



January 2017

# Stigma And Restoration Of Civil Rights To Felons

Kimberly Paige Pithey

Follow this and additional works at: <https://commons.und.edu/theses>

---

## Recommended Citation

Pithey, Kimberly Paige, "Stigma And Restoration Of Civil Rights To Felons" (2017). *Theses and Dissertations*. 2312.  
<https://commons.und.edu/theses/2312>

This Thesis is brought to you for free and open access by the Theses, Dissertations, and Senior Projects at UND Scholarly Commons. It has been accepted for inclusion in Theses and Dissertations by an authorized administrator of UND Scholarly Commons. For more information, please contact [zeinebyousif@library.und.edu](mailto:zeinebyousif@library.und.edu).

STIGMA AND RESTORATION OF CIVIL RIGHTS TO FELONS

By:

Kimberly Paige Pithey

Bachelor of Science, University of North Dakota

A Thesis

Submitted to the Graduate Faculty

of the

University of North Dakota

In partial fulfillment of the requirements

For the degree of

Masters of Arts

Grand Forks, North Dakota

December

2017

Copyright of 2017 Kimberly Pithey

This thesis, submitted by Kimberly Paige Pithey in partial fulfillment of the requirements of the Degree of Masters of Arts from the University of North Dakota, has been read by the Faculty Advisory Committee under whom the work has been done and is hereby approved.



Dr. Daphne Pedersen



Dr. Krista Lynn Minnotte



Dr. Elizabeth Legerski

This thesis is being submitted by the appointed advisory committee as having met all the requirements of the School of Graduate Studies at the University of North Dakota and is hereby approved.



Grant McGimpsey  
Dean of the School of Graduate Studies

December 6, 2017

Date

## PERMISSION

Title           Stigma and Restoration of Civil Rights to Felons

Department    Sociology

Degree         Master of Arts

In presenting this thesis in partial fulfillment of the requirements for a graduate degree from the University of North Dakota, I agree that the library of this University shall make it freely available for inspection. I further agree that permission for extensive copying for scholarly purposes may be granted by the professor who supervised my thesis work or, in her absence, by the chairperson of the department or the Dean of the School of Graduate Studies. It is understood that any copying or publication or other use of this thesis or part thereof for financial gain shall not be allowed without my written permission. It is also understood that due recognition shall be given to me and to the University of North Dakota in any scholarly use which may be made of any material in my thesis.

Kimberly Pithey  
12/06/2017

## TABLE OF CONTENTS

LIST OF TABLES .....	vi
ACKNOWLEDGMENTS .....	vii
ABSTRACT .....	viii
CHAPTER	
I.    INTRODUCTION .....	1
II.   LITERATURE REVIEW .....	6
III.  METHOD .....	20
IV.  RESULTS .....	24
V.   DISCUSSION .....	30
REFERENCES .....	39

## LIST OF TABLES

Table	Page
1. Knowledge about Felonies .....	22
2. Descriptive Statistics .....	25
3. Breakdown of Level of Support for Restoring Civil Rights, in Percentages .....	26
4. Correlations among Key Variables .....	27
5. OLS Regression Predicting Support for Restoration of Civil Rights to Offenders .....	28

## ACKNOWLEDGEMENTS

I would like to thank all of my committee members, Dr. Daphne Pedersen, Dr. Krista Lynn Minnotte, and Dr. Elizabeth Legerski. They took the time and effort to read, revise, and provide thoughtful feedback even under time constraints. They have helped me to develop as a writer and assisted with my furthering my education. Dr. Daphne Pedersen deserves an additional acknowledgment for being my mentor through this program. She clearly cares about her students and wants them to succeed.

Additionally, I would like to thank my family; my mother Nola, my father Hal, my sister and brother and in-law Haley and Ryan, and my boyfriend Justin who was tasked with helping me through the stressful times when I was feeling down. Each one has always supported me and never gave up on me. I am eternally grateful for their love and support.

## ABSTRACT

Millions of people in the United States are banned from basic civil rights including participation in voting, jury duty, applying for government assistance, and owning a firearm because they have had a felony conviction. There is limited research on attitudes regarding the restoration of civil rights to felons. This thesis uses Goffman's theory of stigma to examine whether public support for the restoration of rights to felons is associated with knowledge of felony convictions and whether an individual knows someone with a felony conviction. This study used an online survey of college undergraduates ( $N = 362$ ) to explore two hypotheses pertaining to support for restoration of civil rights. Results indicated that there was more support for the restoration of civil rights to nonviolent felons than for violent felons, and knowing someone with a felony conviction was positively associated with support for the restoration of civil rights to nonviolent offenders. Restoration of civil rights could help lower recidivism rates by allowing felons to become fully accepted back into society.

## CHAPTER I

### INTRODUCTION

#### Overview of the Chapter

This thesis examines college students' knowledge about felonies and their perceptions regarding the restoration of civil rights to felons. Chapter One provides an introduction to this thesis, including the study goals and importance of this topic. It concludes with an overview of the next four chapters.

