corey Booker, a Stanford all-star athlete, Rhodes Scholar, and Yale Law school graduate became the 36th mayor of Newark. Booker, unlike many of his predecessors, was not originally from Newark but a more affluent suburb in New Jersey. In addition, he was the contrary of the previous mayor Sharp James. James was a life-long Newark resident, educated locally at Montclair State University, and a darker complexion Black man. Whereas, Booker only moved to Newark while in law school, went to prestigious universities throughout the U.S. and Europe, and is physically light skin or “high yellow” according to Black standards of color.

James defeated Booker in his 2002 bid for mayor and referred to him as “a carpetbagger who was not black enough to understand the city, let alone become its chief executive” (Cave 2006). Despite these “dirty politics,” James did not seek re-election in 2006 and this gave way

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15 Names have been changed to protect identity of participants.
16 Referring to a person of African American decent that has very light skin, http://www.urbandictionary.com/define.php?term=high+yellow
for Booker to win the election. Booker, like Barack Obama, became the face of change for the city. Brining a new image to Newark, Booker was seen as youthful to rejuvenate the marred city. Booker’s biggest concern was lowering crime in the city and reducing the open-air drug trafficking. To do this, he brought in New York Police Department veteran, Garry McCarthy to head the Newark police implementing many NYPD tactics.

Regardless of one’s personal feelings as many of those interviewed and observed stated, “I’m not for Corey because he isn’t for Newark”, it is undeniable that Mayor Booker put Newark, NJ, on the national and potentially international map as more than just a city of Black criminals. Mayor Booker has spoken on the local, state, and national platforms bringing positive attention to Newark, which has spawned further investment into the city, particularly by billionaire Mark Zuckerberg, founder of Facebook (Perez-Pena 2010). While many of the projects and buildings located in downtown Newark were originally orchestrated under the direction of Sharpe James, Mayor Booker has been able to continue this growth and capitalize on newer investments like the investment of $100 million dollars by Zuckerberg. Recently, Mayor Booker won the U.S. Senate position for New Jersey and joined a small list of under a dozen African-Americans to be a United States senator.

Corey Booker has changed Newark in the sense that “old” way politics will no longer run the city. The city is now a platform for larger political aspirations of politicians and not those who want to just stay in Newark. Newark now has a larger platform and those shoes will need to be filled by qualified candidates who can speak on both the local and national levels.

In sum, Newark has two drastic images in the second half of the 20th century and early 21st century. Once seen as only a city filled with Black criminals, Newark is slowly changing its demographics, social and economic institutions, and political ways. Gentrification has made its
way to downtown Newark. The construction the Prudential Center has allowed other businesses to sprout. There are two Irish pubs built across the street from the sports arena, DINO BBQ has opened a restaurant opposite the arena, along with the gutting and remodeling of other dilapidated buildings along Market St. Loft apartments are being advertised for downtown Newark, attracting young professionals to the community. However, these great strides for parts of Newark do not correlate with many of the Black long-time residents. Poverty is still an issue in the city, “roughly one in three residents of New Jersey's largest city [Newark] are poor” (Wilwohl 2011). Fragile Families and Child Well-Being Study of Princeton University has found “Three-quarters of the babies born in Newark hospitals have unmarried parents, nearly half of these unwed mothers live below the poverty line” (DeKlyen 2007). The metamorphosis and adjustments in the city create a space to understand how Newark as a community is changing rapidly but might be leaving many of its poor, Black, and formerly incarcerated behind without political agency, social capital, or economic opportunities, in tandem with lack of resources, networks, and skills to alleviate the hardships of transitioning from incarceration to community.

Methodology

The data for this dissertation project came directly from a non-profit reentry organization, known as Reentry Aid Society (RAS)\(^\text{17}\) located in Newark, New Jersey. Through the discursive narratives of men and women who have been incarcerated, I developed a research methodology that allowed the voices of those participating in this project to take center stage (Whyte 1943, Hammersley and Atkinson 1983, Conquergood 1991, Ferrell 1997, Maher 1997, Burawoy 1998, Brotherton [unpublished]). Utilizing four methodological approaches: (1) in-depth interviews; (2) focus groups; (3) ethnographic observations; and (4) archival research of publically accessible corrections data, each methodological approach informs and builds from the previous to provide

\(^{17}\) Real name of organization will not be used for anonymity purposes.
a textured and encompassing analysis. The data triangulation is designed to understand the dynamics of civil death and the reentry process in order to construct identity of citizenship. Data collection occurred from September 2011-September 2013.

The Reentry Program

Reentry Aid Society (RAS) is a non-profit reentry organization located in an office building in downtown Newark, N.J. My father, a lifelong resident of Newark, introduced me to the organization through a mutual friend (staff worker) in November 2010. Starting in 1984, it is the oldest operating reentry organization serving Essex and West Hudson County, New Jersey. The executive director, Dr. Black, a short older light-skin Black woman, explained, “This organization started in the trunk of my car. I would drive around Newark and hand out information to the community and inform them about what reentry means, because they had no idea.” Dr. Black married to a prominent Civil Rights attorney has worked in corrections and reentry for over forty years.

The office is on the 3rd floor of a five-story maroon brick building, which houses several non-profit organizations. The reentry office is the only floor one can access off the elevator without an identification swipe card, allowing accessibility to people walking in off the streets without an appointment, giving an open-door policy for new clients to enter. As one exits the elevator they enter a large empty space with an old faded carpet and barren walls that change paint color every few months. An 8 x 11 inch piece of paper with the initials “R.A.S.” identifies the reentry office. As one walks into the main office, a receptionist, who is often a client\(^\text{18}\), greets him or her. This non-paid position serves as an internship for those returning home. It is a coveted position because it provides a medium for the person to receive permission to be out of the halfway house five days per week for several hours per day and grants unlimited and regular access to the community.

\(^\text{18}\) The term “client” refers to the men and women who came to the non-profit agency for services.
access to a land line phone and the Internet. The receptionist is responsible for greeting clients and visitors, making sure all clients sign in and out, directing clients to the appropriate staff person, answering the main office phone using a professional tone, and guarding the men’s bathroom key, which consistently goes missing when the receptionist position would be vacant or transition at times throughout the field period.

The office space includes: a front reception area, two conference rooms, a small coffee section, six small offices for staff and volunteers, storage room, and a computer lab. The computer lab is typically the busiest as clients spend time improving their computer skills, creating resumes, applying on-line for jobs, and social networking on websites like Facebook. There are five computers that were donated during my time as a volunteer and researcher at the organization. Although these computers were not new models and clients had to deal with computers crashing, slow Internet connections, and continuous re-loading of websites, they were effective teaching tools. As a graduate student, I found myself becoming frustrated, while many of the clients were much more reserved when faced with computer problems. It became clear why many of the clients were not perturbed by the slow connections, because for many, specifically older clients, this was there first time using computers and the Internet.

What they did not know could not frustrate many of the clients. For many, the idea of the Internet, email, and Facebook was amazing by itself. Freddy, a former client, became frustrated with the slow computers only after being released from the halfway house after serving 22 years in a state correctional facility. Upon his release, his family bought him a smart phone. One day, he showed up at the office to print his resume for a potential job. While using the computer he turned and said, “Damn, Smiley these computers are slow! What happened with them? I could do this faster on my phone.” It was apparent that the newer technology had strained his patience
because the computers had not gotten any slower than what he had previously encountered. Despite the problems, the computer lab became a place for clients to socialize, network, and gain social capital through channels like Facebook and other websites, which will be discussed in later chapters.

Throughout the office inspirational posters with quotes like “Succeed”, “Goals”, “Achieve” line the walls. In addition, artwork, painted by a former client of portraits of Dr. Martin Luther King, Jr., Nelson Mandela, Malcolm X, and Native American Indians occupy the space of the conference room. Last, there are awards, certificates, and other honors of the executive director’s late husband; a well-known and respected Civil Rights attorney occupying the remaining free space on the walls in the open areas of the office.

In April 2012, due to the limited financial support, the office began closing at 1:00 pm. In addition, other regulations began transforming who could use the office. First, a potential client had to prove residence in Newark, which sometimes was difficult because many clients did not have any identification other than a Department of Corrections (DOC) issued identification card. Second, a potential client had to be released within the last six months or less from a prison or halfway house facility to benefit from the resources of the reentry organization. Finally, anyone living in a halfway house had to be within 90 days of release before utilizing the services of the organization, which included obtaining an identification card, birth certificate, social security card as well as employment opportunities and group meetings. While this became the new rules, my participatory observations would suggest otherwise. Many times, clients were former Newark residents or people looking to live in Newark without a verified address. In some cases, clients had been released from prison over a year and still utilizing the services. One extreme case, a man informed me he had been released five years prior, but still could not find
employment and was told to try this organization. Also in the case of the halfway house residents, many had much more time than 90 days living in these facilities and still frequented the organization. Despite the rules, people who needed services still gravitated and were given assistance, however limited it might be. Moreover, like many non-profit organizations, financial burdens and securing grant funding became an issue. This was evident in supplies and short-staff, which created major changes in the organization. First were the supplies. There was a Xerox machine but it rarely had any paper, a coffee maker without coffee and only a few worn mugs, and a water cooler, often without water and never any plastic cups. In the beginning of this project, these tools and amenities seemed to pull much of the men and women to organization. Clients could even get reimbursed for bus fare to come to the office. This stopped and effectively cut the clients in half, because now the only clients who could use the facility were those who had money, usually from family or friends to pay for their own bus fare or could walk from the halfway house to the facility. This was problematic because many times clients had health issues that could prevent walking such a distance or did not have enough time to make such a walk because the halfway facilities only gave so much time for travel. Jimmy, an older White male client in his early 50s stated, “I have diabetes and my feet swell so it’s hard for me to walk down here. I have to be able to catch the bus.” Second was the change and shift in staff. As this project began, there was seven staff, four full-time and three part-time. However, this number shrank as staff left for better pay, upward mobile positions in similar work-related field, and ideological differences with the direction of the organization. The director, who wishes to retire and find a replacement, currently runs the organization with three part-time staffers that are case managers. Yet, the organization thrives off of the energy of its small staff, all who have been incarcerated except the director, and therefore they have a personal investment in reentry and a particular
connection to Newark. As one part-time staff member, Ms. Dawn, stated, “I did a year in prison almost thirty years ago and I don’t want to see the next generation in Newark have to struggle like I did.” While the organization struggles to keep its doors open, it continues to make a positive impact on the lives of its clients because of people like Ms. Dawn.

The busiest days at the reentry office are Mondays and Fridays. These days are active because they are both intake days. Meaning, they are the day’s men and women tend to be released from prison and the reentry organization is one of their first stops. The agency refers clients for job placements and offers employment workshops. In addition, it assists clients obtaining identification cards, birth certificates, and Social Security cards. Finally, the organization provides case management, collaborating with other service providers and government agencies, offers mentorship programs, family reunification services, and group workshops. Due to its long history in Newark, the organization has built a solid reputation for providing accurate and timely information for those reentering society, and maintains a positive relationship with several halfway houses in Essex County. Clients tend to come to the organization via word of mouth, while others are referred to attend by a parole or probation officer.

Despite its financial challenges as well as the omnipresent local, state, and federal corrections staff that stop by to monitor clients, the organization has persevered and provided services to a population that has not shown any signs of diminishing. A diverse group of young and old, male and female, and while the majority of those utilizing the agency’s services are low-income Black male residents of Newark, there is a racial diversity (some White and Hispanic) of men and women who are genuinely seeking knowledge about how to manage their reentry process.
Interviews

All of the participants were recruited from the non-profit reentry agency; in total, 30 interviews were collected. All interviews took place in one of the offices of the reentry organization. All interviews were recorded using a digital tape recorder to ensure accuracy and transcribed by the author. The participant and interviewer (me) were the only two present at each interview to assure confidentiality. All recordings have been stored on a computer with a password lock protection and all interview notes have been stored in a locked cabinet in a private residence.

The participants received no financial compensation for their interview, but on occasion received a donut, pastry, and/or coffee provided by the interviewer. All participants had interacted with the interviewer for at least two weeks before being asked to participate. All participants had attended at least one group at the reentry organization, where the initial meeting occurred. The structure of the interviews was mostly open-ended questions that dealt with ten major areas of interest. Part I-this section of questions asked about the participant’s personal background including earliest memories, childhood, family background, racial and ethnic background, socioeconomic status, educational attainment, and employment history. This was used to have an understanding and context of potential cultural values and explain ideologies that would come through during the interview. Part II and III-these questions dealt with understanding how the participants defined and conceptualized the terms “community”, “democracy”, and “citizenship.” Since this is a study that looks to gauge civic engagement and citizenry, it became important to know how this population frames these terms. Interestingly, a third of the people interviewed (n=10) had no working definition for the term democracy, which will be analyzed in the following chapters. Part IV-this section dealt with individual experiences
with the criminal justice system ranging from the first time they were confronted with the police to how long have they spent incarcerated. Part V-these questions directly spoke to the idea of civil death and how this affected their lives. Did they know what rights they had lost? How did this make them feel? What limitations, if any, did they feel they have now? Part VI-this section asked about medical history and potential ailments they were currently dealing with. Part VII-asked about personal relationships to religion, spiritually, and faith. Part VIII-this section dealt directly with the reentry process. What were some of the most pressing issues facing their reentry experience? What was problematic? What was important? How could reentry better serve them? Part IX-this section asked them about the concept of “doing time” and became important to understand how they reconciled losing time and how they moved forward or made up for this lost time, both while incarcerated and now during the reentry process. Part X-the conclusion section was an open-ended question that asked if there was anything not covered or if they would like to add or give suggestions for future interviews.

The average length for the interviews was 69 minutes, with the shortest interview being 34 minutes and the longest 127 minutes. Gender differences, males (n=28) and females (n=2), while the research wanted a more equally distributed sample in terms of female representativeness this became more difficult in the recruitment. First, the reentry organization is overwhelming used by men. There are other programs within Newark that work specifically with incarcerated women; therefore not as many women utilize this institution. Second, women were much more apprehensive to speak one-on-one with me. While I went into this research study open and hoping to have equal representation of both men and women in my one-on-one interviews, this simply did not happen.
Of the thirty interviews collected twenty-eight were men and two women. Unfortunately, I ran into two problems with recruiting women. On the one hand, the overall reentry organization used tended to cater towards men. Over time, I found out that there were other services in the Newark community that specifically worked with women, particularly coming home from prison, battered women, and women who were positive with HIV/AIDS. RAS, according to my educated guess, had a 12:1 male to female ratio of clients. Often times, female group attendees would come sparingly or inconsistently to group meetings. Therefore it became difficult to schedule interviews or arrange times to meet outside the specific allotted group time. On the other hand, I ran into difficulties setting up one-on-one interviews with female participants. On two occasions, female clients did not show up for a scheduled interview. This happened three times with men, which over time I found out reasons for their absences. However, the women never showed up again during my time at the reentry office. On one occasion, a woman told me candidly that as a married Muslim woman, to be alone with me in a room for an extended period would not look right and therefore declined my offer to participate in an interview based on religious codes of conduct. Another Muslim woman declined because of her wanting to attend a Friday afternoon jumu‘ah, religious prayer, and I never saw her again. On another occasion a woman laughed at the idea of talking with me and bluntly said “no.” Finally, after meeting a woman using the reentry office to obtain a state identification card and speaking with her, asking broad questions about her incarceration to try and gauge if she was a candidate for this research, she could not give me direct answers and only spoke about her level of attraction to me. I consciously dismissed using her for the simple fact that I did not feel in my best judgment she would be a credible informant but rather infatuated with me, thus would not answer questions truthfully and honestly. It must be noted that all dilemmas and pitfalls of obtaining female
participants happened in some form or fashion (for exception of open level of attraction to me) with male participants. However, because male participants were much more abundant and eager to participate this did not affect my recruiting of male participants. Although, there were only two formal interviews with female participants, I had fifty-one women over the course of the two-year field study attend one or more focus groups. I was able to encompass more female presence in these groups. For follow-up research and to capture more gender diversity, I might look at other institutions, programs, and community centers that cater towards female ex-offenders. Additionally, acknowledging my presence as a male researcher, it might be in my best interest to recruit and hire female interviewers so that female interviewees might feel less reluctant and more comfortable in an interview setting. While the interviews do not reflect female representativeness, the ethnographic observations (explained in next section) give more female experiences and a voice that is deficient in this section.

Racial groups, Black (n=27), White (n=1), and multiracial (n=2), like gender, I recognize this is not an equal representation of society, but in fact represents the systemic stratifications of who is being incarcerated more closely. Of the thirty interviews, only two were non-Black participants. One White male and one Hispanic male were the only two non-identified Black participants. Two other participants identified that they were racially mixed (Black and White), however, they acknowledged that they self-identified as either Black or African-American. There was a conscious effort on my part to capture the Black voice in this research. While I was not against speaking to people of other racial and ethnic backgrounds this was simply not the case for the reentry organization. Over 90% of all group attendees identified as Black/African-American. The remaining 10% was mixed of Hispanic/Latino, White, Southeast Asian, or West African. This speaks more directly to incarceration in New Jersey. Black New Jersey residents
compromise roughly 13.7% of the state population, but are over 61% percent of the New Jersey residents in a state correctional facility. Therefore, it would be necessary to have the majority of clients at RAS in a community such as Newark, which has over 50% Black residents, to be Black. Ultimately, it would be important to replicate this research in other communities comprised of other racial and ethnic backgrounds to investigate if feelings of citizenship and pathways to reentry are substantiated or differ and if so, why. Similar to gender, the ethnographic observations include a wider range of racial and ethnic diversity that includes Black, White, Hispanic, and other ethnic populations (e.g. Middle Eastern and West African).

All participants had at least one felony conviction and had spent time incarcerated in a local jail, state prison, or federal prison. Therefore, imprisonment was a factor and where each participant did time was considered because this element could shape and shift an idea on the prison system, depending on where one was confined. In this study there are four major areas of incarceration: county jail (n=3), state prison (n=20), federal prison (n=2), and federal and state sentences (n=5). The average sentence was roughly 15.4 years for the 30 participants, with the shortest sentence less than one year and the longest sentence, a collective 50 years for one participant. Public records accessed on state or federal prison websites or the reentry organization paperwork file on a participant verified all sentences. Finally, the average age of the participants was 47 years old. The youngest participant was 22 years old and the oldest was 68 years of age. All ages were recorded at the time of the interview.

The methodological approach of conducting interviews has a long-standing practice in the field of sociology. DuBois (1899) used interview data from the 7th ward of Philadelphia to understand Black life in the city. Conducting interviews gives a textured and robust account that captures the attitudes, beliefs, and emotional sentiments of participants. This method is useful in
the intersection of civil death and reentry because there has been a limited amount of scholarship that provides qualitative analysis of those facing these challenges.

Ethnographic Observations

In October 2011, I began attending one of the groups at the reentry office entitled “Positive Change.” This group, which was mostly comprised of Black men who were recently released from prison focused on employment. Sitting in as an observer, I watched as these men learned how to compose a resume, cover letter, fill out employment applications, and learn proper etiquette for job interviews. The staff member who facilitated the group asked me on occasions to help manage some of the activities, particularly writing resumes. In one particular group, I was helping a young Latino man, Danny, about my age of 24 fill out his resume. When we got to the section of employment, I said, “Just put down all the jobs you have worked.” He looked at me and with a half smirk said, “Smiley you don’t get it, I been locked up since I was 15 years old for a body [murder], I ain’t never had no job.” This took me for a surprise how I naively did not recognize that for some, and as I learned, for many, employment histories, education attainment, and a host of other variables that would afford individuals social capital were completely missing from these clients’ lives. The young man and I were able to put down many of the prison jobs he had worked the past 8.5 years while in a state institution. As many other men and women learned, understanding how to navigate and negotiate different aspects of one’s life became integral in moving forward.

In December 2011, the staff member, Mr. Gold, who ran the “Positive Change” group, left the organization for a higher paying job at a reentry position in New York City. Mr. Gold explained to me:

Smiley, I love this place. In fact, I owe my freedom to this place. When I kept messing up and going in and out of jail this place kept giving me a job. I’m 47
years old and been locked up for probably 26 years of those years in total. Not many places give you that many chances. But now that I am clean, off parole, and put my time in here, I got to move on and to the next level.

Mr. Gold, a formerly incarcerated person, had reservations of leaving the reentry organization but understood there was no growth for him there. Social networks had opened the door for him in New York and he had recently finished his Associates degree and was planning to go on for a bachelor’s degree and eventually an MSW (Master’s of Social Work), therefore as he told me, “This the right time for me to leave.”

Mr. Gold’s absence from the “Positive Change” group halted and eventually stopped the group from meeting. However, the clients organically organized their own weekly group to carry on with weekly meetings. At each weekly meeting, a discussion topic was introduced, and participants voluntarily offered their thoughts and perspectives about returning home. For the first two weeks, I simply remained an outside spectator, observing the discussions to discern the topics that were pressing on the minds of those participating. Eventually, I was asked by the director to facilitate this newly formed group, renaming it “Breaking the Cycle.” As someone not trained in social work, I was hesitant to accept this position. Many of the clients were still trying to “figure me out.” In the beginning I tried not to offer too much but remain an observer but this was disrupted when a staff member, Mr. Clark, made the announcement that I would be leading discussion, “listen to Mr. Smiley and take all the knowledge he going to give you…” This automatically changed the dynamic of the group as well as added pressure, in so far that now clients looked to me to be a leader. As I repeated over the next two years, I was only the facilitator and this group was for clients to discuss topics and interests of their choice. Over the next few weeks the group of all Black men became much quieter looking for me to lead. This
ended when an older Black Muslim man named Saafir, explained an issue he had in the halfway house the night before. He said:

The supervisor went through my food. I order my food special from the outside because I’m a Muslim and I don’t like eating what they serve, so I save my money so I can order my food. This man put his fingers all through it claiming he needed to search it for contraband. This had gotten me upset because when I approached him like a man to ask him why he went through my food, he went into his office and locked the door. I’m telling you, I just finished up 30 years but I was ready to go back for another 30 [years] last night.

This story, from a man who had rarely participated, became a watershed for others to state their grievances. I listened and allowed the men to speak openly and candidly, not filtering or censoring speech or dialogue. At the end of group, Saafir approached me and said, “Thanks, I feel better because I was carrying that around all night and didn’t think I could let go of it. I’ll see you next week.” From that point forward, the group had grown from a small cluster of four to six men to an average eleven clients per week, compromised of men and women. The most in any group was 22 and lowest was one. In Chapter 6, I will discuss the dissolution of this group and my ending at the reentry organization. Based on sign-in sheets, this group saw over 500 individual persons from different age, race, ethnic, religious, and gender backgrounds. Like the interviews, the overwhelming majority were Black low-income males from Newark, NJ; however group allowed a diversity of participants.

The vast majority of participants came to the weekly group session once or twice; many stopped by the agency to address another matter, such as obtaining legal identification, and found their way into the discussion. Despite the rapid turnover of participants, four different cohorts of six to eight participants developed informally. These cohorts emerged organically and roughly lasted at four-month intervals. The cohorts of consistent participants changed over as men and
women were released from halfway houses, obtained employment and could no longer attend, or arrested and sent back to prison for a violation.

In late December 2011, I obtained permission from group members to audio-record our weekly conversations as this became part of my ethnographic observations, so that these group conversations could inform and crosscheck interviews I had started collecting, assisting in understanding how participants behaved and reacted to their reentry experiences. The weekly discourse was forged in a safe and trusting space. It provided me with communal knowledge and language about the pressing issues and struggles in the lives of those who are reentering society while reconciling their time “away.”

I gathered several hundred pages of ethnographic field notes, lead over 50 focus groups, audio recorded over 70 hours of “Breaking the Cycle” group, and have over 300 hours of time spent at the reentry organization between September 2011-September 2013. I observed staff and participants, as well as the day-to-day interactions and operations of the organization. This included observing other groups, the dynamics of the computer lab, meetings of staff, observing the front office, and understanding who uses this organization on a regularly basis.

The rich and expansive data was possible to collect because of the formal and informal relationships that developed organically over time with staff and clients. The relationships promoted a sense of trust and respect, which offered a unique opportunity to collect data. These interactions allowed a transition from interviewer to participant-observer to group facilitator, and the change from one role to another were gradual. I was cognizant and careful to maintain a professional distance from the participants as I transitioned from one role to another. Participants who became familiar with me provided unofficial approval and special access to an intimate space of their reentry experience. These relationships offered the ability to crosscheck data with
personal observations and testimonials discussed in a group setting. This was further triangulated with the data from secondary document sources.

**Public Data**

In order to obtain accurate accounts of convictions and time served, I triangulated the interview data and participant-observations with archival research of publically accessible corrections data. This information, which can be found on the New Jersey State of Corrections and Federal Bureau of Corrections websites, was used to substantiate as well as support the narratives. For instance, participants were clear on the fact that they did time in prison, but sometimes the specifics about how long they served and for what crimes were not shared or remembered. From my previous experiences working with incarcerated persons as well as other literature informs, this population can be guarded and not easily trust outsiders. Therefore, obtaining independent information to corroborate age, birth date, official names, criminal charges, lengths of incarceration, and other miscellaneous information was necessary as some information was deemed too sensitive to directly ask a participant.

**Social Media & Technology**

Using online search engines such as Google, New York Times online, and a host of local online news sites, including The Star-Ledger and NJ.com, I was able to substantiate claims of participants in interviews and ethnographic observations by allowing me to find articles about individuals and cases in this study. Additionally, using online social media sites such as Facebook, Instagram, and Twitter allowed me to continue my relationship with participants after they left the reentry organization. This became a useful tool in following their life-course trajectory as well as telling if the information provided to me was accurate in terms of their living situation, partners, family, and potential employment. For example, Freddy was hired at a
local bakery and consistently posts pictures to his Facebook and Instagram accounts to showcase his employment or as he stated in a caption in a picture, “My grind.” The information age has become a reliable resource to conduct scholarly research and gather information in a timely and efficient manner. This is recognized through the use of the personal iPhone.

