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Sanctions On Racial, Ethnic, and Socioeconomic
Inequality**

Darren Wheelock, University of Minnesota

Christopher Uggen, University of Minnesota

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ON RACIAL, ETHNIC, AND SOCIOECONOMIC INEQUALITY**

Darren Wheelock
University of Minnesota

Christopher Uggen
University of Minnesota

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RACE, POVERTY AND PUNISHMENT: THE IMPACT OF CRIMINAL SANCTIONS ON RACIAL, ETHNIC, AND SOCIOECONOMIC INEQUALITY

The association between crime, punishment, and poverty has long been the subject of sociological and criminological investigation. A classic literature has linked poverty to crime (Blau and Blau 1982; Braithwaite 1981; Sampson 1987; Shaw and McKay 1942; Wolfgang and Ferracuti 1967). This line of inquiry has typically examined the role of poverty and deprivation enhancing the risk of criminal involvement and criminal victimization. Such an approach typically places individuals or groups at the center of the analysis striving to understand how or why socioeconomic status would compel or shield individuals and communities from deviant motivations and behaviors.¹ This venerable body of research has generated a wealth of scholarship linking high crime rates to poverty or its correlates, such as family disruption (Sampson 1987), economic inequality (Blau and Blau 1982), and social disorganization (Shaw and McKay 1942). Recent patterns of criminal justice policy marked by dramatic increases in all forms of criminal justice sanctions, however, have shifted attention to the role of punishment in contributing to racial and ethnic inequality.

A related line of research and scholarship has emerged emphasizing the implications of criminal involvement and punishment in explaining contemporary trends in both inequality and, to a lesser degree, crime (Clear and Rose 2002; Clear, Rose and Ryder 2001; Pager 2003; Petersilia 2003; Pettit and Western 2004; Western 2002; Western and Pettit 2000). In the past decade, researchers have focused more intently on how criminal punishment and victimization

¹ It is interesting that while poverty and deprivation seemingly predict aggregate crime rates, similar associations are not observed with individual-level self-reported survey data (Braithwaite 1981; Tittle, Villemez, and Smith 1978).

affect stratification. Despite the strides made in this area, extant research linking racial disparities in criminal sanctions and victimization to different domains of inequality remains incomplete and largely segmented. For example, while studies have examined the impact of incarceration and criminal victimization on labor market prospects and familial ties, their connections to broader shifts in racial and ethnic stratification have been largely unexplored.. It is also the case that much of this work focuses almost exclusively on the impact of incarceration on inequality rather than examining the impact of criminal punishment more generally, such as the role of collateral sanctions. This chapter offers a brief overview of this emerging literature, using existing lines of research and empirical analysis to demonstrate how crime and punishment interact to form a system of social and economic disadvantage that may help account for recent fluctuations in inequality.

It is our thesis that criminal sanctions and victimization work to form a system of disadvantage that perpetuates stratification and poverty. More specifically, recent patterns of criminal punishment have led to the persistence, and in some instances, the worsening of racial and ethnic inequality in numerous social institutions. In developing this thesis, we begin by asking whether criminal sanctions and victimization act to entrench disadvantaged individuals more securely in poverty. Those at greatest risk of both phenomena – young men of color – are also highly vulnerable to the deleterious effects of criminal punishment and victimization. For example, young African American men with low levels of education are far more likely than any other social group to be incarcerated (Pettit and Western 2004), and to become victims of homicide or robbery (U.S. Department of Justice 2005b; U.S. Department of Justice, Federal Bureau of Investigation 2004). Yet a felony conviction can exacerbate such problems by rendering such persons ineligible for student financial aid, housing assistance, and a wide array

of employment opportunities (Curtin 2005; Rubinstein and Mukamal 2002). As the number of female prisoners rises (U.S. Department of Justice 2000), the implications of these consequences will become even more salient for families and communities directly affected by crime and punishment.

Our particular focus in this regard is the formal and informal consequences of felony conviction. Despite hopes and expectations that released prisoners and other felons will “reintegrate” back into their communities, criminal punishment suppresses employability and attainment (Western 2002; Western, Kling, and Weiman 2001), disrupts family ties (Uggen, Wakefield, Western; 2005 Edin, Nelson, and Paranal 2004; Hagan and Dinovitzer 1999) and imposes debilitating stigmas associated with a criminal record (Pager 2003). In particular, state and federal laws prohibit convicted felons from fully participating in labor markets, politics, family life, and educational institutions. We therefore outline the scope of these civil disabilities and discuss their role in perpetuating stratification along race, class and gender lines.

In line with expanding notions of criminal punishment to include post-sentence sanctions, we conceptualize such punishment as affecting not only the individuals convicted of felonies, but also their families, peer groups, neighborhoods, and racial group. Millions of individuals now face the difficult challenge of reentering society despite having low skills and prospects of improving their situation. Families, especially children, must adjust to the removal of parents and the reduced household income from their diminished employment prospects when released. Furthermore, the spatial concentration of released prisoners, and the probationers and parolees who remain under correctional supervision in their communities, engenders similar processes at the neighborhood level. It is also often the case that many disadvantaged neighborhoods face the difficult task of reintegrating large numbers of released prisoners and dealing with the socially

divisive impact of offending and victimization (Clear, Rose, Waring, Scully 2003). Thus, our chapter also considers the impact of criminal punishment on offenders, families, and neighborhoods by examining the different layers of its impact on social stratification and inequality.

To examine the nexus between criminal punishment and racial and socioeconomic stratification, we focus on the following three issues. First, we describe current trends in criminal punishment by race, ethnicity and poverty status and note the major social scientific explanations for the observed differences. Second, we examine how patterns of victimization vary across racial and ethnic subgroups and discuss their probable implications for stratification. Third, we consider how criminal punishment, and the associated formal and informal sanctions that it implies, affect future life chances. Across each of these areas, we suggest that criminal punishment and victimization create a system of disadvantage that exacerbates inequality and complicates individual efforts to escape from poverty. We conclude on a programmatic note, offering some ideas for future research that might elucidate the complicated relationship between criminal sanctions, poverty, and racial and ethnic inequality.

Race, Poverty, and Punishment

Trends in Incarceration

As many social scientists have noted, U.S. rates of criminal punishment have soared in the past 30 years.² As shown in Figure 1, all categories of correctional populations – prisoners,

² Source: U.S. Department of Justice, Bureau of Justice Statistics, Prisoners 1925-81, Bulletin NCJ-85861, p.2; Prisoners in 1998, Bulletin NCJ 175687, p.3, Table 3 and p.5, Table 6; 1999, Bulletin NCJ 183476, p.3, Table 5 and p.5, Table 8; 2000, Bulletin NCJ 188207, p.5, Table 6; 2001, Bulletin NCJ 195189, p. 5 and p. 6, Table 7 (Washington, D.C.: U.S. Department of Justice); and U.S. Department of Justice, Bureau of Justice Statistics,

parolees, probationers, and jail inmates – have undergone dramatic increases. In 2003, a total of 6.9 million people were under some form correctional supervision, relative to 1.8 million as recently as 1980. Incarceration represents the most severe form of supervision and U.S. prisons and jails now house over 2.1 million inmates, representing an overall incarceration rate of 726 per 100,000 in the population (U.S. Department of Justice 2005a). By comparison, the imprisoned population in 1974 was approximately 210,000 (U.S. Department of Justice 2003), representing a rate of 149 per 100,000 adult residents. The number of probationers and parolees has grown rapidly as well. In 1980, there were only 1.1 million probationers and 220,000 parolees, compared to over 4 million probationers and 775,000 parolees in 2003. In short, more people are incarcerated and more non-incarcerated felons are serving sentences than at any other time in U.S. history.

[Figure 1 about here.]

As we discuss below, the increased use of imprisonment marks what some scholars have termed a shift to “the new penology” for managing dangerous populations (Feeley and Simon 1992). Increasing numbers of police, criminal defendants, and overall criminal justice expenditures characterize this era. Perhaps the most distinctive feature of the new penology, however, has been the increasing representation of young Black men in prisons.