#### Introduction

A felony is defined as an “offense punishable by death or imprisonment for more than one year” (BJS, 2017a, par. 1). It is important to note that just because a felony crime is punishable by more than one year of prison, does not mean a given individual will serve any prison time; instead, one may be sentenced to over one year of probation. As of 2010, an estimated 19 million people in the U.S. were labeled as ‘felons,’ including those sent to prison or jail, or on probation (University of Georgia, 2017). The Bureau of Justice Statistics (2017b) does not track the number of individuals with a felony conviction, just the number of individuals who have served time in state or federal prison, which is why the number is an estimation.

It is also important to note that there is a difference between federal and state felony offenses, including how sentencing guidelines are constructed. Federal laws and penalties are created by Congress and thus violation of a federal law must be tried in federal court, whereas state legislatures create and set the penalties for state violations (United States Courts, 2017). A crime falls within federal jurisdiction if it involves any of the following: the constitutionality of a

law, the laws and treaties of the U.S., ambassadors and public ministers, crimes that cross state boundaries, admiralty law, bankruptcy, or complications with habeas corpus; state courts hear the crimes that are committed within state boundaries and do not break federal laws or cross state lines (Administrative Office of the U.S. Courts, 2017). At the state level in 2004, felony offenses were primarily comprised of drug crimes (34%) and property crimes (29%). Violent crimes (18%), weapon crimes (3%), and other crimes (17%) made up the remaining crimes. At the federal level, violent crimes accounted for 4% of felony convictions and 12% were weapons charges (Durose & Langan, 2007).

In 49 of the 50 states (including the District of Columbia), those incarcerated for felonies, or on parole or probation, lose their civil rights including the ability to vote, serve on a jury, apply for housing and welfare assistance, and own a firearm. Some of these rights may be restored upon completion of a sentence, depending on the state, or if an offender petitions for their restoration. In reality, these rights are often denied either for a specific number of years (5 or 10 depending upon the charge), or indefinitely. In keeping with the punitive nature of the courts, the public generally takes a punitive approach to crime and punishment (The Pew Charitable Trust, 2016), perhaps because of the stigmatized nature of crime.

In light of these patterns, this thesis examines public perceptions of felony charges, including the potential restoration of rights for those with felony charges. Goffman's theory of stigma will be used in this thesis. He defines stigma as "the situation of the individual who is disqualified from full social acceptance" (1963, preface). This can be applied to individuals convicted of a felony because they are banned from certain civil rights, thus disqualifying them from full social acceptance. According to the theory, limited contact and awareness are associated with more negative views of those with a stigma, whereas greater knowledge and

awareness lead to understanding and acceptance. So those who have more knowledge about felony convictions and those who know a convicted felon on a personal level would be more sympathetic to the restoration of civil rights to felony offenders.

### Perceptions of Crime

Punitive attitudes about felony convictions often stem from poor or inaccurate knowledge about crime. As noted by Wood and Gannon (2009), “the public is generally under or ill-informed about the functioning of the criminal justice system” (p. 42). During the 2016 presidential election, 57% of voters stated that crime had gotten worse since 2008 (Gramlich, 2016). In contrast to these perceptions, overall crime rates have declined since 1996 with a few specific exceptions, however, even the rates for these exceptions are considerably lower today than they were in 1994 (Gramlich, 2016).

Many factors influence public perceptions of crime and the criminal justice system, including race, gender, and the media (Wood & Gannon, 2009). When thinking of crime, people frequently make assumptions based on stereotypes. A common assumption is that most crime is committed by African Americans (Gilens, 1996), although in reality there is a higher number of whites arrested than any other race (FBI, 2013). Ghandnoosh, of The Sentencing Project (2014), reported that in 2010 Whites overestimated the amount of crime committed by African Americans by 20 - 30%. Alexander (2012) noted that African Americans are incarcerated at a much higher rate than Whites; in 2006, 1 in 14 African American men were behind bars in comparison to 1 in 106 White men. This means that although they commit fewer felonies, a greater number of African Americans are behind bars, disproportionately stigmatizing them from full social acceptance.

These stereotypes about crime are perpetuated by the media, a primary source of information about crime for most individuals. In 2016, the majority of individuals reported getting their news from television, followed by online sources, and social media (Mitchell, Gottfried, Barthel, & Shearer, 2016). Television and news programs over-represent racial minorities as crime suspects and Whites as crime victims. The media also represents African Americans and Latinos in a generic but threatening way, such as “unnamed and in police custody,” whereas White suspects are often referred to by name and other identifying information that humanizes them is often included. The media also tends to focus on “sensational crimes such as those of sexual or violent nature” (Gray, 2009, p. 58). This results in an over-representation of violent crimes and an under-representation of nonviolent crimes, which are statistically more prominent in society (Gray, 2009), further distorting public views of crime (Wood & Gannon, 2009). In sum, racial stereotypes, mass incarceration and the media combine to influence perceptions of felony convictions, which are largely inaccurate. As a result, the public may be less supportive of the restoration of civil rights to felons.