As an ethnographer, my personal cellular phone device became a useful instrument tool in my field research. Clients and Newark residents questioned traditional ethnographic research practices at times during my field period. The use of a digital camera became an issue. On a warm day in March 2012, as I took a picture I was asked by a by-stander on the street if I was taking pictures of him, when I explained I wasn’t and showed my picture his response was “you should watch where you point that.” However, when using my iPhone to take pictures this was never questioned and actually people were more willing to pose as one young lady did by stepping in front of a picture I was taking and posed. The use of a notepad and pen became problematic outside of the reentry organization. One summer day in June 2012, I sat on a bus stop bench on Broad and Market Streets. As I was going over my notes and writing up summaries from the group that just ended I was startled by a paper Pepsi cup full of beer that was thrown at me but missed and hit the large potted plant next to me. I looked for the assailants but to no avail. From that point forward, outside the reentry office I did not carry a notepad or pen but rather used the “Notes” application on my iPhone to reflect and write up my field notes. Again, this was never challenged or questioned by the community, because people thought I was just sending a text or email on my smart phone device. Last, the iPhone became a useful tool to record when I forgot my digital recorder, fact-check on the Internet immediately without forgetting details, and the application “Shazam” became useful because it listens to songs and speech and can tell you the name of the song and artist, which was pleasantly useful in
downtown Newark where street vendors blast old-school hip-hop, house garage music, and speeches of Black leaders such as Malcolm X. Overall, technology greatly benefited this research and at times protected me from looking suspicious or as an “outsider.”

Summary

This research takes place in Newark, NJ, because of its historical context as a city with a rich history of Black rebellion compounded with marred stigmas of a “criminal” Black community. Additionally, qualitative methods have been employed to add to the on-going research about reentry and civil death, giving a voice to a marginalized group that have remained relatively silent in this scholarship. This work builds off theoretical, historical, and quantitative studies that focus on both reentry and civil death, respectfully. This study allows an opportunity for both civil death and reentry to mesh and give a more robust and textured analysis of how both variables impact one another based on the (un)successful and (under)development of an urban low-income community.
Chapter 3- “It’s Like We Home But We Not”: The Construction of Citizenship Through Neo-Civil Death

In his seminal work, *The Souls of Black Folk*, W.E.B. DuBois (1903), begins his opening chapter with this fundamental question: “Why did God make me an outcast and stranger in mine own house?” (p. 8). He is referring to the dichotomy of being both ‘Black’ and ‘American’ in a system that finds the conflation of these two variables fundamentally at odds because of White supremacy. This feeling of being left out, or rather excluded, is conveyed through the idea of ‘double-consciousness’—having the ability of seeing the world through one’s own identity but also forced to see life through the dominant culture (i.e. White supremacy). DuBois explains this as the feeling of “two-ness.”

In this chapter, I investigate the concept of citizenship for men and women with a felony conviction, in particular, those with diminished social, political, and economic rights—otherwise known as neo-civil death. More specifically, how does the loss of rights affect the construction and identity of citizenship in a democratic society? In addition, what is the relationship between neo-civil death and the carceral continuum? Throughout this chapter, I briefly describe the historical legacy of the Black experience of being seen as the “other,” which sets the platform for this new model of exclusion via loss of rights because of a felony conviction. Beyond this, I specifically address the particular collateral consequences of rights lost for men and women in New Jersey including: employment, license suspension, public assistance, housing, child support, parental rights, education, and voting and jury services. Finally, to further unpack this question about the construction of citizenship, I argue there is an unusual predicament occurring for American men and women living with a felony conviction in the United States. This population is neither a fully integrated in-group nor a totally excluded out-group, but straddle the line between “citizen” and “other.” Felons do not enjoy the same rights and privileges as shared
by persons living in free society without a criminal conviction. Conversely, unlike foreign-born residents, felons cannot be deported or kicked out of the country. Therefore, a sort of quasi-citizenship status or rather “purgatory citizenship” occurs and is happening at grossly high rates.

Blackness and the “Other”

The feelings of being a stranger, outsider, alien, or excluded, otherwise the “other,” has been an experience and primary question for Black Americans throughout many fields of the social sciences, literature, and performing arts. To be Black means to be fundamentally different or rather, “the living antithesis to the ‘model American’” (Wacquant 2005, p. 135). At the core root of the notion of race is the problematic issue of being the wrong race. Ralph Ellison’s novel, *Invisible Man*, highlights this paradox of being Black in America. He states, “Well, I was and yet I was invisible, that was the fundamental contradiction. I was and yet I was unseen” (1952, p. 507). To be invisible and unseen shapes Black life in America as being subordinate and unneeded. This is supported by Gwaltney’s (1980), *Drylongso: A Self Portrait of Black America*, where a Black woman states, “Now, to white people your colored person is always a stranger. Not only that, we are supposed to be dumb strangers, so we can’t tell them anything!” (Gwaltney 1980, 29). In the 21st century, Black Americans are still perplexed by the notion of exclusion and challenging the system for inclusion. Regarded as one of the most influential and successful Black Americans, rapper and entrepreneur, Jay-Z exclaims in his song “F.U.T.W”, “Feelin’ like a stranger in my own land” (Rap Genius 2013a). This line directly correlates with past Black ideological thoughts of one’s purpose and place in the United States. Therefore, even with assumed economic mobility, one still cannot escape the construction of race or power of racism.

This ‘stranger’ feeling has been met by powerful systems of certain exclusion. Loic Wacquant (2001, 2002) eloquently outlines these four institutions: (1) slavery, (2) Jim Crow, (3)
Ghetto, and (4) Hyperghetto & prison as intertwined and part of the Black American experience in the United States. Wacquant contends we are currently living through this fourth institution, which has led to the carceral state (Gottschalk 2006) and the great expansion of the American criminal justice system. The exponential growth of the carceral system has lead to mass incarceration (Garland 2001), mass conviction (Chin 2012), the prison industrial complex (Davis 1995, Davis, A. 1998a, Schlosser 1998, Davis, A.Y. 2003, Gilmore 2007), and the prisoner reentry industry (Clear 2010, Thompkins et al 2010, Thompkins 2010).

While scholars debate the purposes of prison growth and if there are truly economic systems at play or rather historical spillover of racism, the fundamental and consistent phenomena occurring is that millions of American’s citizenship is being re-configured because of loss rights, otherwise known as neo-civil death. Wacquant (2002, 2005) asserts that the criminal justice system is responsible for the reshaping of ‘race’ and citizenry. He states, “It [penal system] also plays a pivotal role in the remaking of ‘race’ and the redefinition of the citizenry via the production of a racialized public culture of vilification of criminals (Wacquant 2002, p. 97). He outlines the three ways civic rights are stripped: (1) Denial of cultural capital, (2) Excluded from social redistribution, and (3) Banned from political participation (2001, 2002, 2005). This contends that the loss of employment, housing, and the right to vote, among many more rights lost, manipulate citizenry or the lack thereof citizenship. Voting rights are arguably the most pronounced forms of lost citizenship through legalized disenfranchisement of those with a felony or criminal conviction. Traditionally, things such as employment are not guaranteed, thus non-issues for citizenry. However, the problem occurs that there is conscious refusal, by the state, for individuals to enter institutions and systems with a criminal record. Therefore, I argue that the withdrawal of rights protecting one against discriminatory practices
because of a felony conviction would have an impact on one’s citizenry. Fundamentally, the premise is *won’t* vs. *can’t* have access to institutions and systems.

In short, Black citizenship is continuously in question and flux. The most immediate and prime example is the Birthers Movement, which has challenged Barack Obama’s citizenship since his winning the 2008 presidential election. In fact, the Birthers and subsequent branching out of the Republican Party, known as the Tea Party, are reactionary groups to the premise of a phenotypically Black male in the highest office of the United States, thus affirming citizenship for Blacks. Furthermore, if this is the treatment of the supposedly most important person representing the United States, what is the place for those seen on the bottom rung of society? To be a convicted felon in the United States, you are at risk of losing both fundamental rights as well as supposed privileges of living in the “land of the free.”

In order to investigate the notion of citizenry, I employed various qualitative methodologies. First, I interviewed thirty men and women who were under one of three various stages of correctional control: (1) Department of Corrections [DOC], (2) parole, or (3) probation. These interviews helped engage with individual narratives and experiences. Second, I facilitated fifty focus groups with a diverse population of men and women who were also under correctional control or recently finished any and all sentences stipulated by the criminal justice system. The ability to speak to small groups added a certain level of communal knowledge that gathered information about shared experiences and added consensus to the interviews. Finally, I engaged in two years of field observations at a reentry organization in Newark, New Jersey, which is where all interviews and focus groups were conducted. Observing the interactions between staff, clients, and other visitors to the program helped give a more robust and textured

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19 Reactionary group, which claims Barack Obama is not born a citizen of the United States, http://birthers.org
account of how men and women recently returning from jail or prison were resolving issues related to loss of rights.

This chapter takes aim directly at the question of citizenship, specifically this idea of “purgatory citizenship” which the men and women in this study are experiencing. By asking questions about their own definition of citizenship as well as concepts of ‘community’ and ‘democracy,’ I show how many of the men and women come to understand their own identity through their citizenry. By exploring what rights have been lost and how that has impacted their lives further shows how citizenship is problematized for men and women with a felony conviction, which excludes them of social, economic, and political rights.

What is Citizenship?

To begin, men and women convicted of a felony in New Jersey, at some level, lose part of their citizenry and experience neo-civil death. Two of the preliminary questions I asked the participants of this research project were: (1) What does the word ‘citizen’ mean to you? (2) As someone living in the United States, do you feel included or excluded as a citizen? Both of these questions were used to have participants think first about concept of citizenry more generally and second to think more personally about them.

In general, many of the participants believed in the fundamental idea of citizenship as a sense of belonging or home. Stewart, a Black man in his mid-50s, a convicted sex offender said, “Umm…citizenship is commitment to country and commitment to a particular form of government that operates in that country. Citizenship means to become educated, be a taxpayer, voice your opinion and vote, and make sure to speak up so to hold your government responsible for all types of things.” Jerry, a Black male, in his late-50s convicted of illegal narcotics and distribution, stated, “Well…citizen…it means to be born in a country. So if you are born here, you’re American. I don’t know about any other place. So being American entitles you to all the
things the Constitution gives us.” Finally, Darren, a Black male in his early-40s, convicted of an array of crimes including robbery, escape, and gun charges, said, “To be a citizen of a country would entail that individuals are granted particular rights and liberty in the country given to them by laws.” These definitions of citizenry were the typical answers given for many of those interviewed. However, what became more revealing is the second question of the feeling of being included or excluded as a citizen.

Overwhelming, the participants of this study, both one-on-one interviews and focus groups, felt excluded in the United States. Marcus, a Black male in his early-40s, finishing an eight-year state prison sentence for weapons possession talks about citizenship in the following way:

It means belonging to something larger than you. Everybody says it’s the land of the free but like we said before what if I want to go home? I'm just here. I feel like I have no voice, no say, and I have an opinion that don’t count for crap…I'm just here. I feel excluded because they [the government] tell all these things they have for us but I'll say it’s them setting us up. They will give us something, know that people will abuse it, and then take it from us or use it against us, like section 8.

This feeling of exclusion and designed failure became a benchmark of how many of the men and women felt about their personal identity and agency. Jerry, now serving his parole sentence captured many of the expressions about citizenship in a focus group discussion:

Currently I'm included but excluded…I'm still an American citizen but I'm excluded from some of the privileges that a citizen is entitled. Right now I cannot vote but one day I will be able to again. Unfortunately, I will probably never be able to work in the travel agency again unless they change the laws which I doubt but that is what I'd really like to get into but no one to blame but myself. I’m going to have to take the bitter with the sweet and I have to live with that…we have to fight against injustice and change it and cannot just complain about it to somebody else.

This dichotomy of being both included and excluded became a focal point for this research. It is entangled in this idea of being both an in-group and an out-group, simultaneously as a convicted
felon. On one hand, you are an in-group, because unlike someone who has immigrant status and can be simply deported (Brotherton and Barrios, 2011), American felons cannot be forced out but ultimately can be left out and marginalized. However, a felon is not a total in-group member because they lose rights that others in free society maintain. It is this constant struggle between access and limitations or rights and privileges that make the reentry process difficult and problematic. Summed up best by Sharif, a Black male in his late-50s, currently finishing a thirty-year state prison sentence for murder, “It’s like dangling a carrot in front of a rabbit; that’s how I feel. We can see freedom and maybe even taste it, but they are never going to give it to us. It’s like I have one foot in and one foot out and have to straddle that line…” It became apparent and relevant that the fundamental notions of citizenship were intact but became more complex when applying to one’s self.

Furthermore, to better understand citizenship as more than an abstract concept but its interplay in their lived experiences, two additional questions were asked: (1) *What does the word ‘democracy’ mean?* (2) *What is a community and is community involvement important? If so, how are you apart of the community?* Initially, many of the respondents were hesitant to define ‘democracy’ or rather unfamiliar with the term. Terry, a Black woman in her mid-40s, convicted of federal drug trafficking charges stated, “Hmmm…I would define it as…that’s hard. I don’t know what to say about that word right there. I don’t know I can’t really [define] right off hand.” Whereas others like Horatio, a Black male in his late-40s, convicted of drug possession, blatantly and unabashedly stated, “I don’t understand that word. Maybe it means something to do with the government or needs to do more with things around the community and give more money…I don’t know.” The challenges of defining democracy illuminated the lived experiences of not genuinely encountering this concept of equality. “General” Mansur, as he came to be known,
was the oldest participant of the study at 68 years of age at the time of the interview. Mansur, a Black male, had served a collective of fifty years in prison between his youth and adult life. His definition of democracy is, “It's a society on a social, political, and economic level. The people come together and vote collectively with the majority vote wins. America’s democracy is one with a capitalist twist because it’s about greed and money.” Others share this sentiment about democracy. In particular, Shaft, a Black man in his late-50s, convicted of robbery exclaimed:

Democracy means to me greed. Do for self and fuck your fellow man. It’s all a mask and contradiction. “Give me your poor and your hungry”, so I can fuck ‘em. Think about the people on Wall St. There shouldn’t be poor people in America. That’s the biggest bullshit in the world. When you hear about people who don’t have homes and starving…in America?! When you got a motherfucker over hear making 4 trillion fucking dollars. How can that happen in a democracy?

Democracy has been bastardized. I mean the concept is good but bastardized by greed when you got some people with everything and a lot of people with nothing.

For some, like Mansur and Shaft, frustration and anger shown through as part of their life experiences. Despite this anger towards democracy, many spoke optimistically and nostalgically about the idea of community. Mansur articulated his idea as, “Community is a people. It extends from the family, then the community, then the nation, and then civilization. It is a place for people to work together and live together. So communities are small nations of people who come together for a common cause.” Darren stated, “Community means a group of people that would live in close proximity to one another and would actually share some common goals and ideas for that particular neighborhood, that’s how I define community.” Many more participants gave similar definitions; however, many were speaking of this community in a nostalgic manner.

Terry explained her definition of community as something that has changed for the worse:

It use to mean that everyone on my block is like family, no matter what happened we would look out for one another. I don’t personally feel community today because it’s really bad now, there is gangs. People are scared to go to the corner store. My mom for instance, when she comes home from work at 5, she stay in
her house. She don’t even go to the store after the sun go down. Older people shouldn’t have to feel like that.

Many clients echoed this impression of lack of community cohesion today. Larry, a Black male in his late 50s convicted of armed robbery said, “Kids today have no respect for their community. I was on the bus going back to the halfway house and it was packed and these kids wouldn’t give their seat to an elderly woman. When I was coming up we would never do that or else we would be smacked in the back of the head by our parents.” Marcus reminisced about his childhood and how the community looked out for one another, whether they liked it or not:

Like when I was growing up it was a whole block who watched me. It didn't matter who you are, you could discipline or chastise me. Everybody watch for everybody that’s what we called community. Everybody knew everybody's name. If you lived on the block for so long you knew everybody's kids and I remember one time trying to show off and not go to school and I got spanked three times before I made it to school and that was just people from my block. I got two more [spanking] when I got home from school; one from my mother and then when my father got home from work, so five spankings for trying to show out. I can remember everyone who gave me that spanking. Mr. Allen who worked at the Laundromat, Ms. Mulchtree who lived down on the corner, and Mrs. Foster. She was a crossing guard but she lived on our block. These are things you come to appreciate but now that it's gone because now you watch kids today and I just say, “wow.” I'm hearing little boys cursing at their mother and fighting with their father. When we would be little we would curse but way down in the field away from adults but now little kids curse in front of parents. The problem is its kids having kids. You barely grown, how can you raise another?

This sentiment of acknowledging respect for elders was echoed by Jalil, a Black man in his early 50s who had recently completed a twenty-year prison sentence, explained, “It’s not like these kids any worse, in terms of what they do than what we did. We just didn’t do it all out in the open. I would never curse in front of older folks or do things in my community that would harm or victimize people. I went to prison for armed robbery, but I was robbing drug dealers. The guys who would hold up old people never got to far because guys like me would stop that.”
This nostalgic view of the past and pessimistic outlook on the future generations is not new. Duneier (1992) explores how older Black men in the neighborhood restaurant, Valois, express contempt and disdain for the younger men in the Chicago community for not being real men and having less respectability. While many in this study agreed and believed the children of the millennial generation were “wild” and fed into the sensationalized view of the youth, others used a more critical eye and pointed blame inward. Richard, a Black male, finishing ten years in the federal system said:

We can’t blame everything on the kids today. The reason so many of them out here with no direction is cause we failed them as fathers, as men, and as a community. How can I say this kid is worse than me when he learned all the wrong things to do from me? Maybe I ain’t tell to rob or sell drugs but if the kids see us doing it then what we expect them to think?

Others like Muhammad, a Black male in his 40s, finishing a twenty-two year Federal prison sentences and noted that he first went to the youth facility at nine-years old for armed robbery said:

I was terrorizing my community when I was free. I lived in the streets my whole life. That’s all I did. I ran around this city [Newark] and terrorized the entire city for years. I was one of the first cases of carjacking to go federal. I was the problem. I needed to be the example and that’s why they gave me all this time.

Finally, others offered their opinions about this void in the community happening because of larger structural institutions. Laith, a Black male coming back from twenty-eight years in a federal prison expressed, “This process that really changed the community, I would say probably in the 80s you know is when the crack epidemic hit. I remember seeing that and just like everything really got worse after that.” Sharif furthered this idea of crack being the shift and offered, “The war on drugs, crack, and poverty, all those things destroyed our community. We use to know people, but that pipe made people zombies and desperate.” These outlooks of years past were not only shared by older generations, but younger men and women shared these same
sentiments. Shirley, a Black female, age 24, convicted of assault and eluding police said in a focus group, “it’s really bad out there cause people willing to fight and ‘black out’ on someone for like nothing. I mean I know I have anger issues and I got friends with anger issues, so like going to the club, I always know in the back of my mind we probably gonna get turnt up and fight.” Walif, a young Black male age 22, convicted of drug possession and car theft said, “I don’t know if it’s worser [sic] or not, cause I wasn’t around back then. I’m a 90s baby and all I know is a lot of niggas is wild and don’t give a fuck. Most dudes is poppin pills, getting high, drinking, so they probably don’t even know what they doing.” The grim outlook on current community cohesion shaped one’s outlook on others as being very weary and fearful of others. Tony, a Black male in his early 30s, convicted of manslaughter, said, “Just cause you black don’t mean I fuck with you. I gotta know you or know someone who can vouch for you. Niggas always got a scheme or alternative motive, so I just keep it moving, like you don’t know if he a stick up kid or the cops.” While this diminished community cohesion presents itself as an overwhelming presence others expressed their willingness to work in their community.

Freddy said, “When I get out I wanna work with the youth. Give some of these young boys direction and show them they don’t have to be gangsters.” Marvin, Black male in his mid-30s, convicted of weapons possession said, “Yeah, I mean, I wanna talk to dudes and let them know it’s okay to be a civilian and a square. Being a gangster only gonna have two outcomes— jail or dead. The squares is up right now, all the gangsters is corny and played out.” Others like Gregory and Jerry had tangible outlooks on how they wanted to affect community change. Gregory, a Black male in his mid-30s was released after serving over fifteen years on a manslaughter charge said, “I want to speak at schools, especially the young kids like middle school cause we gotta start them young with positive images. I was out in the streets by time I
was 10. I wanna use my life as an example to tell these kids something not to be like.” Jerry offered a very similar outlook on speaking to students. I personally was able to bring him to my classes at Hunter College to speak about the effects of losing his rights and his reentry process, where he facilitated a class and fielded questions from students about his life experience.

Much of one’s identity surrounding citizenship is wrapped up in conceptualizing broad abstract ideas but felt in the present moment as a melancholy memory or as a depressing future. For many, the idea of being a citizen in the present seemed contradictory and perplexing, particularly because of the limitations currently most are feeling being in a halfway house facility and becoming familiar with the restrictions during the early stages of the reentry process, more specifically the rights lost because of their conviction. To think years down the road was almost impossible. Many of the clients spoke about living day-to-day, or as Melvin promptly put it, “I’m living.” To be thankful for another day is as much as many of these men and women could ask. Therefore the most immediate and pressing needs are their only concerns.

The next part of this chapter will investigate the limitations to accessing certain rights and privileges that are restricted to felons in the state of New Jersey. The process of reentry is very much hindered by the loss of social, economic, and political rights, creating neo-civil death for ex-offenders. In short, many of the men and women experiencing reentry are unfamiliar with what they have lost and are ignorant to the effects of this loss. New Jersey felons are subject to both state and federal guidelines. In New Jersey, in many cases, federal guidelines supersede state laws; therefore many restrictions and laws become confusing and unmanageable. This idea of not being able to manage one’s reentry reinforces their perplexed sense of citizenship. In addition, these various penalties and violations open the door for men and women to recidivate, or rather running the risk of being sent back to prison. This section will evaluate the following
areas that New Jersey residents with a felony can find themselves at risk of losing their rights. By using the scope and parameters that New Jersey law places on limitations in areas such as: employment, license suspension, public assistance, housing, child support, parental rights, education, voting and jury services; I am able to gather the narratives of these men and women and understand the restrictions and limitations to their reentry. More specifically, how this either reinforces their sense of exclusion or construction of citizenship.

The Triple Exclusion of Neo-Civil Death in New Jersey

Loic Wacquant discusses the triple exclusion of men and women with a felony conviction and its re-configuration of both race and citizenship, particularly criminalizing ‘blackness.’ Other scholars, like Angela Davis (1998b), Matthew Robinson (2000), and Khalil Muhammad (2010) have discussed this meshing of blackness to become synonymous with criminality. Beyond this, Michelle Alexander (2010) has offered her analysis of the criminalization of blackness as a new ‘Jim Crow’ but furthers her argument as a new form of caste system that holds people with felony convictions in a fixed position in society. Thus, it is no longer allowing the fluidity of class mobility. In essence, both symbolically and physically, those with a felony record are stuck in lower economic, social, and political spheres because of the legal parameters designed to shape the post-incarceration life of formerly imprisoned men and women as they reenter society.

In the following sections, I will explore the various limitations placed on New Jersey residents with a felony conviction. Each section is designed to layout the complexities and relationships individuals have with legislation, both state and federal, if applicable, that frames the restrictions placed on felony convictions. The most alarming consideration is the wide web and variance of legislative barriers, which are complicated by legal jargon. The following
sections give voice to the individual narratives that shape one’s identity around citizenship as well as collective voices that indicate larger structural issues of disenfranchisement of particular low-income populations and communities.

Employment

Employment became an enormous barrier many faced. Work is essential to livelihood in society. For men and women who are released on parole or given probation part of the stipulation of release/sentence is to find a job. For others who have served their entire prison sentence, work becomes a way to incorporate back into mainstream society. Licit work in the formal economy (Venkatesh 2006) provided through gainful employment became a necessity for many of the men and women in this study as they came home from jail or prison. A plethora of literature in the field of reentry examines the role of employment for the reentry process and believes it is one of the fundamental and key resources in ending recidivism and being a “success” (Travis 2000, Visher and Travis 2003, Petit and Western 2004, Western 2006, Rosenfeld et al 2008, Morani et al 2011).

First and foremost, jobs create stability by providing consistent economic income. For men and women returning home, money earned is used for various expenses including housing, food, family, clothing, and other fees such as court fines and other miscellaneous bills. Second, employment can give an individual a sense of purpose or identity. People can identify themselves through their job particularly if a uniform or specific types of dress (e.g. suit and tie) are required (Smiley and Middlemass, unpublished). Last, jobs provide status or prestige in society. Determining one’s social position in society is very much tied to their occupation and responsibilities in this position (Weber 1958) as well as the type of image they are trying to exude in their presentation (Goffman 1959).
In New Jersey there is a myriad of legislations that are both federal and state that prohibits work in the formal economy based on various offenses. Currently, forty-three separate federal and state statutes and regulations inhibit employment opportunities (New Jersey Institute for Social Justice 2013). As stated earlier, an argument can be made that guaranteed employment is not necessarily protected by one’s status of citizenship, however, my argument is that there is a distinction between won’t and can’t. In this case, men and women with a felony cannot work in a particular field of employment thus rendering basic fundamental rights unprotected by the U.S. Constitution. Moreover, in this section I will discuss limitations and restrictions that became applicable to the men and women of this study\textsuperscript{20}.

Undoubtedly, if not all, the majority of men and women utilizing the reentry organization arrived for employment purposes. One of the first questions heard from newly arrived clients is, “I came about a job.” The reentry organization has a reputation for having connections with various businesses in the community, such as a local bakery and being a main provider for the Newark Clean and Green Project\textsuperscript{21} that is run by Newark City Hall. Despite the reentry organizations efforts to provide secure and safe employment to the clients it is virtually impossible to accommodate everyone. Mr. Gold explained, “We are a service and we are set up here to assist people make things happen. We cannot guarantee a job or money for you. All we can do is point you in the right direction and give you the head start.” Or as Mr. Clark, an older Black male senior case manager, who had about twenty years “in the joint,” explained to many younger clients, “Why you expect to come down here and think we just gonna hand you a job? They ain’t just handing the job to people when they get out of college. What makes you think...

