

Civil death: An examination of ex-felon disenfranchisement and reintegration

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Abstract

In the state of Florida, when someone is found guilty of a felony crime they forfeit the right to vote, serve on a jury, and run for elected office. These civil rights are lost regardless of whether they are sentenced to incarceration, probation, or released into the community. The process to regain these civil rights can be difficult, time consuming, and impossible for some. Research on prisoner reentry suggests that the loss of these civil rights constitutes a barrier to full citizenship that may impede the process of community reintegration. This research employs 54 semi-structured interviews with ex-felons who have lost the right to vote to better understand the meaning former offenders attribute to the loss of their civil rights and to assess the impact this may have on staying out of trouble. Findings from this study suggest that for a significant number of ex-offenders the loss of voting rights poses an obstacle to successful reintegration.

Keywords

disenfranchisement, ex-felon, reentry, reintegration, voting

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Introduction

The United States is unique among democratic nations in how it handles the right to vote for those convicted of criminal offenses. The United States is distinguished by both the scope of criminal disenfranchisement laws and the scale of their application (Ewald and Rottinghaus, 2009). Internationally, several studies perceive a move toward 'reenfranchising' prisoners (Ewald and Rottinghaus, 2009; Ispahani, 2006; Uggen and Inderbitzin, 2009). Uggen et al. (2009) noted that 40 of 105 nations surveyed allowed prisoners to vote while incarcerated, while 65 nations have some form of disenfranchisement provisions. In the United States, only two states (Maine and Vermont) allow current prisoners to vote, while the majority of states prohibit offenders from voting while incarcerated or while under probation, or forms of community supervision like parole. Florida is one of 13 states that disenfranchise either all or some former offenders even after the completion of their sentences (Uggen and Inderbitzin, 2009). The United States disenfranchises more non-institutionalized offenders than any other democratic country (Ispahani, 2006).¹

The massive scale of criminal disenfranchisement has brought with it a large, growing, and extremely valuable literature exploring the electoral, philosophical, and legal dimensions of the issue. From a political perspective, particularly after the close presidential elections of 2000 and 2004, a growing number of people became concerned about the electoral consequences of disenfranchisement policies. Manza and Uggen (2006) have examined these impacts, and their findings suggest that both of these presidential elections, along with a number of congressional and state elections, would have been decided differently had felons (or ex-felons) been permitted to vote. Manza et al. (2004) noted the growing discourse on the disenfranchisement of criminals and evaluated public opinion finding that 80 percent of the public favor granting civil liberties for ex-felons. Beyond the electoral consequences, political scientists have argued that voting is a mechanism for expressing fundamental ideas of social belonging and civic participation (Rahn et al., 1999).

Criminal disenfranchisement raises many philosophical questions over the meaning of citizenship in a modern democratic nation, and the conflicting perspectives of the qualified franchise and universal suffrage. Lippke (2001: 575) notes:

that there are some moderately persuasive arguments for disenfranchising serious offenders for certain periods of time. Yet these argument do not support disenfranchising all serious offenders; nor do they necessarily support disenfranchising serious offenders for periods of time that coincide with the duration of the other sanctions appropriately visited upon them.

Other assessments have reached similar conclusions regarding the incompatibility of blanket civic exclusions for criminal offenders (Kalt, 2004; Schall, 2006).

Much valuable work examines the duration of disenfranchisement and its disproportionate effect on minorities (Burch, 2007; Dugree-Pearson, 2002; Goldman, 2004; Harvey, 1994; Keller, 2006; Wheelock, 2005). Hull (2006) evaluated the effect

of disenfranchisement on racial minorities noting that Black disenfranchisement 'threaten[s] to negate the fifty years of hard-fought civil rights progress' (Leadership Conference on Civil Rights as cited in Hull, 2006: 27).

Criminal disenfranchisement raises some legal questions, which have been carefully laid out by a number of scholars (Behrens, 2005; Cosgrove, 2004; Litwin, 2003; Reback, 1973; Saxonhouse, 2004; Shapiro, 1993; Thompson, 2003; Tims, 1975). The European Court of Human Rights has ruled that blanket disenfranchisement policies are illegal (*Hirst v. United Kingdom*, 2005). In *Frodl v. Austria* (2010) the European Court went further. It found that a law that denied prisoners serving more than one year the vote was contrary to the European Convention on Human Rights and seemed to suggest that decisions on disenfranchisement must always be made by a judge and linked directly to the offense committed.