#### Research Question

The current study examines whether those having more accurate knowledge of felony convictions and personal contact with someone who has a felony charge will be more supportive of the restoration of civil rights to felons. Based on Goffman’s theory of stigma, the following hypotheses will be proposed: H1: Students with more accurate knowledge of felony convictions will be more likely to support restoration of civil rights to convicted felons; and H2: Those who know someone with a felony charge will be more likely to support restoration of civil rights to convicted felons. This thesis contributes to the literature by examining public support for restoration of civil rights to felons. There are very few studies that focus on how the public views

restoration of rights to those with felony conviction, including those focusing on knowledge of felony convictions. Understanding if the level of knowledge about felony convictions shapes the attitudes an individual holds about restriction of rights has policy implications that may help lessen the negative stigma surrounding convictions. Also, knowing someone with a felony conviction, according to the work of Goffman, may lessen the stigma they face when convicted. When there is less stigma surrounding felony convictions, there should be more support for restoration of civil rights.

### Organization of the Thesis

Chapter One provided a general introduction to felony crimes in America and public perceptions of crime. Chapter Two will review previous literature regarding felons' loss of civil rights upon conviction and will explore the theoretical orientation used in this thesis. Chapter Three will consist of information regarding the method used for this research. Chapter Four will demonstrate the results of the statistical analysis. Lastly, Chapter Five will discuss the results of the study in relation to previous studies, describe the limitations, and present ideas for future research.

## CHAPTER II

### LITERATURE REVIEW

The purpose of this study is to examine college students' knowledge about felonies and their perceptions regarding the restoration of civil rights to felons. This chapter will describe the theoretical orientation of this thesis, examine previous literature on the topic, and propose two hypotheses.

#### Felony Convictions in the U.S.

The US has only 5% of the global population, yet holds 25% of the world's prisoners (NAACP, 2017). On average, 11.7 million people cycle through the criminal justice system every year in the US and about 10 million offenders are released for various reasons, such as not guilty verdicts, probation, community service, or restitution sentences (Minton & Golinelli, 2014). The US has entered a period of mass incarceration (Alexander, 2012), incarcerating about 724 people per 100,000, that is unparalleled among other countries; Russia follows at 581 per 100,000 (BBC News, 2016). On average, 1.5 million people are incarcerated in prisons each year, and that number exceeds 2.2 million if you include jails (Glaze & Herberman, 2013). About 700,000 people are released from prisons and jails each year (Carson & Golinelli, 2013). Most who are incarcerated have felony convictions. It should be noted, however, that one does not need to serve time to become a felon. When someone is convicted of a felony charge, they will typically either serve time in prison or be placed on a two-year supervised probation in which case their prison sentence is suspended.

Mass incarceration is a problem because it leads to mass reentry, and prisons actually increase rather than reduce criminal tendencies (Nagin, Cullen, & Johnson, 2009). Indeed, the recidivism rate of the US is about 67% (Johnson & Cullen, 2015). Why do so many individuals go back to prison? Some point to issues with reintegration, including the lack of reentry programs. Overcoming the stigma of the felony conviction makes it difficult to reintegrate back into society.

### Reentry

Prisons do offer reentry programs. However, programs offered vary from state to state, and federal and state programs vary as well. The lack of uniformity places some prisoners at an advantage, while others may be disadvantaged, depending on where they are incarcerated at the time of their release. There are pre-release and post-release programs. Pre-release programs happen while the individual is still incarcerated. Most prisons offer educational/GED, vocational training, and job readiness, but only about 7 - 8% of the inmate population is involved, possibly due to a lack of confidence that such programs will pay off outside of the prison walls (Taxman, Perdoni, & Harrison, 2007). Overall, participation in reentry programs is low, with only 13% of all inmates engaged in pre-release programs (Lynch & Sabol, 2001). Post-release programs happen after prisoners leave prison. These programs can include job skills or training and assistance with rebuilding social relationships and social skills. The U.S. places a greater focus on post-release programs. However, most inmates are left to reenter society by themselves due to the lack of post-release programs (Middlemass, 2017).

Reentry is important to recognize because it is a major contributing factor to recidivism. There is a common misconception that once an individual is released, they should be able to easily rejoin society by obtaining a legitimate job and place to live (Middlemass, 2017).

However, the lack of housing options, low level of educational attainment, and difficulty finding a job once the felony label is applied all make reentry next to impossible for many individuals. The stigma associated with a felony conviction makes someone an outcast in society, and “disqualifies [the individual] from full social acceptance” (Goffman, 1963, preface), thereby contributing to the cycle of recidivism. This thesis focuses on attitudes about potential restoration of civil rights to those with a felony charge, which include voting rights, jury duty, and the right to own a firearm. It will also focus on discrimination in other aspects of the law, such as housing, employment, and government assistance. These are all integral to full membership in society.