\textsuperscript{20} For a longer list of restrictions and guidelines visit: http://www.njisj.org/assets/documents/Employment.7-06.pdf
\textsuperscript{21} This transitional jobs program run in partnership with the New Jersey Institute for Social Justice and the Newark Conservancy, gives participants a chance to learn basic job skills such as timeliness, routine, and conflict management as well as marketable skills in landscaping and light construction (http://www.ci.newark.nj.us/government/city_departments/economic__housing_development/office_of_reentry.php)
you special? You gotta put in the leg work for yourself.” Mr. Clark had a unique metaphor he used to explain reentry to many clients:

You gotta have bullets in your gun. You can’t be out here with a pistol and no bullets…it’s the same thing here. We gotta get you a license that’s one bullet, then we gotta get you some decent housing that’s another bullet, then we gotta get you in school or a program, and make sure you can pass a piss test to give clean urine. All these are your bullets. This way, when you go in front of the judge you can just show her one after another you got all your shit together. Cause you know where they will send you if you mess up…do you really wanna go back? Get them bullets so you can stay out.

While this might seem more like a tough love approach, it is reality. There always seems to be more clients than jobs available. As a staff member got word of jobs and positions hiring, clients who had been consistent in attending groups and other programs got preferential treatment for a potential employment opportunity. Mr. Clark explained, “We got to protect ourselves too [the organization]. We got to know who we dealing with and if we going to vouch for someone we got to make sure this guy is serious about his reentry process and not a joker who gonna mess it up for everyone.” The reentry organization had to think of their reputation as constantly on the line every time they recommended a client. In addition, the point of “messing” everything up was crucial because the department of corrections does not look at particular infractions as individual occurrences but rather as collective penalties that would impact the clients and reentry organization. These infractions will be discussed in a later chapter.

Devah Pager’s (2007) scholarship highlights the many roadblocks men and women with felony convictions face when applying for a job, particularly the taking away of Pell Grants from federal and state prisons in the late 1980s into the 1990s (Wacquant 2005). The already scarce employment opportunities compounded with various restrictions leaves little room for ex-offenders to find sustainable employment. The scarlet letter “F” (Felony) follows ex-offenders beyond the prison walls (Pager 2007). In many cases this stigmatizing label takes the form of
questions on employment applications: “Have you ever been convicted of a felony?” This sentence becomes the tipping point for most if a job will hire them or throw their application in the trash. This application question and experience of obtaining employment became a constant reminder for many that finding a job would become a daunting task and echoed throughout this research. Marcus explained an incident, in which he was hired but subsequently fired after the employer found out about his criminal conviction:

I got the job. I started working there and was doing real good. Then in the second week my supervisor approached me and asked if he could see me in the office. He told me they were going to have to let me go. I asked him ‘Why?’ And all he could tell me is that the managers didn’t realize I was a convicted felon when they hired me. So I just don’t get why I’m still being judged for my past when I’m working on my present and future.

This occurred while Marcus had been attending the weekly group sessions at Reentry Aid Society. For three weeks Marcus did not attend the sessions. He explained that the first two weeks he had the job working and the third week he admitted, “I just didn’t feel like coming down here and talking. I got lazy but I was upset cause I had the job, liked the job, and was good at the job. But I figured no point in just sitting around. I knew I had to come back down here and start again.” His frustration and disappointment showed on his face as he saw an opportunity to advance abruptly taken away.

For the men in the study, their masculinity and identity as citizens was very much intertwined with employment. Faruq, a Black man in his late 20s stated, “I need to get a job cause I need to be a man and provide for my family, you feel me? How can I consider myself a man without a job?” Others echoed this sentiment, as a feeling that would be both for them and their loved ones. Juan, a Puerto Rican male in his early 40s, stated in a focus group, “I have six kids and my boys are the oldest. Since I’m their father I have to be the example for them to want to get up and get a job. That’s my role in my family. I’ve shown them long enough the dumb
stuff.” Many of the women in this study also viewed employment as a way to reclaim one’s femininity. Rachael, a Black female in her early 20s stated, “Yea, I wish I could work cause I think it would make me an overall better person. You know like a better mother because I would be helping my son and my family by being there for them and stuff.” Employment is a vehicle to keep people civically engaged as well as engaged to other issues happening such as their family and community.

For so many men and women who were interviewed the constant reminder of not being able to work in a field of choice was illuminated. Bob, a Black male in his mid-40s, convicted on a drug charge explained:

I have been an educator my entire life. I love working with children from the time I graduated from high school. I always worked with kids in afterschool and summer programs. I was a teacher’s aide in Newark and I had gotten my associates degree. I wanted to go back to school so I could become a full-time teacher. But now that I have this charge I can’t work in the schools anymore and it’s been really hard for me to go back to school because I can’t get financial aid right now. I could see if I had a charge that hurt children or was a violent offense. This was an issue I had and I have been clean now for almost a year. It doesn’t matter how many cover letters or resumes I have sent out, I haven’t heard back from any jobs.

For Bob, under New Jersey statute, N.J.S.A. §18A:6-7.1, his charge prevented him from directly working in the field he wanted to as well as indirectly prevented him from furthering his educational career to eventually become a licensed teacher. This opportunity is gone and cannot be recovered. This particular law has a wide range of offenses that could prevent individuals from working in educational fields.

I first learned of the large and expansive exclusion of certain employment opportunities when I came to the reentry organization with job applications for the newly opened restaurant, DINO BBQ, built in downtown Newark. The excitement I had was quickly squashed by the reactions of the clients. Papo, a Puerto Rican male in his early 50s said, “Thanks Smiley, but we
can’t work here cause they serve alcohol.” According to New Jersey legislation under N.J.S.A §33:1-31.2 and N.J.A.C. 13:2-14.5, a conviction of crimes of moral turpitude\textsuperscript{22} prohibits any establishment that sells liquor from hiring in this establishment. Therefore, none of the men could apply for the positions available. Horatio questioned this practice of not allowing ex-offenders from working this job when he stated to the group:

The only place they will let us work is at McDonalds or Dunkin Donuts. They don’t want us really doing much more than that, like we don’t know how or something. I worked for an amusement park company for fifteen years. I can put together and break down any ride you can think that takes skill.

The frustrations these clients had were real concerns because many began to foresee a life beyond a prison wall. This is particularly true for many of the older clients who had done an extensive amount of time. According to Wolff et al (2012) this population of soon-to-be-released inmates was at a greater reentry risk than other groups. Many of the older clients explained that the street life was behind them because as Jay, a Black male in his late 40s said, “I’m getting to old for this shit,” which became an agreed upon opinion by many of the older clients who were self-described hustlers or former drug dealers. Many of the younger men began to reevaluate their lives for other reasons. Walif explained:

I could keep hustling if I wanted too…that would be easy. Dudes is already asking me when I’m gonna come back, but I got a daughter and now a son on the way, so I’m not really beat for all that. I was in a horrible accident and lost two of my best friends. I saw both my niggas die in front of me. I just wanna have a regular life and raise my son.

This chance for normalcy was embedded in trying to find gainful employment. Marvin said, “Like for me, I’m trying to be a square right now…I never been a square before. I only been

\textsuperscript{22} There is no statutory definition of “crimes of moral turpitude” and New Jersey Courts interpreting the phrase have included a range of crimes. What constitutes a crime of moral turpitude for purposes of disqualification will vary depending on the occupation. Generally, the term encompasses crimes of fraud and dishonesty (such as tax evasion, larceny, stolen property, wire fraud, intentionally passing a bad check) but has also been found to include conspiracy to distribute narcotics, repeated indecent exposure, prostitution and other sexual offenses.
home three weeks and I could say this ain’t working but I am staying focused and looking for a job or whatever so I don’t go back to doing what I was doing.”

For many of the women in the focus groups, short bids in jail became routine. Charlotte, a Black female, explained, “I just keep going in and out of the county [jail] cause they pick me up for prostitution. I’m not ashamed of it cause I use condoms and I can make money and it happens so frequently that I don’t even really know how long I’m in for but they ain’t gonna put me in for life for having sex.” Sex work (Maher 1997) was Charlotte’s opportunity to make money for several reasons, which included providing for her children and appealing to her crack addiction. Charlotte seemed disinterested about finding employment in the conventional sense as she explained, “I’ve applied for a lot of jobs filling out applications and waiting to hear back. Sometimes I had applied to a job but then like the next day get locked up. I don’t even know if I got the job. It’s just hard I guess.” The truth of the matter is that for many it is very hard and becomes a daunting experience.

Unlike Charlotte, other women, who had done lengthier sentences, like Terry and Jamie, going to back to prison wasn’t an option. Jamie, a white female in her late 30s, convicted of narcotics distribution stated:

What kind of man is going to want a woman who is a jailbird and can’t stay free? It’s different for men. A man can go back and forth and still get a woman cause he a thug and it’s whatever. But for me, being a female, I don’t get that many tries. Like when I walk down the street guys holler at me but I bet if a lot of them knew I been locked up they would turn the other way. It’s the same for a job. I bet all these guys in here could get a job before me, cause they are men and women who go to jail look worse than a man.

Jamie’s analysis of the prison experience and its potential outcome for social capital differed by gender and thus informed identity as well. For men, the prison experience could be used for criminal status as a badge of sorts (Schnittker and Bacak 2013), whereas for women it is more of
a blemish that cripples femininity and makes one less appealing for spousal selection and potential employment.

Over the course of two years, I heard hundreds of stories about employment history. Many of the men and women spoke about never having a formal job. Such is an example of Melvin who explained that he never had a job or formal work in his life. Others also explained similar narratives. However, some had professional employment positions. It was this range of work experiences that became intriguing about ideas surrounding employment opportunities. For some, who had worked in the professional world, they felt they were over qualified for many of the menial job ads. Whereas, conversely, other clients who had never had formal job training, in some cases, did not possess the skills needed for certain employment opportunities.

Three individuals, Jerry, Stewart, and Sherod, were men who had professional careers prior to their incarceration. Jerry had worked in the airline industry for over twenty-five years before being arrested and charged with possession and distribution of a controlled substance. Now in his late 50s, Jerry had gone to a prominent Northeastern university, played division I basketball, and joined a historically Black fraternity, Kappa Alpha Psi. Jerry recalled:

I didn’t sell drugs I used drugs. I allowed my addiction to take over my life and it cost me, my wife and other relationships with family and friends. It is why I got locked up. I would free base cocaine and I was better at mixing it then any of the drug dealers, so being desperate, I allowed the drug dealers I bought my stuff from to use my place as a stash house. Well, the police must have been on to them and one day as this young lady who would come pick up the drugs was caught around the corner, she gave me up and that was it for me. My life was over after that.

Jerry was given a “three with a ten,” meaning he had to serve a minimum of three years before eligible for parole. He served 3.5 years in a state correctional facility before I met him. Under both federal and state law, Jerry is no longer allowed to work in the airline field. He is currently living out of state with his daughter and has a job working at a community college cafeteria. He
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said, “It is what it is. I know I can’t get back into my field but I need money and to support myself. I cannot be a burden on my family anymore.” The other two men, Stewart and Sherod, shared a similar conviction; both having sexual assault charges these men had professional jobs as a new reporter and correctional officer, respectfully. Sherod explained, “It was scary because I was a C.O. [corrections officer] for seven years and had the job when I was arrested. So I always have to be really careful who I speak to. Both my conviction and previous employer is not looked at so highly in jail.” Stewart shared this sentiment of unease:

I don’t share that much about myself in the groups because I don’t know which guys look me up, or have someone else look me up and I just don’t need those types of problems. I’m a tier 3 registered sex offender and while my crimes were consensual sex, it was with under age boys and that is a problem. So I accept that fact but a lot of guys want to take vigilante justice. Meanwhile, they are selling drugs to kids and hurting them or their mothers and fathers just like I was.

All three of these men shared the same openness to recognize their wrongs and understanding the prices they had to endure for their crime. However, all showed signs of frustration that a mistake in life would bar them from any future prosperity as they once knew. Stewart explained, “My first thoughts when I was arrested was ‘who is going to get my dry cleaning, take care of my car, and all these ideas about material things.’ Then it hit me, those things were gone and going to be gone.” Jerry echoed this feeling of loss by stating, “I used to travel all over the world. That’s virtually over now. I have a little less than seven years of parole left, so they aren’t going to let me leave the country.” Sherod questioned the employment restrictions stating:

I understand I made a mistake and I need to pay the consequences, I truly get that. I always say to myself I have to see other people’s perspective, but I feel like we are so caught up in society with just dismissing people as all evil. We never give them a chance to make up for their wrongs. I know I cannot be a corrections officer again or work in any criminal justice field now, but I guess I just ask myself why not? I know it’s an obvious answer but I still ask the question.
Many others questioned this practice of employment deprivation. Ray, a black male in his early 50s said:

I got issues with coming out of prison and the stigma that it leaves. Why does the conviction of a crime got to stop me from performing something I know I’m qualified to do? If I was laying brick for 20 years and I went to jail for a year and then on an application it says ‘have you ever been convicted of a crime,’ why can’t I be a bricklayer? I have a real issue with that because a lot of guys in jail have qualifications but can’t get a job when they come home.

This shared feeling of “the punishment does not fit the crime” became important to understanding the perspective and viewpoint many of the clients had. Ray went on to explain about the limited employment opportunities he was experiencing, “I’m getting older and lifting big heavy boxes in some dusty factory isn’t what I want to do now. I’m sure there is work I can do that doesn’t have to be dangerous and unhealthy for a man my age.” Ray had a point, while we can argue “beggars can’t be choosers,” these men and women should have just as much a right to jobs they desire or feel comfortable in working as persons in free society. Drew, a White male in his mid-40s was able to obtain a temporary job at a factory. When he returned to the reentry organization he explained, “It’s a good thing I work out, because all I did was bend over and pick up big boxes. I don’t know how they expect people to do this work. I worked in construction and other factory type jobs before so I asked them for a flatbed or lift and they just told me to keep working. The guy was a real asshole but nothing I could do and I didn’t wanna lose the job so I kept my mouth shut.”

In the end, employment became an important factor but not the entire story for many of these clients. Largely, the majority of clients are dealing with many issues, which will be discussed further in the next sections. To sum up employment there was a clear level of uncertainty of how one could obtain employment and the type of employment allowed to work remained questionable tending to break out in a series of weekly discussions sharing information
and knowledge about different types of jobs prohibited as well as acceptable. This was the case for Sam. A larger Black man in his mid-30s, he had been released from prison and was now finishing a three-year parole sentence. After getting a job at a nightclub as a bus boy Sam explained that the job was working out nicely for him but his parole officer took issue with the particular job:

He didn’t like me working there and he really couldn’t tell me why. He said that it was breaking my parole stipulation because it was a night job and that I was the bouncer. My manager even took time out his day and told him I was not a member of the security team but he ain’t care. He told me that if I continued working there he would send me back to prison. He would rather have me not working and making no money than keep the job. It’s not like I wanna stay a bus boy rest of my life. This just a little something to get me back into things. They [parole] got all the power and can do what they want with us. Cause like he said I can’t work at night, but he can change that in my paper work and as long as I make my check-in call and he knows where I’m at it shouldn’t matter.

Sam had to quit this job for fear of having to go back to prison and finish the remaining three years in a state correctional facility.

Finally, Marvin in a focus group discussion about employment responded in the following way:

It’s really all about trial and error, you feel me? I mean I don’t know what I can and cannot do. So I’m just gonna go to a job and apply if I feel I can do the work. I rather have them tell me ‘no’ then cut myself short. Cause at the end of the day, it could be more about if they like you as a person than what it says about you on paper. There is enough doors closed on us already, I’m not going to go closing any on myself.

Many seemed to agree with Marvin’s stance on not limiting one’s options. Yet, it still became a daunting achievement to find gainful employment. Yet, employment became one fraction of all restrictions faced.

License Suspension

Directly related to employment as well as mobility are penalties related to license
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suspension. In New Jersey, there are twenty statues or regulations\(^{23}\) that prevent individuals from obtaining or renewing their driver’s license. In other words, according to “Roadblock on the Way to Work: Driver’s License Suspension in New Jersey” (Zimmerman 2001) there are over 400 ways to have one’s license suspended. This collateral consequence has multiple direct and indirect consequences. Chiefly, a driver’s license is a principle form of identification or recognition of one’s citizenship. It establishes residency and belonging. Hank, a Black male in his early 50s who also had a life sentence on parole explained, “All I have is this prison issued I.D. What am I suppose to say to a cop if I get stopped? He gonna take one look at this and lock me up.” Identification was a principle reason many of the clients used RAS. The reentry organization assisted with their process of going to the Department of Motor Vehicles to obtain a state I.D. The need and want for a state I.D. was directly related to the dialogue surrounding inclusion and exclusion. A state I.D. solidified belonging as well as added social capital to a particular individual. Identification cards are needed to apply for various jobs, open bank accounts, admittance to state or federal buildings, and a host of other functions. Clients walked around with a sense of fear of being stopped by law enforcement and not having proper identification. As many have pointed out, it becomes a challenge to obtain a license when they are also missing other various legal documents such as: birth certificate or social security card. All of these documents establish certain rights and citizenry. Torpey (2000) has argued that one’s citizenship is entangled with such documents like passports that establish the citizen and noncitizen. This premise could be argued here for felons returning home from prison with no legal or state recognizable identification cards.

Beyond the recognition of citizenship, the loss of a license directly impacts employment opportunities. For some, a particular job could be hiring but without a current driver’s license the

\(^{23}\) http://www.njisj.org/assets/documents/LicenseSuspension.7-06.pdf
job is unattainable. This happened for many looking for work in the trucking and construction business. Carl, a Black male in his mid-40s explained in a group session, “I use to have my CDL and Hazmat, but all that expired now and I almost had a job but they couldn’t give it to me cause of I don’t have those anymore.”

Others such as JR and Jimmy both relied on their license for employment. JR, a Black male in his late 50s convicted of marijuana distribution, explained:

I was a truck-driver my entire life. That is what bought my house, fed my family, and put my two sons in college. I was convicted of drug distribution and was only weed [marijuana] but given twelve years in state prison, and now my license is suspended because of my charge. When I finish up at this halfway house I don’t know what I’m going to do for work. I should be at the age of retirement but I can’t retire now, too many bills. But without my license my work is really gonna suffer.

Jimmy, a white man in his late 40s convicted of carjacking also a truck driver, stated:

I owned a trucking business. I’m hoping when I get back out I’ll be able to open my business back up. I think I will be able to do it. But now it’s different because before I could manage the business and drive the trucks so not only was I my own boss but I was my own employee too. Now I’m going to have to hire other guys to drive the trucks because I can’t do it.

This loss of cultural and social capital becomes a further reminder of not having full integration back into society. Jimmy went on to explain, “I don’t get who makes these laws and how they are enforced. I never had a drinking or drug problem, which I could understand if they don’t want to give that guy a license. And the real kicker is a child molester doesn’t lose his license. So I mess up and everything gets taken from me. But the guy who is hurting kids can keep his license and go wherever he wants…I just don’t get it.” Jimmy’s feeling of not understanding the system, particularly when it came to the nature of understanding how sentencing and sanctions work became a cloudy subject for many. Finding the laws, being able to understand the laws, and then following the laws became a strenuous task. Gladys, a Black female in her early 40s said:
I didn’t know I lost any of my rights. I just thought you went to prison, did your time, and then came home. It wasn’t until I was leaving federal prison at something they call a ‘pre-class’ they told us all the things we couldn’t do. They told us so fast I thought my head was gonna spin. I don’t remember all of them but I know it was a lot. They told me I couldn’t vote. They said I had to wait seven years before I could vote again and my driver’s license was suspended and I have no idea when I can get that back.

Not having the option of obtaining a driver’s license inhibited mobility. For the men and women who had completed their sentence or parole at a halfway house facility and were now living in a shelter or private residence, the lack of a driver’s license became a nuisance. Alvin, a Black male in his mid-50s, who had recently completed fourteen years in federal prison explained, “It’s not like New York City with the subway, over here you need a car to get around.” Many of the clients relied heavily on the NJ Transit Bus System to get to and from the reentry center. For those who were still living in halfway houses, this bus system was not ideal. Paul, a Black male in his early 50s explained, “The buses are slow and we have to be on a schedule. So if the bus is late we are screwed because the halfway house doesn’t wanna hear any of that. That’s why I have to leave group every week a little early. I have diabetes and bad feet so it takes me longer to walk just in case the bus is running behind.” The restriction or collateral consequence of no driver’s license has a profound effect on many of the other areas of these men and women’s lives.

Public Assistance

The need for public assistance24, particularly in poor communities is pervasive. However, the 1996 federal welfare reform law, known as, The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) prevents many men and women convicted of a felony from receiving public assistance. Cash assistance and food stamps are two areas that recently released men and women found themselves in a predicament. While the state of New

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24 http://www.njisj.org/assets/documents/PublicAssistance.7-06.pdf
Jersey in some capacity has modified this federal act, those who were newly released from prison were affected.

For those directly convicted of drug charges they were automatically denied these benefits. Jerry spoke often of the inability to receive cash assistance and how this diminished his capabilities of getting out of the shelter he was living in when he left the halfway facility. Debbie, a Black women in her mid-30s, explained the need for food stamps, “I don’t know what they [criminal justice system] suppose to want me to do? They don’t give me food stamps and it’s almost like I have to sell drugs so I can eat. I have a messed up thyroid so not eating regular or good meals is bad for me.” The general consensus from the group conservations was that food in prison and halfway facility were bad. Paul spoke many times about his diabetes and sugar levels and the risks of not getting food stamps, “my sugar levels go very very high and I could die without a proper meal. I’ve tried to get food stamps but they keep denying my requests.” The consensus was that the denial of public assistance was more a vindictive and repressive apparatus rather than a safety or restorative measure. Debbie said, “this not only affects me but affects my kids. If I don’t get the food stamps my kids go hungry.” Other’s agreed this collateral consequence was more about the state exercising total control over the individual. Shane, Black male in his early 40s, convicted of possession of a controlled substance articulated:

They don’t have to do this to people like us. It’s just a fucked up way of going about doing things. It’s like kicking someone when they already down. How is denying someone food or shelter preventing crime from happening? Aren’t they supposed to be rehabilitating criminals? This doesn’t do anything but make people frustrated.

The lack of public assistance has damaging effects on the individual and the community at large, where members of the community cannot obtain simple needs based on their conviction. This in turn further exacerbates one’s feeling of exclusion and alienation as a member of society.
While the majority of the participants in this study were currently living in a halfway house, others lived in shelters or private residence. However, all were thinking about where they would eventually call home. According to NJ state law, convicted criminals may be prohibited from living in public or private residency. Many times this is at the discretion of the public housing authority or private housing provider.

Often times, clients who would come to the focus groups who had been released from prison or a halfway facility spoke about the hardships of securing housing. Johnnie, a Black male in his mid-20s had been released from prison on weapons charges and living with his mother. He explained that living with his mother was keeping him focused and not going into the streets. Despite the efforts of his mother trying to be a positive social network for him, the assigned parole officer did not feel comfortable with him living at his mother’s house because of the two pit bulls who also occupied the home. He said, “I’m living in a shelter now because my P.O. [parole officer] won’t let me live there because of my dogs.” When asked did his charges have anything to do with animal cruelty, he said no and that he didn’t understand why this was a problem. Unfortunately, a few weeks after this conversation with Johnnie, his brother another client at RAS, informed me he was sent back to prison on a violation. Only inferences can be made but had he been allowed to stay in a more structured environment instead of the more volatile and stressful shelter, would he have violated parole?

Housing is crucial and essential in the reentry process. It becomes a life source for men and women reentering society. A home establishes residency and that broad idea of community cohesion as someone accepted in a particular area. Many of the younger, gang-affiliated male participants in the focus groups spoke about territory being important. Polk, a black male in his

25 http://www.njisj.org/assets/documents/Housing.7-06.pdf
late 20s coming home from a four year federal prison sentence explained, “You can’t just go anywhere out here. I have to be really careful that a shelter or an acceptable place for me to live isn’t somewhere that people see my tattoos or recognize me from something in my past and wanna get revenge. I’m not really with the gang stuff anymore so I don’t wanna have to deal with all that.” Other clients explained the difficulties of living with family. Financially, taking someone as an occupant who has recently been released can be costly for the family. John, a White male in his early 50s and one of two “white-collar” crime participants in the focus groups, explained the financial cost for him to return to his family home, “My wife will have to install all new phones in the house without call forwarding, call waiting, caller I.D., or three-way calling, this way parole could call and check up on me whenever they want.” Other participants talked about the social consequences of living with family. Jeremy, a Black male in his early 30s, had been home for about four months and living with his aunt and her children. He explained the social penalties of living with family:

The police can come and check up on me whenever they want. They have come at 3 a.m. on two separate occasions. They wake up the entire family, make us sit in the living room with our hands on our knees and our heads facing down. The entire time saying unnecessary remarks to my aunt and her children, which is uncalled for. They mess the entire house up too. I mean tear it apart claiming they are looking for drugs and stuff. I don’t do drugs, don’t have a drug charge, and never failed a piss test. So then we gotta spend the next day cleaning up the house. I feel bad for my aunt for having to put up with all this and she a patient woman but it’s a lot to deal with.

This social stress of dealing with family and putting them at risk because of over police presence and interaction becomes part of the reentry process. Reentry is not done in a vacuum but rather those around you are also placed at risk by being threatened by law enforcement. In addition to
the stress of dealing with constant police presence some of the other men getting out of the halfway house voiced concerns of moving in with a girlfriend or “wife.”

In one focus group with four young Black men between 27-32 years old, the conversation about leaving the halfway house and moving to private residency was the main topic. All claimed to have a place to go, living with female partners. Two of the men described situations, which put them in a stressful state and added to the dilemmas of returning home. The first young man, Tariq, explained, “I been with my girl for like six years on and off, so she said I can live with her when I get home.” This seemed to be a good place for Tariq to go because he talked about his girlfriend in a positive manner as someone who kept him levelheaded. However, there was an issue he was faced with and he explained, “She got two kids with this other nigga so she tell me he come by a lot. I don’t know what they relationship is now and she ain’t really tell me if he know I’m coming to live there. Also, I gotta think is he gonna feel a certain type of way with me living around his kids, cause that’s how I would think.” This sense of not knowing made Tariq uneasy about the situation. On the other hand, Hasan knew exactly the situation he was going home too, as he said, “I got my girl and I been locked up for five years, she always held me down like money or things I needed and visited me…she a good woman. I know she out here doing her thing or whatever with these niggas. I couldn’t be there so I can’t blame her, but she just told me last week this dude she messing with just moved into her apartment. She keep telling me she gonna end it with him but that’s where I’m suppose to go when I get out this halfway house, so if he still there it’s gonna be a problem.” Both Tariq and Hasan were dealing with social forces out of their control but directly impacted their reentry process. First, both needed to secure housing, but beyond this and more importantly they needed to be aware of their own

26 “Wife” could be a term used to show a relationship but not necessarily a marriage. For the purposes of this study, it wasn’t deemed necessary to understand the actual legal relationship but rather how the term was used in a social context.
safety. Hasan said, “I just don’t need this nigga coming after me for the business between them. Dudes get jealous and then shit gets wild. I just don’t need that stress in my life.” This added stress only furthered the many obstacles of reentry and securing housing.

