**Ban the Stigma**

“Kraig Selken, a senior studying history at Northern State University in Aberdeen, South Dakota . . . knows first-hand the sting of the HEA drug provision. After being arrested with a small amount of marijuana, Selken paid his fine and sat through court-ordered drug treatment. He thought he had paid his debt to society. It was not until Selken began reading up on the HEA drug provision after his conviction that he realized his punishment wasn't over. Because of his misdemeanor marijuana conviction, he became ineligible for student financial assistance for two years.”[[1]](#footnote-1)

Unfortunately the story above is not unique; currently millions of Americans must deal with collateral consequences as a result of having a criminal charge. However, it appears that our criminal justice system is undergoing significant reform. With the national spotlight on police brutality, the decriminalization of marijuana, and reform policies towards mandatory minimums for drug offences, it seems as though the United States is moving past its long criticized “tough on crime” stance. The tough on crime movement began in the 1970s as society demanded something be done in order to fight crime. This movement saw an increase in prison sentences for the possession and sale of drugs, and the three strikes law which increased prison sentences for repeat offenders.[[2]](#footnote-2)

This tough on crime stance has resulted in a population increase every year since 1973, as the United States moved from a rehabilitative system to a punitive system. It was thought that by creating harsher penalties it would deter future offenders; however, studies have shown that harsh penalties have had minimal effect. Instead of deterring crime, it has led to another issue; the disenfranchisement of millions of people who already had to deal with many obstacles. “Most of those released from prison today have serious social and medical problems. They remain largely uneducated, unskilled, and usually without solid family supports – and now they have the added stigma of a prison record and the distrust and fear that it inevitably elicits” (Petersilia, 2003).

While recent trends in criminal justice reform seek to decriminalize drug offences and reduce mandatory minimums, the damage has already been done. Whether a person serves their time in prison, or is released on parole or probation, their criminal record follows them for the rest of their life as a constant barrier from achieving any economic or educational growth. Currently Ban the Box has gained mainstream attention as it seeks to remove the criminal history question from job applications. Since the movement began in 2004, many jurisdictions have enacted some version of it. While it is important that we remove this barrier for finding employment for ex-offenders, in order to truly help with reentry, Ban the Box needs to apply to every area in which a criminal record could be used as a barrier.

In order to understand why Ban the Box is important and why its needs to aim for more, this paper will be broken into different sections. Part one will discuss how the prison system became what it is today; part two will discuss the collateral consequences of having a criminal record; part three will mention briefly other reform movements before a detailed discussion of Ban the Box; and part four will discuss what I believe Ban the Box should also focus on; the removal of the drug conviction question from the financial aid application. In order to combat recidivism, ex-offenders must access to the options that are no longer available to them or have become difficult to attain –housing, employment and education. While removing these barriers will not guarantee a crime free life style for ex-offenders, allowing access to housing, employment education will at the very least provide positive options.

**Part I – How Did We Get Here**

In the 1970s US lawmakers enacted policies that changed the criminal justice system to a punitive system. By abandoning the rehabilitative ideology it once had because of public outcry and demand for action, the prison population has increased each year since 1973. Since the 1970s the prison population has increased by 700% percent; the US has become the world’s largest jailer; one in 99 adults are living behind bars; and one in 31 adults are under a form of correctional control. [[3]](#footnote-3) The same laws enacted to combat crime, also disproportionately takes aim at African Americans and Latinos. While White Americans make up a larger portion of the population, African American and Latinos make up the prison population at 60%.[[4]](#footnote-4) In fact, as the nation began to enforce harsher penalties for drug crimes, “ . . . the arrest rate for blacks grew much more rapidly than for whites, reaching a peak arrest rate in 1989 that was four times that of whites.”[[5]](#footnote-5)

Although lawmakers created these policies in order to fight and deter crime, the long-term effects of these policies, which arguably lead to more crime and recidivism, were overlooked. “Almost everyone who goes to prison is eventually released, but the prospects for most of them to live crime-free have been damaged by the effects of their prison stay.[[6]](#footnote-6)” While ex-offenders may be released from the physical bars that separate them from the rest of society, they remain captive by a now tarnished record; “The effects on the individual of going to prison are well-documented. Ex-prisoners earn less money during their lifetimes, find it harder to stay employed, are less likely to marry, and suffer a range of medical and psychological problems.”[[7]](#footnote-7) Any victory claimed by advocates of a punitive criminal justice system is erased once the effects of going to prison are considered.