### *Housing*

Once convicted of a felony, most offenders struggle to find an apartment because companies refrain from renting to individuals with a felony conviction. For example, in New York, those with a criminal record are banned from public housing, resulting in 11.4% of those released becoming homeless within two years (Travis, 2005). As of April 2016, the U.S. Department of Housing and Urban Development (HUD) released a statement that discrimination due to criminal history violates the Fair Housing Act, which protects against discrimination in sale, renting, and financing of dwellings (Barraza, 2016), however, the law also states that, landlords may be allowed to bar those with criminal records from living in a facility, but they will have to prove that such a policy is necessary for protecting the safety of other tenants, and designed to avoid illegal discrimination. The new guideline includes one major exception that will benefit landlords: It is never illegal, HUD says, for landlords to block renting to those convicted of manufacturing or distributing illegal drugs. (Neff, 2016, par. 6 & 8)

As of March 2017, New York launched a new program that will allow the formerly incarcerated to live in public housing with their families in three cities: Schenectady, Syracuse, and White Plains. The purpose is to fight homelessness and lower the risk of recidivism, which will enhance public safety. The Vera Institute demonstrated that there is no threat to the community when allowing these carefully screened individuals to live with family members in public housing (New York State, 2017). Of the 85 individuals who participated in the pilot program, none have been reconvicted. In addition, the New York Legislature is updating statutes so that the formerly incarcerated can obtain housing and state IDs after conviction. Yet, these programs are exceptions to the rule, as few states offer such housing support to felons. It is possible that with greater public support, more of these programs may be put in place. This study demonstrates that allowing convicted felons access to basic rights, such as housing, has a positive effect through lower recidivism.

### *Employment*

In part, housing is an issue because there are also significant employment barriers faced by felons. Since prison populations are largely dominated by those with little formal education, lack of formal skills greatly restricts the types of employment felons can apply for post-release. Time spent in prison may also lead to devaluation of some skills because of time spent outside of the workforce (Grogger, 1995; Pager, 2003). As well, employers tend to be skeptical about hiring anyone with a criminal history. A 2001 poll of 619 establishments in Los Angeles showed that 40 percent of businesses would not hire an individual with a criminal history and just over 36 percent said it would depend on the crime committed (Holzer, Raphael, & Stoll, 2007). Another poll in 2001 in Florida demonstrated similar results with just over 40 percent replying they would not hire formerly convicted felons (Swanson, Schnippert, & Tryling, 2014). Since jobs

allow individuals to bond to society, which in turn helps them refrain from breaking the law (Hirschi, 1969), excluding such individuals from employment may increase recidivism rates and affect felons' mental health. Skardhamar and Telle (2012) found that among 7,476 offenders, of those reconvicted, only one-third had jobs, leading these authors to maintain that having a job lowers the risk of recidivism. The value of employment ranges from "supporting one's self, developing self-worth that comes from a job well done, having stakes in society and conformity, and building prosocial relationships and a sense of community" (Latessa, 2012, p. 87 - 88). Furthermore, full employment can help deflect the burden of stigma and will assist in integrating offenders and qualify them for full social acceptance.

### *Civil Rights*

Criminals forfeit certain rights and freedoms once convicted, and once released some of those rights remain lost. Denying felons civil rights results in further stigmatization and exacerbates the factors associated with criminal behaviors (Cholbi, 2002). This thesis will focus on three types of civil rights: voting rights, jury service, and firearm ownership.

*Voting.* Felon disenfranchising means to deny an individual who has been convicted of a felony the right to vote. The US is a major outlier in the world in this regard, as it disenfranchises nonincarcerated felons. These individuals make up the largest group of Americans that are barred from voting. In 2002, there was a congressional vote in the U.S. Senate to ban restrictions on voting rights of ex-felons, but the measure failed with a vote of 63 - 31 (Hull, 2007).

Each state sets their own laws when it comes to voting among those convicted of a felony. There are 30 states that deny voting rights to individuals on probation for a felony; 35 states deny voting for individuals on parole. Probation occurs when an individual was not sentenced to prison, but instead was sentenced to a court-ordered period of supervision, whereas

parole refers to court-ordered supervision of those who were previously incarcerated and are now living in the community (Kaeble & Glaze, 2016). In 11 states, felons are banned from voting for the duration of their lives, even after successful completion of the sentence. In all states, with the exception of Maine and Vermont, everyone convicted of a felony and presently incarcerated is banned from voting, meaning that only two states allow prisoners to vote (Uggen, Shannon, & Manza, 2012).

The number of people that have become disenfranchised due to felony convictions is continually increasing. In 1976, of the total population, the number of individuals excluded from voting was 1.17 million. Twenty-two years later that number had risen to 3.34 million, and as of 2010 it exceeded 5.85 million individuals, which accounts for 2.5% of the nation's voting age population, or one in every 40 adults. Of the 5.85 million disenfranchised voters, more than four million work and pay taxes, and yet they remain disqualified from voting (Uggen et al., 2012).