The African American incarceration rate has increased so dramatically that the topic has generated voluminous research, articles, and books (see, e.g., Beckett and Sasson 2000; Blumstein 1982; Blumstein 1993; Blumstein 1998; Chiricos and Crawford 1995; Steffensmeier,

Correctional Populations in the United States, 1994, NCJ-160091, Tables 1.8 and 1.9; 1997, NCJ 177613, Tables 1.8 and 1.9 and U.S. Department of Justice, Bureau of Justice Statistics, Prisoners in State and Federal Institutions, SD-NPS-PSF-8, NCJ-80520, p. 16 (Washington, D.C.: USGPO 1982).

Ulmer, and Kramer 1998; Lusane 1991; Mauer 1999; Miller 1992; Myers 1993; Pettit and Western 2004; Sampson and Lauritsen 1997; Spohn and Holleran 2000; Tonry 1995). Figure 2 compares the racial and ethnic distribution of U.S. prisoners with the racial and ethnic distribution of males aged 25 to 34 in the general population. The prisoners are approximately 47 percent African American, 33 percent white, and 17 percent Hispanic, whereas the general population is approximately 13 percent African American, 69 percent White, and 13 percent Hispanic. In 2003, the incarceration rate for African Americans was 2,240 per 100,000 adult residents (U.S. Department of Justice 2004a). This stands in stark contrast to the White incarceration rate of 321 per 100,000. After controlling for population differences, African Americans are incarcerated approximately seven times as often as Whites. Disaggregating these rates by gender draws additional attention to these pronounced racial differences.

[Figure 2 about here.]

Young African American men are at the greatest risk of incarceration. In 2003, the incarceration rate for African American men is 4,925 per 100,000; that is, about 5 percent of all African American male adult residents were incarcerated in that year. The corresponding rate for White men is 610 inmates per 100,000, or about 0.6 percent of all White male adult residents were incarcerated in 2003. Based on these estimates, the rate of incarceration for African American men is eight times greater than for White men. If current trends of incarceration continue, a Justice Department study calculates that the percentage of males born in 2001 who will go to prison during their lifetimes is 32 percent for African Americans, 17 percent for Hispanics, and 5 percent for Whites (Bonczar 2003). These patterns are especially pronounced in

some urban areas. Beckett and Sasson (2000; 2) report that more than half of all African American men between the ages of 18-35 are *currently* under the criminal justice supervision in Baltimore and Washington, DC.

As Becky Pettit and Bruce Western point out, more African American men were imprisoned in 2003 than were attending college or serving in the military that year. Incarceration has become so commonplace among young African American males that they liken it to a common life course event: “recent birth cohorts of black men are more likely to have prison records (22.4 percent) than military records (17.4 percent) or bachelor’s degrees (12.5 percent)” (2004: 164). Although not as dramatic, levels of incarceration for Hispanics also rose considerably during this period.

National incarceration data for racial groups other than Whites and African Americans is sparse to non-existent. Some sources of official criminal justice statistics provide estimates for “Hispanics” and combine all other racial and ethnic categories into “other.” Unfortunately, this makes broad cross-race comparisons impossible, though it does allow for comparisons between select ethnicities and races. There appear to be substantial ethnic disparities in incarceration between non-Hispanics and Hispanics, though the differences are smaller in magnitude than the differences between Whites and African Americans. A recent report from the Mexican American Legal Defense Fund (Demeo and Ochoa 2003) concludes that Latinos are overrepresented among the convicted felon population in nine of ten states examined. There are several explanations for the origins and persistence of these racial and ethnic differences and nearly all assign an important role to poverty and inequality.

Scholars of social control, punishment and criminal justice policy have attributed increases in the prevalence of imprisonment to numerous factors. Evidence suggests that state-

level variation coincides with homicide rates (Oliver and Yocum 2004). Greenberg and West (2001) find that state-level incarceration growth between 1971 and 1991 is partly a function of violent crime rates. However, during the period of greatest prison growth (the mid-1970s to the late 1990s), crime rates were mostly stable (Blumstein 1998), suggesting a tenuous correlation between crime and punishment in the past thirty years. Rather, research has indicated that criminal justice policy during this era was more sensitive to political factors (Stucky, Heimer, and Lang 2005; Jacobs and Carmichael 2001; Greenberg and West 2001; Beckett and Sasson 2000; Savelsberg 1994). The crux of this argument is that crime control is a highly charged political issue on which many candidates base their election campaigns. Such candidates may gain votes by calling for increased sentences (especially for drug offenders), repeal of parole programs, and mandatory minimum sentences (see, e.g., Mendelberg's 2001 account of George Bush Sr.'s 1988 presidential campaign). Not only have "get tough" arguments been immune from political criticism, but there have been few economic limits imposed on punitiveness or public expenditures on punishment.

Feeley and Simon (1992) describes these increases as part of the "new penology," which includes the emergence of new discourses in punishment and new criminal justice objectives. These criminal justice system rationales emphasize management of threatening and dangerous groups rather than rehabilitation of individual offenders. Feeley and Simon claim conceptions of threatening and dangerous groups were typified as synonymous with the poor;

The underclass is understood as a permanently marginal population, without literacy, without skills, and without hope; a self-perpetuating and pathological segment of society that is not integratable into the larger whole, even as a reserve labor pool. Conceived this way, the underclass is also a dangerous class, not only for what any particular member may or may not do, but more generally for collective potential misbehavior. It is treated as a high-risk group that must be managed for the protection of the rest of society (p. 467).

In our view, the dangerous underclass more accurately depicts poor minorities. Nevertheless, it would be careless to reduce *all* racial differences in criminal punishment to recent shifts in the structure of crime control efforts. Such a position disregards compelling evidence concerning potential group differences in criminal offending.

Accounting for Racial and Ethnic Disparities

There have been numerous attempts to explain racial and ethnic disparities in the criminal justice system. Research frequently attributes some portion of recent disparities to changes in the prosecution and punishment of drug-related and other non-violent offenses and the host of sentencing laws enacted during the early 1980s (Beckett and Sasson 2000; Blumstein 1998; Mauer 1999; Tonry 1995). Policies such as mandatory minimum sentences, "three strikes" laws, and sentencing guidelines have clearly increased the use of imprisonment in addressing crime in the United States. These legislative changes alone, however, cannot account for longstanding disparities that existed prior to such laws. At the risk of oversimplifying a large body of literature, we discuss explanations for persistent disparities in punishment in terms of two classes: (1) differential rates of offending across these groups and, (2) differential treatment of racial and ethnic minority groups.

The basic idea behind the differential offending position is that social inequality or other factors lead disproportionate shares of racial and ethnic minorities to engage in violent and criminal behavior, which, in turn, explains much of the racial and ethnic disparities in imprisonment. Researchers have focused on various mechanisms through which deprivation leads to increased rates of crime and violence, such as street credibility (Anderson 1990), residential segregation (Massey 1995), social isolation (Sampson and Wilson 1995), and social

disorganization (Morenoff and Sampson 1997). The differential offending position is largely supported by official homicide statistics. These data clearly reveal two patterns: (1) higher rates of homicide victimization and offending among African American males relative to any other social group (LaFree 1995; U.S. Department of Justice 2004b); and, (2) that most homicides are intra-racial rather than inter-racial. During the early 1990s, homicide was the leading cause of death among young African American men, at least 80 percent of whom were killed by other young African American men (Hagan and Peterson 1995). One oft-cited, albeit dated, study (Blumstein 1982) estimated that at least 80 percent of the racial differences in incarceration were due to differences in arrest rates (which were taken in the study as a proxy for offending differences). While Blumstein (1993) and others later reduced these early estimates, researchers continue to provide empirical evidence for differential offending playing some role in differential punishment (DeLisi and Regoli 1999; DiIulio 1994; Sampson and Lauritsen 1997).