It was believed that by making prison sentences harsher, it would deter others from committing crimes; however, studies have shown that the penalties have not had the desired effect. [[8]](#footnote-8) The effects of prison have actually backfired as the result is “ . . . not people who are determined to avoid prison because it has been so unpleasant, but merely a larger body of people who have been treated harshly by the state. Some scholars have speculated that the long term prospects of these tough methods are not merely neutral, but are actually negative because when people are treated badly, they are more likely to learn the norms of bad treatment then the benefit of compliance with the law.”[[9]](#footnote-9) When we factor together the poor treatment prisoners receive with; social and medical problems that they may have had when they entered prison or resulted from their prison stay, a lack of support because of severed relationships with family and friends, we end up creating conditions for recidivism. When we also take into account that three quarters of prisoners have a history of substance abuse, and one in six suffers from mental illness and do not receive treatment while in prison, the storm is ripe for a continuation of crime.[[10]](#footnote-10)

**Part Two – Collateral Consequences**

Studies have shown that along with employment and support from family members, housing is an important factor of recidivism. “An offenders eligibility to receive public assistance is critical to successful reintegration, since many people with criminal records are not immediately ‘job ready’ and require services, such as substance abuse treatment, job training, or education, before they can enter the job market. During this process of becoming job ready, ex-offenders have historically relied on public assistance to pay for food and housing.”[[11]](#footnote-11) However, because of strict regulations from three primary housing assistance programs: Public Housing Program, the Housing Choice Voucher Program (HCVP), and Section 8, many ex-offenders are unable to receive assistance. All three programs offer subsidized housing for low-income families but because of guidelines, those with criminal records, and in particular, drug offenses, are denied housing. While each program has some discretion in evaluating applicants, basic restrictions include denial of applicants who; have been evicted from public housing within the past 3 years for drug-related reasons, are on the lifetime sex offender registry in any state, are using illegal drugs, or abuses alcohol.[[12]](#footnote-12) Each program also has discretion to have even more stringent bans that disqualify ex-offenders from consideration.

The housing restrictions imposed on ex-offenders not only sets up a difficult barrier of successful reentry, but it also undermines the goal of community safety. By having these restrictions and leaving ex-offenders with very few housing options, many ex-offenders end up being homeless. That is because restrictions that are in place for public housing programs are not only applied to those with a criminal record but to anyone who may associate with an ex-offender. Because of regulations, ex-offenders lose a viable option for housing, “[d]ue to the US Department of Housing and Urban Development’s ‘one strike and you’re out’ policy, the public housing authority may evict all members of the household for criminal activities committed by any one member of a household.”[[13]](#footnote-13) While these restrictions were set in order to promote a safe community by not accepting ex-offenders, it has also promoted homelessness. “Housing and homeless certainly affect recidivism, but analysts say there are broader implications, and parolees’ homelessness influences overall crime rates to the community. Large numbers of transients/vagrants and panhandling increase citizen fear, and that fear ultimately contributes to increased crime and violence.”[[14]](#footnote-14)

**Part III - Reform Movements**

Mass Incarceration was created in response to society’s frustration and intolerance with increasing crime rates. This era in the criminal justice system locked away millions of citizens away as it attempted to deter individuals from committing crimes by enforcing harsh penalties. However, the tough on crime era appears to be ending as policy changes such as the decriminalization of marijuana, reduction in sentencing disparity between crack and cocaine powder, and support for alternatives to imprisonment have increased.[[15]](#footnote-15)

The War on Drugs movement that began in the 1980s seems to be coming to an end. Marijuana and crack cocaine laws have had the biggest impact in the War on Drugs. Millions of people have been imprisoned because of simple possession of marijuana and potentially serve more time than violent offenders.[[16]](#footnote-16) For instance, in 2012 alone, over 700,000 were arrested for simple marijuana possession.[[17]](#footnote-17) Laws for crack cocaine since the 1980s have enforced penalties for crack that were 100 times harsher than powder cocaine. “Everyone seems to agree that crack cocaine use is higher among Caucasians than any other group:  most authorities estimate that more than 66% of those who use crack cocaine are white.  Yet in 2006, 82% of those convicted and sentenced under federal crack cocaine laws were African American.  When you add in Hispanics, the percentage climbs to above 96%.” However, as studies have continuously demonstrated racial disparity, and because of budgetary restraints, states have slowly decriminalized marijuana, opting for fines and increasing drug treatment programs.[[18]](#footnote-18)