In 2002, a study conducted by Manza, Brooks, and Uggen (2004) asked about public support for allowing those with felony convictions the right to vote again. They presented two scenarios: the first was the baseline, in which ex-felons were identified but there was no reference to specific crimes (just felonies in general), and the second scenario in which reference was made to specific crimes (subcategories included white-collar ex-felons, violent ex-felons, and sex crime ex-felons). Baseline support for allowing those with felonies the right to vote was 80%. When specific crimes were cited, support for the right to vote was still high but dropped compared to the general scenario; 63% believed that white-collar felons should have the right to vote, 66% supported violent felons, and 52% believed that those who committed sex-crimes should be able to vote. The authors concluded that the majority of Americans supports extending voting rights to ex-felons across a variety of criminal convictions.

Some have argued that breaking the law is not typically a political act, so it does not need a political penalty. Cholbi (2002) argued that felon disenfranchisement is a reminder about previous criminality and former offenders are continually subjected to serving that portion of their sentence. Every election season, the idea that felons are not full citizens is reinforced as they must sit by quietly while others elect their leaders. Some believe that crime should have a deterrent value, either to the individual (specific) or to others (general). States with strict disenfranchisement laws (excluding those in prison, on probation or parole, and ex-felons) have both high crime rates (e.g., Florida, New Mexico, and Arizona) and low crime rates (e.g., Kentucky, Iowa, and Virginia). Globally, the United States has one of the highest crime rates and is one of very few nations that practices felon disenfranchisement (Ewald, 2002).

*Jury duty.* All 50 states, except for Maine, the federal government, and the District of Columbia, restrict convicted felons from participating in jury duty (Binnall, 2014). Variation within states ranges from a permanent ban in 28 states to some variant of a temporary ban for the remaining 23 states. The permanent ban eliminates approximately 13 million Americans from the jury pool. Temporary bans can be further broken down: 13 states ban felons from jury duty until the completion of their sentences (including parole and probation); two states have lifetime challenges for cause, meaning they are often dismissed in the jury screening process; and eight states have hybrid models, which generally include a mixture of disqualifications such as “penal status, charge category, type of jury proceeding, and/or a term of years” (Binnall, 2014, p. 5) the ex-felon must wait before serving on a jury.

When analyzing a jury pool, the goal is to eliminate pretrial bias, so the jury is fair and impartial. Pretrial bias can be either general or specific. Specific refers to biases that relate to the attributes of a given case or defendant. General biases tend to be unrelated to the case (Myers &

Lecci, 1998), and are shaped by the perspectives and life experiences of the potential juror (Cammack, 1995). Felons are the only group of individuals deemed to have a pretrial bias. No other group, including law enforcement and crime victims, are automatically excluded from the jury process, but are instead screened along with the other possible jury members. At this point, those with a bias can be removed from the jury pool with either challenges for cause or peremptory strikes. Challenges for cause require a reason for removing a juror, such as a bias or a personal relationship with the defendant, whereas a peremptory strike does not require a reason for dismissal of a potential juror (Scheb & Scheb II, 2014).

In practice, courts and lawmakers automatically assume that those criminally convicted will have a bias in favor of the defendant. “Courts claim they need to protect the process from those who might compromise its integrity due to an inherent bias towards the criminal defendant that threatens the neutrality of the process” (Kalt, 2003, p. 105). Binnall (2014) conducted research to test the idea of inherent bias. He examined three groups of individuals; convicted felons who were recently released, nonfelons, and law students. He found that law students had a pretrial bias very comparable to that of felons in favor of the defense. He also discovered that other groups of individuals also harbor biases towards the defense, such as African Americans, crime victims, those who strongly opposed the death penalty, and those who were liberal. This demonstrates that felons are not the only group to have an inherent bias, but are the only group of individuals to be excluded from jury service.

*Firearm ownership.* Those with a felony conviction are also subject to further restrictions. The Gun Control Act of 1968 was an expansion of the Federal Firearms Act, which prohibits certain classes of people from gun ownership and buying ammunition: minors, those convicted of a state or federal felony, any person who has been committed to a mental institution,

unlawful users or those addicted to marijuana or any other drug, and those who were dishonorably discharged from the armed forces (Zimring, 1975). In the past, gun dealers had to take the word of the individual buying the gun to ensure that they did not fall into one of the above categories. The dealer would not be prosecuted if the individual lied and purchased a gun. However, if that individual was caught in possession of a firearm, they would be punished under federal law (Zimring, 1975).

In response to this issue, the National Instant Criminal Background Check System (NICS) was launched on November 30, 1998 by the FBI. It provides an instant determination of whether a prospective buyer is eligible to buy firearms while at the store. This system is still in place today. Over 230 million background checks have been performed and 1.3 million individuals have been denied purchase to date (FBI, 2017). It should be noted that there is no regulation of, or background checks required for, private or second-hand purchases. However, if an individual who has a felony charge on their record is caught with a firearm, there is a mandatory five-year prison sentence.