The Canadian Supreme Court has also ruled criminal disenfranchisement policies to be unconstitutional. Further, the court argued:

Denying penitentiary inmates the right to vote is more likely to send messages that undermine respect for the law and democracy than messages that enhance those values. The legitimacy of the law and the obligation to obey the law flow directly from the right of every citizen to vote. To deny prisoners the right to vote is to lose an important means of teaching them democratic values and social responsibility. (*Sauvé v. Canada*, 2002)

In the United States, federal courts have ruled that felons 'choose' disenfranchisement by engaging in illegal acts (*Johnson v. Bush*, 2002; *Richardson v. Ramirez*, 1974). As recently as 2000, the Supreme Court affirmed that states do not have to extend suffrage to ex-felons. Further, the court found that: 'The individual citizen has no federal constitutional right to vote for electors for the President of the United States' (*Bush v. Gore*, 2000). Newer legal challenges have focused on the disproportionate effect that these policies have on racial minorities (Handelsman, 2005). On 5 January 2010, the Ninth US Circuit Court of Appeals found that a Washington state law allowing for felony disenfranchisement violated the Voting Rights Act of 1965 (*Farrakhan v. Gregoire*, 2010). Given the existing federal case law, and the current composition of the Supreme Court, it seems unlikely that the Ninth Circuit's ruling will survive a challenge. Still, the decision is part of a national conversation, in which concerns over these laws have prompted a number of states to reexamine their criminal disenfranchisement policies (King, 2006, 2008).

The political, legal, and philosophical questions that arise regarding criminal disenfranchisement policies are compelling, and worthy of attention. This article proposes, however, to examine a relatively neglected dimension of the issue – the criminological perspective. In particular, we wish to consider the impact of disenfranchisement policies on the post-sentence lives of criminal offenders. Our purpose is to address the impact, if any, of disenfranchisement on the reintegration of ex-offenders into their communities.

More than 600,000 adults leave state and federal prisons every year and face the challenges of reintegration. Put another way, over 1600 prisoners are released into the community each day (Petersilia, 2003). This annual figure is predicted to increase, as many of the two million currently incarcerated Americans transition into community life in the coming years. Current research indicates that about two-thirds of newly released prisoners will be arrested, and about half will be re-incarcerated, within three years of their release (Petersilia, 2003). In an effort to reduce high levels of recidivism, increased attention has been placed on the challenges facing former prisoners. One emerging area has considered the impact of sanctions that restrict the civil liberties of ex-offenders, including disenfranchisement.

In 2004, Governor Jeb Bush created the Governor's Ex-Offender Task Force to assess the effectiveness of Florida in facilitating the reintegration of ex-offenders. On 30 November 2006, the Task Force concluded:

Successful reentry and reintegration in one's community is a matter of critical import to the public's safety. Without successful re-entry into one's community, recidivism is likely to occur, to the great detriment to public safety, Florida's communities, families, taxpayers, and individual ex-offenders. (Governor's Ex-Offender Task Force, 2006: 4)

The final report suggested that a re-commissioned Task Force should study: 'additional issues such as community supervision, graduated sanctions, *the loss of civil rights* upon conviction of a felony, and the over-representation of African Americans among the inmate population with the aim of additional reform recommendations' (Governor's Ex-Offender Task Force, 2006: 3, emphasis added). Following the recommendations of the Governor's Ex-Offender Task Force, this research critically evaluates the impact that the loss of civil rights has on convicted felons.

In the state of Florida when someone is found guilty of a felony crime they lose the right to vote, serve on a jury, and run for elected office. These rights are lost regardless of incarceration, probation, or release into the community. The process to regain these civil rights can be difficult, time consuming, and nearly impossible for some. Focusing on the right to vote, reports indicate that Florida disenfranchises more ex-felons than any other state, in the process creating barriers to voting unprecedented since before the passage of the Voting Rights Act of 1965 (Manza and Uggen, 2006). This research evaluates the importance of rights restoration in the reintegration process. Despite a growing interest in this issue, little is known about the impact political exclusion has on community reintegration.

Review of the literature

Voter disenfranchisement is one of a variety of legal sanctions that restricts liberty and opportunity for former prisoners. The increased application of these punishments in recent years seems to be a reflection of a more punitive approach to

criminal sanctioning and has raised important questions about the proper scope, size, and duration of punishment. This discussion is partly a philosophical one focused on determining at what point offenders have served their debt to society and the extent to which it is possible to regain full citizenship. But it is also a criminological and policy discussion of how these factors affect the reentry process and impact successful reintegration. To evaluate how these punishments affect ex-offenders requires a better understanding of the historical conditions that gave rise to increased punitive sanctions and disenfranchisement.

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

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

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

Punishing crime through limiting citizenship is a practice with deep roots in western society. In ancient Greece, criminals who were pronounced 'infamous' were prohibited from going to court, voting in the assembly, and making public speeches (Ewald, 2002). In Medieval Europe, when convicted of certain crimes one would suffer 'civil death', or the loss of all civil rights. Those suffering these penalties would lose the right to vote, hold property, enter into contracts, and even, in some cases, the right to life. Those criminals who were declared 'outlaws' could be killed without penalty since they were literally considered to be 'outside of the law'. These punishments were viewed as severe and reserved for only the most heinous of offenses.

Unlike a death sentence which destroys one's physical existence, civil death destroys the legal capacity of the individual forcing them into permanent exclusion from the civic order. In England 'a criminal was said to be "dead in law" [when they] could not perform any legal function – including, of course, voting' (Ewald, 2002: 1059).