Differential treatment is the major alternative to this explanation of racial and ethnic disparities in imprisonment. A long line of research shows that African American and Hispanic criminal defendants are treated more harshly than their White counterparts by the police (Chambliss 1994), by judges (Hagan and Peterson 1995; Steffensmeier, Ulmer, and Kramer 1998; Spohn and Holleran 2000) and by parole and release boards (Myers 1993). Net of crime rates, the percentage of African American residents is a significant predictor of crime control activities such as policing (Earl, Soule and McCarthy 2003; Jackson 1989; Jackson and Carroll 1987), incarceration (Greenberg and West 2001; Jacobs and Carmichael 2001; Myers 1990; Stucky, Heimer, and Lang 2005), and the death penalty (Paternoster 1991). These findings have led researchers to interpret area racial composition as an indicator of “racial threat,” a concept

drawn from classic work on inter-group prejudice and discrimination (Blalock 1967; Blumer 1958).

Although a few sociologists and criminologists dogmatically adhere to either the differential offending or the differential treatment position, most today acknowledge that both factors help explain racial and ethnic gaps in criminal punishment (Hagan and Peterson 1995 offer a concise summary of this integrated perspective). Both factors appear to interact in complex ways across time, place, and subgroup characteristics. For example, explicit expressions of racial and ethnic discrimination in the criminal justice system in past eras have likely been replaced with more subtle forms of discrimination. While more difficult to detect, modern forms of laissez-faire racism (Bobo and Smith 1998) can also prove harmful to racial and ethnic minorities (Sampson and Lauritsen 1997).

Criminal Punishment and Social Class

Variation in criminal punishment, of course, is also linked to economic deprivation. It is virtually impossible to discuss the prevalence of racial and ethnic minorities in criminal justice without discussing crucial group differences in socio-economic backgrounds. The U.S. Department of Justice regularly conducts a large, nationally representative survey of state prison inmates and occasional surveys of probationers and parolees. As shown in Table 1, men and racial minorities are vastly overrepresented in these populations relative to the general population. By 1997 (the most recent year the survey was conducted), 94 percent of all prison inmates, 96 percent of parolees, and 79 percent of probationers were males. African Americans make up almost half of the prison and parole populations and almost one-third of the felony

probation population, as compared with 12 percent of the general population and 13 percent of the population aged 25 to 34.

[Table 1 about here.]

Of course, the rate and absolute number of incarcerated persons has changed dramatically since 1974, as has the most serious offenses for which prison inmates have been convicted. Drug offenses, which had accounted for about 10 percent of the prison population, have increased sharply to over 26 percent. Property offenders have declined from 33 percent to 14 percent, and the percentage of those incarcerated for violent offenses has declined from 53 percent to 46 percent. The average age of prison entry has risen steadily since the 1970s, with prisoners now averaging over 30 years of age at the time of admission. Despite their advancing age, however, prisoners remain socioeconomically disadvantaged relative to the general population. They have very low levels of education, with less than one-third having received a high school diploma at the time of interview. Employment levels at the time of arrest have declined gradually since 1974, with a slim majority (56 percent) holding a full-time job prior to their most recent arrest in the 1997 survey. By comparison, over three-fourths of males of comparable age in the general population held full-time jobs and 87 percent had attained a high school degree.

The percentage of married inmates has declined from 24 percent in 1974 to 18 percent in 1997. The comparable figure in the general population is 53 percent for males in this age range. Despite low rates of marriage, most inmates are parents: 56 percent reported having at least one child in the most recent survey. Although trends such as declining rates of marriage and non-marital births mirror larger societal shifts, the characteristics of the inmate population have

remained relatively stable over the past 25 years. Prison and jail inmates lag the farthest behind their contemporaries in the general population, while probationers and parolees are somewhat better off socioeconomically. All, however, face challenges in rebuilding their lives after they have served their sentences.

Based on these inmate surveys and self-reported income information, we calculated the percentage of prisoners falling below inflation-adjusted federal poverty guidelines at the time of their most recent arrest. We must caution that the inmate surveys do not include an independent verification of prisoners' self-reported income information and that these data are therefore subject to potential validity and reliability problems. Nevertheless, they are useful for showing trends in the percentage of inmates who report very low incomes. As Figure 3 shows, the share of inmates that report being impoverished fluctuated between 40 and 60 percent in the past thirty years. Nevertheless, the total *number* of inmates in poverty has increased dramatically with the prison population, as shown in the dotted line of the figure. In 1974, fewer than 100,000 prisoners had been in poverty prior to their most recent arrest. In 2004, by contrast, that figure exceeded 600,000. The data suggest that prisoners have always been poor but that imprisonment is now much more prevalent among those in poverty today, relative to 30 years ago. Further examination of these trends, however, shows the linkages between poverty and race in the incarceration figures.

[Figure 3 about here.]

As previously mentioned, poor and uneducated young African American men are at great risk of incarceration, and this risk has been increasing for the past three decades (Western and Pettit

2004). Figure 4 illustrates this pattern by plotting changes over time in the percentage of all poor African Americans and poor non-African Americans who are imprisoned. This graph shows a dramatic increase in incarceration rates for poor African Americans, rising from slightly over two percent in 1974 to over ten percent in 2002. The corresponding percentage for non-African Americans is far lower, rising from nearly one percent in 1974 to close to three percent in 2002.

[Figure 4 about here.]

These trends are wholly consistent with Pettit and Western's (2004) argument that incarceration increases have particularly affected the less educated, the less skilled, and the poor. They estimate that 60 percent of African American men born in the late 1960s with no more than a high school education have a prison record by their mid-thirties. Considering these findings, it would be difficult to overstate the importance of social class, race, and gender as risk factors for incarceration. While incarceration has also risen among non-African Americans and females, the increases for these groups have been more modest and the initial base incarceration rates had been much lower. Not surprisingly, explanations for class disparities in imprisonment mirror those for racial and ethnic differences.

Theoretical work on class gaps in criminal punishment also splits along the differential offending and differential treatment perspectives noted above with regard to race. Since the advent of self-reported crime surveys in the late 1950s, criminologists have found relatively meager associations between socioeconomic status and self-reported crime, in contrast to arrest and incarceration data that show substantial differences (see, e.g., Braithwaite 1981; Elliot and Ageton 1980; Tittle, Villemez, and Smith 1978; Wright et. al. 1999; Uggen 2001). Some portion

of class disparities in punishment is therefore likely to stem from systematic biases that penalize the poor more harshly than the wealthy. Theoretical approaches that integrate both perspectives perhaps best capture the origins of class differences in punishment. Nevertheless, it is an undeniable empirical fact that a large proportion of prisoners come from disadvantaged social circumstances.

Criminal Victimization, Race, and Social Class

Crime victims as well as offenders are also more likely to be drawn from the ranks of racial minorities and the poor. Data from the *National Crime Victimization Survey* show widely varying rates of victimization across race and ethnicity. African Americans and, to a lesser extent, Hispanics report being victimized at higher rates than Whites and Non-Hispanics for many types of crimes, particularly violent offenses. As shown in Figure 5, African Americans report significantly higher rates of serious violent victimization (homicide, rape, robbery, and aggravated assault) than Whites (U.S. Department of Justice 2005b). Nevertheless, due to a declining crime rate, African American rates for 2001 to 2003 are well below White rates from the 1970s to the early 1990s. Hispanics were victims of overall violence at about the same rate as non-Hispanics: Hispanic persons age 12 and older made up 13 percent of the population and experienced about 14 percent of all violent crime.

Criminal victimization is also stratified by socioeconomic status. Figure 6 shows rates of personal (or violent) victimization and property victimization by income categories. For both types of crime, the greatest victimization occurs among households earning less than \$7,500 per year. The personal victimization rate of 49.9 per 1,000 households in this lowest income group

doubles the rate of 24.9 for households earning \$25,000 to \$35,000 per year and almost triples the rate of 17.5 for households earning greater than \$75,000 per year.