In North Dakota a firearm is defined as “any weapon which will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such weapon, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon” (NDCC, 12.1-01-04). The federal government defines a firearm as “(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device” (18 U.S. Code § 921). Both state and federal laws exclude an antique firearm from counting as a firearm. An antique firearm is any firearm (with a matchlock, flintlock, percussion cap, or similar type of ignition

system) manufactured in or before 1898 (18 U.S. Code § 921), which includes modern replications of black powder guns.

It is a civil right allotted to Americans to be able to own firearms. Barrett (2013) discussed the landmark Supreme Court case of 2008, *District of Columbia v. Heller*. The judges ruled that the U.S. Constitution provided the right for individuals to keep and bear arms. However, that decision was not without limits. People cannot carry any type of firearm they wish and “they cannot carry any weapon in any manner whatsoever for whatever purpose” (*District of Columbia v. Heller*, 2008) nor can they carry a weapon into any government building. In addition to these guidelines, it reinforced the ban excluding individuals who have been convicted of a felony and was extended to include some misdemeanors: “crimes punishable by imprisonment for a term exceeding two years” [18 U.S.C. §921(a)(20)B]. Although most felonies are for nonviolent crimes, nonviolent and violent felons are unilaterally banned from firearm ownership.

#### Theoretical Orientation

In this thesis, Goffman’s (1963) theory of stigma is used. He defined stigma as “the situation of the individual who is disqualified from full social acceptance” (preface). He identified three types of stigma: abominations of the body, blemishes of individual character, and tribal stigmas. Abominations of the body represent physical deformities. Blemishes of individual character include “weak will, domineering or unnatural passions, treacherous and rigid beliefs, and dishonesty” (p. 4). This can be “inferred from a known record such as mental disorder, imprisonment, addiction, or alcoholism” (p. 4). Tribal stigma reflects things such as race, nation, and religion, which are typically passed down. A felony conviction represents a blemish of individual character because the felon is seen as a flawed individual.

Goffman (1963) uses the terms ‘discredited’ and ‘discreditable’ to refer to those with a stigma. A discredited person is one for whom personal failure is evident, such as someone who is still incarcerated. A discreditable person is one whose failures are not immediately apparent; the individual must manage information during social events, and determine who, how, when, and where to tell others about his or her stigma. Revealing such information may cause the individual to face judgement and prejudice. This is the case for someone who has a felony conviction. “They face generally negative opinions held by society, including being perceived as dangerous, dishonest, and disreputable” (Edwards & Mottarella, 2015, p. 1359). Goffman (1963) noted,

The public image of an individual, that is, the image of him available to those who do not know him personally, will necessarily be somewhat different from the image he projects through direct dealings with those who know him personally. Where an individual has a public image, it seems to be constituted from a small selection of facts which may be true of him, which facts inflated into a dramatic and newsworthy appearance, and then used as a full picture of him (p. 71).

Goffman (1963) used two terms when it comes to more positive and supportive interactions and treatment of the stigmatized individual: sympathetic others and wise. Sympathetic others are those who share his stigma, such as other felons. The ‘wise’ are two groups of people. One group is non-stigmatized people who knew the individual before the stigmatization and remain sympathetic and accepting of the individual. The other group of ‘wise’ are made up of those who are “related through the social structure to the stigmatized individual” (p. 30). This relationship often leads others to treat both the wise and the stigmatized individual as one, meaning the wise inherit some of the stigma and discredit of the stigmatized person (p.

30). For example, when a family member is a felon, the rest of the community may look down upon the family because of their association with him or her.

Goffman (1963) went on to discuss the importance of acquaintances. He divided them into two categories: post-stigma acquaintances and pre-stigma acquaintances. He suggested that those who meet an individual after a stigma is developed may simply see the stigmatized individual as a faulted person. Similarly, some of those who knew the individual before the stigma (pre-stigma), may not be able to treat the now stigmatized individual with full acceptance, as they previously did. In this case, they would not be part of the ‘wise.’

There are many individuals in the United States that are stigmatized because of a felony conviction. According to Goffman (1963), their lives become open to judgement and their daily activities are more difficult to manage because of the label they carry. This stigma is formalized through the loss of civil rights per Congressional mandate. According to Goffman’s work, the general public is likely to support restriction of civil rights to felons because such people have “blemishes of individual character.” In contrast, those who are understanding of the stigma and know someone with a felony conviction may be more likely to support restoration of civil rights to felons.

### Summary and Hypotheses

In this chapter, Goffman’s (1963) theory of stigma was used to define “the situation of the individual who is disqualified from full social acceptance” (preface), such as someone with a felony conviction. Goffman also mentioned the idea of the wise and sympathetic others. Sympathetic others are those who share the same stigma, such as other felons, and the wise are those who knew the stigmatized individual before the stigma and are likely to remain sympathetic and accepting of them. Sympathetic others can be friends or family members.