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

The ubiquity of invisible punishments in the modern American state inevitably leads to a basic question regarding the utility and effect of such punishments. Deterrence-based theories stress the importance of sanctions in preventing criminal actions (Glueck, 1928), but the effects on invisible punishments are widely unknown. The defendant who agrees to a plea-bargain seldom realizes that they are forfeiting their right to vote, get federal student loans, live in section 8 housing, hold certain occupational licenses, and receive TANF (Temporary Assistance for Needy Families) welfare benefits (Travis, 2005). Further compounding the deterrence argument against invisible punishment is the principle of proportionality, which calls for the punishment to be proportional to the offense (Glueck, 1928). Invisible punishments make no such distinction, barring both drug felons and murderers from voting. In some cases as a consequence of the 'war on drugs' a murderer has a better chance of getting federal aid than a drug felon. This discrepancy in the application of these punishments furthers the debate over the purpose of invisible punishments (Travis, 2002).

If deterrence seems a questionable basis on which to assess invisible punishments, reentry and reintegration seem more promising. James Austin (2001) argues that reentry has become the new code word for 'correctional reform'. He argues that reentry implies a reinstatement of parole supervision that has been under attack during the age of mass incarceration. The attack on indeterminate sentencing and parole reflects the fundamental change in penal policy from rehabilitation to incapacitation. The consequence of this change in penal strategy is the challenge of supporting a massive prison population. As the financial and social costs of this strategy have become more apparent, focus has been directed more toward addressing the issues that prevent former prisoners from successful reentry. This is not the first time that a term has changed names in an attempt to garner support for a paradigm shift (see Cohen, 1985), which suggests a need to review the terminology used in prisoner reentry.

As noted, reentry seems to be a new term for an old idea (Austin, 2001). Maruna et al. (2005: 7) point out that:

As a buzzword, 're-entry' appears to connote something similar to previous terms such as 'prisoner aftercare' (Haines, 1990), 'throughcare', (McAllister, et al., 1992), 'discharged prisoners' aid' (Soothill, 1974), 'reintegration', 'integration', 'parole', and the currently preferred term in Britain, 'resettlement' (see Morgan and Owers, 2001).

What all of these terms have in common is that they deal with the challenges former prisoners face in reestablishing themselves in the community. Travis and Visser (2005: 4) define reentry as what 'happens when incarceration ends'. Thus, reentry is about the challenges former prisoners face in finding employment, housing, and rebuilding healthy relationships. In studying reentry, successful reintegration is dependent on rebuilding lives and community ties, not just preventing future criminal involvement. The concept of reentry and reintegration denotes more than just the absence of criminal activity; it also confronts the need to address the underlying causes of re-offending.

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

Desistance is a related term. It notes that a former offender has stopped engaging in illicit acts. Made popular by life-course criminology, desistance theory focuses on key events that precede the decline in criminal involvement (see Sampson and Laub, 1990). Maruna (2001) outlines two competing views of desistance. The first of these views desistance as a termination event. Thus, desistance is defined as 'the voluntary termination of serious criminal participation' (Shover, 1996: 121). What this definition misses is the frequency with which individuals 'terminate' their behavior. Mark Twain illuminated this concept with a joke about the difficulty of quitting smoking: 'Giving up smoking is the easiest thing in the world. I know because I've done it thousands of times' (MacHale, 2003: 247).

Maruna (2001) points out that in contrast to the termination model, desistance can be more accurately viewed as a maintenance process. Maruna (2001: 26) writes:

The focus here is not on the transition or change, but rather on the maintenance of crime-free behavior in the face of life's obstacles and frustrations – that is, when 'everything builds up' or one receives 'some slap in the face'.

From this perspective, researchers should focus on the conditions and factors which allow a former offender to resist criminal involvement rather than focusing on the event(s) which preempted the initial decline and termination of crime.

This latter view of desistance seems more useful for reintegration studies, and for understanding how former prisoners are able to maintain their crime-free status and 'make good'. Maruna (2001: 26) argues that former prisoners do not use the language of termination, but instead ex-offenders use language like 'going straight', 'making good', or 'going legit'. This terminology implies that the ex-offender is actively controlling their criminality. Maruna also finds that former prisoners prefer the terminology 'recovery' as it implies a more active process than that of 'rehabilitation'.

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

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

Civic reintegration is important in understanding how ex-offenders are able to desist from criminal activity. In order for ex-offenders to achieve successful reintegration it is essential that they 'develop a coherent *prosocial* identity for themselves' (Maruna, 2001: 7, emphasis added). The former prisoner cited above has not done this, but instead has focused on his exclusion from the community. Along with work and family, civic reintegration is an important aspect of criminal desistance (Uggen et al., 2004) allowing offenders to (re)build a 'prosocial' identity. Ex-felon disenfranchisement threatens this goal by alienating the ex-offender from the civic processes that signify membership in the community. Rahn et al. (1999: 140) found that national elections are important in creating social capital by 'engaging people in a rite that allows them to renew their attachment to national society'. The denial of this rite creates potential friction (and alienation) for recovering offenders who attempt to demonstrate their maturity, but are no longer treated as adult citizens.