The impact of criminal victimization, however, does not end with the completion of a criminal act. Ross Macmillan (2001; 2000) finds evidence that violent victimization, especially during adolescence, imposes long-term effects on psychological distress, future involvement in crime, and even educational and occupational attainment. In one study based on National Youth Survey data (Macmillan 2000), hourly wages are over one dollar lower for victims than for non-victims, net of gender, age, race, family structure, urban residence, family socioeconomic status, delinquency, and delinquent peers. These effects appear to be driven, in large part, by diminished educational attainment and occupational status among crime victims.

The Impact of Felon Status on Future Life Chances

The effects of criminal punishment extend far beyond detainment or direct supervision by the criminal justice system. Upon release, prisoners re-entering their communities often face discrimination, low levels of human and social capital, and restrictions that affect their ability to earn a living and obtain basic necessities such as housing. There is little doubt that these barriers adversely affect future occupational attainment, labor force participation, and economic security. At the very least, removal from the labor force for four and one-half years -- the average state prison sentence (U.S. Department of Justice 2003) -- decreases lifetime earnings. It is only recently, however, that researchers have begun to identify the magnitude of imprisonment's effect on economic well-being and future life chances. Current research has also begun to disentangle the impact of criminal sanctions from self-selection into crime in other arenas of

social life, such as the family, educational attainment, and civic engagement. Turning to these lines of research, we first discuss the increasing population of released prisoners.

In addition to the more than 600,000 prisoners released annually in recent years (see, e.g., Petersilia 2003), over two-million probationers also leave supervision (U.S. Department of Justice 2004). Apart from the flow out of the system, the number of new convictions is also rising. In 2002, there were over one million state felony convictions (U.S. Department of Justice 2003b). Forty-four percent of those convicted were African American, 54 percent were White, with the remaining two percent were comprised of other racial groups. Most of these convictions were for non-violent offenses (approximately 81 percent) and a large proportion resulted in probation rather than prison (31 percent).

Based on analysis of demographic life tables, Uggen, Manza, and Thompson (2006) estimate the 2004 population of former felons at 11.7 million, after accounting for recidivism and mortality. This estimate represents about 5.4 percent of the adult population, 9.2 percent of the adult male population, and 23 percent of the African American adult male population. After combining the number of current felons and former felons, the estimated total population is approximately 16 million (Uggen, Thompson, and Manza 2006). This represents approximately 7 percent of the adult population and 33 percent of the adult African American male population. These figures indicate that the relationship between criminal punishment and stratification extends far beyond those currently incarcerated. The “criminal class” includes millions of individuals with felon status who are now “off-paper” as they rebuild their work and family lives.

Formal Consequences of Criminal Sanctions

The millions who have been convicted of felonies lose numerous rights and privileges due to provisions known as civil disabilities or collateral consequences. Researchers have begun to explore the origins of such limitations (Behrens, Uggen, and Manza 2003; Keyssar 2000), their implications for citizenship and democracy (Uggen and Manza 2002), their legal status (Behrens 2004; Damaska 1968; Love 2003; Snyder 1988), and their importance for social policy (Mauer 2002; Rubinstein and Mukamal 2002; Travis 2002). Overlooked, in our view, are the role of such collateral sanctions in perpetuating and often exacerbating racial inequalities. Collateral consequence provisions disproportionately affect the socioeconomic and community standing of disadvantaged groups. They reduce employment prospects, erode civic participation, bar receipt of federal funding for higher education, and remove parental rights, with consequences falling particularly heavily upon the many poor and working class members of racial and ethnic minority groups.

We approach these issues with a conceptual framework presented in other work (Wheelock 2005) that packages collateral consequences as classes of restrictions. Consistent with our initial thesis, it is important to view them as an inter-connected system of disadvantage that amplifies disparities across markers of economic and social well-being. Such an approach allows us to discuss and describe their diffuse yet non-trivial role in stratification. This framework distinguishes broad groups of restrictions: occupational, public aid, and civic. We briefly discuss each and provide an example of how a specific restriction in that domain either maintains or worsens inequality for racial minorities and the poor.

First, work and occupational restrictions have perhaps the most direct impact on inequality in the labor market. These consequences exclude individuals with felon status from holding specific types of employment either through outright bans or by disqualifying them from

eligibility for occupational licensure (Dietrich 2002; May 1995). Some of these restrictions are clearly justified as public safety measures, but the list of restricted occupations spans diverse fields and activities. In New York, ineligible occupations include barbershop owner, boxer/wrestler, commercial feed distributor and emergency medical technician (Samuels and Mukamal 2003). Table 2 provides a list of restricted occupations in Florida, which includes acupuncturist, chiropractor, speech-language pathologist, and cosmetologist to name a few (American Civil Liberties Union 2005). It seems unlikely that all former felons who have completed their sentences could pose such a danger in these occupations that they should be categorically locked out as a class.

[Table 2 about here.]

We do not suggest that every occupational restriction has significant implications for racial and ethnic inequality. In some cases, convicted felons may lack the human capital to seek such occupations in the first place. For example, it is tenuous to propose that large proportions of individuals with felon status are pursuing positions as speech-language pathologists. However, New York and Florida (states with very large ex-felon populations), also prohibit individuals with felon status from less-skilled positions such as taxi driver, junk dealer, farm laborer, and even “telephone seller” (American Civil Liberties Union 2005; Samuels and Mukamal 2003). Furthermore, in light of the sheer numbers of ex-felons and the broad scope of these restrictions it would seem plausible that lifetime occupational bans not only diminish offender reintegration and reentry, but also exacerbate racial and ethnic inequality in the labor market.

In addition, many states bar people with felon status from government positions. Census data indicate that African Americans are more heavily concentrated than Whites in government sector employment (U.S. Census Bureau 2003), so felon restrictions on government work, again, exert a disproportionate impact on racial and ethnic minorities. In sum, there are significant direct impacts of occupational restrictions on stratification outcomes. To the extent that former felons are relegated to marginal work with little opportunity for advancement, there are long-term effects upon socioeconomic status over the life course.

Public aid restrictions disqualify felons and ex-felons from government assistance due to their criminal record. This class of disqualifications includes eligibility for federal college loans and grants, welfare assistance, public housing, and denial of military benefits. The consequences of these bans are most keenly felt in the crucial months immediately following release from correctional supervision, when the likelihood of recidivism is at its apex (Uggen 2000). Few researchers have systematically examined the impact of these restrictions, but we can offer a preliminary look based on the impact of the 1998 Higher Education Act Reauthorization (20 U.S.C. 1091(r)). This federal legislation disqualified individuals with drug offenses from receiving federal aid for high education (which also include non-felony drug convictions). Individuals with three possession convictions or two distribution convictions receive lifetime bans on receipt of federal education monies. We hypothesize that this single piece of legislation likely accounts for a non-trivial portion of the racial gap in educational attainment. Although no empirical study to date has estimated the magnitude of the impact, we can bring some preliminary data to bear upon the question.

According to a study conducted by the National Center of Education Statistics, African American-White racial gaps in high school completion and dropout have decreased in recent

years, although African American-White racial gaps in college attendance and completion have either remained stagnant or worsened slightly (U.S. Department of Education 2001). College attendance rates for African Americans between the mid-1970s and the late 1990s remained 83 to 85 percent of White rates. The racial gap in college completion, however, has actually worsened during this period, rising from 13 percent to 17 percent (U.S. D.O.E. 2001). The 1998 Reauthorization has likely contributed to this widening gap.

The Department of Education reports that more than 124,000 students have either been rejected for assistance or lost their financial aid since the provision's enactment in 1998. This estimate is rising rapidly, for 48,629 students were denied Pell Grant funding in the 2001-2002 school year alone (Levi and Appel 2003). Relative to Whites, racial and ethnic minorities are significantly more likely to be convicted of the disqualifying drug offenses (U.S. Department of Justice 2003) and significantly more likely to require a Pell Grant to attend college (National Center for Education Statistics 2000). It is therefore plausible that tens of thousands have been denied college funding solely on the basis of their conviction status.