Some reform efforts such as the Second Chance Act signed into law by President George W. Bush in 2007, attempt to correct some the mistakes the tough on crime movement created. The act provides funds to state, local, and tribunal governments and non-profit organizations in support of innovative reentry programs aimed at reducing recidivism and increasing public safety.[[19]](#footnote-19)

One of the biggest movements in criminal justice reform is Ban the Box. Mass Incarceration failed in its attempt to deter crime, however, while disenfranchisement may not have been a goal, millions of Americans who have a criminal record as a result of it, face many barriers. Ban the Box has gained support from numerous political leaders, including President Obama, who passed an executive order demonstrating support of reforming the criminal justice system and assisting those who have made mistakes in the past, improve their living situation.

**Ban the Box**

Over 600,000 people are released from prison each year, which means the number of people that face employment barriers increases every year. Many of the people released from prison, are non-violent drug offenders. However, violent and non violent offenders face a similar barrier in finding employment once they are released from prison. This barrier is in the form of a single question on job applications; criminal history. The purpose of Ban the Box is to assist those with a criminal record with finding employment by removing the criminal record question, or the check box, of a criminal record from job applications. In doing so job applicants will be judged by their qualifications; many applicants are disqualified once they indicate that they have a criminal record. By having the criminal record question appear on job applications it presents a “chilling effect” as someone who may have a criminal record will be discouraged from even applying to a job.[[20]](#footnote-20)

Ban the Box also seeks to delay employers from performing a background check until later in the hiring process once an applicant’s qualifications have been determined. The theory is if applicants were judged initially by their qualifications, employers would not be able to turn away the applicant as “evidence suggests that employers primarily use a criminal history record to make judgments about the general or essential character of an applicant. Employers who indicate they are not willing to hire ex-offenders say they are most concerned about their general ‘trustworthiness’ rather than anything specifically related to the offense or the job question.”[[21]](#footnote-21) By delaying background checks it not only benefits ex-offenders by giving them a chance to demonstrate their qualifications, it also helps pacify any concern that someone with a violent criminal record may be hired for a job that may not be suitable.

The policies that were enforced which led to the prison population explosion were created in order to combat the crime problem, instead it has added to it. As discussed earlier, the policies disproportionally targeted groups by race, but it also has profound impact on the poor. The poor, black and brown men that were swept away and locked in prison are now being released. However, they may not have opportunities to escape their past mistakes because their criminal record will follow them. Ban the Box offers some hope in breaking the barrier for those seeking employment, which is an important factor in reducing recidivism. “Most experts, as well as prisoners themselves, believe that finding a job is critical to successful reintegration. Employment helps ex-prisoners be productive, take care of their families, develop valuable life skills, and strengthen their self-esteem and social connectedness.”[[22]](#footnote-22)

In order to help people with a criminal record reintegrate we must provide them with opportunities to do better. However, although employment would be positive impact, many employers are concerned with legal liability.[[23]](#footnote-23)Those with this concern, while it is plausible, are only considering one group of people that are imprisoned. The vast majority of people in prison are non-violent offenders. Why should someone who committed a non-violent offense continue to be isolated from society even after release from prison? By isolating those released from prison and not allowing them to join the workforce, we are taking away positive life options and encouraging them to return to a life of crime.

If we truly want to see a decrease in recidivism, then we must focus on social and economic factors that are typically associated with crime – unemployment and low education levels. Instead of creating laws that lead to increasing incarceration rates for groups that fall under these categories, policies must be implemented to help provide opportunities to promote upward mobility. Ban the Box is a good start in assisting people with criminal records find work and improve upon their economic status. For those who may fear that advocates of Ban the Box are attempting to force employers to hire candidates with a criminal record, this is far from the truth. Ban the Box seeks to prevent employers from being bias in their hiring process by delaying when they are allowed to look into a candidate’s criminal history. By doing this the qualifications presented by all applicants will be reviewed.[[24]](#footnote-24)

However, even if Ban the Box were to become federal law and criminal history questions were removed from federal and private job applications, the success of the campaign should not be measured by an increase in the number of job applications or employment in low paying jobs. The measure of success should be if there is an increase in the hiring of people with criminal records in skilled jobs. On its face Ban the Box seeks to improve the living situations with employment. However, an increase in employment in low skill, minimum wage jobs will not accomplish this. In order to accomplish this more programs like the Training to Work program need to be created and funded. The Training to Work program focuses on training those returning to areas of high crime rate with industry recognized job skills.[[25]](#footnote-25) By providing skills that will be recognized by employers it will help fill in the years that were spent behind bars.