In the United States, 700,000 people are released from prison each year meaning those individuals now are assigned a stigma and have to reintegrate into society. Many people do not realize the struggle felons face to accomplish this task. The government does not make the transition easy, because after completion of the sentence, the individual loses certain rights, making full integration back into society unattainable. Obtaining housing and employment becomes a major obstacle for those with a felony conviction, and civil rights, such as voting, jury duty, and firearm ownership, are also forfeited.

As the primary news source for many individuals, the media is responsible for furthering the stigma of felons. The media focuses on sensational, high-profile crimes, which creates a distorted image of crime to the general public. As a result, knowledge about the criminal justice system and perceptions about felony crimes are largely inaccurate.

This thesis will analyze whether knowledge about felony convictions is related to support for the restoration of civil rights to felons and whether those who know someone with a felony conviction are more likely to support the restoration of rights. The following hypotheses will be tested, using primary data from a sample of college undergraduate students:

H1: Students with more accurate knowledge of felony convictions will be more likely to support restoration of civil rights to convicted felons.

H2: Those who know someone with a felony charge will be more likely to support restoration of civil rights to convicted felons.

Those who hold more accurate knowledge about felony convictions should be more supportive of restoring civil rights because they understand more about convictions and the penalties associated with such charges; thus, they would be more aware of the rights lost by individuals with felony convictions. On the basis of Goffman's theory of stigma, those who

know someone with a felony conviction are considered “wise” and are expected to be more sympathetic and understanding. Thus, those individuals will be more likely to support the restoration of civil rights.

#### Review and Organization of Next Chapter

Chapter Two reviewed the theory used and previous literature on reintegration problems and loss of civil rights by felons. In addition, two hypotheses were introduced. The next chapter will describe the method used for this thesis. The measurement of variables will be explained as well as the analytical strategies used.

## CHAPTER III

### METHOD

The purpose of this study is to examine college students' knowledge about felonies, and their perceptions regarding the restoration of civil rights to felons. Two hypotheses were proposed. A primary data source will be used to test the hypotheses. This chapter will discuss the method, data, and analytic strategy used to analyze the hypotheses.

#### Data and Sample

The research design for this study was a quantitative survey using a convenience sample. Students in selected sociology courses (SOC 110: Introduction to Sociology, SOC 252: Juvenile Delinquency, and SOC 326: Sociological Statistics) at the University of North Dakota were given surveys during spring semester of 2017. Instructors were contacted early in the semester and asked in person to provide the Qualtrics survey link to their students via Blackboard or email. Survey questions included participant demographics, knowledge about the criminal justice system and felony charges, and perceptions regarding civil rights restoration. A total of 560 students had access to the survey based on spring enrollment figures. The survey was available for two weeks (March 27 - April 12) at which time there were 417 total respondents (an estimated response rate of 74%). After omitting cases with missing data and respondents who had been part of a jury trial (due to potential knowledge of how the criminal justice system works), international students, those with a felony conviction, and those who held jobs in the criminal justice field, the remaining number of respondents used for this study was 363.

## Measures

### *Dependent Variables*

To measure support for restoration of rights to nonviolent and violent offenders two scales were created for this study. Respondents were asked to rate their level of agreement with six items using a five-point Likert scale ranging from (1) strongly disagree to (5) strongly agree. Statements were: “(a) Nonviolent offenders should be able to rent an apartment; (b) Employers should hire nonviolent offenders; (c) Nonviolent offenders should be allowed to apply for government assistance programs; (d) Nonviolent offenders should have voting rights; (e) Nonviolent offenders should have the right to serve on a jury; and (f) Nonviolent offenders should have should have the right to own a firearm.” In the scale for violent offenders, “non-violent” was replaced with “violent.” For instance, the first item was “Violent offenders should be able to rent an apartment.” To create the two scales, responses pertaining to nonviolent offenders were summed and then averaged. Then, responses pertaining to violent offenders were summed and then averaged. Each scaled ranged from 1 to 5 with higher scores indicating greater support for the restoration of civil rights. Alpha reliability coefficients for both scales were high ( $\alpha = .83$  for nonviolent offenders and  $\alpha = .83$  for violent offenders).

### *Independent Variables*

Two independent variables, *knowledge about felonies* and whether the *respondent knows someone with a felony charge*, were used to test the study hypotheses. Fourteen items were used to identify students’ knowledge about felony convictions. Ten of the items pertained to identification of felonies and misdemeanors, and four of the items pertained to civil rights lost upon conviction of a felony. These items, along with correct responses, appear in Table 1. For each correct response, a point was given. Points were totaled so that respondents received a score

ranging from 0 to 14 indicating their level of knowledge about felonies. This tally was then converted to the percentage correct, with scores ranging from 0 to 100.