Methodology

Florida constitutes an excellent case study because it is among the states that have most fully embraced disenfranchisement policies and practices in recent history. Florida disenfranchises more felons than any other state, with recent estimates ranging from 600,000 to 1.2 million (Manza and Uggen, 2006). Although Governor Charlie Crist amended the Rules of Executive Clemency

in April 2007, in an attempt to simplify the rights restoration process for non-violent offenders, the complex and underfunded process has left many still disenfranchised. Ex-felon disenfranchisement in Florida has received increased attention in the wake of the close 2000 and 2004 presidential elections, spawning questions over the racial implications, history, and effects of these laws. Large increases in incarceration have drastically increased the scale of ex-felon disenfranchisement. As a consequence, unprecedented (in contemporary history, in any event) numbers of Floridians have lost their right to vote. Although Florida is not the only state that practices ex-felon disenfranchisement, it is an extreme example and offers a unique opportunity to study the impacts of civic exclusion. Although the focus of this study is exclusively on the disenfranchisement of ex-felons in Florida and its unique system of restoration, many of the issues explored can better the understanding of civic exclusion and reintegration in general.

To date, only one other study has examined the effects of disenfranchisement on reintegration. Manza et al.'s (2006) study, conducted in 2001, used interviews with 33 current prisoners, parolees, and probationers in Minnesota to assess the impact of disenfranchisement on civic reintegration. In the state of Minnesota, the right to vote is restored after the completion of their criminal sentence and supervision. In Florida that is not the case: ex-felons remain ineligible to vote until they go through the process of rights restoration. This research assesses how ex-felons interpreted the loss of their civil rights after the completion of their sentence and supervision.

The research employs 54 in-depth interviews with ex-offenders. Participants were recruited through various organizations with the goal of ensuring a diverse sample of ex-felons. Ex-offenders were recruited from halfway houses, recovery groups, faith-based reentry groups, ex-felon advocacy groups, and through community outreach programs. This strategy produced an interview population with a representative range of felony offenses who were at various stages of community reintegration. The primary goal of these interviews was to understand the impact ex-felon disenfranchisement has on self-identity and the reintegration process. The interviews had two main points of focus. The first was the meaning ex-offenders attribute to the loss of their basic civil rights after their criminal sentence. The second was the impact the loss and the restoration process had on the ability of ex-offenders to successfully reintegrate into the community.

Semi-structured active interviews, which posed a series of open-ended questions to ex-offenders, were employed. Open-ended interviews and narrative analysis permit a systematic look at patterns of perception among ex-offenders, especially the issue of civic exclusion and its relationship to desistance maintenance. Vital to this perspective is an assessment of agency among the sample. As Maruna (2001) has noted, the language of rehabilitation lacks this element, suggesting that breaking the cycle of criminality is outside of the control of the ex-offender. In contrast, the use of the language of recovery suggests a level of agency in maintaining their

abstinence from crime. Charles Terry (2002: 2), reflecting on his own narrative of recovery, emphasized the critical elements of change, observing:

At times, it seems that I am living in a different world. In many ways, this is true. In retrospect, it seems that my ever-changing self-concept and subsequent behavior have been affected by how I have interacted with and interpreted the sociohistorical circumstances, conditions, events, and people in my life – all of which are always changing as well.

The main focus of analysis was on how ex-offenders perceive their life narratives and the effect ex-felon disenfranchisement had on their ‘recovery’ process. Maruna (2001: 7) suggests that in order for ex-offenders to achieve successful reintegration it is essential that they ‘develop a coherent prosocial identity for themselves’. Therefore, this study will pay close attention to the ways in which disenfranchisement impacts the development of a prosocial identity. In order to understand the impact disenfranchisement has it is important to understand how the ex-offenders perceive their own civic exclusion.

The sample of ex-felons was intended to be diverse, though not necessarily representative of the entire population of ex-offenders. Former offenders were recruited through various groups that had contact with ex-offenders. To be eligible for the study, interviewees had to be convicted of a felony, to have completed all terms of their sentence (parole and probation),² and be unable to vote in the state of Florida because of their conviction. Only men were recruited for the study. The goal of recruitment was to produce a diverse group of ex-offenders at various stages of reintegration. Ex-offenders were recruited from faith-based reentry groups (19), halfway houses (15), rehabilitation centers (nine), community outreach groups (four), Executive Clemency Board hearings (four), and voting rights organizations (three). Participants were from various geographic regions throughout the state including North Florida (27), Central Florida (14), and South Florida (13).

The ex-felons in this study committed a range of offenses. The four ex-offenders who had engaged in homicide included a first-degree murder conviction, second-degree murder, voluntary manslaughter, and driving under the influence (DUI) vehicular manslaughter. There was one sex offender, seven participants convicted of robbery, and eight assaults. The rest of the offenders had nonviolent convictions consisting of burglary (seven), larceny (eight), motor vehicle theft (two), and various types of drug offenses (10). Three individuals had convictions for habitual driving on a suspended license or habitual DUI. The majority of offenders had between two and five felony convictions. Fifteen ex-offenders had over five felonies and several had over 10. There were 12 participants with only one felony conviction. There was also a large variation in sentences, from probation to over 20 years in prison. Some reported being clean for over 30 years while others for just a couple of days.