**Part IV- Access to Higher Education**

While Ban the Box may help open the door to employment opportunities, in order to truly help promote economic mobility for ex-offenders the movement should also focus on access to education. Research on the collateral consequences of having a criminal record focuses on the effects it has on admission decisions. Ex-offenders carry a stigma with them that is felt not only in housing and employment but also in their ability to attend college. This stigma is apparent in laws such as the Clery Act and in college and universities decision to screen and use criminal records as part of their admission decision.[[26]](#footnote-26)

The Clery Act was passed in the midst of the tough on crime movement, “. . . Congressed passed the Crime Awareness and Campus Security Act (known as the Clery Act) that requires colleges and universities to track and report campus crime statistics, post security policies and make timely warnings.”[[27]](#footnote-27) The Clery Act was passed after Jeanne Clery’s parents campaigned for a law to be passed after their daughter was murdered in her dorm room her freshman year. In a study conducted by the Center for Community Alternatives, 273 institutions were surveyed on who collected information on criminal history records and who used that information for admission decisions. 66% of the schools that were surveyed collected information on criminal history and 55% use this information in their admission decision.[[28]](#footnote-28) By screening for a criminal record for prospective students during the application process it is assumed that campuses would be safer.[[29]](#footnote-29)However, there is no link of campuses being safer than others because of screening, “In fact, in the only study that has investigated the correlation between criminal history screening and improved campus safety, no connection was found… there is no statistically significant difference in the rate of campus crime between institutions of higher education that explore undergraduate applicants’ disciplinary background and those that do not.”[[30]](#footnote-30)

While discussing the barriers of admission is important, a topic that is often overlooked is the effects a criminal record has on receiving financial aid. A person’s ability to receive financial aid is extremely important, even more so for those with criminal records because of the socio economic background of individuals that make up this group. It becomes meaningless to discuss the bias that college and university admission offices may have towards someone with a criminal record if they are not able to afford attending the school.

In 1968 the Higher Education Act (HEA) was passed which would provide loan programs and federal grants to millions of students that could not afford college. However in 1998, Congress passed the Souder Amendment – after its author Rep. Mark Souder - that denied assistance to students who had any drug conviction.[[31]](#footnote-31) However, the denial of financial aid is for a limited time and for those already receiving financial aid. A person that has one conviction for possession of a drug has their financial aid eligibility suspended for one year; a second conviction suspends them for two years; and a third conviction suspends them indefinitely. A person with one conviction for the sale of a drug has their eligibility suspended for two years; a second conviction suspends them indefinitely.[[32]](#footnote-32) Eligibility reinstatement can be expedited by having their conviction invalidated or by passing two unannounced drug tests administered by an approved drug rehabilitation program. Qualified drug rehabilitation programs are those that are qualified to receive funds from a federal, state or local government or from a federally or state-licensed insurance company; or administered or recognized by a federal, state or local government agency or court, or a federally or state-licensed hospital, health clinic or medical doctor.[[33]](#footnote-33)

While Rep. Mark Souder has criticized the law by stating it has been misinterpreted as it was meant to only apply to those who were in school and receiving aid when they committed the offense, states across the nation continue to deny financial aid to eligible candidates. [[34]](#footnote-34)In the 2000-2001 school year, the Department of Education added the question “Has the student ever been convicted of possessing or selling drugs” in order to comply with the Souder Amendment.[[35]](#footnote-35) At the time, no further explanation of the question appeared on the initial form. [[36]](#footnote-36)The appearance of this question on the financial aid application has had a detrimental effect on those who need it most. This is because while Souder may have intended the law to only deny aid to those that were in school and already receiving aid, “Neither federal law, the FAFSA form, nor the Department of Education provide rules or guidance to states in determining eligibility for state financial aid program for person with drug convictions –the HEA neither directs nor explicitly encourages states to follow the federal drug provision when making their own financial aid determinations. However, many states rely on the FAFSA form, results from which are sent to them by the federal government, in determining each applicant’s state financial aid package.”[[37]](#footnote-37) As a result, eligible students are not only denied of federal aid but also from state financial aid.

