Forever A Felon: The Pitfalls of Re-Entry (Buttrick 101)

Pippa Holloway, Jim McNamara, Andrew Ross, Ndume Olatushani

Pippa, Professor at MTSU – History of Felon Disenfranchisement

Connections between limitations on voting rights and disenfranchisements

- System extends the punishment from prison to afterward
- Record limits rights and freedoms after prison sentence
- Pre-civil war:
  - 2 ideologies
    - **Northern**: general acceptance than incarceration/punishment about rehabilitation
      - against felon disenfranchisement
      - role: to rehabilitate people
      - movement among certain states **against** disenfranchisement
    - **South**: incarnation marks you for life
      - South **for** disenfranchisement
  - North/south have different ideas because they have different histories/different ideologies based on slavery
    - South moving to protect social hierarchy based on slavery
    - North has more fluid social hierarchy/South has fixed
  - South: violence primary – violence solidifies exclusion to citizenship
  - Criminal status: infamous: labeled as criminal, lower social status, deprive of respect
    - Evidence that ideology persists
      - 1835 North Carolina convention
        - Black men should not be able to vote because they were victims of violence
        - Blacks could become essential re-enslaved because of criminal act, whereas whites could not
      - Free people of color were not freemen, because they could be easily re-enslaved
      - People who are victims of violence are not worthy of the rights of citizenship
      - Larger framework for police shootings
        - Current examples
      - We have a legal and social tradition of denying rights to people who have been victimized by violence
    - Reason 19th amendment had to separate people who were criminals v. slaves is because before they were looked on as the same
  - Re-instating white supremacy
    - Disenfranchisement, slavery, incarceration
- After Civil War
  - 14th amendment being ratified
  - Mass whippings of African American men in order to disenfranchisement
    - Individuals whipped as punishment for a crime lost the right to vote
    - Manner in which whites could keep blacks from voting
  - Violence used as a method for control
- Barriers for Re-Entry
  - Individuals permanently marked as non-citizens, or disabled citizens
  - Idea of infamy lived on into the 19th, 20th, and 21st century
- People are marked and degraded
- Legal status of prisoners came to mark the legal status of slaves → leads to today

- (man, named ________________) spent 28 years in Prison
  - spent 20 years in death row for a crime I did not commit
  - people in prison are so marginalized, are forced into making a decision landing them back in prison
  - examples of how things in paper actually look
  - prior to leaving prison, I left the prison and had to spend 6 weeks in the county jail
  - for 28 years, went back and forth to court, every time Shelby County Jail one of the worst in the country
    - used to dread this
  - prior to coming home, had to go to the Shelby County Jail before coming home
    - really needed to see the Shelby County Jail, to know that he would be leaving free
    - allowed for him to see this in a totally different light
  - Shelby County Jail
    - 100s of guys (3,000 people in this jail) shuffled into tunnels – shackles and chains, different colored clothes based on charge – all along line there are officers re-checking your number and your colored clothes, at the end of the tunnel, there are holding cells, people sorting prisoners out, very much like slavery – realized a new perspective about what was really going on. Understanding how people were treated in slavery
    - nothing different there and now
    - sea of young black faces
    - it’s no different today; slavery by another name. he was making 17 cents an hour for the work he was doing
    - private companies use prisoner labor to produce their goods (Victoria’s Secret, etc).
      - but when they go to this private company afterward, they won’t hire them for checking the “prior felon” box because they say they don’t hire ex-felons
    - friend was in prison for 38 years. Left, and had $100. But, in order to get help, was told he had to have had a job for 90 days in order the get help
- Prisons are a big business
- Our current system isn’t far from slavery
- They running out of black folks to lock up; soon they’ll be reaching for another people!
- NO ONE in prison wants to come back ; how can we welcome them back?
- We become complicit when we do nothing