Thirty-five participants (65%) were White and nineteen participants (35%) identified themselves as being Black. The majority of the (38) sample was Protestant (70%). There were nine Catholics, one Jewish subject, and five people who reported

not being religious. The average age was 45 years old with a range from 21 to 63. The majority reported being employed (56%), but the average annual income was between \$10,000 and \$15,000. There was a large range in occupations including: a former professional athlete; social worker; painter; cook; construction worker; plumber; counselor; welder; electrician; truck driver; student; and tattoo artist. There was also a large range in education. Five participants never attended high school, seven had some high school, and 25 graduated from high school, while 17 had received their GED. There were 19 participants with some college, four with college degrees, and two with graduate degrees.

Our respondents' comments reveal some engagement with the political process, and with the elements of civic engagement such as voting. The majority of respondents, for example, identified themselves as belonging to one or another of the major American political parties. The majority of individuals (31) identified themselves as Democrat (57% of the sample). Fifteen percent (8) of the sample identified themselves as Republican, and 19 percent (10) best identified themselves as independent. Five individuals reported being apathetic toward voting or having other political views. Moreover, given the chance to vote prior to their felony convictions, 60 percent (29) of voting-eligible participants had done so, a figure slightly lower than estimates of voting behavior among young voting-eligible populations. For example, a national study by Portney and O'Leary (2007), found that college students had a lifetime voting prevalence of 85 percent compared to 74 percent for non-college youths. It is important to note that these figures only consider those eligible to vote. Among our sample 11 percent (6) were never eligible to vote due to a felony conviction prior to their 18th birthday. When the former offenders were asked if they would vote if they had their rights restored all but three respondents claimed they would vote.

Analytical strategy

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

This research employed an active semi-structured interview style, where an interview instrument was used to ask general questions and allow for respondents to tell their story. Predetermined themes were addressed by probing questions that were used to facilitate narrative construction. What makes this an active interview is that both the interviewer and the respondent were actively participating in *meaning construction*. Holstein and Gubrium (1995: 4) argue that 'all interviews are

interpretively active, implicating meaning-making practices on the part of both interviewers and respondents'. Taking a social constructionist approach they view the interview process as a 'reality-constructing' and 'meaning-making' occasion. This is different from an interview aimed at producing some type of survey-like response. Instead, 'the model of a "facilitating" interviewer who asks questions, and a vessel-like "respondent" who gives answers, is replaced by two active participants who jointly construct narrative and meaning' (Riessman, 2008: 23). The primary goal of this research was to understand the meaning that ex-offenders attribute to the loss of their voting rights and the effects this may have on self-identity. Using the active interview aided the respondent in constructing and interpreting the meaning of these events.

The interviews took, on average, approximately half an hour with some as short as 15 minutes and others well over an hour. The interview instrument was modeled on Manza and Uggen's (2006) instrument, but many of the questions were modified to gauge the meaning of civic exclusion and its impact on reintegration efforts. Questions pertaining to political preferences and involvement were omitted. The interview instrument was designed to assess three major themes: civic meaning; civic exclusion; and reintegration.

Ex-offenders were categorized into groups using common themes that best represent how they perceive civic exclusion in impacting their ability to stay clean (desistance maintenance). Ex-offenders were categorized into four ideal types: those ex-offenders who were directly impacted by civic exclusion; those who were indirectly impacted by civic exclusion; those who were not impacted by civic exclusion, but were politically engaged; and those who did not view voting as important and who were not impacted.

Results

Each interview included an exploration of two distinct but related questions. First, what level of personal interest was there in securing the right to vote for the ex-felon? Second, did the ex-felon perceive a connection between the inability to vote and their own efforts at maintaining desistance from crime? The interview instrument began with a number of general questions about criminal involvement and the consequences of their criminal convictions. The narratives employed by the ex-felons in answering these questions were interpreted and scored relative to the importance of voting and their perceived connection between voting and desistance. The following sections evaluate the results of this analysis.

The 54 interviews were placed into four groups based on the importance the respondent placed on the right to vote and whether they saw a connection between voting and staying clean and out of trouble (see Figure 1). *Engagement* referred to the expression of interest in voting and was categorized as low and high. *Salience* referred to the perceived connection the ex-offender made between civic exclusion and the ability to stay out of trouble with the law and was categorized as low and high.

		Typology	
		Engaged	Disengaged
Salience	High	Direct Impact (8)	Indirect Impact (14)
	Low	Low Impact, Engaged (20)	Low Impact, Disengaged (12)

Salience: the perceived connection between civic exclusion and the ability to stay out of trouble with the law.
Engagement: the expression of interest in voting itself.

Figure 1. Typology of ex-offenders and voting.