Child Support

This next section about child support came up only briefly and tended to be in passing because many of the clients were dealing with other financial issues. In addition, this topic was male dominated. In other words, I only heard this topic discussed by the men in various focus groups. In particular, many of the younger men in their late 20s-early 30s spoke about child support. What was an interesting finding was not many had bad things to say about this collateral consequence.

According to New Jersey Institute for Social Justice, child support payments can be costly to the parent and have other legal ramifications. The men in this study affected by child support payments spoke about them in one of two manners. First, some of the men acknowledged their delinquency in paying or being able to financially contribute to their children. Roland, a Black male in his late 30s, explained, “I got three different baby mamas and I try to give them money when I can but its hard right now.” The second group of guys spoke fondly of their spouses and “holding them down.” Walif explained, “My baby mama don’t ask me for nothing cause she know I don’t got nothing right now. She a good woman and takes care of our baby. Her family helps her out a lot too, so that’s good. She knows I got a son on the way with another girl and she don’t stress me about that either. We got a good friendship.” Often the men in this study spoke fondly about their relationships with women and having found a good woman who stuck by their side. While there was occasional banter of stress and other roles women played, as Freddy believed, “all men go to jail cause of a woman,” the vast majority did

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27 http://www.njisj.org/assets/documents/ChildSupport.7-06.pdf
not directly deal with legal dilemmas of child support. It almost seemed that the unspoken agreement would be that once a male partner had his life together and started making money, he would begin contributing to child support. Unfortunately, none of the women these clients spoke about were available to comment or extract their perspective on this. Jamie who has two young children said, “Honestly, I don’t want his [father of children] money. I don’t need his money. My mother has my kids and they are doing better there than some little bit of money from him. I rather he just stay out our lives.”

Parental Rights

Beyond child support are the matters of actual child rearing. Studies (Mumola 2000, Sokoloff 2003, Villanueva 2009, Glaze 2010) have shown that over half of inmates that enter prison have children. Unlike child support, however, the majority of narratives dealing with parental rights came from the female participants. Research has shown, unfortunately, that men are many times not directly involved in child raising, whereas mother’s contribute both emotionally and financially to raising of children. Sokoloff states, “When men go to prison, 9 out of 10 of their children are cared for by the children’s own mothers. But when women go to prison, only a little over one-quarter of the fathers (28 percent) care for their children” (p. 37, 2003).

For many of the women in this study, they did not directly care for their children at the present moment. Rachael explained her son, age 2, was being raised within foster care:

He is in foster care right now, but I am going to get him back as soon as I get a job and an apartment. I get to visit with him now, which helps cause at first they wasn’t letting me see him. So now we can spend a few hours on Saturday and play some board games and watch television. It was so cute, last week we was watching TV and fell asleep next to each other. When I’m with him I feel my best.
Jamie explained the situation with her two children, ages two and six, “My mother has legal custody of my kids right now. I didn’t want the state to take them so she took them. It’s hard not having them, but I know my mom is doing a good job with them.” She went on to explain the difficulties and dilemmas of being away from her children, “My daughter is six now and I can tell she is upset because she is starting to understand and doesn’t get why she can’t live with me so it comes out in anger and my son he is too little to understand but it’s hard seeing him cry for his ‘mommy’ and he wants my mom, not me…that’s really hard.” Last, Gwen, a Black woman in her late 40s, explained her story of her son:

I was pregnant when they arrested me. I had my baby in prison. While I was pregnant the prison system convinced me to give my baby up for adoption. I was young so I did. I only got to hold him for a few minutes before the nurse came and took him away. I had a 120-month federal sentence, so I guess it made sense at the time. I really got depressed after this and didn’t eat or anything. When I got out I wanted to get him back but they told me there was nothing that could be done.

When asked had she been able to contact him she explained, “Yes, he grown now and got his own kid but we have met and have a relationship now so it’s real good. I’m happy.” These stories from many of the mothers reminded me of Sojourner Truth’s famous speech “Ain’t I a Woman” (1851).

In the speech, Truth states, “I have borne thirteen children, and seen most all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?” Like Truth, many of these women experience the absence of their children, many times because of state regulations of childcare. While we want to promote safety and positive environments for children, there must be a middle area of finding or creating policy that would not abruptly remove children from the lives of mothers.
Education

Education is an issue of collateral consequence, which became an area of indirect consequence for employment. According to both state and federal regulations, persons convicted of a felony can be restricted from receiving financial aid assistance, possibly prohibited from attending public institutions, and denied taking part in work-release programs.

The majority of men and women in this study saw education as a possibility but not an immediate factor to their livelihood. Melvin said, “Getting my GED and going to college would be something but that’s not making me money but spending money I don’t have.” The manner in which higher education is designed in the United States, many of the men and women saw this option as an obstacle that would be both costly and daunting. Ned, a Black male in his early 30s, explained, “I was looking at the forms and everything for Essex County College and damn it’s a lot!” Luckily, Ned was able to attend Essex County College after completing his time at the halfway house. He is slated to finish in May 2014 with an associate’s degree in political science.

Education was divided by age. Many of the older clients were not interested in going to school. Clyde, a Black male in his mid-50s explained, “I’ve worked with my hands my entire life, I am not going to college. That would be a waste of my time.” Whereas, younger clients like Walif were eager to begin the Clean and Green work release program.

Regardless of age and level of enthusiasm, the lack of educational opportunities was debated and discussed weekly. Jerry became the soundboard for education:

Education is key. Without it as a people we will be lost. They [white people] don’t want us to have it. Just like during slavery. Slaves could not read or write by law. It’s the same premise here. Lock up the young brothers and sisters then take away any chances of getting a fair education. If they can control your mind they can control your body.

http://www.njisj.org/assets/documents/Education.7-06.pdf
Education, along with the final section surrounding political participation, became two of the areas where race and racial stratification became the most pronounced. In other areas such as employment and public assistance, the argument tended to be much more class-based, whereas in education racism became the reason or justification of exclusion.

**Voting & Jury Services**

Lastly, it is important to discuss political participation. As one of the most blatant collateral consequences of a felony conviction, disenfranchisement prohibits felons from voting. Forty-eight out of fifty states prohibits voting at some level of the criminal justice system. New Jersey is one of eighteen states that disenfranchise at all three levels: incarceration, parole, and probation. Therefore, in New Jersey, there are more citizens who are living in free society without their political rights, than those who are currently incarcerated. Numerous studies from The Sentencing Project as well as Chris Uggen and Jeff Manza (2006) book, *Locked Out*, explore disenfranchisement at the national level. Statistics indicate that the vast majority of those who are disenfranchised are Black. The Sentencing Project estimates roughly 5.85 million Americans are disenfranchised resulting in 1 out of 13 African Americans (2013). Manza & Uggen (2006) study showed that the disenfranchised population is roughly 2.7% of the voting population in the United States, which if allowed to vote, could have potentially changed the outcomes of both the 2000 and 2004 presidential elections. Thus, disenfranchisement impacts voting results and outcomes of elected officials.

There is a historical legacy of Blacks not having voting rights and systematically excluded. First was through the practice of chattel slavery. Second, the institutional practice of de jure segregation, which exploited Blacks and suppressed voting rights through local and state
law. Finally, there are now criminal laws that disenfranchise and adversely affect poor Black communities.

As I began this study, my intention was to understand the lack of voting rights of Black Americans. This received harsh criticism because the generic answer was, “Poor Black people do not vote.” I challenge this on two levels: First, the majority of studies and research-based evidence that would indicate that Black Americans do not vote were done prior to the 2008 presidential election. According to the New York Times, the election of Barack Obama in 2008 saw some of the highest Black turnout rate in the nation’s history. The argument could be made this was the first time Blacks viewed a candidate worth voting for, primarily based on skin color, as Whites have done for over 200 years. Second, I would argue that Black Americans historically have cared about the right to vote and voting rights are interwoven with Black liberation and equality. Frederick Douglass, a former slave and abolitionist, spoke at great length in his speech, “What the Black Man Wants” (1865) about suffrage. W.E.B. DuBois (1903) dedicates an entire chapter of The Souls of Black Folk, on refuting the stance of his contemporary, Booker T. Washington, explaining how important the ballot was to Black equality and emancipation. The Civil Rights Movement led by Dr. Martin Luther King Jr. and other civil rights activists such as Ella Baker, Fannie Lou Hamer, and countless others, was philosophically about non-violent direct action for voting rights. The Mississippi Freedom Democratic Party was founded to get more Blacks to vote. One of the main victories of the Civil Rights Movement was the passing of the Voting Rights Act of 1965. Even critics of the Civil Rights Movement, like Malcolm X, spoke at length about voting rights, in particular his speech entitled, “The Ballot or the Bullet.” Therefore I suggest that Blacks have not moved away from voting as a community, but mainstream media and White supremacy has created an agenda to give the illusion Blacks do not
care about voting. Voting is about power; therefore White supremacy must downplay voting in order to shift the discourse from the center to the margin. Stokely Carmichael (1967) argues Black Power is about the equal representation and sharing of power. In other words, Blacks have not moved away from wanting to gain access to institutions in America but rather alternative agendas have been created to diminish voting as less important within poor Black communities. However, the election of Barack Obama would indicate that Blacks as a collective care about voting and political participation. This research indicates and upholds my hypothesis. The vast majority of those interviewed and who took part in focus group discourse echoed the sentiments of voting importance.

To begin, in New Jersey, those convicted of a felony lose their right to serve on a jury indefinitely. Therefore one hundred percent of the participants in this study are denied this right. While this became a less discussed issue, Mustaeen, a Black male in his early 30s asked, “so if we can’t serve on juries doesn’t that violate the whole idea of ‘a jury of your peers’?” His question was accurate. How does the state reconcile this form of disenfranchisement? Jalil responded to this question stating, “America asks of three things for its people to do. Pay taxes, vote, and serve on a jury. We can’t do two of them, maybe I wouldn’t be so mad if they didn’t make us pay taxes too.” While said in a jovial manner the point is clear, those with a felony have diminished citizenship.

The feeling of being marginalized was expressed by Shaft, “If every inmate could vote we wouldn’t have some of these people we have in congress. When you are incarcerated you still have to pay taxes when you work in prison. I thought there was ‘no taxation without representation?’ I feel so left out in this country. I don’t feel like this is my country. As a Black man you will never feel like a whole American.” The feeling of being left out comes out when
many of the men and women speak about their lack of voting rights. Beyond left out, they feel ashamed and forgotten.

Stewart, the most vocal participant about voting rights shared

I kicked myself and disappointed for having gotten in trouble and to say that the first time there was a serious black candidate I was disqualified from voting…I was upset and felt ashamed that I had cheated myself and I cheated some of the kids over the years I had mentored…I even felt like I had done a disservice to my parents and even my grandparents because I know our history.

It is that history that many of the men and women connected voting too. Darren spoke of his family teaching him about politics:

I had an aunt who was very political. She would tell me about Martin Luther King, Civil Rights, and things like that. So I was politically aware from an early age. I remember my grandmother getting the projector and showing ‘Roots’ in the recreation area when it had come out…because early on like I said, my aunt and grandmother involved me in politics. I was studying political science and American government in college before I went to prison in 1990. I’ve always regretted not being able to finish my degree, I feel like I let them [grandmother and aunt] down.

Making connections to voting through the narratives of Black struggle and Black history participants described their understanding the right to vote, democracy, and political participation. While the shame of not being able to participate was a major theme for some, others still stayed connected by encouraging friends and family to vote. Terry stated, “When Obama ran I told my niece and family to go vote because I couldn’t vote. I would have if I could of. I lost that right because I made a bad choice in life. I think even if people make bad choices give them that right, because they are still part of society.” This exclusionary process became intertwined with the Black experience. Mansur stated:

Let me put it this way. I am part of the internalization of African people in this country. We are an internal colony so we're subjected to capitalist rule. In Africa when they won independence in the 1950s in early 60s colonialism was replaced with neocolonialism. Slavery is the same thing in America it’s no longer slavery but replaced with neo-slavery, which is capitalism, imperialism, and colonialism.
I feel like I'm internally colonized here in America. I am not part of the system because it is not an equal playing field. If we had our citizenship in this country we wouldn't have the same social and economic problems and our prisons would not look the way they do today. I don't consider myself American I’m an African in America…

While some believe as the men and women above, others saw voting as an opportunity to be productive in their reentry process. Mustaeen said, “I would like to vote cause my daughter is turning six now and she is starting school so I want to make sure this government is doing everything it is suppose to and hold them accountable so she doesn’t go down the same path as I do.” Mustaeen saw voting as a way to reclaim one’s position back in society as both a citizen and a father to create and form a connection between him and his family as well as his community. Although there were a lot of clients who agreed with voting there were also those who were more critical, particularly of national government. LaShaun, a Black male in his late 30s argued, “I don’t fuck with politics, at least not president cause they gonna put in office whoever they want. Obama is their puppet, same goes for Corey Booker. They ain’t got the real power. The real power comes from those with money.” While some agreed with LaShaun, others were critical of his stance of trying to completely separate politics and economics. Jerry argued, “Politics and money go hand in hand. So you can’t focus just on one and not worry about the other. Cause if all you are worried about is getting money, then someone gonna take it with politics.”

Discussions about politics became the norm, particularly around the 2012 presidential election. Many of the clients were excited and on Election Day and purchased Obama T-shirts. Stewart indicated the day after Obama was re-elected, “I feel proud that America did not let me down. I was nervous because I didn’t know if they could do it twice in a row. People say,
‘Obama only wins because Black people vote for him.’ What those individuals fail to remember is Black people are a minority, so Obama still had to win the majority of White votes too.”

Finally, there are those who only cared about local politics as Jay said, “National politics doesn’t affect me here living in Newark, but what Booker doing in city hall does. He wanna sell Newark water. That’s the stuff that is gonna impact me. Obama, nothing against him, but he worried about wars and other international affairs. Local politics is important.” Many of the clients shared this sentiment that local politics were as important or more so.

Voting rights, for these men and women, were a clear loss of something. Whether they had ever voted before became a non-essential point. The fact remains, it is an argument of won’t vs. can’t. For some they never had the opportunity to exercise the right to vote as the case for Freddy and Melvin. Freddy said, “I ain’t never vote, never could. I didn’t even know I lost my right to vote until I turned 18 and was in the box [prison] and an election was coming up and an older brother told me I couldn’t vote. I was mad but I guess I didn’t really care at the time, but I wish I could vote now…” The pasts for many of these clients and what they hadn’t done in life ceases to be relevant now that there are designed limitations and barriers to their citizenry. It is only as they exit prison and try to reclaim themselves as belonging do they fully understand their limited rights. Summed up best by Hank:

You know you don’t think about these things when you are on the inside [prison]. I don’t know if it’s conscious or not, but these things just aren’t relevant because the pressing issues is survival. However, as I come out and move around and I’m around more people and talk to people it becomes important again in my life. I think that’s because people ask my opinion again. No one has asked my opinion about anything in thirty years. I’ve just been given orders like a robot but now I’m experiencing something new…life. And for the first time in my life, I feel like people care…well people like you. So it’s hard to describe but it’s a weird feeling and I’ll leave it at that.
This weird feeling Hank is alluding to is the fact that he is sensing his freedom but only to see them taken away in new forms.

Summary

As this research indicates, many of the participants are unaware specifically of most of the rights that they have lost but completely understand they are marginalized and seen as both different and unwanted by the majority of the public. They understand that the United States has created a social caste or “convict class”\(^3\) that is not needed in many aspects of free society. This feeling of being an “other” deepens the labels and stigmas placed on this population considered dangerous and untrustworthy, therefore only stratifying and creating more difficulties in the reentry process.

Chapter 4: “The System is Designed for me to Fail”: Prisoner Reentry & Coming Home

The 1993 film, *Carlito’s Way*, starring Al Pacino follows the release of Carlito Brigante, a Puerto Rican drug kingpin from East Harlem after serving five years in a New York correctional facility. Upon his release, Carlito vows to leave the gangster life for normalcy and a family. Despite his efforts to stay out of the criminal lifestyle, he is continuously brought back in by family, friends, and former associates. In the end, Carlito is shot and killed by an up and coming gangster, Benny Blanco, for not showing “respect.” While the film is fictional, one of the major themes it sheds light on is the issue of prisoner reentry. Carlito begins the process of transforming his life and reinventing himself as he navigates the world he left behind. On the one hand, at the individual-level, Carlito attempts to re-create networks and relationships that have been fractured, particularly with his former girlfriend. In addition, he must learn to negotiate his past lifestyle with former associates who now see him as weak as well as try and avoid new gangsters that have stepped in to fill the void he left. On the other hand at the communal-level, Carlito’s interactions with the environment and institutions of his old neighborhood create difficulties with his reentry by trying to make sense of the change to the community he once knew as ‘El Barrio.’ For many of those coming home from prison, exiting former lifestyles, distancing from past associates, and leaving certain environments becomes a daunting and arduous task. For Carlito, and in many ways his real-life counterparts of formerly incarcerated men and women, some of the only ways out is through death.

In this chapter, I explore what prisoner reentry looks like for the men and women in Newark, New Jersey. More specifically, how does one navigate and negotiate prisoner reentry? Reentry—the transition from prison to community—is compounded with the various legal barriers of neo-civil death, thus making this transition a vertical challenge. Throughout this
chapter, I briefly describe what prisoner reentry is, which will elucidate and help critically understand the notion of “successful” reentry and its attainability. Beyond this, I will explore and investigate the role the reentry organization (Research Aid Society) plays in the lives of the clients. In particular, the several roles this space serves on three different levels: (1) safe space, (2) formal networking, and (3) informal networking, which build forms of social and cultural capital. Finally, this chapter will discuss the many challenges, beyond legal barriers that men and women coming home are confronted with that in many ways are often overlooked by academic scholarship and policies. Issues such as reconciling the concept of time incarcerated, oral hygiene, appropriate clothing, and spousal selections become some of the most immediate and pressing issues to achieve a certain level of regularity and achievability in one’s life as former inmates prepare to reintegrate themselves into a society that has continuously moved forward while they have been stagnant in a fixed position, isolated in a total institution.

Reentry in the 21st Century: What is Success?

At the dawn of the 21st century, the United States faces a challenge like it has never seen before, which is the exponential release of prisoners yearly from state and federal correctional facilities. Over 600,000-700,000 men and women are being released from state and federal prisons per year (Visher and Travis 2003, Petersilia 2009). This growth in prisoner reentry is a direct result of the exponential growth of the U.S. prison system over the past forty years. Beginning in the 1970s and 1980s, the “War on Drugs,” along with “Tough on Crime” policy exploded the U.S. prison system with harsher punitive sentencing laws and guidelines (Mauer 2001). While American prisons continue to remain overcrowded with the highest rate of incarceration per capita in the world, the majority of those who are imprisoned are released. Ninety-five percent of all U.S. prison inmates are released back into the community (Travis,
Solomon, and Waul, 2001). According to the U.S. Department of Justice, in 2010 prison releases (708,677) exceeded prison admissions (703,798) for the first time since the Bureau of Justice Statistics began collecting jurisdictional data in 1977 (Guerino, Harrison, and Sabol 2012). Therefore, it is evident that prisoner reentry is becoming a prominent subfield of criminology, sociology, and other social sciences because it raises various and legitimate questions: (1) What does society do with these newly released men and women? (2) How do men and women become reintegrated back into society after being incarcerated? Jeremy Travis posits, “Everyone who is arrested, charged with a crime, and then released from custody moves from a state of imprisonment to a state of liberty” (2000 p. 4). In other words, all persons who have had interactions with the criminal justice system are trying to navigate and negotiate the world of reentry.

Therefore, it becomes necessary and important for scholars, policy makers, community activists, and others to understand the relationship between crime, incarceration, and reentry, particularly understanding two areas: recidivism and desistance. The former, recidivism, explores why and how criminals become repeat offenders. Studies have shown approximately two-thirds of released prisoners are rearrested within three years (Langan and Levin 2002). These alarmingly high rates of recidivism are highlighted by Marbley and Ferguson, “The study found that 29.9% of the inmates released were rearrested within the first 6 months, 59.2% within the first year, and within 3 years, approximately 67.5% of the 272,111 inmates were rearrested at least once” (2005 p. 636). The latter, desistance, is interested in understanding why criminals seemingly spontaneously stop committing crime (Maruna 1999). This particular research project does not tackle either of these issues directly, but how these two areas are discussed in relationship with “success” and reentry.
Reentry literature defines “success” (Travis 2000, Visher and Travis 2003, Marbley and Ferguson 2005, Krontiris and Watler 2009-2010, Clear 2010, Dombrowski 2010, Thompkins, 2010), through the finances, institutions, connections, skills, and other various talents that will promote integration back into the community and ultimately staying out of prison. I scrutinize what is considered “successful” reentry, because many scholars offer this term as a measuring tool of reentry but none have laid out a particular rubric or what looks like completed success.

Many scholars argue that a combination of the following mechanisms will successfully reintegrate former incarcerated persons: (1) Economic Mobility—job opportunities for employment that earns a competitive working wage (Visher and Travis 2003, Petit and Western 2004, Western 2006). Visher and Travis state, “for most returning prisoners, a successful post-release transition to a conventional lifestyle requires stable employment” (2003, p. 97). Theoretically, this makes sense, because work is functional, however, as the previous chapter indicates, there is an array of challenges of becoming a prominent member of the workforce. (2) Family Networks—bonds and connections to loved ones including spouses, children, and parents (Sampson and Laub 1993, Anderson 1999, Braman 2007, Comfort 2008, Goffman 2009). These close knit networks of loved ones can create personal stability and a want to stay on the right path. (3) Political & Civic Engagement—having voting rights restored, ability to serve on juries, and participate in a host of civic duties (Ewald 2002, Mauer 2002, Austin 2004, Uggen, et al 2003, & Manza and Uggen 2006). Disenfranchisement only furthers neo-civil death by marginalizing agency and power on the individual and communal level. (4) Peer Relationships & Community Networks—connections and networks in the neighborhood that can create stability in one’s life (Rose and Clear 1998, Hagan and Dinovitzer 1999, Wacquant 2001, Travis 2002,
Lynch and Sabol 2004, Clear 2007). These more informal social bonds and institutions ground people in society, therefore creating deterrence of criminal activity.

Despite the scholarly work in this area the question must be asked: Is there a pinnacle that ex-offenders reach that signifies success? In what ways is success being measured and by whom? I contend that the notion of “successful” reentry is a myth (Wacquant 2010). In fact, there is no way to measure success, and there is no finish line for ex-offenders, particularly those labeled a felon. “Success” is strictly in the eye of the beholder posing similar and distinct challenges for ex-offenders depending on age, race, gender, and criminal conviction. Moreover, the idea of success is more of an academic and policy friendly term rather than a tangible achievement attainable for former felons under the current structure of the criminal justice system. Furthermore, it is important to elaborate and discuss the challenges of the term “reentry” itself as potentially problematic. For some formerly incarcerated, reintegration cannot happen because the concept of “integration” has never been incorporated into their lives (Thompkins 2010).

To begin, I challenge the idea of reentry vs. entry or rather reintegration vs. integration. Reentry is not reintegration (Thompkins 2010). The former is simply the transition from a state of confinement to a state of freedom. Whereas, reintegration is the process of becoming an included member of society, which cannot happen until one is no longer under correctional control. In addition, this would also entail restoring all civil rights and no longer under the guise of neo-civil death. However, the idea of “re”-introduction becomes problematic insofar as some men and women have never been incorporated in certain social, political, and economic spheres in America. Doug Thompkins points out, “For some formerly incarcerated, they were never part of the community before going to prison, so their return is less about their reentering the community than it is about their entering/joining the community as a citizen for the first time in
their lives” (2010, pg. 602, emphasis added). This pushes us to look beyond the standpoint of reentry. Upon using this lens of reentry, Muhammad, said about his own life:

I think re-entry is what it says; it’s to reintegrate yourself [sic] back into society. All phases though, not just getting sent to the street. A lot of us, well me personally, you know, I ain’t never had a job before, I never worked. I lived in the streets [Newark] my whole life. I don’t know nothing else, so I gotta learn how to fill out an application, how to go on interview, and find out the proper tools when I do go on an interview. There are a whole lot of things that I need to integrate myself with, things I don’t even know. In some aspects reintegrating but mostly integrating my life.

For many of the ex-offenders in this study, they have been the social pariahs of their communities, living most of their lives behind prison walls. Therefore, the social learning skills that many citizens take for granted are not taught or underdeveloped by this population of men and women.

Employment is a key example of integration vs. reintegration for clients, particularly constructing their résumé. For many clients at the reentry program, preparing this document became a main priority when coming home from prison. The résumé is the first of many steps in trying to secure employment opportunities. Early on in my fieldwork, it became apparent that not all clients had résumés or things to list on this document. For example, Danny, mentioned in Chapter 2 had no work experience because he was incarcerated from the age of 15. Now in his mid-20s he was struggling with looking for employment, “all I done with my life is sell drugs and do time.” Danny, unfortunately, is a prime example of the need for integration rather than reintegration. For those, like Danny, a résumé only works when one has previous experience. As a 24 year-old, ex-con, with no work experience or educational accolades, Danny’s experience with finding gainful employment became much harder. For others, like Freddy, they are in similar situations with never having formal jobs, but find alternative pathways to create a résumé. After serving twenty-two year prison bid, Freddy presented his résumé, however, the
problem was none of his ‘work experience’ had any addresses or company names listed. When I approached and asked about this, his response was, “These was [sic] prison jobs. I never had no formal work. I got locked up at 16, but these are the jobs I did in prison. Doesn’t this count?” I had to agree with Freddy, the work, although not formal in the mainstream sense, was work accomplished and something he felt proud to place on his résumé. However, the larger issue, to contend with is: will potential employers see this as a creative way of thinking ‘outside the box’ or as a criminal trying to ‘get over’ once again?