It also seems likely that disqualification for welfare benefits has a profound impact on the lives of women with felony convictions and their families. Approximately two-thirds of female state prison inmates are mothers of minor children and 64 percent reported living with these children prior to incarceration (U.S. Department of Justice 2000b). Again, public assistance disqualifications exacerbate racial inequalities, since African American women face an incarceration rate over six times that of White women (U.S. Department of Justice 2000a). Although far more information is needed to assess the magnitude and significance of these effects, it is clear that public aid restrictions play some role in racial and ethnic educational stratification.

Finally, civic restrictions such as felon disenfranchisement, jury exclusion, and disqualification for public office prevent individuals with felon status from fully participating as citizens. Felon disenfranchisement research links the origins of these restrictions to racial conflict (Behrens, Uggen and Manza 2003; Keyssar 2000), suggests they have influenced recent senatorial and presidential elections (Uggen and Manza 2002), and draws attention to their implications for the successful reintegration of former felons (Uggen and Manza 2004). The impact of civic restrictions on social stratification, however, is likely indirect. It seems plausible that felon voting bans may indirectly maintain inequality by quelling the political voices of the economically disadvantaged and socially marginalized. To some extent, restrictions on jury service and office-holding may also diminish the pool of otherwise eligible citizens and further dilute the power of groups overrepresented in the criminal justice system.

For non-citizens, the most serious civic consequence of a felony conviction is the possibility of deportation (Kanstroom 2000; 2005). Regrettably, many immigrants who agree to a guilty plea (typically in exchange for a reduced period of confinement) are never informed that they may face deportation as a possible consequence of the plea agreement (Ferster and Aroca 2005). In 2003, the U.S. Bureau of Immigration and Customs reported that of 11,317 immigrants held in Federal and State detention centers, 10,763 had been convicted of criminal offenses and 1,725 had pending criminal cases (U.S. Department of Justice 2003). The long-term trend in deportation reveals sharp increases in recent years. Figure 7 is based on decennial deportation data from 1908 to 1960 and annual information from 1960 to 2003 in U.S. criminal deportations (*Immigration and Naturalization Statistical Yearbook, 1908-2003*). Until the mid-1980s, there were fewer than 5,000 criminal deportations per year. By 1990, however, there were over 8,500 such deportations, and by 2000, over 40,000 people were deported for criminal offenses.

Although many immigrants do not possess the rights and privileges enjoyed by U.S. citizens, these deportations clearly affect the socioeconomic standing of the families left behind.

[Figure 7 about here.]

As the number of felons and former felons rises, collateral sanctions play an ever-larger role in racial and ethnic stratification, operating as an interconnected system of disadvantage. Given the expansiveness of collateral consequences for ex-felons, we expect their influence to be felt across almost every domain of social life. To date, however, research linking stratification and collateral sanctions is in its infancy, as even the most rudimentary descriptive statistics and summary counts are often unavailable. We next discuss a more mature line of research regarding the informal consequences of criminal sanctions.

Informal Consequences of Criminal Sanctions

In recent years, new research has begun to specify the informal effects of incarceration and felon status. This line of strong empirical research has estimated the effects of incarceration on future economic well-being (Western 2002; Western and Pettit 2000), life course outcomes (Pettit and Western 2004), family (in)stability (Hagan and Coleman 2001; Lopoo and Western 2005), community cohesion and collective efficacy (Clear and Rose 2002; Clear, Rose and Ryder 2001), and employment prospects (Pager 2003). This body of work is distinctive in uncovering the unforeseen and likely unintended consequences of large-scale incarceration. For example, Devah Pager's (2003) audit study showed that people with criminal records are significantly less likely to be called back when they submit job applications, with African

American males effectively screened out of even entry-level employment. Such evidence shows both that African Americans continue to experience severe discrimination in the labor market and that a criminal record dramatically reduces employment prospects in even the low-wage labor market. The combined impact of discrimination by race and felon status thus locks many former felons out of the labor market altogether.

A body of related work has also examined the impact of criminal punishment with a different lens, focusing more intently on the experiences and understandings of young African American men (Young 2004), particularly those in disadvantaged inner-city housing projects (Venkatesh 2001). Largely ethnographic, this research has shed important insight on the communities most affected by current trends in criminal punishment. As previously noted, we are only beginning to understand how the release of hundreds of thousands of prisoners annually impacts their socioeconomic well-being and that of their communities.

Of course, it is difficult to disentangle imprisonment effects from the selection processes that lead to differential rates of incarceration. Experimental methods (Pager 2003; Uggen 2000), panel data models (Kling 2006; Western 2002), and propensity score matching (Massoglia 2005) are among the techniques employed to address selectivity effects in this line of research. For example, Massoglia (2005) utilizes propensity score matching to estimate sizable incarceration effects on mental and physical health at midlife, net of selection into incarceration.

Removal from the labor force, disrupted social bonds, and social stigma all work to place released prisoners at the very rear of the labor queue and at the highest risk of poverty. Many return to their communities with few marketable skills, no better than a high school diploma or equivalency, splintered personal relationships with family members (Petersilia 2003), and few of the “weak ties” that non-felons use to obtain employment (Granovetter 1983). Stable

employment, so critical to successful reintegration (Sampson and Laub 1990; Uggen 2000), also remains elusive for individuals with a felony criminal record (Petersilia 2003). Former prisoners earn significantly less than those who were never incarcerated, though the absolute duration of imprisonment does not appear to exact additional wage penalties (Kling 2006). According to Western (2002), incarceration can reduce wages by 10 to 20 percent and reduce wage growth by 30 percent. In sum, criminal punishment not only decreases the probability of obtaining employment but it reduces future earnings.

Conclusion

This chapter has described the relationship between criminal punishment and racial and socioeconomic stratification. In doing so, we hope to have shown how criminal punishment acts as a system of disadvantage to further exclude and marginalize already vulnerable social groups. We wish to close on a programmatic note, calling for further research on the impact of collateral sanctions on socioeconomic well-being and racial stratification. As punishment has risen in the past three decades, an ever larger proportion of those in poverty and people of color have become felons and former felons, and hence subject to these “collateral consequences.” As the data and literature reviewed make clear, the impact of crime and punishment lingers long after these felons are released from supervision, either removing or impeding their already circumscribed opportunities.

What policy interventions might be undertaken to reduce the impact of criminal sanctions on racial, ethnic, and socioeconomic inequality? We can point to sentencing reform as one avenue. In some areas, such as harsher punishment for crack versus powder cocaine, racial disparities exact a disproportionate toll on communities of color (Beckett, Nyrop, Pfingst, and

Bowen 2005). More generally, reducing the scope and duration of criminal punishment would reduce the size of the criminal class and the social deficits that accompany criminal sanctions. With regard to collateral consequences, we suggest a thoughtful reassessment of the sanctions that sap the social, economic, and political strength of the poor and disenfranchised. What public safety purpose is served by the lifetime voting ban for former felons in Alabama? Or the lifetime restriction on obtaining a Florida barber's or cosmetologist's license? In such instances, prudently extending basic rights -- to work, to vote, and to participate in social life -- may reduce the deleterious impact of crime and punishment on inequality.

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Table 1. Characteristics of Prison Inmates, Parolees, and Felony Probationers.