Jim
- Represented 100, 1,000s of people who have come out, and he meets them at a
time when the have re-offended
- I believe that people are ultimately very adaptive
- People adapt to the prison environment
- Doesn't train them, or give them the skills they need, in order to succeed
- They have adapted to an institutional lifestyle
- Want to succeed, and just can't
- Others, having wanted to be out, get into the free world, and basically decide that
  they can't do it. Commit ridiculous crimes (purposefully re-route themselves) in
  order to get back to prison)
  o Used to the structure of the prison system
  o Didn't know how else to act
  o Internal damage when we incarcerate them
- In 1996, if you were going to apply for a job, what was a background check?
  People didn't have the kind of access to people's background in business back
  then than they do now
  o Government, military, yes, - but private employers, no
  o We didn't have the type of access because of limited technology
  o Dramatically different now than it was back then
- Impact because of technology is heavier
- We've changed the laws: law passed in TN a few years ago; if you don't pay your
court cost bill, we won't let you drive
- Many jobs require you to have a driver's license
- If you go to jail, your court cost can be 10s of 1,000s of dollars
  o If you don't pay that bill within a year, you won't be able to pay that bill
    within a year
  o You now don't have a driver's license
  o In order to get it, you have to pay your bill
  o Another barrier
    • Employment is crucial; if you can't get a job, you can't really get
      out
  o Effect of law: crippling people who are trying to re-integrate
- we take for granted the idea that these things stay with you
  o a choice we've made
  o in Europe, it doesn't work this way
  o automatic expungement for some; can request for others. We talk about
    "innocent until proven guilty, but our arrest record is a public record"
- Industry of background checks is pretty much completely unregulated
  o Companies buy information in batches
  o Even if you're expunged, that private company still has the out-of-date,
    incomplete records
  o Puts the burden of proof of on the defendant

Andrew Ross
- employment options
  o court costs also include jail fees
  o people are charged about $40 a day for every day they are in jail
- employment
  o project return
  o focus on primarily on employment
    • data shows employment is the single most accurate indicator of
      successful re-entry
    • job reduces your re-entry 10-20%
all you’re doing is giving someone a chance to work, and everyone benefits

needs for people once released
- 212 people came in to project return during March
  - job-lead packets
  - bus packets
  - food supply
  - vouchers for work clothes
  - state IDs
  - birth certificates
  - shoes
  - housing stipends
  - referrals to other providers

anyone who comes in signs up and takes job readiness classes
- hygiene
- manners
- timeliness
- felony question
  - mock interviewers

job counselor
- start applying
  - difficult because of stigma attached to criminal record

last 2 years, have created a social enterprise
- 15 passenger vans, temporary work crew, minimal wage, 10-12 months, then move on to a new job
- if people can’t find a job, create one for them
  - still difficulties
    - background checks
    - get a job, then comes through and people are denied a job

ways to overcome:
- federal programs;
  - work opportunity tax credit
    - offer $2,500 in tax credits to “hard to employ” people
  - federal bonding; if they hire someone in one of these categories, and someone commits a crime, they are covered up to $150,000

possible changes
- limits to time of public record
- more entrepreneurship; create own job

(challenges: when you think about all of this, you realize it’s being done to keep the system in place
- all part of continuing the system
- they need these barriers in order to keep the prison industry successful
- people have to be sitting in prison in order to make the billions of dollars
- if we don’t do something to the prison industry itself, then they will come up with something else
- Michelle Alexander: what this actually looks like
Continuing these practices, just dressing it up to make it look better
- For the prison system, it’s working perfectly!
- Some people can’t even come on campus because of stigma for something that “allegedly” happened 40 years ago
- Most people in prison are people who didn’t graduate from high school
- No effort for rehabilitation
  - No help for becoming productive citizens
- In prison, you have quite a work ethic!
- Anyone, if subjected to a certain circumstance, would commit a crime