Other issues of the need for entry rather than reentry are the emphasis placed on the advancement of technology. For many clients returning to a tech savvy world, even with prior work experience, obtaining employment and communication skills are subpar. Willis, a Black man in his late 50s said, “What happened to the days you would go into an office and meet the manager and have an interview? Today, everything is online. I don’t know how to work a computer… I can’t even turn it on. How am I supposed to get a job?” Access to technology is also very limited for those in the reentry process. Many of the clients must share time on the limited computers available at the reentry center. Beyond this, other forms of technology also impede the reentry process. Rickey, a White male in his mid-40s expressed his fear of leaving the halfway house:

I’m not gonna lie, the first time I came down here I was scared. I been locked up a long time, almost 23 years. So coming down here was difficult because everything looked different. I haven’t been in downtown Newark since the late 80s. I hear Time Square looks completely different too. But it’s hard cause I don’t know things and they don’t tell us nothing. Riding the bus was hard because I was expecting coins but it’s all done by computers now.

Many of the clients are for the first time in their life being introduced to this technology. A discussion about cellular phones prompted many responses about technology and its usefulness. Reggie, a Black male in his mid-50s explained, “a cell phone is great because I have a lot of
children and some grown grandchildren now, so it’s a good way to keep in touch with all them because it stores all their numbers and I don’t have to remember everyone’s phone number. I got eleven children, it becomes hard remembering all their names let alone phone numbers.” While Reggie enjoyed the amenities of a cell phone, others were agitated by technology. Hank said, “It’s not that I’m against cell phones they are just hard to use and they are so small I can’t press the buttons or see the screen. I see kids out here typing a mile-a-minute, so maybe will just take some getting use to.” These experiences of the clients illustrate some of the issues of trying to (re) introduce technology into their lives.

In addition, some of the clients needed assistance in integrating into the political and social realm of society. Many of the focus groups would become spaces for political rhetoric and discussions surrounding local and national politics: 2012 presidential election, Trayvon Martin case, and the NYPD protocol ‘Stop n Frisk,’ which intrigued many of those participating each week. The idea of voting became an important point made by Jerry stating, “If we could vote, we could make sure injustice in our community is at least addressed because we could vote in leaders that have the interest of the community not just money.” While there were mixed feelings about this statement, Tyquan, a young Black male in his early 20s responded, “I got locked up at 17, so I couldn’t vote then and now I’m on parole so I ain’t never get the chance to vote.” This comment sparked the idea that for some, rights are prohibited prior to attaining them. As a young man coming out of prison for the first time and making that transition from an adolescent to an adult in prison his outlook on voting rights is something never really lost because it was never granted. Socially, many of the clients admitted to being unaware of how to integrate. For instance, Ned said:

I’m 31 now. I went into prison at 18 and was living with my mom. I had no real responsibilities then, but now I have to find an apartment, try and open up a bank
account, fill out all the paper work to try and go to school, and just a lot of other shit that I’m probably forgetting right now. This is all brand new to me. Stuff I probably should have done in my late teens and early 20s. I’ll never have that typical college experience or stuff like that. It’s hard to think about but my entire twenties was spent in prison.

This recognition of lost or diminished social skills was best described in speaking about romantic relationships. Marvin described in group, “Then you just be going off auto-pilot. I was talking to some females and one chick had to check me like, ‘yo man, stop talking to me like you on the yard.’ I’m thinking I’m talking regular…I guess I’m too aggressive with it, she had to check me.” Romantic relationships became an area where many of the men, in particular, were hesitant to discuss the challenges that came with trying to mend or form romantic interactions. In all of the groups conducted, Rickey was the only individual to talk candidly about this challenge, “I’m scared to talk to a woman. I haven’t been with a woman in twenty-three years, I’m not gonna sit here and lie and act like I ain’t scared. There are a lot of things in this world that don’t scare me anymore but talking to a woman and trying to be with her sexually…yea that’s scary.”

These different narratives of integration and reintegration as part of the reentry process proved difficult for most, which made it complicated to understand what it meant to be a success story.

When asked what “success” means, various answers were given dealing with positive images of financial gain, including making money through legitimate means. It also meant one’s interpersonal connections like being a good role model, father/mother, spouse, and community resident. Finally, success branched out to the idea of not going back. None of those interviewed or who took part in focus groups overtly said they wanted to go back to prison. Unfortunately, for many clients this was not their first prison bid and subsequently because of public criminal records, I have been able to follow up and see that some have been sent back to prison since the end of my fieldwork. In one case, one man was sent back twice. I challenged the participants to
give a clear definition of what a model “success” story is. There was no general consensus by and large, however, the only common theme is that success can be measured at various levels including, but not limited to three points decided by the clients: (1) the state, (2) community, and (3) individual. According to the group, at the macro-level, the state (i.e. criminal justice system) measures success, rather the lack of success, by the amount of times someone goes back and forth to prison. Louis, a Black male in his mid-40s who has served multiple prison sentences and the only client on record to go back twice during my field period, ironically, said, “the state just don’t want you coming back. If you can stay out, that is a success story.” The interest at the state level is about lowering recidivism and promoting desistance. Next is the idea of success at the community level. Jamie described this as, “being part of my family again. You know, I want to be able to be with my kids and my mother and siblings. That would be a form of success because it would show everyone that I can be productive and provide for my family and be a mother.” Others, like Ray said, “If I could stay outta prison…if I could be a benefit to my community…if I can reconnect and bond with my family…to me that is a degree of success, it’s not ultimate success but a degree of success.” Finally, Jalil described success on the individual level as, “I think ultimate success is what you leave behind when you dead. What you leave for your children, how they recognize and look at what you have done in your life. How they look upon you, that’s the ultimate success. It’s what others see in you—your legacy.” When I pushed to ask what is ultimate success, Ray’s response was, “you probably won’t know that until you are dead.” To have one’s freedom at the moment of death is the only true measurement of success. In other words, if you are a convicted felon in the America, the only true test of “successful” reentry is what side of the wall you die on. American culture has built up a fear about the ex-
offender that the invisible cloak of being incarcerated never fully goes away. Therefore, one’s past does not leave them and they are seen as a criminal for the rest of their lives.

An example of this is JR. Prior to his conviction in 1999 of distribution of marijuana, JR raised two children who went on to college, ran his own business in Plainfield, New Jersey for 30 years, was a licensed truck driver holding both a CDL and Hazmat license, and a devoted family man—married to his wife for thirty-two years. However, JR had served time for a crime he had committed as a young man, in 1969. JR described how his previous conviction played into his current case:

The first thing the prosecutor brought up was my conviction from over thirty years back. My lawyer and I tried arguing that I had done many things in that time, none related to crime or illegal activities, but the judge didn’t want to hear that and sent a 48 year old man to prison for over a decade and I’m still locked up. It’s like nothing I did counted and I was just a re-offender and the law states that a re-offender gets this sentence so that’s what they gave me.

As he stated, he was seen as a re-offender, with none of his life accomplishments or “success” taken into consideration. The only thing that counted in that period of the 30 years in between his two convictions was his prior conviction. It is a grim outlook on life. Currently in America the reality is having a conviction, serving time, and reintegrating into society is a thin premise of being seen as just someone that society is waiting to mess up again. If and when it happens it reinforces ideology and stereotypes thus allowing for ‘tough on crime’ political rhetoric to become the staple rather than exception.

Reentry Aid Society: Space and Networking

The reentry organization used as the field site for this project became just as important in this research as participants of this study in understanding the relationships between the clients and reentry, particularly in trying to achieve success, at any level. As stated in chapter 2, Reentry Aid Society, is one the oldest reentry organization in Essex County, New Jersey, serving over one
thousand clients yearly. RAS, as it commonly known, has been a lifeline in the community of Newark for over twenty-five years. The program offers services such as: family reintegration, employment workshops, group discussions, and various other services including assisting in obtaining identification cards.

Over the span of the two years, I was able to discover and observe how this place was utilized by the clients it served. The space became an outlet for many, in various ways: (1) safe space, (2) formal networking, and (3) informal networking space to learn and exchange information. These various usages of the organization highlight and typify why organizations and institutions, such as RAS are vital and important to circumvent the draconian criminal justice system for those transitioning from incarceration to community.

RAS was used as a safe space for many of the clients. For so many, the idea of “leaving the building” became just as important as any of the programs and case management the organization could provide. Al, a White male in his late 40s, said, “Honestly, I just like coming down here just to get out the building and get away from the bullshit. I’m not a big talker so I mostly just listen but I’m paying attention to what everyone has to say. It’s nice to get out, get some fresh air, and stretch my legs.” Al was not the only person to express this about the organization. Bill, a Black male in his late 40s, explained:

I am living in the shelter and they kick you out of there in the morning and you can’t come back until the evening. Their reasoning is they just don’t want people hanging out and this forces people to go out and look for a job. So I come down here in between looking for jobs and I can use the bathroom, talk to the staff or someone else and just have a nice conversation. Doesn’t have to be about anything in particular just something nice to do.

RAS became a point center for many of its current and former clients. Alvin, who no longer came consistently to RAS and informed me of small odd-jobs that kept him busy, still came down to the reentry center because, “I like to listen to the group and hear other people’s
experiences as well as share my experiences. It’s also nice to grab a cup of coffee. It’s those little things that are nice about this place… everyone’s in the same position so no one is here to judge you.” The organization has done a good job at retaining clients, even on a small budget. The welcoming atmosphere is what brings clients back and it is because many of the staff members were formerly incarcerated men and women that the organization has a unique perspective. Mr. Thomas, a senior case manager said:

A lot of us have been locked up. I was lucky enough not to have to do any major time but short stints in the county jail. I finally got my act together and away from the drugs and got back into school and completed my degree in social work at Rutgers. Dr. Black [director] gave me a shot and it is the character of this place. We are all about second chances.

Mr. Thomas’s narrative reinforced Mr. Gold’s feelings about this space as a former inmate turned social worker. As he explained to me often:

I was in and out of prison my entire life, but I met Dr. Black back in the early 90s and she gave me a job and no matter how bad I would mess up or go back, she always had a job for me. That’s the mentality you have to have with reentry. You can’t expect someone to go from jail to the community and get it all right on the first try. That’s what we strive for but reality is we are human and gonna mess up, so this place tries to recognize that so if a guy messes up and goes back he can still come back here and pick up where he left off.

The small staff that relies on one another to keep the organization moving forward facilitated this nurturing environment.

The safe space was continued by the organization having holiday events and other staff parties. What became interesting and noted about these staff recognition parties is they were inclusive of the clients. For example, Ms. Pamela, a case-manager, was leaving her position for a new job. Ms. Pamela, a Black formerly incarcerated woman, was torn about her decision to leave the organization but understood better opportunities and the ability to go back to school was in her best interest. She said, “I did five years for an armed robbery charge. RAS was one of the
few places at the time I could come as a female offender and get assistance. Most times places like these only care about or seem to care about men.” Upon her leaving the position, the staff threw Ms. Pamela a surprise going away party. Instead of the party being after hours or at a venue off-site, the staff used this opportunity to include clients. Robert, a Black male in his early 40s, said, “What other place gonna have this for people like us? Most places the staff is hostile or looks at you crazy. Here, not only they doing something nice but they let us enjoy it too.” In exchange for gracious hospitality, many of the clients volunteer at the organization. Robert, for example, became invested in vacuuming the floors. Jay could be seen stacking chairs after groups or staff meetings, and Freddy would take out the garbage. Finally, Juan held the most coveted position during the majority of my tenure at the reentry center, which was a position at the front desk. Juan said about taking this position:

I was humbled when they asked me to do this job. It’s a big responsibility because I no longer just represent me but represent this place to whoever comes through the door. That could be anybody, sometimes politicians come in so I gotta carry myself in a respectable manner…They never said I have to wear a shirt and tie but I think this position needs that so people understand RAS is making professionals and not just criminals hanging out here.

The physical space of the reentry center became a life source for so many in the community. Often times, when very hot in the summer or very cold in the winter, men and women would stop by RAS just to rest for a moment. Other times, the space provided a place to get away from the other obstacles and challenges of reentry. Faruq physically sweating came one day after group had ended. I asked, “What’s going on?” He responded, “Nothing just need a place to chill out for a second and think.” For others like Marvin and Drew, stopping by RAS became part of their routine. Marvin indicated, “Yea, now that I’m out the box [halfway house] I still like coming down here, it’s part of my day. So I wake up run any errands my girl has me do, go to the gym, come down here, catch up with y’all, then pick my daughter up from school and I’m in
the house for rest of the night…nothing out here for me at night.” By incorporating this space into his routine, Marvin like others, have found patterns to resist less favorable situations the streets of Newark have to provide.

In addition to a safe space, the reentry organization is a place of social networking for many of the clients. I observed two forms of social networking taking place at the reentry office, formal and informal. It is important to make the distinctions because the former, the formal networking, is the main reason the halfway houses allow the clients to come to this space. The latter, informal networks are the pathways and channels that are created by the clients organically to assist in their reentry. The distinction is made and highlighted, not as a fault of the reentry center but as a flaw of reentry culture. A more thorough discussion of the halfway houses in the next chapter will highlight the various restrictions and shortcomings of these so-called alternatives to incarceration. However, in the remaining part of this section, I will address how both formal and informal networks produce various forms of social and cultural capital to the clients of RAS.

According to Bourdieu (1986), social capital is networks of relationships with institutions and individuals that have benefits. Therefore, RAS becomes a form of institutional social capital for men and women exiting prison. Through this formal network, clients receive benefits that will help them manage and assist their reentry process and transition. For example, one benefit was to learn how to use a computer including several programs such as Microsoft Word and PowerPoint. In addition, clients learn how to navigate the Internet and search engines such as Google and job search sites like monster.com. The organization also runs regular job-readiness and employment-preparedness workshops, which give clients the tools and tips on how to act and respond to job interviews, particularly in handling delicate questions surrounding their
incarceration. Finally, the organization held two job fairs at the center during my time, which brought local companies as well as nationally known chain stores to potentially hire these individuals. All of the programs that RAS runs must be in accordance with all rules and regulations provided by the state of New Jersey, federal law, and any mandates by the halfway house.

This space was also used to informally network and understand the world the clients left behind and the lives they are trying to get back into. Sharing stories, news, and other information became a necessary aspect for the reintegration process. The idea of “the streets are talking” became apparent and informative for the reentry process. As Reggie indicated, “Newark is a city of only a quarter million people so it isn’t like New York, where it’s so big people are strangers. If you are in the game [hustling] you get to know the key players and stuff like that. Our city is small so people know each other and want to find out what happened to so and so.” This was evident in one of the last group sessions, which was a relatively small group. Sharif was speaking about his eldest daughter who is now in her late 30s and having her own family that he is slowly becoming involved with and getting use to the idea of being “grandpa.” When he mentioned his ex-wife’s name, another group member perked up and asked a bit more information and the two men quickly realized that at one point in their lives they had been family through marriage.

I first realized that there were things happening informally at the organization when I walked into the computer lab one day and Freddy tried to quickly exit out of his browser but it was too late and I saw he was on Facebook. I said, “Oh I didn’t know you have Facebook!” This cheer was met with an abrupt “Shhhhhh!” I asked, “What’s wrong?” still not fully understanding the situation when Freddy pointed to a sign posted on the wall which indicated the “off-limit” websites. Facebook, YouTube, Twitter, and MySpace were all prohibited websites. Ironically, at
an organization trying to build and strengthen social capital some of the most abundant forms of
creating social networks in the age of technology were denied to these men and women.
Therefore, they had to keep these profiles somewhat secretive. Freddy said, “I like Facebook, a
lot of pretty women and old friends I haven’t seen in a while.” In the end, if these men and
women were breaking any regulations, they were not too worried because these sites are open
forums where anyone including the halfway house or department of corrections could have
access to seeing these Facebook pages. Sitting next to Freddy was Melvin who turned and asked
me a serious and crucial next question: “Smiley you gonna snitch on us?” I responded, “No.”
From that point forward I was brought into another layer of the lives of these men and women I
had been working with, in particular, becoming the resident camera man for Facebook photos
and printed photos to send to loved ones.

Facebook became an informal manner in which these clients reintegrated themselves
back into the community. Like Freddy said, “everything is on computers now, so it’s trial and
error. I click on stuff and see what happens. It’s fun like a game and feels good when I start to
remember and figure things out.” For a man who had been locked up since the age of 16 and now
in his early 40s, Freddy had not finished high school or attained his GED with no immediate
plans to obtain education. However, he saw Facebook as a forum to learn. Stefan used Facebook
to re-connect with his daughters. Serving just shy of 19 years in prison, Stefan explained the
strained relationship with his daughters, “They were really young when I left, and I didn’t stay in
their lives like I should have, but now I want to be in their lives and I have to accept they are
grown with their own careers.” He retold a story of trying to call his one daughter who hung up
on him but through Facebook was able to begin a dialogue, “I tried calling her and I guess I
didn’t start the conversation right and she hung up on me. So I found her on Facebook and sent
her a message. I wasn’t expecting a response but she got back to me and we are on speaking terms now.” The mending of relationships was facilitated through these informal networks.

In addition to using the Internet, clients would have friends and family stop by the reentry office throughout the day. Freddy began taking a smoking break during group. One day when group began later than usual, I went with Freddy outside to keep him company on a hot summer day. It was here I observed two different cars stop, greet, talk, and give Freddy some money. When I asked what that was about he responded, “They just friends Smiley, haven’t seen me in awhile. So they know I’m down here at certain times so they stop by and give me a few dollars, make sure I’m okay and that way I can get lunch.” Reggie had similar interactions, “It’s really just a pain in the ass to see my family when I’m on the inside. But here they can stop by and just say hello.” On one afternoon as I left the office, Reggie was wearing a brand new outfit, white Nike tennis shoes, and eating chicken wings on the back of a car. He introduced me to his daughter, his granddaughter, and sister. Reggie’s family provided him with new and clean clothing as well as lunch. This type of informal networking allows these clients to begin that process of moving back into the community. Reggie said, “I’m coming home, so people got to know. I can’t just show up one day.” Lastly, the clients are prohibited to have cell phones if they live in halfway houses, therefore they had to improvise and use staff and other volunteer’s phones to make phone calls and reach out to friends and family. Sanford said, “I would use a pay phone but there are none. They took all the pay phones down but want us to make check-in calls. It don’t make sense.” These informal networking arrangements could all be seen as violations to the agreement between the client and the halfway house. However, these networks became necessary and vital in producing social capital, in particular to help the transition home. Many of the clients relied heavily on family and old friends to assist in this reentry.
Navigating and Negotiating Reentry

Convicted felons experience many legal barriers and social obstacles, which has been shown thus far in this research. However, it is the many complex relationships and ways those coming home try and navigate and negotiate this process that becomes equally important to understand. Often times many of the most immediate and pressing issues are overlooked but become crucial to the reentry process particularly at the early moments of release. One of the hardest challenges for many ex-offenders is lack of mobility. For those using the reentry program, many currently reside in one of several halfway houses in Newark. In order to come to the program, many have to fill out paper work in advance (sometimes days in advance) to get a pass. A pass would entail writing the address of destination, the purpose of the visit, and the need from a supervisor to sign off on the pass. Most passes are only good for two-three hours. All residents of the halfway houses are required to make “check-in/check-out” calls. This is to ensure that they are doing what they are supposed to be doing. Joseph, a Black male in his early 40s and a resident of a halfway house explained:

We are told that we have a specific amount of time to get back after we make our check out call so if I’m walking back and see a job wanted sign I cannot go and inquire in fear of missing my window [time to get back]. In fact, we were told that even if we see something happening like an old lady getting mugged we cannot intervene or else we are going back down [to prison].

The phone call must be made at a specific phone at the reentry center or a pay phone. A phone call from an unrecognized landline or cell phone does not count and a client is viewed as a flight risk and the danger of being immediately sent back to a prison.

The symbolism of the phone call is a measurement of how ex-offenders are deemed unfit and untrustworthy. In Darkwater, W.E.B. DuBois discusses who society believes is acceptable to disenfranchise, which included: the ignorant, the inexperienced, the guarded, and the unwilling.
As DuBois (1920) writes, “That is, we have assumed that only the intelligent should vote, or those who know how to rule men, or those who are not under benevolent guardianship, or those who ardently desire the right” (p. 108). An updated version of DuBois analysis would surely include felons. This population is seen as untrustworthy and evil, therefore must be kept on a short leash and constantly monitored, which Wacquant (2001) argues goes beyond prison but meshes into urban communities.

The specific action of making adults have to check-in as if they are children or rather less than children indicates that reentry is a myth and just another form of constant surveillance. Many clients complained about the repeated check-in calls as negatively affecting employment. Tahem, a Black male in his late 30s coming home from an eleven-year federal prison sentence, explained the reason he was using RAS:

I had a job and it was going well the first few days. The manager was cool and they had some other guys working there who had been locked up. What messed it up was this halfway house calling every 30 minutes to ask to speak to me to make sure I was there. It became a problem because I wasn’t able to get my work done. It looks bad. I think the halfway house just didn’t want me to have the job so they knew if they kept calling they would eventually fire me.

Many similar stories highlighted the myriad of regulations exacerbated the difficulties with transitioning home. If the state does not feel these men and women are “fit” to be outside of prison walls then why place them in a halfway house? This act of constant monitoring places a sense of fear and anxiety on the clients. This inhibits opportunities, growth, and lifestyle changes because of the ever-present danger of being sent back. Never being fully trusted gives the pretense of always being an outsider—excluded. Melvin bluntly expressed his feelings stating, “They want us to fail,” referring to the design and structure of the reentry process and many of the challenges and obstacles the halfway houses produce. Therefore, the reentry process is a myth. Loic Wacquant (2010) writes, “Reentry programs are not an antidote to but an extension
of punitive containment as government technique for managing problem categories and territories in the dualizing city” (p. 616). In other words, the fundamental design of reentry is flawed because it relies on the same system and networks that placed people into prison to now return them into society or rather back into the same community they were arrested, charged, and given a criminal conviction (Clear 2007, Wacquant 2010). Hence, reentry is nothing more than a revolving door of sorts to give the illusion of being brought back into society, but the corporeal punishments of neo-civil death reinforce this myth as felons and other criminal convicts are in reality unwanted by the system.

Despite the grim reality, as sociologists, it becomes important to look beyond the constructions of society, but investigate how these men and women deal with these issues. Often times, men and women would talk about the issues they faced. One particular story about housing I was told stuck with me. Miles was released about a year prior to meeting him at the reentry center. An older Black man in his early 50s, he began describing life beyond the halfway house and the difficulties in securing housing. He stated:

I was living in a shelter and anyone who has been to one of those places knows how dangerous they can be, so I didn’t really stay there. I have a goddaughter who I went to live with, but she is in public housing so that didn’t last long cause as a convicted felon I’m not allowed to live there. I found myself in a dilemma, so I realized the system isn’t helping me and I have to help myself. My mother is in her 80s now and lives in assisted living. I made friends with one of the overnight security guards and he lets me come ‘visit’ after hours and as long as I leave before 7am, when his shift ends, nobody bothers me.

Miles found a way to circumvent the system. He understood this could not be a long-term situation of residence but realized that with the current limitations he had there was not many options. For him, needing a secure place to rest became a crucial element to his reentry.

Many of the men and women expressed ways in which they had to “violate” certain rules to do for themselves. For example, Jerry secretly left the state to attend his niece’s graduation
from college, which he was very proud of her, “I know if I get caught they will send me back, no question about it…but it’s important I be there for her and for myself. I always encouraged her to go to college and contributed financially so that she could finish. This is something important in my family.” These infractions illuminate many of the rigid and restrictive rules of the reentry process. I was astounded to hear some of the male clients describe the halfway houses as Freddy said, “These places are worser than prison. People doing all types of drugs and stuff…I should have stayed in prison cause these places is stressful.” Drew agreed by saying:

If I knew what I know now I would have never come to a halfway house. I would have just maxed out from prison. They put way too many hidden rules on us, which could send us back for nothing. I don’t wanna make it sound like I wanna be out here doing criminal shit, but if I had maxed out then I wouldn’t be on parole or probation …here they are always looking to violate you and send you back. I had a counselor tell me to my face that she can’t wait until I fuck up so she can sign the paper work for me go back.

For one of the few men who had the “LIFE” with parole stipulation for their release, Hank showed me his release papers and the several violations, which could send him back. One of the most alarming violations was “menacing look.” When I asked him to describe what this meant, he replied, “I don’t know. I asked them and they told me if my look was threatening I could be sent back. So at first I thought if I smile, they can’t say that’s menacing but then I started thinking maybe they would think I’m teasing them…so I don’t know how to look. I guess just avoid looking at them is the best option.” The constant unknowing of all the rules was expressed many times in the physical dispositions of each client. It was clear as group would be coming to a close each week, those who resided in a halfway house began checking their watches, biting their fingernails, and shaking their legs, all signs of nervousness. Wilhelm, a Black male in his mid-30s said, “We gotta know the clock better than anyone. We all on the clock, that’s why we
all got on watches. Can’t use that excuse ‘didn’t know what time it was.’ That’s the quickest and easiest way to get sent back.”

Two clients who were interviewed, Muhummad and Robert, both went back for violations. Muhammad, who had been attending group regularly had suddenly stopped showing up. A few months later, he showed up and I asked where he had gone and he responded, “I was sent back.” I asked him what for and his response was simply, “Having a cigarette.” I asked more about this and he informed me that as a federal inmate currently residing in a federal halfway facility there is a zero-tolerance rule on tobacco products in the facility and he explained:

I came back to the halfway house one afternoon and they decided to give me a shake down and the C.O. found a cigarette in my side pocket of my pants. I told him I forgot it was in there and he could throw it out…I didn’t want it. But this guy must have really loved his job because he wrote me up for trying to smuggle contraband into the facility. Like I told them at my appeal, how dumb would I have to be to have the cigarette in my pocket? I was sent back to Allenwood federal correctional facility for three months for one cigarette.

Robert, on the other hand, was scheduled for release from the halfway house after serving close to fifteen years in prison. He informed the group he would be at his last session the following week because he was being released the next day. On the day of scheduled group session, Robert didn’t show up. I asked Freddy, since they were friends where he was and he replied, “They sent him back.” I asked further for what, now use to hearing the stories of men and women being violated. Freddy was hesitant to respond but reluctantly said, “for drugs.” Unfortunately this was a more serious charge, which sent Robert to state prison. He is not scheduled for release until July 2015.