Other states however have passed statutes that explicitly deny state financial aid to students with financial aid. For example, Florida’s Bright Futures Scholarship, which is the largest in-state financial aid program, is not available to person with a felony conviction on their record.[[38]](#footnote-38) In fact one of the general requirements is that the person not have been found guilty, or pled guilty to a felony charge.[[39]](#footnote-39) South Carolina denies its largest state grant to all persons with drug and alcohol convictions, even if it is a misdemeanor charge. All persons with felony convictions are also denied from receiving the grant.[[40]](#footnote-40) Other states like Louisiana have even more strict statutes in place that denies access to state financial aid. The Louisiana Tuition Opportunity Program for students requires that no student have a criminal conviction, except for misdemeanor traffic violations.[[41]](#footnote-41)

Because of this amendment, over 200,000 students have lost eligibility for federal financial aid.[[42]](#footnote-42)[[43]](#footnote-43) This is even more alarming when taken into consideration that as of 2013 roughly 1.5 million people were arrested for nonviolent drug charges.[[44]](#footnote-44) Broken down even further blacks and Latinos represent 57% of the people incarcerated for a drug offense.[[45]](#footnote-45) In 2006, 17 states were found to have relied on the Federal Department of Education’s FAFS eligibility determinations.[[46]](#footnote-46) “By not distinguishing between ineligibility for federal aid for financial reasons from ineligibility due to drug convictions, these states are in effect denying state financial aid to students with drug convictions, but without the legislature’s explicit authorization.”[[47]](#footnote-47)

The Souder Amendment aimed to suspend only those who were charged with a drug crime while they were receiving financial aid, however, because of misinformation many applicants are discouraged from even applying. The mere presence of the question of a drug charge on the financial aid application becomes a chilling effect, similar to how the question discourages ex-offenders from applying to jobs; “When I learned that [the Higher Education Act] ... might prevent me from getting school loans this year, I almost stopped the financial aid process. I couldn’t face being shamed again, having to prove myself again.”[[48]](#footnote-48) While this effect may have been unintended, those seeking to improve their life by receiving higher education may feel that another door has been shut.

In order to prevent the unintended consequence of discouraging all applicants who may have a drug charge, the question should be completely removed from the financial aid application. Until the question is removed, the Souder Amendment will continue to punish those with recent convictions and who want to enroll in school as a way to improve their life.[[49]](#footnote-49)Furthermore, because of the population size of people with drug convictions, there is a large population of people who may not even apply for financial aid even though they are eligible.

While some reform efforts have been made by several states in order to eliminate the negative effect of Souder Amendment, the amendment should be entirely repealed. For example, in 2005, Rhode Island passed a bill that provided state financial aid even if they had been convicted of a drug offense and are ineligible for federal aid. The bill restored state aid to students that were denied aid previously and also provided state funding for the applicant’s lost financial aid.[[50]](#footnote-50)More states should enact statutes that repeal any legislation denying financial aid to individuals with drug convictions.

If we wish to encourage ex-offenders, specifically non-violent ex-offenders, to lead a crime free life, then the opportunity to attend college must become available. Supporters of the Souder Amendment may argue that it may be more effective if the question on the financial aid application were clarified. However, there is no need to have the drug conviction question at all if the person has served their prison time, paid a fine, or completed community service. Even if the question were clarified, a temporary ban from receiving financial aid is nothing more than another hurdle for those who need it most. It is within the countries interest to continue to eliminate barriers for those attempting to reintegrate and become productive members of society.

**Conclusion**

The United States continues to struggle with what to do with those who commit crime. According to the United States Sentencing Commission (USSC) data as of January 2015, 50% of federal prisoners were sentenced to ten years in prison, and the most common offense is related to a drug offense, accounting for 51% of the federal prison population.[[51]](#footnote-51) While the prison system has seen a continuous rise in population since the 1970s, the rate of crime has actually fluctuated throughout the same time period. This is evidence that the punitive system the United States adopted had little effect in deterring crime. The US sought to crack down on crime “[b]ut after thirty years of penal population growth, the impact of America’s prisons extends far beyond their walls. By zealously punishing law breakers – including large new class of nonviolent drug offenders – the criminal justice system at the end of the 1990s drew into its orbit families and whole communities.”[[52]](#footnote-52) Instead of reducing crime, the US has created another problem – millions of people who will be treated as a group of others. Millions of disenfranchised people who will now be perceived by employers as untrustworthy and will be expected to live a crime free life even though opportunities for them to change their life are now almost non-existent.