Ex-offenders who viewed the right to vote as being both important and as having a significant connection with staying out of trouble were placed into the *direct impact* group. Those who identified some connection between voting and staying out of trouble, but did not view voting itself as a pressing personal concern were placed into the *indirect impact* group. Those respondents who viewed voting itself as very important, but saw no connection between the ability to vote and stay clean were placed into the *low impact, engaged* group. Finally, those who viewed voting as not being important to them and also saw no connection between voting and staying out of trouble were placed in the *low impact, disengaged* group. The resulting matrix shows four distinct narrative typologies that emerged, each of which was articulated by a subset of the overall group of subjects. Although no individual narrative perfectly or completely fit these ideal types, we will briefly outline some of the common narratives among individuals in these various groups, focusing on key similarities between group members. The impact these narratives may have on the successful reintegration process is discussed.

Direct impact

The direct impact group consisted of ex-offenders who viewed the inability to vote as directly impacting their successful reintegration. These individuals viewed voting as both being important and connected to their ability to stay out of trouble. There were eight ex-offenders (15%) whose response best fit this category, the smallest of the four groups. A 33-year-old electrician argued, 'It would hurt me personally,

because my voice can't be heard.' Other ex-offenders focused on the psychological impact of being a lesser citizen and the impact this had on their ability to stay clean:

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

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

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

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

Rahn et al. (1999) found that the act of voting was a fundamental ritual of solidarity. Their analysis suggests that: 'there is a tight reciprocal relationship between social solidarity and political sentiments and this confirms the inseparability of civil and political society in modern democratic systems' (1999: 141). Those members of the direct impact group acknowledged their exclusion from political life as a symbol of their separation from the community. This group in general viewed disenfranchisement as having an immediate and *direct* impact on their ability to successfully reintegrate into the community:

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

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

Indirect impact

The indirect impact group consisted of 14 ex-offenders (26%) who linked the inability to vote with other factors that made it more difficult to successfully reintegrate. Although they did not perceive voting to have a direct impact on reintegration, they grouped the issue of voting together with other issues related to their

successful reintegration. For example a 45-year-old hospitality worker argued that the only impact that voting could have was if it negatively impacted his employment:

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

Many of the former offenders noted the lack of quality employment to be one of the primary reasons behind initially engaging in crime and reoffending:

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

For many of those in the indirect impact group jobs were the most important issue for them:

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

Only about half (56%) of the former offenders were employed at the time of the interview. In Florida, the unemployment rate was in double digits at the time of these interviews. Many of the ex-offenders noted that the challenges to finding quality employment were their primary concerns for reintegration. Those in the indirect impact group acknowledged that voting right could have an impact on their reintegration, but the issue of unemployment was a much bigger concern.

Half of the former offenders (27) cited that the community had played an important role in their recovery process. The vast majority of these individuals noted the importance of moving away from communities that acted as a 'trigger' for criminal activity. For a 33-year-old electrician he had to move to a new city to overcome the temptations of crime:

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

This move helped remove this former offender from the individuals and settings that had contributed to his criminal involvement. A 37-year-old painter had to move across town and get out of the 'hood'.

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

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

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

Other ex-offenders belonging to the indirect impact group focused on the impact their vote could have on changing policies that would improve their communities and help employment opportunities for ex-felons. For example: 'Yeah, in the long term it does because we're able to vote, like I said, that can change the future of laws and stuff, you know, once they're on the ballot' (53-year-old truck driver). Others voiced this concern as well: a 56-year-old painter focused on the impact that his inability to voice his concerns had on the policies that could directly benefit him:

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

Also connecting voting with improving the community a 42-year-old argued, 'it is through the voting process that we can make changes that would bring positive effects in our community'.

The last of those who were indirectly impacted by losing the right to vote argued that it is 'small, but it's a positive, it's a positive part. You know, it's just, there's a bunch of things, and that's just one, one more thing that's gonna help me be more

positive in life' (44-year-old unemployed). The focus was on more immediate issues, and voting was important, but not nearly as important as other factors more directly associated with successful reintegration. A 41-year-old social worker argued:

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

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

For this group, ex-felon disenfranchisement did not have an immediate impact on the ability to stay clean, but it was considered to be a factor. Individuals in the indirect impact group acknowledged the role of civic exclusion, but were more likely to embed it within a larger discussion of social and economic disadvantage. In this sense, we have respondents who think of citizenship less in terms of formal status, and more in terms of tangible outcomes, like employment. To the extent that status limitations have an effect on other outcomes, they are concerned, but status limitations are subordinate to those outcomes.

Low impact, engaged

Those who were placed into this group had a strong desire to be politically engaged and viewed the act of voting as a high priority, but saw the right as having low salience in their ability to stay out of trouble. This group was the largest and consisted of 20 ex-offenders (37%). One of the common themes among this group of ex-offenders, at various levels of reintegration, was an emphasis on personal responsibility. In general, this group argued that the loss of voting or any other rights would not affect them because they had made the personal decision to leave crime behind. A 61-year-old maintenance worker argued that, 'it hasn't affected me at all, because I didn't want the criminal life in my life'. Another argued that:

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

Other ex-felons in this group focused on their bad decisions and argued that they were taking responsibility for them. For example, 'That cop didn't push me to go rob that drug store, ok, or convenience store, or whatever the case may be. I made that choice, buck stops here' (53-year-old painter). For this group, ex-felon disenfranchisement had a smaller impact because they viewed the desistance

maintenance process as something outside of environmental conditions, as an issue of individual responsibility.