Finally, it is important to understand how seemingly mundane things in society are truly important to the men and women returning home. For instance, Jamie spoke about having make-up, “I don’t need anything expensive or fancy, but something to make me look presentable. I like
to feel pretty and that makes me feel like a woman. We can’t have any of that stuff in the halfway house, it’s considered contraband.” Others, specifically the men, became interested in their style and appearance of dress, particularly clothing (Smiley and Middlemass, unpublished).

For some it was the process of reclaiming their older identity and others about forming new identities. Clothing became a transformative measure of shedding the prison self to embracing a new image. Wilhelm took pride in wearing his new brown suede shoes stating, “I feel good in these. I’ve worn those prison shoes for too long.” The desire to be accepted into society took more than having a job, being able to vote, or have housing. Reentry for many men and women became much more about stability and making sense of a rather chaotic situation and trying their best to make it normal.

Trying to distance one from a past that is filled with negative connotations, images, and stereotypes became a full-time burden many had to figure out and re-construct. Losing the prison look (Moran 2012) is essential to reentry. This does not mean to lose one’s identity and assume middle-class standards of beauty and acceptance, but rather how does one re-construct the self and begin to transform to appear safe, trusty-worthy, and acceptable. For example, many of the clients had oral hygiene issues including missing, cracked, or chipped teeth. Aesthetically, this lack of dental care could reduce client’s prospects for employment because potential employers might not want someone with bad teeth for a host of reasons. This was the case for Jerry who felt very self-conscious going on job interviews, “I’m very embarrassed and do not feel like a professional because of the situation with my mouth.” Other’s like Larry explained that the lack of teeth prevented him from being able to eat properly. Finally, Jimmy complained about the lack of oral healthcare he received in prison, “I submitted at least five slips to see the dentist over the past eight months. My mouth hurts and I’m sure something is going wrong but they just keep
dragging their feet, so I’ll probably have to wait until I get out but I don’t have dental insurance so that is something else I got to deal with.” For many, these seemingly mundane issues became the biggest challenges.

The dilemma with reentry is that there is no single formula to address individual and social needs of human beings. Therefore, it must be understood that the reintegration process is not one size fits all, but rather a delicate and unpredictable pattern of positive and negative outcomes. As a society, it is up to us on how we want to deal with formerly incarcerated individuals. The current and consistent theme is to try and marginalize them into a space that makes it impossible to navigate and get out of. In the next chapter, I argue how we can and should move away from this model of punitive justice and embrace restorative and humanist values that includes rather than excludes in a democratic state.
Chapter 5: An Old Debate, [Re]Considered: Prison Reentry & The Prisoner Reentry Industry

“De-incarceration” & Community Education Centers

According to the Pew Charitable Trust Reports, New Jersey is a leading state of prisoner decline over the past half decade (Laundano 2013). The report indicates that in a study of incarceration rates from 2006-2011, New Jersey has reduced its prison population by fourteen percent, making it the fifth leading state to lower the amount of people imprisoned. This reduction of prisoners comes at a time of heavy criticism of the United States prison system. Scholars, politicians, activists, and celebrities, among others, have voiced their opinions and concerns about the current carceral system, which has placed millions of people under some form of correctional control. Former governor of Virginia, Jim Webb wrote, “America’s criminal justice system has deteriorated to the point that it is a national disgrace” (2009). Former NYPD Commissioner turned federal inmate Bernard Kerik believes the system is broken (Kim 2013). Last, conservative Republican, Newt Gingrich has called for states to revise and reevaluate their prison systems (Gingrich and Nolan 2011). Regardless of one’s stance on criminal justice, it is agreed by many the system needs, at minimum, reform.

The argument for expansion of the U.S. prison system has become unpopular because of the costly financial burden it places on states, particularly the penalty of capital punishment. In a 2008 issue of Mother Jones, it is shown that it costs the state of California more than double for a death penalty trial rather than a life without parole trial and costs the state more than $117 million each year to keep California’s death row (Sterngold 2008). In recent years two states, New Jersey and New Mexico in 2007 and 2009, respectfully, repealed the death penalty because of its heavy cost to the state budget. The New Jersey Death Penalty Study Commission Report argued there were at least seven specific issues in regards to the use of capital punishment. The
second specific issue the commission found was significant difference between the cost of the
death penalty and cost of life in prison. The commission found:

The Office of the Public Defender estimated that, given its current caseload of 19
death penalty cases (as of August 2006), elimination of the death penalty would
result in a cost savings of $1.46 million per year…The Department of Corrections
estimated that eliminating the death penalty would save the State $974,430 to
$1,299,240 per inmate over each inmate’s lifetime. The department’s figures were
based on its estimate that the cost of housing an inmate in the Capital Sentence
Unit of the New Jersey State Prison (death row) totals about $72,602 per year.
This is $32,481 more per year than the $40,121 cost of housing an inmate in the
general population at the New Jersey State Prison, which is a maximum security
institution (William Howard, Jr., p. 31-32).

Conversely, the argument of prison abolition (Davis 2003) has also been unpopular in
mainstream society, particularly not being able to envision a society that does not have a system
of confinement for those deemed evil or criminal. One of the more favorable or agreed upon
ideas is designing “alternative-to-incarceration” programs31. These programs would be any form
of punishment that replaces or reduces imprisonment such as drug courts, therapeutic counseling
for drug offenses, and other forms of restorative or transformative justice. In New Jersey, the
use of privately operated halfway house facilities has become a popular and favored method to
replace or reduce incarceration. There are a host of non-for-profit halfway facilities; the two
largest companies are Education and Health Centers of America and The Kintock Group.

According to New York Times reporter, Sam Dolnick, Education and Health Centers of America
is a shell organization that funnels money to its parent company, Community Education Centers
(CEC) (2012a). In New Jersey, only non-profit organization can run halfway-houses, therefore
the for-profit company, CEC, has developed a non-profit branch, yet both are intimately
connected, having the same management of John Clancey and Dr. Robert Mackey as the CEO
and vice-president, respectfully of each company. While there are smaller groups, such as New

31 I acknowledge Prison Abolition as an alternative-to-incarceration, however, for purposes of this research, it falls
outside the scope of regularly agreed upon and used methods of alternative sanctions.
Jersey Association on Corrections (NJAC), the two above mentioned companies receive 85 percent of the halfway-house budget from the state (Dolnick 2012a).

For the purposes of this study, the largest halfway house corporation in New Jersey, Community Education Centers, will be the primary focus of this chapter’s exploration of halfway house facilities. More specifically scrutinizing and problematizing the philosophical and ethical dimensions of a *for-profit* company that is in the business of human services, particularly confinement through therapeutic treatment and incarceration.

The current trend of expanding halfway house facilities has both an economic and political dimension and incentive. First, economically, private companies are able to save the state money. In a *New York Times* article investigating NJ halfway facilities, particularly CEC, Sam Dolnick writes, “Community Education charges government agencies roughly $70 a day per inmate, about half the cost of a spot in state prison” (Dolnick 2012b). Similar to capital punishment, the state government has found a way to lower its financial costs by outsourcing inmates to one of these several facilities. Simultaneously, and secondly, there is a mainstream popular political angle. The state can save money but still be seen as “tough on crime,” because criminals are still being confined and under a form of social control in one of these facilities. Thompkins et al (2010) state, “Charged with social control responsibilities and given the unique tools of surveillance and interference in the daily lives…these institutions exercise a kind of super-authority, allowing for the continued recommitment of released prisoners to the custody of the prison industry and/or continued post-prison supervision” (p. 428). Therefore, the economic-political tethering of halfway house facilities creates an illusion that this is the progressive manner in which to deal with the expanded prison system and the growth of prisoner reentry, while simultaneously keeping those who have been incarcerated within the web of the criminal
justice system post-imprisonment. In other words, prisoner reentry becomes a vortex that places men and women who are reentering society into a category that is unique unto itself insofar that this population is not completely imprisoned but not completely free. Therefore, reentry becomes intimately part of the carceral continuum rather than the conclusion of served time.

The most prominent halfway house contributing to the carceral continuum is Community Education Center, a for-profit corporation operating various prison-based institutions and programs in eighteen states and Bermuda (CEC 2013a). The company, which is based in New Jersey, has six different halfway house facilities throughout the state. Historically, a halfway house allows individuals to begin the process of reintegration back into the community, typically managed by small staff and small population of inhabitants. CEC facilities are the antithesis of this design. In 2011, roughly 5,200 inmates and 2,500 parolees went through one of the various CEC facilities in New Jersey alone (Dolnick 2012b). The largest CEC institution in the state, Delaney Hall, located in Newark according to the company website has a capacity of 1,196 occupants at any given time. This facility is roughly slightly less than the average occupancy of a state-run New Jersey prison (\(\bar{x}=1,879\) inmates). A critical argument is made that with such large populations (the smallest CEC facility in the state holding 234 inmates), how does treatment and reintegration occur? The state prefers these larger institutions because of the lower costs spent to house these individuals. In mid-2013, New Jersey Association on Corrections (NJAC) halfway facility, Broughton House, did not have its contract renewed by the state. This facility housed 28 older male offenders in need of medical assistance. According to the Director of NJAC, Angel Perez, the closing of Broughton House was strictly based on cost or rather cost effectiveness. Due to its smaller size the daily per diem for each resident had gone up and the state could no longer justify the cost of outsourcing inmates to a facility that would roughly cost the state the
same amount of money. As research has shown (Morani et al 2011) smaller, inclusive, and one-on-one programs help most with prisoner reintegration, giving the necessary skills and social capital one needs to assist the transition. Despite this criticism, CEC’s mission statement says:

To provide a healthy, drug-free, safe and secure environment within which we will provide treatment and education services that focus on changing addictive and criminal behaviors. We provide our participants with the knowledge and skills necessary to lead a productive lifestyle prior to reintegration into their communities (CEC 2013b).

In June 2012, The New York Times ran a three-part story investigating CEC as a company, particularly its rhetoric vs. its practice. The reporter, Sam Dolnick, led a ten-month investigative study of the company speaking with the vice president, past employees, and former inmates housed in New Jersey CEC halfway facilities. The article took a critical aim at the company’s close ties to New Jersey Governor, Chris Christie, particularly the economic profits and gains of the company. In addition, the story highlighted the failure to protect inmates from violence, the abundance of drugs in the facilities, the overly present gang activity occurring, and administrative misconduct of employees. On one hand, the article provides a lens into a system that has problematic issues of dealing with reentry. On the other hand, the article tends to reinforce stereotypes by highlighting stories of violence by inmates that strengthen why America should be “tough on crime.” In the end, the article provides a platform to begin a dialogue and discourse about halfway houses facilities goals and practices as well as more specifically take a closer look at for profit alternative-to-prison models.

This chapter explores the concept of the “prisoner reentry industry” (PRI), which branches out of the idea of social control industry, more specifically the prison industrial complex. What is the prisoner reentry industry? How does this system operate and create a

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32 Personal interaction with director. The author of this dissertation is a member of the Board of Trustees for New Jersey Association on Corrections.
concept known as “reentry?” Exploring the roles halfway house facilities (CEC) play in current reentry models, I argue that driving forces behind reentry are for economic profit that reinforces already existing political agendas of the marginalization and criminalization of specific racial and class status groups in America. Finally, I will offer policy recommendations to begin, in some ways, and continue, in other forms, the discourse of transitioning ideology to shift away from for-profit alternative-to-incarceration and decrease mass incarceration in the United States.

Prisoner Reentry Industry

In December 2010, Dialectical Anthropology published a special issue with guest editor Dr. Douglas E. Thompkins, Ph.D., entitled, “The Prisoner Reentry Industry.” The collection of twenty-eight essays written by a range of individuals, who were ex-prisoners, current prisoners, activists, and academics, shed light and continued a dialogue surrounding mass imprisonment. However, this collection of writers expanded the conversation to look beyond the prison walls, in particularly, understanding the processes of reentry and dilemmas/benefits surrounding reform. Largely based on theory and individual accounts, the volume initiates and gives space for the rise of this idea of a “prisoner reentry industry” (PRI).

According to Thompkins (2010) the PRI, like its counterpart the prison industrial complex (PIC), is a collection of institutions, organizations, and interest groups (both public and private) as well as a state of mind (Davis 1995, Davis, A. 1998, Schlosser 1998, Davis, A.Y. 2003, Sokoloff 2003, Gilmore 2007). In other words, the PRI is the counterpart to the prison industrial complex (PIC). Articulated by Eric Schlosser, “the prison industrial complex is a set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of actual need” (1998, p. 54). Furthermore, Schlosser argues it is a state of mind that becomes a driving force for economic and political power. The PRI is designed in the same fashion. However, unlike the PIC, which is simply invested on bringing people in, the PRI is invested in not letting people out.
Through various institutions and programs such as halfway houses, halfway back programs, drug treatment, and other various techniques, there is both an economic and political incentive to design programs that further one’s criminal conviction with pre-release and post-release initiatives that offers alternatives-to-incarceration. On the surface level, these institutions and programs seemingly look progressive, more humane, and providing a service that is typically not offered in a traditional prison setting. However, the fundamental problem is the majority of these services are no longer, if ever, provided by the state. Instead, privately owned companies (non-profit and for-profit) undertake the majority of these services. Therefore the question must be asked: What is the incentive for these companies and institutions to fully integrated ex-prisoners back into society? Schlosser makes a comparative argument to the prison industrial complex being reminiscent of the lodging industry. Hotels have incentives to maximize occupancy and have guests stay as long as possible. The more guests and longer each stay the more profit and growth a company will have. In very much a similar manner, the PRI creates a system of networks that interact and rely on one another to form, maintain, and continually grow, which in turn produces profit for a company. Therefore, I argue that any organization or company running a halfway facility has alternative motives to keep the company growing, despite potentially sharing parallel interests and ideologies as the state has to reduce crime and maintain law and order.

Non-profit organizations, by name and definition, exist not to make money, however because of certain state and federal laws there are certain tax exemptions that will allow an organization to make more money than it spends (IRS 2013). For-profit companies, like Community Education Centers, sole purpose is to create profit for the owners. Therefore, like the hotel model, these organizations are in the business of continuing to make revenue and rely heavily on the criminal justice system to produce “guests” (i.e. prisoners) that can then be funneled into these facilities. They maintain rhetoric claiming to provide human services but fundamentally want and need people to continually to be cycled through the criminal justice system to exist and grow as a company.
The PRI gives the illusion of progress and chimera of freedom offering a shift from the draconian and punitive prison system. However, while the language of for-profit halfway house institutions and programs is immersed in positive and humanistic values, the practices are saturated with capitalist greed, which only reinforces stratifications based on the intersectionality (Crenshaw 1991, 2012) of race, class, and gender in the United States. The PRI retains the same values and principles as the PIC and furthermore gives falsehoods of any actual alternative-to-incarceration. This means, even though individuals have “options” other than a prison, their “othering” is still maintained and reinforced by neo-civil death via the social, economic, and political exclusion from society.

New Jersey prides its self on being a leading state to offer alternatives-to-prison and the decreased prison population. However, according to the National Institute of Corrections, “New Jersey has a rate about 11% higher than the national average number of probationers per 100,000 people” (NIC 2010, emphasis added). New Jersey is currently one of eighteen states that disenfranchises citizens at all levels of criminal justice control (i.e. incarceration, parole, and probation). Therefore, I posit, while acknowledging that systematic diminishing prison populations is vitally important, the idea of actual reentry becomes a fabricated and almost unrealistic happening because whether incarcerated, on parole, or probation the same loss of rights is applicable to all persons subject to criminal justice control. In other words, one does not have to be imprisoned in New Jersey to encounter neo-civil death because of a felony conviction.

Citizens with felony records, regardless of incarcerated status, lose the same rights. Therefore, in New Jersey according to state maintained statistics, the Department of Corrections for 2013 report 23,123 inmates in one of 13 state correctional facilities (NJ DOC 2013a). According to the NJ Parole Board in 2012 there were 16,155 parolees (some of which were living in a privately owned halfway house) (Division of Parole 2013). Finally, the New Jersey Courts maintain that in
2011-2012 there were 60,750 adults on probation (NJ Courts 2012). Furthermore, in New Jersey there are roughly upwards of 77,000 residents not incarcerated who have lost their civil rights. In other words, for all New Jersey residents under state correctional control there is roughly 3.3:1 ration of non-incarcerated to incarcerated persons experiencing neo-civil death and the loss of rights. In the end, there are more New Jersey residents without rights living in “free” society than imprisoned. This does not include individuals who are under federal parole and probation control but who also must follow New Jersey sanctions to various economic, political, and social institutions (neo-civil death).

Furthermore, I argue and contend that the current prisoner reentry model is fundamentally flawed and broken. Additionally, this current prisoner reentry model is deeply entrenched in maintaining a certain status quo and down playing other resourceful and necessary agendas to ensure and complete prisoner reentry and reintegration.

An Old Debate: DuBois & Washington

Booker T. Washington was a former slave and one of the most prominent Black leaders of his time. As the first African-American invited to the White House by Theodore Roosevelt, Washington is one of the most well-known and recognized African-Americans in American history. In 1895, Washington spoke to a mostly White audience at the Atlanta Exposition to address race relations and the “Negro problem” in America. In his speech, Washington repeats that Negroes should, “cast down your bucket where you are” (1895 p. 147). He goes on to give his vision of what race relations and equality between the two races would look like, by offering a solution for Blacks to follow. In the end, Washington called for gradual emancipation for Blacks, particularly not to agitate Whites for equality, integration, or justice, specifically in the forms of political power but instead to join the work force and learn vocational and industrial training. He writes, “Cast it down in agriculture, mechanics, in commerce, in domestic service, and in the professions” (p. 147). Washington believed the way to Black equality was through economic achievements. He was
applauded by many Whites for this perspective, which in turn made him one of the most prominent and respected leaders of his time.

Despite the positive reception Washington had in both the White and Black community as a leader of the “Negro” race, his ideology of being an accommodationist was not received universally. One of Washington’s biggest critics was W.E.B. DuBois. DuBois is considered one of the most accomplished African-Americans as a scholar, author, and activist. He was the first Black person to receive a doctoral degree from Harvard University, one of the founders of the National Association for the Advancement of Colored People (NAACP), and prominent activist and scholar. In 1903, DuBois’ published, *The Souls of Black Folk*. Chapter three entitled, “Of Mr. Booker T. Washington and Others,” addresses his disagreement to the Washington’s philosophical outlook on race relations and the “Negro problem.” Unlike, Washington, DuBois places a strong emphasis on immediate Black equality and integration into mainstream society. DuBois is critical of Washington’s speech and calls it, “The Atlanta Compromise.” In this chapter, DuBois addressed what Washington believes Blacks should give up, which include political power, insistence on civil rights, and higher education of Negro youth (DuBois 1903). DuBois goes on to state that the most important things Blacks need are: the right to vote, civic equality, and the education of youth according to ability. DuBois places heavy emphasis on Blacks achieving political power in order to gain equality, integration, and freedom.

The argument and ideological disagreement that can be surmised between both men is the disagreement between economic vs. political power. On one hand, Washington believed that if Blacks could gain economic mobility, specifically showing White Americans they had good work ethic, due-diligence, and perseverance, they would gradually be accepted into mainstream society. Furthermore, if Blacks became skilled in vocational and/or industrial training they could start their own businesses. For example, if a Black person became a mason and the best mason in his or her field, then the race of this mason would not matter and both Black and White people would need
their services, thus dismantling racial prejudices and discriminatory actions. On the other hand, DuBois was critical of this and believed without political power, more specifically the power of the ballot (right to vote), the loss of agency and voice would outweigh any economic mobility. The counter to Washington’s ideas would argue that White supremacy could pass legislation and policy that would hinder or prevent Black mobility, if Blacks did not have an equal representative voice to combat their situation. As someone who has studied the writings of both men, I agree with the latter ideological outlook. In a democracy, voting rights are essential to maintain power. White supremacy knows this and has consistently and historically suppressed the vote, specifically the Black vote. The United States Constitution has four different amendments that deal directly with voting rights, along with other legislation such as The Voting Rights Act of 1965, which establishes and maintains status as eligible voters and more specifically citizens. However, as American history has shown us the various ‘peculiar institutions’ (Wacquant 2001, 2002, 2005) the struggle to retain the right to vote is often challenged. Most recently, in June 2013, the United States Supreme Court effectively removed and struck down the core of the Voting Rights Act of 1965, by allowing states to change their election laws without advanced federal approval (Liptak 2013). Within hours of the Supreme Court ruling various states, majority Southern, effectively re-wrote voting guidelines, thus disenfranchising more citizens. The most immediately impacted population because of this ruling as well as already long-standing disenfranchisement laws are American felons.

I began this section to outline the historical debate within the Black community addressing pathways to freedom and equality. On the one hand, Washington’s perspective of vocational training and limited political access and focus on economic mobility. On the other hand, DuBois’s perspective of higher education and prominent focus on political rights. This debate is happening yet again, while not directly acknowledged, in the nature and structure of prisoner reentry.

Current prisoner reentry models tend to focus on the Booker T. Washington approach to integration. The focus of halfway houses such as CEC, the city of Newark’s reentry office, the New
Jersey criminal justice system, and national outlook is to achieve employment, family (re)integration, and case management for ex-offenders. While I agree these issues are important, I would argue, equal importance to access to higher education, professional employment opportunities, and the right to political participation is needed. In today’s discourse of reentry, the right to vote, the ability to achieve higher education, and prospects of professional employment are diminished and downplayed, whereas employment in low-wage service sector work and vocational training are played up. In many dialogues about prisoner reentry from the state and federal-level is non-existent. The city of Newark’s prisoner reentry website has nothing about trying to obtain the right to vote. CEC’s company website does not address voter disenfranchisement either. RAS has no core principles about obtaining voting rights and infrequent workshops about GED or college prep. These workshops are usually only held when an outside volunteer offers to run a course. Finally, the Prisoner Reentry Institute run out of John Jay College of Criminal Justice has nothing on its website about challenging voter disenfranchisement to name a few.

Felons’ rights, again who are majority Black Americans, are once again viewed as unimportant, downplayed, and dismissed. Therefore, the emphasis is solely represented in the manner of gradual integration that Washington projected. Ex-prisoners, former-felons, and persons convicted of crime are seen as unfit, unwanted, and doubly evil, therefore structurally and ideologically they are dismissed. The current ideological trend of reentry primarily focuses on small changes to one’s life post-incarceration. More specifically not giving opportunities or necessary skills to obtain and retain freedom but fragments that will only hold temporarily. The old adage, “give a man a fish, feed him for a day; teach a man to fish, feed him for a life time” is appropriate in challenging current reentry models. Are the truly necessary tools given to those who are on the fray and marginalized in American society? I argue, these tools are not given and this is supported by neo-civil death, which contradicts the idiom of “prisoner reentry” and ultimately challenges democracy and fundamental rights of citizenry. Lastly, I would argue that many of the temporary
mends known as prisoner reentry are problematic insofar that it addresses these issues from a middle-class White Euro-American perspective. The majority of prisoners and persons with a felony conviction are poor and of color. So this is to say, a critical and useful action must be implemented that does not just force certain values and customs but begin a dialogue to challenge certain structural barriers and implement change based on a variety of accepted cultural, traditional, and potentially geographic ideological perspectives.

The next section of chapter five will offer policy recommendations that will again challenge current prisoner reentry policy and action as well as offer solutions to the on-going mass incarceration in the United States.

Policy Recommendations

In this section, I will offer and elaborate policy recommendations that I believe are intricate and important to take necessary steps towards inclusionary rather than exclusionary forms of democratic principles that would bridge dialogue to creating restorative rather than retributive criminal justice policy and curb mass incarceration.


Restoration of full citizenship would include: full access to political participation, social redistribution, and cultural/social capital. This study has investigated and highlighted, current criminal justice policy is exclusionary in nature and practice. The legal disenfranchisement and other forms of social, political, and economic exclusion, known now as neo-civil death, create large populations of alienated men and women, who are left straddling the line of in-group and out-group, thus recreating and reconfiguring citizenry. This “purgatory” citizenship status creates feelings of isolation for those experiencing neo-civil death, which has collateral consequences (Hagan 1999, Mauer and Chesney-Lind 2002, Chin 2012) that go beyond incarceration and directly impact post-prison experiences and life trajectories. These social and legal barriers are a driving force to high rates of recidivism.
Research, as early as DuBois (1903) to as recent as Weaver (2012), highlights the importance of suffrage and being included in the democratic process. As this study and other’s that seek to understand incarceration find the othering process creates a more vulnerable population to violence, police and prosecutorial intimidation, and social isolation. By restoring and not taking away rights that are supposedly inalienable, individuals will not feel left out or left behind. I acknowledge there are some rights (i.e. employment) that pragmatically would not be available while incarcerated but I believe policy recommendation will remedy this, so that future employment discrimination can be eliminated.

As research has shown (Patterson 1982, Sampson 1987, Davis 1990, Manza and Uggen 2006, Western 2006, Clear 2007) high levels of incarceration are concentrated within certain communities. For example, in New York a study showed that seven New York City neighborhoods accounted for more than 72% of all state prisoners (Fagan et al 2003). This becomes highly problematic because no longer can we discuss neo-civil death and loss of rights on the individual level but rather must begin a dialogue of how this has macro-level implications on communities and institutions. Manza and Uggen (2006) highlight that disenfranchisement laws adversely affected poor Black communities thus having a significant effect on both the 2000 and 2004 presidential election. Thus, neo-civil death contributes to the underdevelopment (Rodney 1972, Marable 2000) of these communities.