	<u>Prison Inmates</u>			<u>Parole</u>	<u>Felony Probation</u>	<u>U.S. Men</u>
	<u>1974</u>	<u>1986</u>	<u>1997</u>	<u>1999</u>	<u>1995</u>	<u>25-34</u> <u>1997</u>
<i>Education</i>						
Years of Education	9.9	10.9	10.7			
% with HS Diploma/GED	21.1	31.9	30.6	49.2	54.4	87.3
<i>Employment</i>						
% FT employed	61.6	57.3	56.0			77.0
% PT/occasional employed	7.3	11.6	12.5			12.1
% looking for employment	12.5	18.0	13.7			3.9
% not employed and not Looking for work	18.5	13.0	17.8			7.0
<i>Sex (percent male)</i>	96.7	95.6	93.7	90.1	79.1	100
<i>Current Age</i>	29.6 (10.0)	30.6 (9.0)	34.8 (10.0)	34.0	31.9	29.7
<i>Age at Admission to Prison</i>	26.5 (9.3)	27.6 (8.7)	32.5 (10.4)			
<i>Race</i>						
% Black, non-Hispanic	49	45	47	47.3	31	12.8
% White, non-Hispanic	39	40	33	35.4	55	68.9
% Hispanic	10	13	17	16.1	11	13.2
% Other	2	3	3	1.2	3	5.0
<i>Family Status</i>						
% Never Married	47.9	53.7	55.9		50.8	40.4
% Married	23.7	20.3	17.7		26.8	53.0
% with children	60.2	60.4	56.0			
Number of children	1.7 (2.0)	2.3 (1.7)	2.5 (1.9)			
<i>Conviction Offense</i>						
% Violent Offense	52.5	64.2	46.4	24.4	19.5	
% Property Offense	33.3	22.9	14.0	30.8	36.6	
% Drug Offense	10.4	8.8	26.9	35.3	30.7	
% Public Order Offense	1.9	3.3	8.9	9.0	12.1	
% Other Offense	2.0	0.9	3.7	0.5	1.0	

Note: Standard deviations for continuous variables in parentheses.

Sources: *Survey of Inmates in State and Federal Correctional Facilities, Trends in State Parole 1990-1999*, and *Characteristics of Adults on Probation, 1995* and *Statistical Abstract, 1998* (Washington, D.C.: U.S. Government Printing Office). Table adapted from Manza and Uggen, 2005.

Table 2: Occupations Affected by Employment Restrictions in Florida (ACLU)

Statute	Occupation	Statute	Occupation
F.S. 457.101	Acupuncture	F.S. 481.201	Interior Design
F.S. 458.301	Medical Practice	F.S. 481.311	Landscape Architecture
F.S. 458.301	Medical Faculty	F.S. 482.001	Pest Control
F.S. 459.001	Osteopaths	F.S. 483.101	Clinical Laboratories
F.S. 460.401	Chiropractors	F.S. 483.30	Multiphasic Health Testing Centers
F.S. 483.825	Clinical Lab Personnel	F.S. 483.825	Clinical Laboratory Personnel
F.S. 461.001	Podiatrist	F.S. 483.825	Medical Physicists
F.S. 462.01	Naturopathy	F.S. 484.001	Dispensing of Optical Devices
F.S. 463.001	Optometry	F.S. 484.0401	Hearing Aid Specialist
F.S. 464.001	Nursing	F.S. 486.001	Physical Therapy Practice
F.S. 465.001	Pharmacy	F.S. 489.101	Contracting
F.S. 466.001	Dentistry, Hygiene, and Dental Labs	F.S. 489.501	Electrical and Alarm System Contracting
F.S. 467.001	Midwifery	F.S. 489.551	Septic Tank Contracting
F.S. 468.1105	Speech-Language Pathologist, Audiologist	F.S.490.009	Psychological Services and Clinical
F.S. 468.1635	Nursing Home Administration	F.S. 491.006	Counseling and Psychotherapy Services
F.S. 468.201	Occupational Therapy	F.S. 492.105	Professional Geology
F.S. 468.3001	Radiologic Technology	F.S. 493.6105	Private Investigative, Private Security and Repossessive Services
F.S. 468.35	Respiratory Therapy	F.S. 112.001	Public Officers and Employees
F.S. 468.381	Auctioneers	F.S. 112.531	Law Enforcement and Correctional Officers
F.S.468.401	Talent Agencies	F.S. 112.80	Firefighters
F.S. 468.433	Community Association Management	F.S. 494.0031 F.S. 494.0061	Mortgage Brokers Mortgage Lenders
F.S. 468.451	Athletes' Agents	F.S. 469.009	Asbestos Abatement
F.S. 468.501	Dietetics and Nutrition Practice	F.S. 469.409	Professional Fundraising Consultant
F.S. 468.520	Employee Leasing Agency	F.S. 496.410	Professional Solicitors
F.S. 468.601	Building Code Administrators	F.S. 497.433	Funeral and Cemetery Services
F.S. 468.70	Athletic Trainers	F.S. 501.605	Telephone Sellers
F.S.468.80 F.S. 469.001	Orthotics, Prosthetics, Pedorthics	F.S. 516.05	Consumer Finance
F.S. 469.001	Asbestos Abatement	F.S. 517.12	Securities Transactions
F.S. 470.001	Funeral Directing	F.S. 320.27	Motor Vehicle Dealers
F.S. 470.001	Embalming	F.S. 648.27	Bail Bond Agents and Runners
F.S. 470.001	Direct Disposition	F.S. 310.071	(Boat) Pilots
F.S. 471.001	Engineering	F.S. 484.056	Dispensing of Optical Devices and Hearing Aids
F.S. 472.001	Land Surveying and Mapping	F.S. 476.024	Barbering
F.S. 473.301	Public Accountancy	F.S. 477.012	Cosmetology
F.S. 474.201	Veterinary Medical Practice	F.S. 478.41	Electrolysis
F.S. 475.001	Real Estate Broker, Salespersons, Schools and Appraisers	F.S. 480.031	Massage Practice
		F.S. 481.201	Architecture

Figure 1. Correctional Populations in the United States, 1980-2003.