Partially as a product of sampling, a number of ex-offenders were active participants in recovery organizations. Some were faith-based, while others worked with Alcoholics Anonymous (AA) and Narcotics Anonymous (NA). These programs have been shown to be important in reshaping one's personal narrative (Maruna, 2001). O'Reilly (1997: 24, emphases in original) explains the benefits of a 12-step program:

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

This type of narrative construction has the potential to be instrumental for ex-offenders' recovery process.

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

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

This individual noted that the recovery program both helped him mentally change his identity from a 'rebel' to a 'productive' person and also provided him with a support network of other individuals. A 56-year-old painter noted:

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

This former offender is learning a degree of empathy in considering the impact of his actions toward others. As Maruna (2001) suggests, this demonstrates a move toward a 'prosocial' identity and one that is attributed to the successful experiences in the 12-step programs and his employment. Many of the ex-offenders noted that recovery programs were important in their ability to control their alcohol

and drug problems. Programs helped them avoid further criminal activity. Eight individuals (15%) acknowledged this as the most important factor in their recovery.

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

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

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

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

This individual framed illegal activity as being immoral or 'wrong' and was attempting to do the right thing as both a religious person and a citizen. For some ex-offenders the religious support networks were the most important factor, whereas for others their ability to trust in a higher power gave them the strength to avoid returning to crime.

Maruna (2001: 129) noted that the New Careers movement, which encouraged former offenders to work as teachers, counselors, and rehabilitators for other offenders, was successful in that when 'one person helps another, both parties benefit'. Many of these formal programs disappeared with the move away from Great Society-era programs. Nevertheless, the 'seventh step' in 12-step programs is typically to help 'lift up' other offenders (Maruna, 2001; O'Reilly, 1997). Three ex-offenders (6%) noted that helping others was the most important step in their recovery process. A 42-year-old discussed how helping others had impacted on him:

I really, through whatever trials I've been through, whatever circumstances, what seemed more important to me was actually helping people . . . when I was incarcerated and first thing I did, I tried to get involved while I was in prison and I became a tutor, I was an assistant. Just like the general counsel was talking about, you know, she kind of flipped it, but I was an assistant to one of the instructors and it was in math and I remember working with a lot of guys and one of, I mean, my greatest joy was actually

seeing the joy on their face when they discovered some things and when they was actually able to earn their GED and they was coming in let me know and they'd thank me for it.

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

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

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

This was a common theme among many of the ex-felons. One had dedicated his life to helping others with alcohol problems by starting a nonprofit. He explained what helped him stay clean: 'Straightened out my life, went to AA, quit drinking, started setting up nonprofit corporations and helping out alcoholics and addicts' (62-year-old unemployed). Those who were able to help out other people saw a greater purpose in their lives and were able to develop a 'prosocial' identity.

The individual responsibility group fully embraced the language of recovery formed within recovery groups (Maruna, 2001; Travis, 2009). An emphasis is placed on internalizing the cause of one's problems rather than focusing on external conditions, such as the loss of civil rights. Therefore, the structural conditions associated with criminal behavior are disregarded and a focus on future choices is emphasized. This plays into the 'three-part narrative' strategy where the former offender can acknowledge a deviant past as a necessary condition for their future choices (Maruna, 2001; O'Reilly, 1997). This group had most fully embraced the role of agency in their recovery process, and regardless of their desire to vote, this did not appear to be a significant factor in their reintegration framework. Maruna (2001) would suggest that this group is most likely to find success implementing this recovery strategy. This group is likely at a lower risk of recidivism regardless of their voting rights.

Low impact, disengaged

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

You know over the course of years I used to be angry about it but now I just kinda like, it's just there, it's just a part of life. I just look at it as a way of life. It is just acceptance. I've accepted the fact that there's a higher percent of chance that none of

it's going to change and I'm gonna have to deal with life and life turns. (46-year-old pipe layer)

Another ex-offender argued that voting was so far down his list of priorities that it did not matter, 'Well compared to, well my priorities are um, making sure my daughter is taken care of and then work, um, and after work I guess is, um, recreation and like voting is pretty far down on the list (laughing)' (35-year-old tattoo artist). For this group disenfranchisement did not have an impact because they defined voting as not important to them. This could be a strategy to cope with the loss of voting rights (resigned acceptance), but for this group voting was not an issue of concern. For example one ex-offender stated, 'some men and women, all they want to be interested in is concern for the community and for, uh then they reject them, not for me though' (46-year-old cook).