According to the Guyanese-born scholar and activist Walter Rodney underdevelopment is, “not absence of development, because every people have developed in one way or another and to a greater or lesser extent. Underdevelopment makes sense only as a means of comparing levels of development” (1972 p. 13). Rodney goes on to further expand on this idea by stating, “A second and even more indispensable component of modern underdevelopment is that it expresses a particular relationship of exploitation…” (p. 14). If we are to look at neo-civil death through the underdevelopment model discussed by Rodney it becomes illuminating that neighborhoods and communities with high rates of incarceration are constantly being underdeveloped. First, there is a
quasi-development in these communities; however, they do not have the same infrastructure, institutions, and other amenities as their more wealthy counterparts. This would include the lack of hospitals, schools, businesses, and other institutions that would allow a community to thrive on a social, political, and economic level. While the downtown sections of Newark are being restructured and renovated and new buildings constructed, there is a dearth of this happening in many of the areas that are inhabited by Newark residents in the several different Newark wards. Second, Rodney describes underdevelopment as a form of exploitation. This is true of those who are incarcerated, who are exploited on all three levels of economic, social, and political dimensions of society. Economically, prison work is not compensated by any fair or minimum wage and this practice is protected by the 13th Amendment. Socially, ex-prisoners and persons with felony records can be systematically denied entrance to certain institutions and venues. Politically, this population cannot vote. Therefore they have no voice or agency to control power over themselves; as well as in some cases, prisoners can be counted for tax and census purposes where they reside as opposed to where they are from (Sommerstein 2010, Wagner 2004). Men and women who are incarcerated are restricted from certain rights and treated as having a non-citizenship status but are still expected to oblige to certain standards required of citizenship—pay taxes. The contradiction being that one has to pay money to a government that does not have their interests in mind or rights protected, yet if one does not oblige by these laws they will return to prison to be further criminalized.

Thus, taking these collateral damages collectively, communities lose out on both state and federal funding to create jobs, invest in neighborhoods (e.g. roads), and a host of other necessary infrastructures to create a dynamic and thriving society. Therefore, the loss of rights has greatly impacted the individual but simultaneously deteriorated community growth, cohesion, and agency.

2. **Policy Recommendation: Restorative Programs**

One of the main purposes of alternative-to-incarceration programs is to seek to transform the lives of those who have been affected by the criminal justice system and repair and re-connect the
bonds to the community. Thus programs such as drug counseling, family reunification, employment programs and other various agendas have been designed both by the state and private interest groups. I fully believe in investing in programs that will give opportunities to ex-offenders, however, I am critical of the current pathways not in their premise but in their orientation. Taking from Audre Lorde’s (1984) title, “The Master’s Tools Will Never Dismantle the Master’s House,” I agree that strategies deeply entrenched in western, patriarchal, and White supremacist structures, can only fundamentally, at most, make minimal progress for reentry and reintegration for ex-offenders, particularly of the African Diaspora background. I particularly take this stance, because imprisonment is about the controlling and managing of human bodies (Davis 2003, Gilmore 2007). Insofar, the majority of those who are incarcerated and controlled are not representative of the dominant regime (i.e. White/European). Therefore, using the dominant regime, or rather middle to upper-middle class strategies to impose cultural values, traditions, and mores can be deeply problematic. In turn, I believe creating a larger discourse surrounding programs and needs of both the individual and community become vitally important. Instead of solely telling ex-offenders what is important or what is needed in the reentry process, allow a dialogue to interact with ex-offenders to describe and be a part of the decision making process in their lives. Nicole Morani et al (2011) valiantly began this type of more progressive research in their article, “A Description of the Self-Identified Needs, Service Expenditures and Social Outcomes of Participants of a Prisoner-Reentry Program.” In this article, the researcher asks those reentering society what things they value and believe to be important upon their release. Using scholar and educator Paulo Friere (1970) framework about education, he explains the concept of “banking” which is the idea of memorization rather than educating critically, rather than communicating, the teacher deposits information for students to receive, memorize, and repeat. According to Friere, “This is the ‘banking’ concept of education, in which the scope of action allowed to the students extends only
as far as receiving, filing, and storing the deposits” (1970, p 72). This method must be replaced with problem posing education which is described as, “Dialogue, the teacher-of-the-students and the students-of-the teacher cease to exist and a new term emerges: teacher-students with student-teachers. The teacher is no longer merely the one who teaches, but one who is himself taught in dialogue with the students, who in turn while being taught also teach” (p 80). Problem-posing education is simply asking “why?” and having a dialogue, which is liberating, informative, and transformative, particularly as an inclusionary method. In this case, the dialogue replaces an ideology of being dismissed to one of feeling of embraced. Hence, sharing in dialogue with ex-offenders becomes transformative because it removes the strict binary relationship of “right” and “wrong” in reentry, with understanding “why” and “how” relationships to fully reintegrate back into society.

In addition to effective programming, educational attainment and employment placement could use significant re-adjustment in the reentry process. Currently, the commonly heard strategy is to downplay the role of education and accept bare minimum (i.e. high school diploma or GED) and perform service sector or menial manual labor jobs. While I acknowledge and do not want to give the appearance of elitism, my argument is that these two areas cannot be the resting point, but rather envision and embrace higher education and occupying professional employment sectors of the workforce.

The commonly heard and redundant theme I hear when I tell a person of this strategy is, “But they’ve been to prison.” My response is simply, “So what?” As an educator within the City University of New York (CUNY) system, I come in contact with a myriad of students with various socio-economic backgrounds and criminal histories. For example, I had one student who had spent five years incarcerated in a New York state correctional facility and another student
who spent two weeks on Riker’s Island at the age of 15 for accusation of murder. He was innocent. In addition to these two narratives other historical and iconic leaders have spent time in prison. Dr. Angela Y. Davis, author, activist, and university professor was incarcerated in the early 1970s. Dr. Huey P. Newton, founder of the Black Panther Party, had been incarcerated prior to and after his embrace of Black power. George Jackson, inmate at Soledad Prison, became radicalized in prison. Finally, none more famous than Malcolm X. Brother Malcolm has become the model of prisoner transformation as someone who was self-described as uneducated and became one of the most prolific orators of the 20th century, influencing generations around the globe. Yet, the challenge to promote higher education amongst prisoners and ex-offenders is not only dismissed but also sanctioned and prohibited. Since the late 1980s and early 1990s, the United States has actively sought out to curb and discontinue prisoner education. Undoubtedly, the revoking of Pell Grants in the mid-90s became an influential piece of legislation that stopped higher education in American prisons. Similarly to slave-holding mentality, giving the oppressed population education does nothing but rattle the system. Education, like suffrage is therefore, devalued by dominant American society for the convicted class, which is then reinforced by the sensationalization of the harden-criminal who will only use any sort of advantages in this world for corruptness and evil-doing as well as the liberalism perspective of individualism and merit-based mobility. In other words, the argument of “prisoners do not deserve” or “prisoners did not work hard like me” become the political rhetoric of both the Democrat and Republican argument to why reduced prisoner education is fair.

Restorative justice programs need to be further embraced; particularly concepts such as healing circles, offender-victim dialogues, and other strategies that try to build community rather than separation. While these programs go beyond the scope of this research, chronicled
narratives have been shown that victims and victim families have felt a sense of empowerment and agency over their lives as well as offenders are able to confront past mistakes and shed burdens. Whereas, conversely, research has shown that more retributive justice, such as capital punishment, does not make victims or victim’s families whole or complete.

Finally, reentry organizations, like RAS, need to be held accountable in providing more than status quo programming to clients. The major dilemma of non-for profit organizations is they, many times, become “slaves” to the funding source and must follow strict guidelines on how money is spent and where money goes. While this is ensure effectiveness and limit corruptness, it also diminishes innovative and pioneering programs. More emphasis about higher education, restoration of rights, and voter registration need to become part of the mission of RAS and many similar organizations. This typical model of reentry being a short-term vehicle or pathway to menial employment must be thrown out. The embrace of long-term goals and models that seek to build networks and social movements surrounding unemployment, diminished rights, and removing the stigma of formerly incarcerated must be embraced.

3. Policy Recommendation: Termination of For-Profit Criminal Justice

This last policy recommendation focuses primarily on ending any and all forms of criminal justice strategies that employ methods of advantage (political or economic) based on other human life. There is a fundamental flaw in designing a system that reaps benefits off the holding of a human being captive. This contradiction of democratic values and capitalist greed becomes a crucial element in the existence of the prison industrial complex and prisoner reentry industry.

As we have seen the exponential growth of the U.S. prison system and subsequent increase of prisoner reentry, organizations, companies, and corporations have seen this as a way to become lucrative. Organizations like the Corrections Corporations of America and Community Education Centers profit off the exploitation of those who are most vulnerable in American society. Through
historical practices of disenfranchisement, based largely around race, gender, and class, for-profit companies are able to take advantage of these situations and continually profit off the unwanted segments of society.

It is a fundamental goal of this dissertation to begin in some ways, and continue the on-going discourse around stopping for-profit prison/rehabilitative work with ex-offenders. There are both ethical and moral implications of how this contradicts the purposes of democracy and the social contract. However, as history would prove, massive change does not simply occur by pulling on the hearts and minds of the dominant population. It is important to create sound agendas that prove both morally and ethically, but most importantly economically, in the interest of the state to remain in control over the lives of its citizens. The state is defined and designed to keep the interests of the public and the fundamental reason the public buys into the social contract (Hobbes [1651] 1985, Locke [1690] 1980, Rousseau [1755] 1964). Therefore, by holding the state accountable, citizens can demand change and engage in progressive protocols. By having these human services outsourced to private entities the dialogue of trying to build strategies of inclusivity are dismissed because these companies are only invested in “what works,” translated to, “what makes us profit.”

One of the main reasons the state outsources these services to private companies is to save money. As seen earlier, CEC is able to house inmates for roughly half the cost of the state. This herein lays the critical and necessary steps towards dismantling for-profit strategies. In short, it can be done. The state must define, develop, and implement programming that is cost-effective and viable. For example, Utah is giving its residents free housing. Homeless Utah citizens are able to obtain housing by the state. In an article by, Nation Swell, author Jenny Shank writes:

Utah has reduced its rate of chronic homelessness by 78 percent over the past eight years, moving 2000 people off the street and putting the state on track to eradicate homelessness altogether by 2015. How’d they do it? The state is giving away apartments, no strings attached. In 2005, Utah calculated the annual cost of E.R. visits and jail stays for an average homeless person was $16,670, while the cost of providing an apartment and social worker would be $11,000. Each
participant works with a caseworker to become self-sufficient, but if they fail, they still get to keep their apartment (2013).

This is a prime example where restorative, transformative, and communal effort can outweigh the cost of a prison. Building communities, institutions, and other key factors can greatly diminish crime rates and trends. By looking beyond issues of just criminal justice and observe how criminal justice is interconnected with other human service needs such as housing, medical assistance, and education, we can employ strategies that compliment rather that detract quality human service needs.

If we agree in true democratic values, than the storage of human bodies cannot be maintained and sustained by private interests. The state, fundamentally, has an obligation to address and prioritize its dealings with criminal behavior. Thus, outsourcing human life for private capital contradicts the very nature of a democratic state as well as insinuates that the state would rather not deal with this issue than tackle it head on.

4. **Radical**\(^{33}\) Approach: Prison Abolition & ‘Take It To Trial’

Within the fields of criminal justice, criminology, sociology, and other social sciences and humanities there is a radical movement that calls for the abolition of prisons. Prison abolition has been a movement for decades. Angela Davis, widely known for her prison abolition stance speaks of its inception stating, “Although imprisonment was equated with rehabilitation in the dominant discourse at the time, it was obvious to us that its primary purpose was repression…we thus began to explore what it might mean to combine our call for the freedom of political prisoners with an embryonic call for the abolition of prisons” (Davis and Rodriguez 2000, p. 212). Citing other authors such as Fay Honey Knopp (1976) who theorizes prison abolition, Davis argues that prison abolition

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\(^{33}\) I used the term ‘radical’ here not that I believe these ideas are drastic or unfounded, but to acknowledge the terms use in leftist political discourse.
is a long-range goal and argues that analysis of crimes should focus much more on social structures rather than individual pathologies.

Prison abolition is an alternative to the overbearing system and web of criminal justice that has been developed. Angela Davis (2003) argues the biggest hurdle for society to overcome is breaking from the ideology that a ‘tough on crime’ or over expansive criminal justice system is needed. She writes, “First of all, we think of the current system, with its exaggerated dependence on imprisonment, as an unconditional standard and thus have great difficulty envisioning any other way of dealing with the more than two million people who are currently being held in the country’s jails, prisons, youth facilities, and immigration detention centers” (p. 105-106). It is a break from this ideological outlook that will begin the dismantling and replacing of the criminal justice system, specifically prisons. Media, politicians, and other pro-prison authorities have used propaganda to create this myth that prisons protect citizens from the forces of evil. While prisons lock people away from the rest of the society, they are fundamentally a reactionary institution and only respond to what society deems morally and legally wrong. Therefore, through education, dialogue, and social movement, pressure can be placed on government to re-write laws to decriminalize many non-violent offenses and establish alternative methods of dealing with more heinous crimes.

Defining and developing alternative strategies that fall outside of strictly focusing on prisons as the main source of punishment would begin the process to not rely on these institutions as the sole means of handling those in society we deem “unfit.” A focus on medical assistance, housing, and education as well as deconstructing institutional racism, sexism, homophobia, classism should be a primary role of the criminal justice system. The current standard of demonizing the poor, people of color, and other oppressed groups must be replaced with inclusion, harmony, and understanding.

In order to begin this process of prison abolition there must be cohesion and communication between several layers. Grassroots organizations and activists must partner with more middle-level institutions such as RAS to connect gaps and collaborate on solid alternatives to incarceration that
would not benefit private interests but communities. These groups must then form alliances with politicians and other policy makers too shift legislation. In order to do this, electing officials that are progressive is crucial. With the built networks of activists, community-based organization, politician, and other key community institutions (e.g. schools) efforts such as public employment programs, life skills courses, therapeutic institutions to tackle substance abuse-related issues, and other institutions can be developed and implemented that would replace current incarceration practices.

There might always be a need in society for a space to house those who have showcased and exhibited extreme anti-social behaviors and highly atrocious acts of violence. Nevertheless, these crimes tend to be in extreme cases as well as a very small portion of those incarcerated. In addition, we must critically assess how much state-sponsored violence impacts levels of interpersonal violence. In other words, if we can shift national values of punitive and reactionary or rather violent acts on our citizens, it might also alter interpersonal relationships as well. Until the government seriously implements restorative and pragmatic alternatives-to-incarceration and not rely on prisons to deal with social problems, society will continue to be plagued by massive social ills.

Lastly, in this section, I want to briefly discuss some ways in which the prison system was able to grow so quickly as well as offer a potential radical strategy on how to slow or break up the system of mass incarceration. Over the past forties years the prison population and now ex-prisoner population have grown exponentially. The vast majority of those convicted, incarcerated, and released “copped out.” The term “copping out,” refers to prosecutorial and defense strategies of striking a deal to avoid a trial and adjudication. Overwhelming, the majority of men and women who participated in the interviews, focus groups, or passer-by clients at the reentry organization had “copped out” at some point in their lives. Copping out is not the same, as “snitching” because snitching requires the notion of turning state’s witness or evidence on others. Copping out simply means an admission of guilt for a suspected crime.
In many cases, prosecutors want those who are charged with a crime to “cop out” to the particular charge or a lesser charge. This ensures an admission of guilt, a speedy hearing, court imposed fine, less court fees, and most importantly a sense of “tough on crime.” This is particularly true for prosecutors who are elected rather than appointed. A prosecutor wants to give the illusion of “cleaning up the streets” and showing a winning record of cases does this.

Over the course of my ethnographic research I would hear various stories of prosecutors trying to make deals or have men and women plea-bargain. This is done to keep the system moving effectively. Marvin explained his case stating, “they [prosecutor] came at me with 10-15 year sentence if I took it to trial and found guilty or he said I could cop out and get a three flat with time already served since I was sitting in the county for 9 months already. You would have to be stupid not to take that deal and I always said to myself and my boys I would never cop out, but that time is real and no joke.” Others like Rachael said, “I took a plea for a gun charge cause I was just scared and wanted to go home. So when they say something to you and throwing all this legal stuff in your face, the only thing I heard was home and I took it.” There are many versions of this same story. Men and women are told (whether true or not) that they will face longer and harsher sentences if they take it to trial.

Despite this, there were a handful of men in this study who received long sentences. As stated in the opening story of Melvin, he was given a long sentence and chose not to turn state’s evidence or “cop out.” Another gentleman, Sharif, was also given a thirty-year sentence and refused to turn state’s witness even though his accomplice did. Reggie also believed it was wrong to take a plea and took a 180-month federal prison sentence. Lastly, Larry did a twenty-eight year state prison sentence and had this to say about copping out:

You just don’t do it. First on principle, you never admit to something wrong especially if you weren’t wrong or at least know why you were doing it. I know what I was doing and why I was doing it. Second, why should I make it easy on them? If
they want me to go away for a long time, fine… I can do that, but they gonna have to spend money getting me to prison.

Larry’s personal convictions about not taking a plea or coping out could be misconstrued for arrogance; however, he alludes to something much more important. What if every person with a criminal charge took his or her case to trial? What would this do to the system? According to the U.S Constitution’s Sixth Amendment, “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed…” (Brown-Marshall 2010). Therefore, the system would thus be turned on its head. The system thrives and grows based on the premise individuals will strike deals, plea bargain, snitch, and cop out. If every single case in America were to request their constitutional right to a fair and speedy trial it would grind the gears of the system. This is not to acknowledge that in this process some would be given lengthy and harsh sentences as retribution by reactionary judicial systems, but again, in keeping with Angela Davis’s strategy, prison abolition is a long-range goal. We cannot expect the system to crumble and collapse overnight, but must work towards a progressive and comprehensive system of inclusion rather than exclusion.

To finish, if we retain a stagnant and pessimistic outlook on the criminal justice system and do not engage various strategies, the system will not only remain but also continue to grow. Thus, we must look back at history and understand the many mechanisms to the abolition of slavery, an equally large system that was engrained in the fabric of the American system. With that foresight and optimistic outlook, prison reform and eventually prison abolition is on the horizon.

**Prisoner Reentry Resilience**

In this final section of chapter five, I want to reflect and give voice to the personal agency and more importantly resiliency I encountered throughout my field period. As this dissertation has illustrated thus far there are many contributing factors inhibiting successful reentry including de jure legal barriers such as banned political participation, excluded social redistribution, and denied
cultural capital. In addition, ex-offenders must deal with de facto social consequences of diminished social networks as well as deal with issues regarding lost time. Overtime, some of the clients of the reentry organization returned to prison, either for a violation or a new charge. Despite the several recidivists, many more have been able to find channels to assist in both their desistance and ability to maintain their freedom in front of insurmountable odds. The lives of ex-offenders are not monolithic but much more dynamic and complex, which exhibits the perseverance of the human spirit.

An example of this resiliency is seen in Sharif. A tall, dark-skin Black male, his release is scheduled for February 2014 after serving 30 years for murder. His presence commanded respect from many of the clients who knew him on the inside for both his crime and length of incarceration. Despite his long duration incarcerated, Sharif had one of the warmest personalities and the ability to joke with both clients and staff, equally. He stated, “You have to be able to laugh, otherwise you lose your humanity.” As man who was well read becoming a jailhouse lawyer\textsuperscript{34}, Sharif was well versed in both scholarly and popular knowledge, often being able to assist many new clients. Many turned to Sharif for assistance in legal matters dealing with issues within the halfway facilities. One of Sharif’s main concerns about living in the halfway house was why he consciously would not seek employment while residing in these facilities. He explained, “They encourage us to work but that is only so they [halfway house] can make profit. They take a percentage out of any check any inmate brings in, sometimes up to 30%. I’ve asked on several occasions to find out where this money goes, but no one has answered that question yet. I would like to see what programs and other purposes they need my hard earned money. Until I see this, I won’t work.” Sharif currently holds the front desk position at the reentry organization greeting new clients and visitors. Sharif is supported by his wife of over twenty-four years, who he met while incarcerated. When asked how they met, he explained:

Well she was a staff member at the prison facility. At the time, I was locked up for less than five years and had been acting out and was wild but since I had been in the

\textsuperscript{34} This term refers to an inmate who assists in legal matters within a prison whether they have formal or informal law training.
military and some schooling I could type so I got a job working in the warden’s office. I had been working there when my future wife walked in and was placed at a desk across from me. It took her about a week to realize I was an inmate and we both had a mutual feeling for each other. She was gorgeous and both inmates and other male staff members would gawk over here. After about a year of us dancing around our feelings for each other, it was in her best interest to leave her position and about a year later we were married. If she kept her job she risked being placed in prison for having a relationship with an inmate.

When I asked how has his relationship been with her knowing that he had all this time to serve he answered, “She asked me to marry her, which kind of shocked me at the time because I still had twenty-five years in prison, but that’s why I knew she was the one for me. She wanted it more than me and we are still together now.” Coupled with his adult daughter from a previous relationship and his current wife’s children and grandchildren, Sharif has had a solid social network that has supported him. When asked what he plans on doing when his time is up he said, “I’m in my late 50s, so I don’t think I will find a career but I will most certainly want a job. I have been blessed with a wife who has taken care of her finances so I think we will move some place warm like Florida and I will relax.” Sharif’s consistent optimistic outlook on life along with his jovial personality showed his resilience as a person with 30 years incarcerated.

Others like Melvin and Freddy had similar experiences of being reserved at the beginning of their reentry experience and blossoming with more interaction they had with other clients, staff, and the greater public. Freddy exclaimed, “Can’t just talk to anyone when you get out because you have to know people’s intentions.” Melvin shared these sentiments. Both men had served lengthy prison sentences and were experiencing reentry for the first time. One of the qualities both men share is the ability to draw people in. Clearly, “alpha-men,” both shared qualities of leadership. Like Sharif, Freddy and Melvin were able to dictate and push many of the conversations occurring in the groups throughout my field period as well as both men kept realistic mentalities and outlooks on their reentry. For Melvin, his reentry is constantly in limbo because of natural life parole sentence that could send him back. He said, “I definitely don’t want to go back but if I had to, it wouldn’t change
much about me and how I think. It’s that attitude of hope for the best but prepare for worst.” For Freddy, he became very anxious as his parole hearing drew near. Having served twenty-two years of a 50 year sentence, Freddy had already been denied parole twice before. He explained, “I’ve already had two hits\(^{35}\) before. If I get a third hit my parole hearing won’t be for another two years and I’ll tell them to send me back to prison and out this halfway house.” When asked why would he rather be in prison than a halfway house he responded, “Cause it’s too much of a tease. I rather know and feel like I’m in prison if that’s what I am doing. I don’t want to get relaxed and feel like I’m free and I’m not because that’s torture.” Fortunately, Freddy was granted parole and will remain on parole until May 2017. Around the same time, both Freddy and Melvin obtained employment at a local bakery in the nearby town of Harrison. Melvin explained, “The job is what it is, but it’s better than nothing and I have to be grateful for someone to trust me, cause there was times in my life I didn’t even trust me, so it’s a humbling feeling…” Freddy has been proud of his employment opportunity by showcasing pictures on many of his social media outlets with him working. He said, “I feel good Smiley, I like getting these paychecks but I don’t like all these taxes. I swear they get you either way but I rather pay some taxes then sit in a prison cell.” In weighing both of their life choices, Melvin and Freddy both rather have their current life than former life. Neither man seems to regret their experiences, while they acknowledged that various life choices placed them in the current position they are in, I do not think either man has had the time to sit back and genuinely reflect on their lives. Freddy explained, “When you in prison there are two things you can do: survive or fold. I am a survivor. I have done things that just made me bad…I was bad. When you are locked up you don’t have time to think about all the decisions you make.” This was similar to Melvin’s explanation of street life, “When you in the streets you have to watch for the wolves and when I think about it now, I was one of those wolves. I never thought about my actions, I just reacted.”

\(^{35}\) Denial of parole.
Many other men and women from this study showed resilience. For instance, Jamie continued to fight for custody of her children and was given extended unsupervised visiting hours with her two children. Jerry has relocated out of state and taken a job working in the cafeteria at a local community college. Jerry said, “Is it the most ideal job, probably not. But I do get into interact with students, which keeps my mind stimulated. I also use my experience as a teaching tool. So many students are shocked to learn I have a college degree and now do what I do, so I hope it helps them make better life decisions.”

The resilience of the clients is vast and deep. Many have found strategies to overcome the odds, at the very least mentality. It would be a disgrace to all those who participated in this study, if the current reader looked at these individuals as helpless victims with no agency over their lives. I think it is important to acknowledge that despite the physical body of inmates as disposable to the state and society, these collective groups have been able to in many ways overcome the mental barrier of incarceration.

The final chapter will explore the overall conclusions of this research including how citizenship is reconfigured for American felons thus the impact on underdevelopment of communities. In addition, I will explain how I left the field and the future of this organization. Finally, I will give a brief explanation to several limitations of this study as well as what I foresee as future research in the areas of both neo-civil death and reentry.
Chapter 6: “Is this it?”: The Future For Men & Women With Felony Convictions

In 1967, Piri Thomas published his memoir entitled, *Down These Mean Streets*, which recounts his experiences from childhood to young adulthood growing up as a Black Puerto Rican from East Harlem. Throughout the majority of the text, he is wrestling with his identity, specifically the color of his skin and the concept of race. As a young man, Thomas is arrested and imprisoned for armed robbery. Upon his release he describes one his most immediate experiences after obtaining his freedom in regards to the use of the bathroom. Thomas writes, “I sat and crapped for the first time in six years without having somebody pass by and dig me at my efforts” (1967 p. 311). It is this array of these seemingly insignificant, yet necessary and important needs to the reentry process. For Thomas, the act of gaining back privacy became a vehicle of his reentry.

This conclusion chapter’s goal is to summarize the findings of this research on the construction of citizenship and identity for formerly incarcerated men and women as well as how this population is able to navigate and negotiate this process known as prisoner reentry. In addition, loss of rights impacts not only the individual but also community dynamics and structures. Beyond this, the chapter will elucidate how my fieldwork in Newark, NJ concluded. In addition, this final chapter seeks to briefly explain some of the various limitations of this study as well as explore possibilities for future research in the areas of neo-civil death and reentry.

*Prisoner Reentry & Community Underdevelopment*

Individual narratives about negative experiences with the criminal justice system, felony convictions, incarceration, and reentry with diminished rights impacts more than that person, but significantly plays into the structure and development of a community. Walter Rodney’s book, *How Europe Underdeveloped Africa* (see Chapter 5) posits that Africa has been severely
underdeveloped because of the transatlantic slave trade guided by the expansion of western capitalism. In 1983, Manning Marable used Rodney’s model of underdevelopment to assess current situations for Black Americans. In *How Capitalism Underdevelopment Black America* (2000), Marable breaks down his book into several sections dealing with various aspects of Black life in America. One of the central themes of this book is linking race, class, and gender as contributing factors to how Black America is underdeveloped. I want to expand on this intersection of variables and contribute a link between race, class, gender, and *felony conviction*.