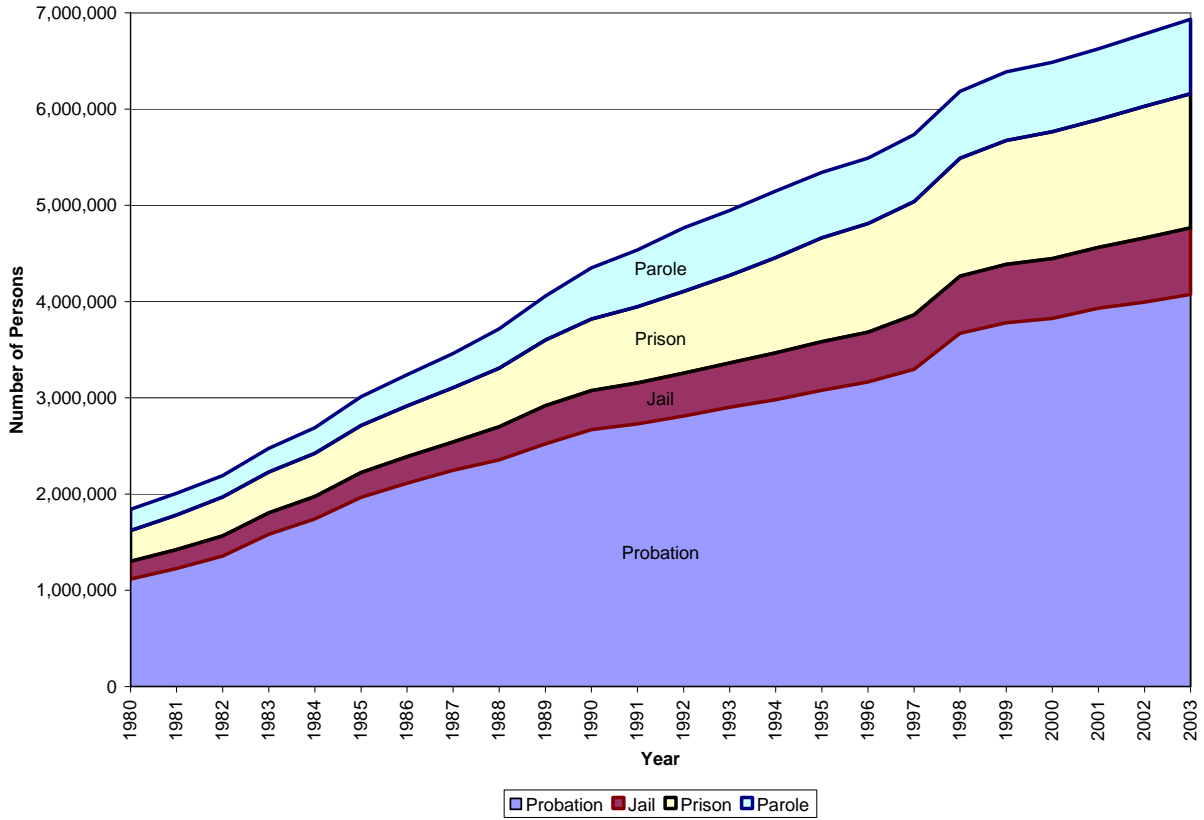


Figure 2. Race and Ethnicity of U.S. Males Age 25-34 versus U.S. Prisoners

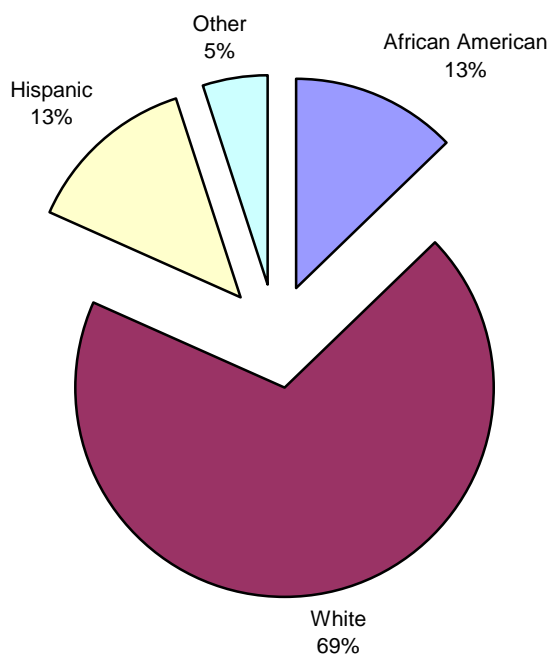
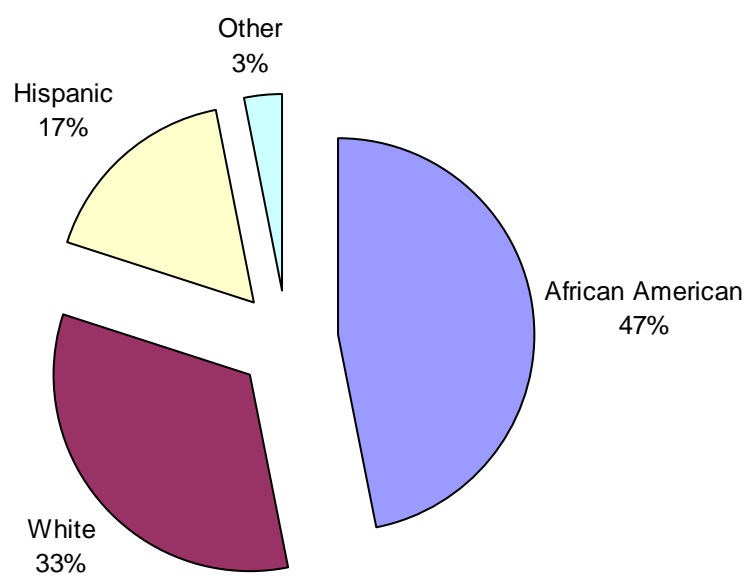


Figure 3. Poverty Status of State Prison Inmates 1974-2004

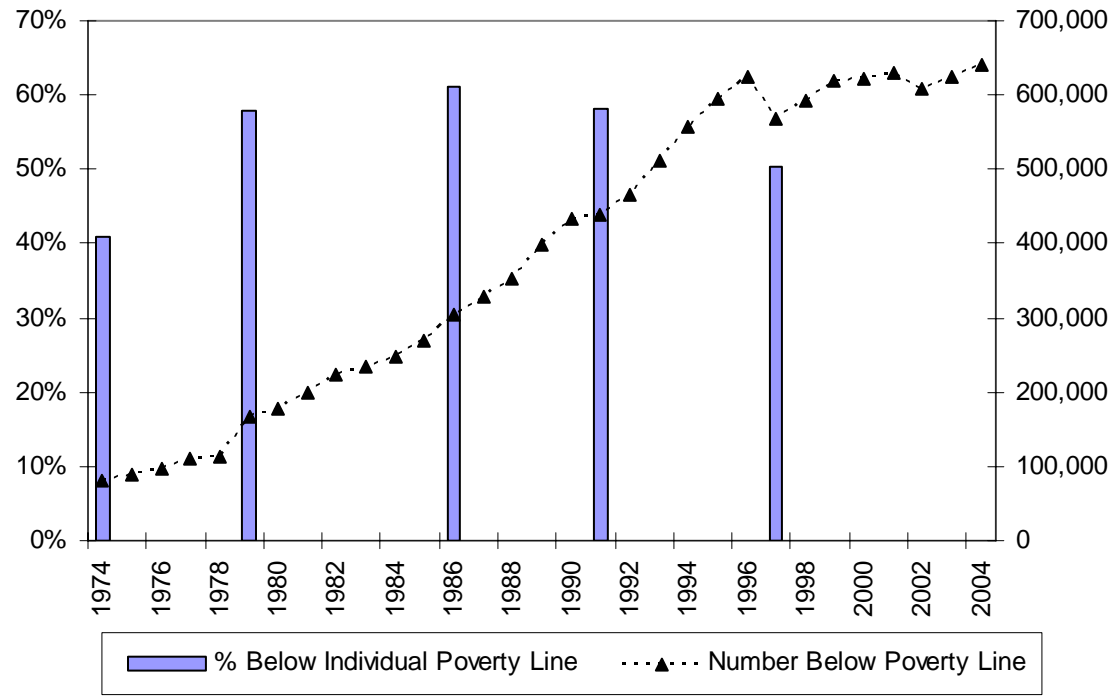


Figure 4. Estimated Percentage of U.S. Residents Aged 18 and Over in Poverty that are State or Federal Prison or Jail Inmates, 1974-2002.