While Ban the Box is an important first step in allowing reintegration, the campaign must go even further. Mass Incarceration was created because society was passionate in its battle with crime. The same zeal that was used in an attempt to fight crime must now be substituted with compassion if we want to allow those who were swept up in the fight against crime to ever become productive members of society. The ugly truth of the tough on crime policies is that it created an even bigger monster. Those policies were only a temporary fix – if they were a fix at all. What was created was a mere holding cell for people who were believed to be unproductive members of society. No matter the crime, whether it was violent or nonviolent, they are treated the same; they are removed from society, taken away from their families, educational programs that were once offered have also been removed, they are placed in a cell for years, kept in truly horrible conditions, and when they are released from prison, society demands that they no longer commit crimes. How can this expectation be met when they continue to be marginalized even after serving their time in prison? The impact of incarceration has a profound effect on an individual as punishment continues even after they are released. This is because “[i]ncarceration may also erode job skills. . . Existing mental or physical illnesses can also be aggravated by prison time. Many behaviors that are adaptive for survival in prison – suspicion of strangers, aggressiveness, withdrawal from social interaction – are inconsistent with work routine outside. These behavioral adaptations to prison life deplete an inmate’s small supply of human capital and create obstacles to managing the routine of steady work.”[[53]](#footnote-53)While Ban the Box aims to reintegrate by assisting with employment, in order to truly help, Ban the Box needs to be applied to college and financial aid applications.

While there have been gains in the criminal justice reform, some of them may be undermined if we continue to allow collateral consequences to exist. If we continue to stigmatize ex-offenders, it will not matter if the prison population decreases because of decriminalization of marijuana. It will not matter that the sentencing discrepancy between crack and cocaine has been reduced. None of these things will matter, if opportunities continued to be blocked as a result of a criminal record. While these reform movements may have saved future offenders from serving time behind bars, the consequences of having a criminal charge will remain. If we continue to allow this, then the power of choice, and self-determination that so many call out for ex-offenders to have will be non-existent.

In order to resolve the issue of crime, we must look at the relationship of not only the physical imprisonment of people and recidivism but the also the collateral consequences that goes along with imprisonment. As Todd Clear stated, “Prisons are the perfect storm because they produce the social problems that they are meant to stop.”[[54]](#footnote-54)Unfortunately, a person is freed from prison, society continues to imprison by denying them the things that will help prevent them from committing a crime.

While the criminal justice system continues to reform its harsh penalties, I cannot help but feel cynical. The criminal justice system changed from rehabilitative to a punitive one in order to “fight crime.” However, during its fight with crime, it was as if African Americans and Latinos were all dressed in robber costumes, as they felt the sting of the harsh penalties the most. As a result of being overrepresented in prison, black and brown men are now tagged with a stereotype of being a criminal or having criminal tendencies. Therefore even if all the laws that were enacted during the tough on crime movement were repealed, and Ban the Box is applied to every avenue in which ex-offenders are denied access to, African Americans and Latinos will still maintain the public perception of being criminal.

The tough on crime movement is also known by another name; the War on Crime. I believe this name accurately portrays the current condition of those that felt its wrath. The War on Crime, similar to a war between two countries, has seen many casualties and the community will continue to feel its effects long after the war has ended. In this case, the stigma associated with having a criminal record will continue to be an obstacle. While the criminal justice system constantly reforms itself in order to deal with public outcry, its relationship with African Americans and Latinos needs to be reformed.