Helen, parole officer (audience)
- no place to live
- no life-skills (poor education)
- depression (based on fear)
  - offspring have same fear, without same circumstances
- employers have difficulty hiring felons because of insurance
- laws need to be changed from the floor up
- in Europe, laws are so different than they are here (sentencing)
- very little compassion
- fear on both sides

audience question (specifically about drug offenses)
- FALLACY: if you have someone addicted to drugs, and you deny them access, you will cure it
  - Cocaine addicts will just get back out and want cocaine
  - Need for more meaningful assistance, especially in preparation for release
  - It’s not that there’s not access to prison
    - Guards bringing in prison
  - Could have used the $30,000 on that person in drugs in order to rehab that person before

Audience question (sentenced at 17 to two 25 year sentences in prison for being accessory to murder)
- studied development psychology in prison
- 2 years into getting degree, told that he couldn’t practice
- currently writing programs for YMCA
- if I wanted to pursue a masters or a doctorate, I could not practice
- he can only do a fraction of what he wants because of him being in a car when his friend accidentally killed someone
- those who really try, even who got jobs, still can’t get a career
- if you allow the media to tell you that we’re monsters, then you’ve been duped

audience: talking about self-esteem
- Nashville legal action center
- Every conservative pushing criminal justice reform
- Particularly good time for people to meet with state-elected representatives to make a change

Audience: educational problem
- where are these problems coming from?
- Agency and state problems, all connected to the 13th amendment
  - State, federal laws
Professional licensing boards

- Even if you’re pardoned, they still won’t let you be licensed
- Different ways it’s limited for different states, professions

Audience: armed robbery when 21-years-old

- can’t even get a job at waffle house
- either get a job, or go back to prison
- it’s horrible! If we didn’t have family, we’d be right back in prison
- 13th amendment abolished slavery, except for someone who committed a crime
  - making money off of the prison
  - basically attacking poor, people without education, and people of color
  - profiting off of it
  - system counts on people who don’t have family to help them out
  - having parole officer come to your job can also make you lose employment

Audience: commenting on Ndume

- released on January 15th from Prison
- locked up 34 years
- worked for gentleman from church in construction
- wanted to wash dishes at a fast food restaurant: manager asked, “what are you doing walking around?”
- Made TriCore over $980,000, but he was only paid $1,000
- Has his GED, got 2 paralegal degrees from Princeton, but TN and president, stopped all education programs from getting degrees unless inmate or family pays for it
- Education needs to be put back into the system – otherwise, the system gets bigger and bigger
- 7 – 22 prisons in 30 years
- it’s a big business
- private companies: contract with state of Tennessee, but state has to guarantee that 90% of beds are full, otherwise, that’s taxpayers money if the beds are not full
- signed up for insurance
  - not insurable because of conviction record
  - either coming out of his pocket or public’s pocket
- a lot that the public just does not know

Audience: employers who are intentional about employing former convicts?

- evolved on the ban-the-box question: will not ask them right off the bat
  - Target
  - Standard candy
  - Others, but don’t want public attention because of stigma
  - *Ndume says STOP patronizing at companies who are working within the prison, but don’t hire outside
    - national employment law project

Audience: project return. How do you connect with ex-inmates?

- we go into prisons
- pre-release programing
- have to work with the Tennessee department
- good relationship with Tennessee prison for women; known in others (send flyers, word of mouth)
otherwise, people have to come to them
struggle sisters: working in Chattanooga/Georgia

audience:
in prison 2002 released at 27
went in at 13
never had a job, car, didn’t know how to drive
unconscious anxiety in October reminds him
got 2 associate degrees
internet simulation program (no internet in prison)
offer pell-grants : got BA in social science from Roosevelt
  level of awareness
  level of openness
  brings you to existential observation
    come more in tune with more humanity
    really opens you up
  have organized and fought for rights, even in really difficult circumstances
if prisoners are allowed education, we will come out and work really difficult
incarcerated children advocacy network
we will overcome!
Hoping to look back on this as another civil rights era
First job at starbucks
  Went from prison to barista!
Had a BA working alongside high school students
Has masters in human .... From Roosevelt
Re-define life and sow the world that you’re better than who they expect you to be