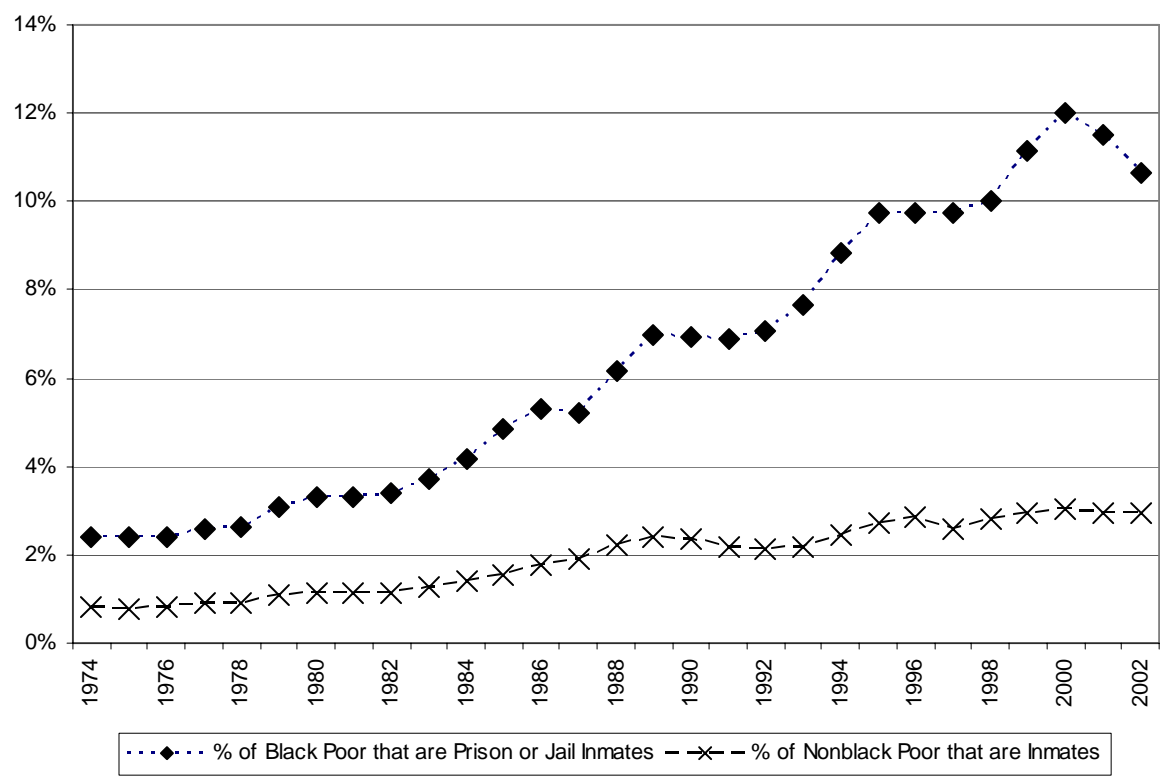


Figure 5. Serious Violent Victimization by Race, 1973-2003

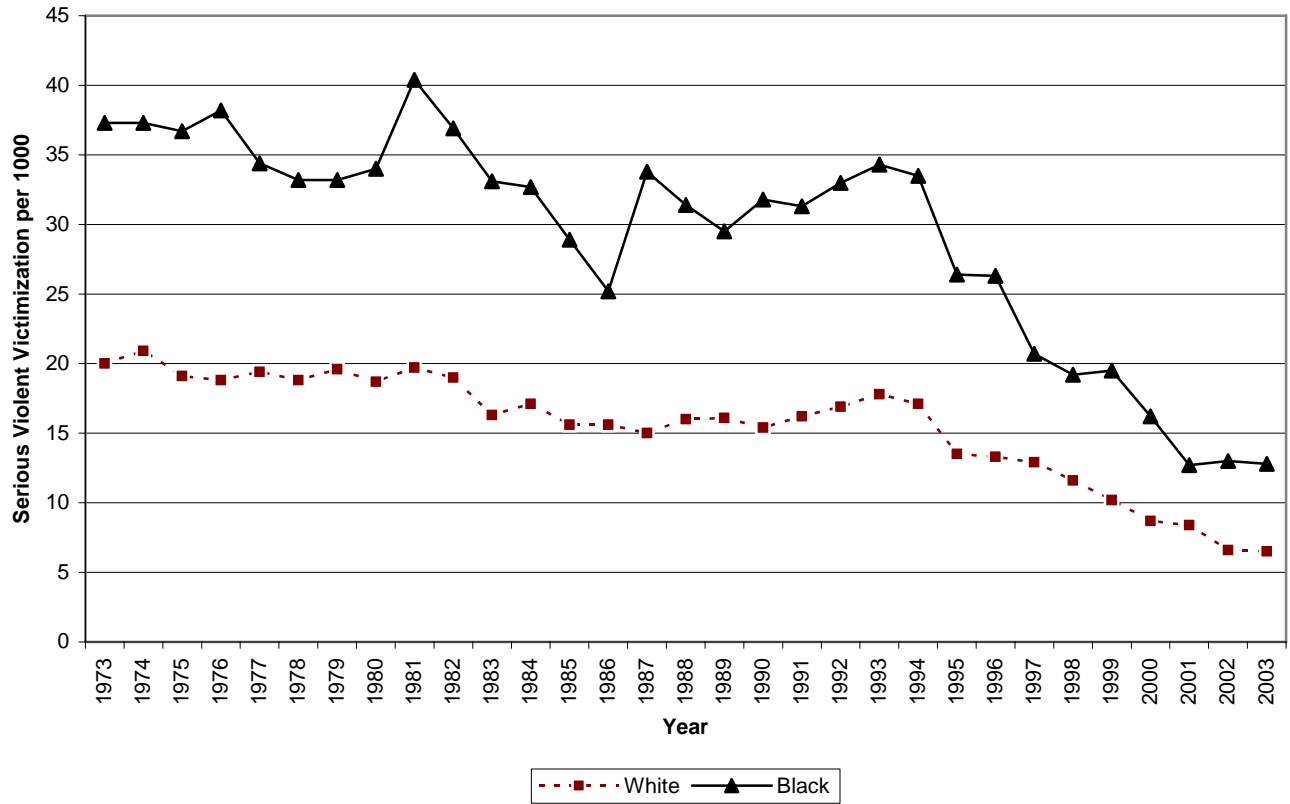


Figure 6. Personal and Burglary Victimization by Income, 2003

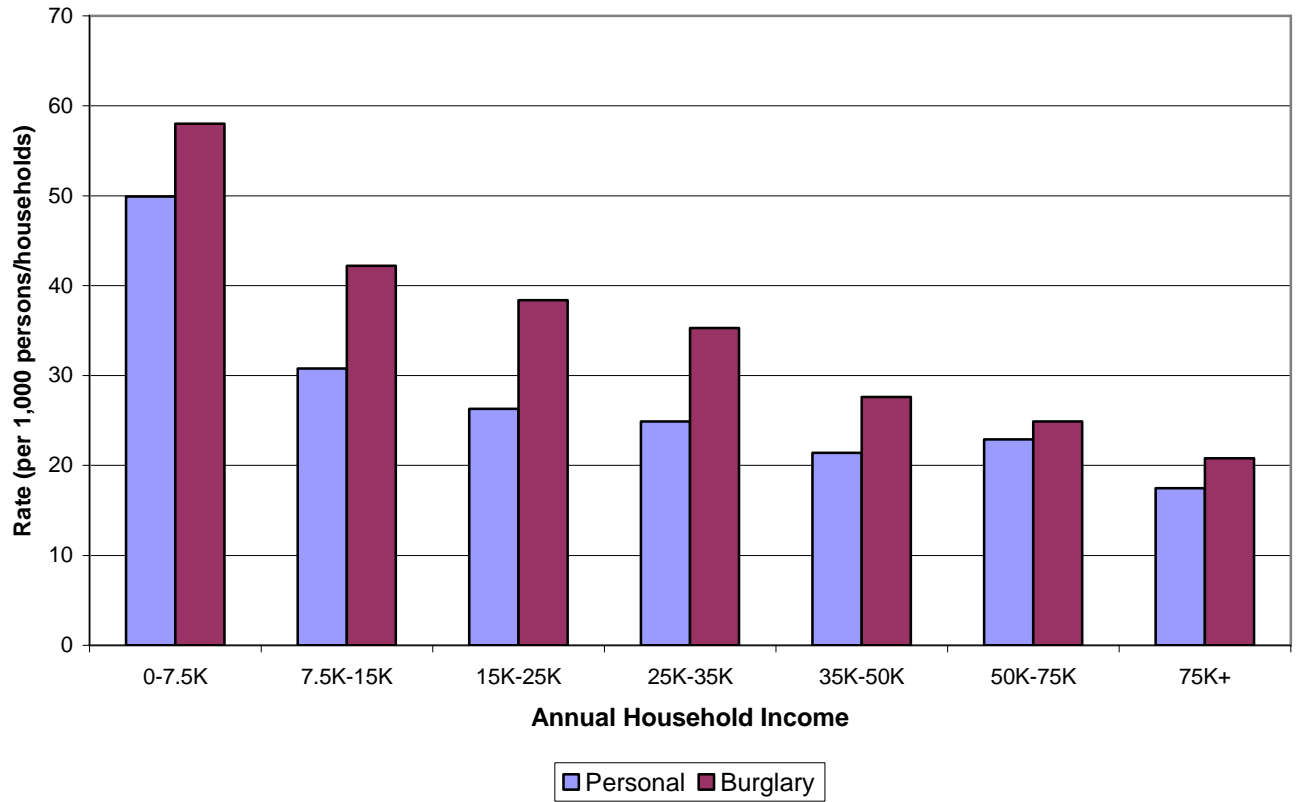


Figure 7. Criminal Deportations, 1908-2003.