The United States is seeing unprecedented amount of people being released from prison with the loss of political, economic, and social rights based both on de jure and de facto reasons. Research (Wacquant 1995, Fagan et al 2003, Clear 2007, Loury 2008, Reiman and Leighton 2010, Alexander 2010) shows that incarcerated masses come from concentrated areas across America. In other words, mass incarceration is not equally representative throughout the United States, but is focused in certain communities. Therefore, prisoner reentry has larger structural effects on community underdevelopment because men and women are being released with diminished rights and notions of citizenship. These communities lose out on multiple forms of economic, political, and social cohesion. On an economic level, less job availability and opportunity create vehicles of poverty and community breakdown. Businesses have no incentive to invest in these communities because they are either not willing to hire or legally prohibited from hiring men and women with a felony conviction. Additionally, the lack of political power and agency underdevelops communities. Politicians do not have to invest or take into consideration the problems facing those with a felony if they are ineligible to vote. Politicians and other elected officials are accountable to constituencies. Felons barred from exercising this right fall outside this scope. Finally, on a social level because of legislation and limitations, men
and women cannot live in certain housing, be around other persons with a felony, and host of other factors, which disintegrates community ties and cohesion.

In the end, those with a felony conviction, from a particular community, lose out on many forms of agency and representation in the political, economic, and social arena. This underdevelopment thus becomes a discourse of can’t vs. won’t. Felons in the United States are not allowed to participate, whereas someone without this label can consciously make a decision to choose to participate or not. This is not the same for American felons, who are consciously excluded by law from participating. In essence they are cut off from American values, traditions, and other forms of liberty and freedom. The American criminal justice system has become a catalyst of not protecting individual rights and safety, but in fact usher in more community dissonance through legal policies that take away rights rather than protect them. In other words, community underdevelopment in low-income urban Black communities with high rates of incarceration is directly linked to the United States criminal justice system.

What Happens Next For Reentry?

In December 2013, President Barack Obama took, arguably, one of the biggest steps against the ‘War on Drugs,’ when he commuted eight crack-cocaine dealers federal sentences stating they had been convicted and sentenced under an “unfair system” (Knafo 2013). This could be the first of several actions that need to be taken to reduce the amount of men and women who are given lengthy prison sentences for non-violent drug offenses. However, as legislation might move forward and become more progressive in its stance on drug crimes for future offenders, what does this mean for those who have already gone through the system, lost their rights, and in many cases, lost their identities?
As it has been shown in this dissertation and other places, the United States is the world’s leader in incarceration and because of this is now beginning to deal with the problem of “reentry.” This process of transitioning 700,000 plus men and women from prison to community, annually, creates many dilemmas for the nation. Prisons are designed to house and store those who are unwanted in American society. As Angela Davis writes, “The prison therefore functions ideologically as an abstract site into which undesirables are deposited, relieving us of the responsibility of thinking about the real issues afflicting those communities from which prisoners are drawn in such disproportionate numbers” (2003, p. 16). Despite this, in the second decade of the 21st century, the United States is seeing unprecedented amounts of prisoner releases and prisoner reentry into communities across the nation. America must now ask: What must be done with this unwanted population of disproportionately high amounts of people as they come back to society? What strategies and policy implementations must be created or modified to deal with this high volume of returning men and women from jail or prison?

This dissertation has wrestled with two large concepts: incarceration effects (neo-civil death) and prisoner reentry. The four main questions of this research were: (1) What is the relationship between the carceral continuum and civil death? (2) How does the loss of rights (neo-civil death) affect the construction and identity of citizenship in a democratic society? (3) How do men and women returning from prison navigate and negotiate reentry and reintegration? (4) Finally, how does neo-civil death and reentry play a role in the underdevelopment of low-income urban communities? These larger questions helped design and frame this research in context of understanding citizenry, particularly around exclusion from social, political, and economic institutions as well as what it means to come home from prison in the United States,
particularly facing the legal barriers and social obstacles that are imbedded into American society.

Through this qualitative study, the research completed helps to illuminate the fast growing institution of reentry within the criminal justice system as well as understanding reentry as an up-and-coming field of study within various social science disciplines. My study combines both the loss of rights and reentry into a single entity that needs to be studied simultaneously rather than distinct and separate. One cannot study the “collateral consequences” of incarceration without also learning what is needed for reentry from those experiencing this transition. It is important to understand how loss of rights informs reentry as well as how reentry is inhibited by loss of rights concurrently. These two concepts go hand-in-hand and are both vital in learning and understanding how men and women “come back.”

This study has produced several indications based on the type of study, research questions, and population considered. First is the idea of citizenship. As an American citizen with a criminal record, more specifically a felony conviction, one’s status is affected because of the loss of rights (social, political, and economic). The loss of civil rights has left many within the study, and beyond, in a quandary. As stated throughout the dissertation, having a felony conviction in the United States places American citizenship status into a quagmire. On the one hand, as a citizen you are not a total in-group member of society because you cannot enjoy all the rights and privileges of those living within free society. There are several examples that show this. Economically, one could be barred from certain jobs or educational programs, which prevent employment in areas requiring specific skills, certifications, or degrees. Socially, one is excluded from residencies or communities based on criminal conviction as well as individual mobility to move freely from state-to-state or between nations. Politically, one is denied political
participation via the right to vote and other political areas such as serving on juries, holding public office, or in some cases, right to assemble. This loss of civil rights, stemming from the historical and philosophical concept of civil death leaves citizens with diminished overall rights and privileges. On the other hand, unlike an immigrant or someone that does not have a citizenship status, American criminal (ex)offenders cannot be deported or exiled from the country. Therefore, at the very least, the “right to life” is in some form protected because of citizenship status. Ultimately, American criminals or those with a felony conviction straddle the line of citizenship and other. They are not a total in-group because they do not share all the same rights and privileges as those living in free society, but not a total out-group because they are protected from deportation and other sanctions of non-citizens. In other words, civil death has been updated to appease this new measurement and standard of being a “purgatory” citizen, via neo-civil death.

Neo-civil death refers to this peculiar status for contemporary American felons, thus resulting in a mesh and contradiction of inclusion and exclusion practices. In other words, felons are both included and excluded simultaneously in American society leaving a contorted sense of identity and citizenship status. Due to this framing of neo-civil death, a discourse surrounding the idea of citizenship of men and women coming home from prison evolved. By and large, the feeling of being seen as different because of the labels and stigmas of “prisoner” only enhanced the feelings of being excluded and marginalized in society, thus creating the feeling of “other” as a population known as the convicted class, with various legal barriers and social obstacles. Many of these challenges prevented reintegration back into the community. For many, there were tangible blockades of employment, housing, public assistance, driver’s license, voting and jury

\[36\] In some cases, men and women with a felony conviction cannot cohabitate the same space as other persons with a felony conviction. Therefore, assembling at certain places puts individuals at risk of violation and being sent back to prison.
service, parental rights, and child support that impacted their identity as citizens as well as the experiences of reentry. In addition, the concepts of lost time while incarcerated, spousal selection, medical care, and access to certain societal standards (e.g. appropriate clothing) all impacted the reentry process and reintegration. For some, these legal and social obstacles were part of their reintegration back into society, while for others, this was their first time participating in societal conventions and norms. Therefore this was a process of initial integration, which then scrutinizes this concept of “reentry.” In other words, some men and women need to begin the entrance process before they can reenter.

Through the narratives and experiences shared and observed during the two-year field period, it became important to understand how the men and women who were transitioning from prison to halfway house facilities to the community navigated and negotiated their reentry process, particularly with the various forms of neo-civil death. Social and cultural capital was utterly important, especially for those in the study who had both networks and connections to various individuals, institutions, and communities, to assist in this reentry process. In the end, those who had positive social networks with transferable skills including education were, observably, in better positions to not be a recidivist and desist from future violations. In addition, these social networks provided assistance in navigating and negotiating reentry in terms of temporary housing, short-term employment, or support in other areas of money, clothing, and meals, to name a few.

Reentry Aid Society, the reentry institution, which was used as the site of the field study, became its own form of social capital for the clients. This space was used and served multiple purposes. As stated, this institution acted as a safe space for many current and former clients to feel connected, protected, and access certain important features in their day-to-day life including
restrooms, small meals (e.g. coffee and donut), and a place to take a break. This space also acted as both a formal and informal networking community. Formally, clients were referred by halfway house facilities or parole officers to attend workshops that engaged with family reunification, job readiness, employment workshops, referrals to obtain state identification cards as well as other identification documents, and other therapeutic groups. These formal networking programs gave clients the necessary social capital to assist the reentry process back into the community, compounded with certain tools such as building a resume and cover letter to make them more marketable to potential employers. In addition, informal networking was equally important to gaining forms of social capital. The ability to be able to use social media outlets (e.g. Facebook) via the internet, make personal phone calls, exchange information with clients from other halfway house facilities, and have family and friends visit all became necessary and important to this process of reentry. These informal networks became a powerful and resourceful tool to integrate back into the community. Reentry, like many things, is a complex and almost abstract web of networks comprised of human interactions. Therefore, there is no one formula of success or pattern to reintegrate an individual back into society. It is vitally important to look at all facets of an individual’s life and understand the simultaneously complex and fragile networks, associations, and communications a person might have and realize how both formal and informal networks work together in this reentry process. I would argue that informal and casual interactions are just as important or more important than traditional rigid and prescribed methods of reentry. Reentry needs to be about humanity, thus giving individuals the feeling of acceptance and inclusivity, rather than a burden or an exclusive entity that needs to be “treated” or “cured.” Therefore, reentry cannot just be measured from the top down, meaning the impositions placed by the state, but rather from the bottom up, to fully understand the necessary, important, and
needed resources, networks, and forms of capital needed for reentry from the perspective of the men and women coming home.

Furthermore, this dissertation expanded on the connections between the prison industrial complex and the prisoner reentry industry. The prisoner reentry industry (PRI), like the prison industrial complex (PIC), brings together both public and private (non-profit and for-profit) institutions that control criminal justice, specifically prisoner reentry. There are both financial and political motives and incentives to privatize prisoner reentry. On one hand, financially, the state can boost saving taxpayers money as well as spend less on corrections if they outsource prisoners and parolees to private companies that can spend less on each client per diem. On the other hand, politically, politicians and other public figures can still give the illusion of being “tough on crime,” while simultaneously outsourcing criminal justice responsibilities to private interest groups. Private halfway house facilities are a safe model of alternative-to-incarceration measures. These programs can be as restrictive, if not more, with the clients they house and treat, than the state all in the name of public safety. Therefore, the PRI becomes a win/win situation. For public interests, the state can reduce its overall costs on corrections and other entities tied to criminal justice. For private companies, they have become invested in the stock of human storage. In other words, the need for incarceration, recidivism, and lack of desistance becomes a primary function and need for these institutions, none more than for-profit corporations. This is true of corporations such as Community Education Centers, which receive the largest share of the New Jersey state budget to manage and control several halfway house facilities throughout the state and this is all contained with the rhetoric of “tough on crime” and public safety measurements. It becomes important to both the system and private interest groups to keep
incarceration and reentry high, regardless of actual crime happening. The incentive is not rehabilitation but rather storage and capital.

Moreover, criminal justice practices in contemporary America bring a new face to institutionalized practices such as racism. Hence, it has become taboo to be an overt racist, however, not only socially acceptable but also socially expected to be overtly against all forms of crime. Therefore, the model of “tough on crime,” becomes the new rhetoric of targeting historically oppressed populations in the name of justice. Thus, we see the exponential growth of police tactics such as “Stop and Frisk” that overwhelming targets young Black and Brown men as well as the criminalization of particular cultural expressions such as “saggin” one’s pants. In other words, strict penal and retributive punishments on crime today are code for historically punitive punishments on the poor and people of color of years past.

The remaining sections of Chapter 6 will serve as a place to discuss how I left the research field and some of the various limitations of this study. In addition, to re-visit some of the policy implications discussed in Chapter 5, particularly from a grass-roots perspective as an activist. Finally, what would future research, both domestically and abroad look like in terms of discussing neo-civil death as a model of other carceral continuum systems, particularly scrutinizing practices and values of democracy in other forms of government.

Exiting the Field

As an ethnographic field researcher, it is important to be conscious of the field and the study at hand. After two years of being in the field, spending time at the reentry agency getting to know the staff, clients, and other community members who volunteered their time and energy it was imperative I remember my purpose of being there as well as how to leave. Working with “vulnerable” populations, particularly men and women coming out of prison, I felt it was
important for this transition out of the field to not be abrupt because so many networks in the lives of the clients were fragile to begin.

In late August 2013, I arrived to conduct my weekly focus group and no clients showed up. This was odd because this cohort of clients had come from one of three halfway house facilities consistently for several months. When I inquired with the reentry staff, no one knew the reason. The following week when I arrived I was greeted by Sharif who the only client at the office. I asked him where everyone was and he responded, “the [halfway] house is on lock down.” Shocked, I asked why. He informed me that Stefan had been considered a “runaway” when he failed to make his check-in call the week prior. Sharif went on to explain that Stefan arrived back to the halfway facility by the specific time given but failure to call put him on the fugitive list and he was immediately sent back to state prison. I later found out that the charges against Stefan were dropped after further investigation but that did not change the fact that his actions caused a universal shutdown of the halfway house. The only reason Sharif was allowed out was because he had special permission since he was the front desk coordinator.

Over the next several weeks, I would go to reentry center and no one would show up. I would gather information from Sharif about the status of different group members. Rickey and Reggie both got jobs; Sam and Clyde were released from the halfway house; Sharif was no longer speaking to Wilhelm because of matter of ‘respect,’ therefore Wilhelm was not coming down to the reentry center any longer. It was during this time, I realized that after two years of fieldwork, thirty interviews, and fifty focus groups, it was my time to leave the field. More importantly, there was no abrupt change but more of a gradual transition where I was able to leave without deliberating breaking bonds with participants. With social media outlets such as Facebook and Instagram, I have been able to keep in contact with former participants and track
their progress in terms of employment and relationships statuses. This connection is a great way to informally keep a connection with participants, specifically for future research in the area of reentry.

**Limitations**

This dissertation and research study was done through various qualitative research methodologies (See Chapter 2). The use of personal interviews, focus groups, and ethnographic observations were used to extract both the individual, communal, and observable narratives and perspectives of prisoner reentry for low-income men and women coming home from jail or prison with a felony conviction. As stated in Chapter 2, one of the most fundamental purposes of conducting a qualitative research study was because of the deficient amount of scholarship on prisoner reentry using a qualitative lens. Much of the cited research and explorations in this area of study have been done through a historical perspective of linking past policy and new legislation with connections to various patterns of systematic forms of exclusion. More specifically, understanding the connection between the institution of slavery and incarceration. The other major area of study in understanding reentry and incarceration effects has come from quantitative oriented research, which provides a macro-level perspective. While useful in creating a framework to recognize the specific demographics of particular populations who have lost civil rights, this broader research in some ways falls short of understanding the day-to-day interactions and experiences of men and women living with neo-civil death. Finally, none such research, which I could find, tries to make links to ex-prisoners identities and understanding of citizenship while living with neo-civil death and navigating the world of reentry. In any case, I must acknowledge some of the shortcomings of this research realizing that in some cases it was a conscious decision and in other areas unavoidable happenings that were out of my control that
dictated this research. I have already outlined in Chapter 2 the lack of women in my interviews and overrepresentation of Black men in this study. Nevertheless, I will briefly discuss several of these limitations in the next few paragraphs.

To begin with the most obvious limitation, this was a purely qualitative research design and project. I conducted no surveys nor used any statistical data sets from any sources other than citations in this research. As stated previously, this research tries to fill voids in other research within the areas of reentry. While there is debate amongst academic scholars about methodologies, I acknowledge the subjectivity and bias that research might have. Using Howard Becker’s idea of “Whose Side Are You On?” (1963), I am aware of certain subjectivity that I might bring along with recognizing the reflexivity (Bourdieu 1992) that I am in large part physically like many of my participants: male and Black. Therefore, to remain as value-free as possible, I used the same protocol throughout my research in asking the same questions to all participants and remained conscious of my own identity throughout the field period. I consistently reviewed all notes, audio, and other miscellaneous writings to constantly check for any overt bias. For future research, a potential exit survey that assesses the reentry program and services might be able to capture a more robust image of reentry and offer further insight to what reentry programs need to implement.

In addition, this research consciously omitted juveniles from this study. The research organization used as a field site only works with offenders age 18 and over. Therefore, access to a juvenile population was non-existent through this channel. Furthermore, the decision was made to work with adults specifically, because not all loss of rights impact juveniles directly, specifically such things as: political participation (e.g. voting rights) and driver’s license for those under the age of 17 years old. In addition, the subsequent IRB protocol would require
further scrutiny of the participants if under age. While this was a conscious decision and effort to eliminate juveniles from this research, an argument could be made to conduct follow-up research that would capture how this population is affected by loss of rights and if there are additional rights that might only inhibit minors as opposed to adults.

Another limitation to this study is that it was conducted in an urban as opposed to a suburban or rural setting. Again, a conscious decision was made to place this research in a low-income urban community rather than targeting a smaller size city that many times receives less attention than larger cities such as New York, Philadelphia, Chicago, and Los Angeles. However, urban environments do not afford or have the same dimensions as opposed to suburban or more rural communities. Therefore, in follow-up or further research, by seeking out and identifying areas such as Pine Ridge, South Dakota, which is the poorest of all recognized American Indian reservations this research might capture how reentry happens in places that do not, potentially, have the same institutions and other means of social capital because of the less density of population. Moreover, learning how individuals navigate and negotiate their reentry might drastically change.

Furthermore, this study focused on one city. This was not a comparative study that looked at several sites or cities. A conscious effort was made to focus specifically on the community of Newark, NJ. Further research could avail itself to look at similar sized cities as well as compare to larger size cities as well as suburban and rural communities. Beyond the primary focus of wanting to conduct this research in one city, I did not have the financial resources to conduct research in other cities during the time of my fieldwork. I hope to be able to carry out and implement this work across other U.S. cities in the future.
Finally, the last limitation to this overall study is its lack of international comparison. American scholars tend to focus primarily domestically rather than going abroad or, at least, doing some sort of comparative study with other nations. By engaging in other countries policies and legislation surrounding prisoner reentry, it could give a more robust and flourishing discourse about American criminal justice as well as how other places around the world deal with reentry. This type of research would be fruitful at the international level, as the United States is not the only country dealing with the issue of prisoner reentry.

I have laid out several of the limitations of this study. I’m sure other scholars and critics could find more. I believe that I have done the best I can with the tools, training, and options I had available to me at the time of the fieldwork. Research can always be perfected, modified, and continued, but it is my opinion that the best researcher is the one that fully understands their limitations, acknowledges them, and knows when to complete their study. It is a daunting task trying to fit everything into one piece of writing, therefore it is important to remember the simply question: “What do you want to know?” It is imperative that researchers remember their task at answering the social question they are posing. If you are able to obtain a justifiable and cohesive answer, you have fulfilled your task. This does not mean the job is done but gives steps on where further research can go and what has lacked in the current project and can be addressed.

The next section of this concluding chapter will revisit the policy implications (See Chapter 5). This is done to theorize and understand how a grassroots and activist effort could mobilize prison reform, at minimum, and rationally thinks about prison abolition as a possible reality.
Policy Implications

In Chapter 5, I discuss four policy recommendations: (1) Restoration of full citizenship, (2) Restorative programs, (3) Termination of for-profit criminal justice, and (4) Prison abolition. This section will discuss social movement theory and strategies to implement and devise movements surrounding the prison industrial complex and prisoner reentry industry. Outlining these four approaches begins the discourse surrounding progressive criminal justice approaches that come from an ideology of community restoration rather than “lock ‘em up and throw away the key” retributive justice. In addition, thinking beyond a society that is reliant on prisons to deal with crime.

In her book, *Are Prisons Obsolete?* Angela Davis poses the fundamental question, “Why do prisons tend to make people think that their own rights and liberties are more secure than they would be if prisons did not exist?” (2003, p. 14). In other words, crime still occurs regardless of the amount of prisons or police. Until the film, *Minority Report* becomes a reality there is no method of preventing all crime. Therefore, the suggestion of expanding the criminal justice system (e.g. police, prisons, reentry) is for the fabrication of “safety.” It becomes a false sense of security. In reality, the question is not safety, but rather, freedom. By securing certain populations in cages for extended periods of time, those in power maintain a place of dominance, superiority, and overall freedom, over those perceived as weak, inferior, and subordinate.

The criminal justice system has designed a system that creates an ideology that without it there would be anarchy. The argument from the perspective from the state is that without strict legal code and penal sanctions, citizens would harm one another. This ideology has been imbedded into the framework of society, thus people shutter at the idea of not having an expansive criminal justice system. Conversely, from a critical perspective, I argue that it is these
same expansive measures of the criminal justice system that do not curb criminal activity, but in fact enhance it. Over the past twenty years, research collected by different organizations, such as the Death Penalty Information Center, have shown that consistently states with the death penalty have higher homicide rates (2014). Simultaneously, other studies have also shown that higher rates of firearm availability also produce more violence (Zimring and Hawkins 1997). Therefore guns do not deter crime but rather in enhance it in states where obtaining a firearm is easier. While I’m not constructing an argument of causation, I am drawing a point to correlation between state violence and interpersonal violence.

We must develop, create, and implement policy recommendations to achieve a quality of life that is secure and sound for all people. It is important to understand that the criminal justice system, which is a branch of the leviathan, will not automatically change, but rather pressure from the people will create change. Therefore, it is important to discuss pathways of social movements and organizing.

Expanding on social movement theory goes beyond the scope of this research, but adhering to previous scholars work, can create a foundation for change. Collective behavior (Turner and Killian 1957, Smelser 1962) expanded the research and study of social movements, particularly understanding group dynamics and decision-making. Beyond this, McCarthy and Zald’s (1977) work on resource mobility, pushed social movement theories further by understanding not only the desire but also the need for resources and mobilization. Therefore, I will layout ideas on how grassroots social movements can develop surrounding, in particular, prison abolition.

It is imperative to recognize prison abolition is not a short-term fix, but rather a long-term goal to reconfigure and reconstruct modes of punishment from an out-dated system of retribution.
to a structure of restoration. I will speak of two ways of organizing a grassroots movement around prison abolition: (1) organizations and (2) social media & technology. These outlets are important to implement change. For all of this to occur some fundamental factors must need to take place.

Organizations are crucial in creating a social movement. These groups become the nucleus of change, because many allies and external persons look to the organization for guidance and direction. Organizations, such as NAACP have been moderate groups that have had national attention because of the high-profile cases (e.g. Troy Davis\textsuperscript{37}) it has taken over the years. More leftist organizations such as Free Mumia Coalition, Jericho Movement, and Critical Resistance, have all been much more vocal and active in the release of political prisoners and prison abolition. While these organizations have done progressive work within their communities, social media and technology become viable methods to expand their voice.

Social media and social networking sites are the most abundant and immediate pathways of creating collective action. Social media outlets are used for a myriad of news outlets and vehicles of even self-promotion of crime and deviant behavior (Smiley 2014). Organizations need to utilize these platforms to vocalize their grievances and create solidarity.

People of color and poor Americans are fully aware of the expansive prison system. Bruce Western and Becky Petit (2004) have shown this reality of going to prison becomes part of the life-course of many urban Black and Brown men. A critique of leftist activism is its quick judgment and place of blame on what they view as more moderate or ignorant leaders in the Black and Brown community. An example of this harsh criticism was of rapper Jay-Z not forfeiting his clothing deal in 2013 with the high-end department store, Barney’s, after it was

\textsuperscript{37} Troy Davis was an African-American man, executed by the state of Georgia in September 2011. His case was controversial because it relied solely on eyewitness testimony.
accused of racial profiling. Many Black and other “leftist” groups and individuals took to social media outlets such as Twitter and Facebook to admonish Jay-Z for keeping his deal and “turning his back on the Black community.” In the song, “The Devil is a Lie,” featuring Rick Ross, Jay-Z responds to his critics by rapping, “You seen what I did to the stop and frisk/Brooklyn on the Barney’s like we own the bitch/Give the money to the hood, now we all win/Got that Barney’s floor lookin like a VIM” (Rap Genius 2013b). His response is that he did lose his identity or understanding the frustration in his community. The reaction to critique folks like Jay-Z so quickly only diminishes social movements. While leftist movements do not need to totally agree with all actions of Black celebrities, it is about coalition and cooperation. The ability to build networks and gain stronger support will create positive momentum. Many rappers recognize and rap about the disparities in the prison system; therefore these are some of the avenues activist must try to build coalitions.

Future Research

This research is not the end but the beginning of a larger conversation regarding how citizenship is regarded and designed in democratic states. In December 2008, I spoke to a group of inmates at Butzbach Prison, a maximum-security institution in Germany. The talk was in exchange for a three-day semi-structured tour of the facility. The discussion topic was the use of capital punishment in the United States. The inmates were comprised of a diverse group of Germans, Americans, French, and Croatian. The inmates were intrigued about this topic because Germany does not use the death penalty as a form of punishment. The lecture quickly became a dialogue with the inmates who became more interested in the idea of lost rights by American inmates, specifically the right to vote.

38 Capital punishment in Germany was abolished in 1949 under Article 102 of the German Constitution.
One man stated, “This would not be tolerated in Germany.” I responded naïvely, “The inmates wouldn’t allow this?” and he responded, “No, no one in Germany would stand for this. Basic rights are the most important things in democracy, especially the right to vote.” This same man later asked, “So these people who lose the right to vote, they are not citizens anymore?” I replied, “Yes, according to everything I had read or been taught they are still citizens.” Not satisfied with my answer he said, “If you cannot vote, you are not a citizen. How does this make sense that an individual cannot vote and still have citizenship in a democracy?” Others agreed with this man by voicing their own opinions or nodding their head.

This German inmate’s insistence on a definite answer to his question of citizenry beats to the core of this dissertation: What is the status of citizenship for convicted felons in democratic states? The fundamental purpose of democracy is social inclusion for citizens of a particular state, while excluding those who do not belong. In the United States, the contradiction gives us purgatory citizenship.

Future research would be important to develop and implement this type of study in other cities, states, and countries to understand democratic values and principles. This would elucidate the way the state treats those seen as “unfit” to collectively build programs and other avenues to include rather than exclude in society.
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