This group did not view the loss of their voting rights as an important factor in the reintegration process. The actual practice of casting a vote was something not important to their lives. Using data from the 2000 Youth Development Study (YDS) in Minnesota, Manza and Uggen (2006) noted that arrestees (and those who were incarcerated) had lower levels of political participation than those never arrested. Further, they found that criminal offenders had very low levels of trust in government (a factor associated with low political participation). In general, arrestees (and those incarcerated) belonged to social groups with lower levels of political participation. Therefore, it is not surprising that some former offenders had very low levels of political engagement, but it is important to note that less than one quarter of our sample fitted this group, suggesting that the majority of ex-offenders viewed voting as having some importance to them.

Discussion

Distinguishing four ex-offender narratives advances our understanding of disenfranchisement on reintegration in at least three noteworthy respects. First, the place that voting and civic exclusion holds in the narratives of ex-offenders is variable. As might be expected, just as in the general population, a proportion of the ex-offenders surveyed disavowed any particular interest in voting at all. What was most striking was the variation in *salience* among those for whom voting was a personal priority, particularly the impact that the language of the recovery movement seemed to have. The emphasis in recovery on empowerment, responsibility, and individual agency, and a corresponding avoidance of externalized social critiques, effectively removed civic exclusion from the stories of progress and reintegration.

Second, the numbers of ex-offenders for whom civic exclusion was a salient part of 'making good' was still quite substantial, particularly in a sample which probably overstates the influence of recovery language among ex-offenders. Thirty-nine percent of our sample saw a connection between the inability to vote and their own ability to stay clean and out of trouble. The study confirms that voting is hardly

front and central among the concerns of ex-offenders – most respondents saw an indirect rather than direct impact – but they still found its prohibition to be limiting, psychologically harmful, and stigmatizing.

Third, even in the absence of empirical data on voting patterns, there is good reason to believe that forms of civic exclusion like disenfranchisement have an impact on the real life experience of reintegration, and that this will be most pronounced in states like Florida where the legal forms of exclusion endure well after the formal period of state supervision. Maruna (2001) argues that these narratives should be taken very seriously because they directly impact the desistance maintenance process. Indeed, scholars should remain alert to the manner in which long-term forms of invisible punishment impact ex-offenders ability to sustain the work of developing ‘a coherent prosocial identity for themselves’ (Maruna, 2001: 7).

Limitations and future research

There are several key limitations of this study. One is the lack of a representative sample. Although the unique population of former offenders is not conducive to random sampling, the methodology used to recruit participants for this study has limitations in its ability to generalize to the greater ex-felon population. The reliance on faith-based reentry groups and recovery centers may have oversampled those going through the recovery process. Another limitation is that only men were interviewed for this project. In order to form a complete picture of disenfranchisement’s impact on reintegration this project needs to be extended in its scope to include women. It is possible that women perceive civic exclusion differently from men.

This project was conducted solely in the state of Florida. The unique history and restoration process may limit the generalizability of this study to other places and states where conditions are different. Future research should look at differences between states with varying policies toward disenfranchisement. A comparison between ex-offenders in states with more inclusive practices and those in states that perpetuate civic exclusions well beyond the period of state supervision would be instructive.

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

Another limitation of this study is that the impact on reintegration is evaluated only at a single point in time. This study could greatly benefit from a longitudinal design in which former offenders’ trajectories, attitudes and personal narratives could be tracked over time. Future research should explore which narratives are

most successful in maintaining desistance. This study was unable to discover which offenders failed in maintaining their desistance.

Finally, we are mindful of the one aspect of this analysis that is simultaneously a strength and a limitation – that it takes the ex-felon's narrative at face value. Some of those respondents who have constructed narratives that downplay the impact of civic exclusion may be doing so as a coping strategy. One of the surprises of this study was the extent to which, in a southern state with a long history racial discrimination and conflict, our African-American participants downplayed structural inequality and the long racial history of disenfranchisement policies. For example, a 40-year-old paralegal discussed how he had let down his ancestors who fought so hard for civil rights: 'those are the things that haunt me, people get bit by dogs. That how serious they took it, me and I'll go rob a store and not think twice.' Instead of perceiving ex-felon disenfranchisement as an extension of the Jim Crow Era voting restrictions on minorities, he interpreted his situation as a personal flaw and affront to the spirit of the civil rights movement.

When our respondents accept a narrative of personal responsibility, or emphasize their own bad choices to the exclusion of the structural conditions of poverty, racial prejudice, or family structure, one may be inclined to challenge this account. We are persuaded, however, that these narratives must be understood on their own terms. More importantly, these narratives clearly show that, for at least some ex-felons, the loss of civil rights are understood to have a significant relationship to their ability to 'make good' and successfully reintegrate. Our understanding of ex-felon disenfranchisement, then, must come to terms with its impact on post-sentence lives, as well as the profound electoral and moral questions it raises.

Notes

1. The terms ex-felon and ex-offender are used to identify those individuals who are in completion of their criminal justice sanctions. The focal point of this article is this unique group of disenfranchised citizens, consisting of community members, homeowners, volunteers, and taxpayers.
2. Those who still owed restitution were permitted to participate.

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