1. http://stopthedrugwar.org/chronicle/2007/feb/04/feature\_conviction\_keeps\_hurting [↑](#footnote-ref-1)
2. Ibid [↑](#footnote-ref-2)
3. https://www.aclu.org/files/assets/massincarceration\_problems.pdf [↑](#footnote-ref-3)
4. Ibid [↑](#footnote-ref-4)
5. Todd Clear, Imprisoning Communities; How Mass Incarceration Makes Disadvantaged Neighborhoods Worse (New York: Oxford University Press, 2007) 8 [↑](#footnote-ref-5)
6. Clear, 6 [↑](#footnote-ref-6)
7. Clear, 9 [↑](#footnote-ref-7)
8. Clear, 28-32 [↑](#footnote-ref-8)
9. Clear, 32 [↑](#footnote-ref-9)
10. Joan Petersilia, When Prisoners Come Home; Parole and Prisoner Reentry (New York: Oxford University Press, 2003) 3 [↑](#footnote-ref-10)
11. Petersilia, 125 [↑](#footnote-ref-11)
12. http://www.huduser.gov/portal/periodicals/cityscpe/vol15num3/ch2.pdf [↑](#footnote-ref-12)
13. Petersilia, 122 [↑](#footnote-ref-13)
14. Petersilia, 123 [↑](#footnote-ref-14)
15. http://www.americanbar.org/content/dam/aba/migrated/poladv/transition/2008dec\_crimjustice.authcheckdam.pdf [↑](#footnote-ref-15)
16. http://www.drugpolicy.org/race-and-drug-war [↑](#footnote-ref-16)
17. Ibid [↑](#footnote-ref-17)
18. http://www.drugpolicy.org/sites/default/files/DPA\_Fact\_Sheet\_Approaches\_to\_Decriminalization\_Feb2015.pdf [↑](#footnote-ref-18)
19. http://www.asca.net/projects/13/pages/139 [↑](#footnote-ref-19)
20. Joe Gillin, Don’t ask, Don’t Tell, Get Hired (New Republic, 3 May 2015) [↑](#footnote-ref-20)
21. Petersilia, 116 [↑](#footnote-ref-21)
22. Petersilia, 112 [↑](#footnote-ref-22)
23. Petersilia, 117. [↑](#footnote-ref-23)
24. This is assuming that gender and race are not considered during the review of employment applications. Gender and race discrimination are outside the scope of this paper and therefore I am unable to discuss this issue in detail. [↑](#footnote-ref-24)
25. https://www.whitehouse.gov/the-press-office/2015/11/02/fact-sheet-president-obama-announces-new-actions-promote-rehabilitation [↑](#footnote-ref-25)
26. http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf [↑](#footnote-ref-26)
27. Ibid [↑](#footnote-ref-27)
28. Ibid [↑](#footnote-ref-28)
29. Ibid [↑](#footnote-ref-29)
30. Ibid [↑](#footnote-ref-30)
31. http://www.drugpolicy.org/student-loan-access [↑](#footnote-ref-31)
32. http://www.clasp.org/resources-and-publications/files/every\_door\_closed.pdf pg 91 [↑](#footnote-ref-32)
33. https://studentaid.ed.gov/sa/glossary#Approved\_Drug\_Rehabilitation\_Program [↑](#footnote-ref-33)
34. Chris Muligan, et al., Falling Through the Cracks: Loss of State Based Financial Aid Eligibility for Students Affected By the Federal Higher Education Act Drug Provision (2006)6 [↑](#footnote-ref-34)
35. Muligan, 6 [↑](#footnote-ref-35)
36. Muligan, 6 [↑](#footnote-ref-36)
37. Muligan, 7 [↑](#footnote-ref-37)
38. Muligan, 8 [↑](#footnote-ref-38)
39. http://www.floridastudentfinancialaid.org/ssfad/PDF/BFHandbookChapter1.pdf [↑](#footnote-ref-39)
40. Muligan 8 [↑](#footnote-ref-40)
41. Muligan, 8 [↑](#footnote-ref-41)
42. http://www.drugpolicy.org/drug-war-statistics [↑](#footnote-ref-42)
43. The racial and ethnic breakdown of this figure is not publicly available at the time of writing. [↑](#footnote-ref-43)
44. http://www.drugpolicy.org/drug-war-statistics [↑](#footnote-ref-44)
45. http://www.drugpolicy.org/drug-war-statistics [↑](#footnote-ref-45)
46. Muligan, 7 [↑](#footnote-ref-46)
47. Muligan, 7 [↑](#footnote-ref-47)
48. http://www.clasp.org/resources-and-publications/files/every\_door\_closed.pdf [↑](#footnote-ref-48)
49. Ibid. [↑](#footnote-ref-49)
50. Muligan, 8 [↑](#footnote-ref-50)
51. http://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Quick-Facts\_BOP.pdf [↑](#footnote-ref-51)
52. Bruce Western, Punishment and Inequality in America (New York: Rusell Sage, 2006) 11 [↑](#footnote-ref-52)
53. Western, 113 [↑](#footnote-ref-53)
54. Clear, 32 [↑](#footnote-ref-54)