Table 1. *Knowledge about Felonies*

	Misdemeanor	Felony
(A) Desecration (destruction) of the United States flag	X	
(B) Assault	X	
(C) Theft (total value of over \$1,000)		X
(D) Theft of cable television services	X	
(E) Forgery or counterfeiting		X
(F) Failure to pay \$2,000 or six times the monthly child support obligation		X
(G) Disobedience of public safety orders under riot conditions	X	
(H) Aggravated assault		X
(I) Harassment	X	
(J) Terrorizing (cause evacuation of a building/place of assembly) (e.g., shouting fire at the movies when there is no fire)		X
	True	False
(K) In some states, people convicted of a felony lose the right to vote.	X	
(L) In some states, people convicted of a felony can serve on a jury.		X
(M) People convicted of a felony cannot own a firearm for a specified numbers of years.	X	
(N) People convicted of a felony can apply for government assistance (e.g., food stamps).		X

The second independent variable was whether the respondent knows someone with a felony charge. The survey asked, “Do you know someone who has been convicted of a felony?” Response categories included: (0) no; (1) yes, but someone I am not close to; (2) yes, a friend,

family member, or significant other. This was recoded so that (0) = no and yes, but someone I am not close to; and (1) = yes, someone I am close to.

### *Control Variables*

Control variables used in the analysis include age, race, and sex. *Age* was measured in years with responses ranging from 18 to 44. *Race* was measured by asking respondents to select one of the following: White, Black or African American, Hispanic, Latino, or Mexican, Asian, American Indian, mixed/multi-racial, and other. It was collapsed into White (0) and non-White (1). *Sex* was measured as male (0) or female (1).

### *Analytic Strategy*

Descriptive statistics and bivariate correlations will be used, and to test the two hypotheses, OLS regression will be used. Two regression models will be examined, one for support of restoration of civil rights to nonviolent felons and one for support of restoration of civil rights to violent felons; each controls for age, race, and sex.

### *Summary*

This chapter provided an overview of the method used in this thesis. The procedure and sample, measures, and the analytic strategies were presented. Chapter Four will discuss the results, followed by Chapter Five, in which a discussion of findings as they relate to the theory and literature, limitations, and suggestions for future research is presented.

## CHAPTER FOUR

### RESULTS

This thesis examines college students' knowledge about felonies, and their perceptions regarding the restoration of civil rights to felons. Primary data were collected to test two hypotheses. First, this chapter will discuss descriptive statistics, including frequencies, measures of central tendency, and a paired samples *t*-test. Then, bivariate statistics will be provided. Last, multivariate statistics in the form of two OLS regression models will be described.

#### Descriptive Statistics

Descriptive statistics for the variables are shown in Table 2. Overall, the average level of support was greater for restoration of civil rights to nonviolent offenders with a mean of 3.50 ( $SD = .69$ ), compared to support for violent offenders, which was in the neutral range ( $M = 2.49$ ,  $SD = .74$ ). Results of a paired samples *t*-test show that there was significantly greater support for restoration of civil rights to those convicted of nonviolent felonies than those convicted of violent felonies ( $t = 25.81$ ,  $df = 359$ ,  $p < .001$ ). The mean for knowledge about felony convictions was 66.67 ( $SD = 12.56$ ) on a scale of 0 to 100.

Control variables were age, race, and sex. Age ranged from 17 to 44, with a mean of 19.5 ( $SD = 2.03$ ). The majority of the sample (94.1%) was between the ages of 17 and 21. This is younger than the student body for the 2016-2017 academic year, 47.50% of whom were between 18 and 21 years of age. This is likely the case because two of the classes that were surveyed were 100 level courses that fulfilled Essential Studies (general education) requirements. The majority of the sample was White (90.6%) in comparison to the overall student body, which was 78.78%

White and 21.22% non-White students. Lastly, 40.6% of the respondents were men and 59.4% were women. This varies from the total undergraduate student body profile, of which 56.6% were men, and 43.4% were women (University of North Dakota, 2017).

Table 2. *Descriptive Statistics* ( $N = 363$ )

	Scale Range	<i>M</i>	<i>SD</i>
Support for nonviolent offenders	1 - 5	3.50	.69
Support for violent offenders	1 - 5	2.49	.74
Knowledge about felonies	0 - 100	66.67	12.56
Knows a felon <sup>a</sup>	0 - 1	.34	
Age	17 - 44	19.59	2.03
Race <sup>b</sup>	0 - 1	.09	
Sex <sup>c</sup>	0 - 1	.59	

<sup>a</sup>Knows a felon (0) = No or yes, but someone I am not close to, (1) = Yes, someone I am close to

<sup>b</sup>Race (0) = non-White, (1) = White

<sup>c</sup>Sex (0) = Male, (1) = Female

In terms of level of support for restoration of civil rights to offenders, six items made up each scale. Table 3 shows the breakdown for each of the items. The table shows that there was greater support for nonviolent offenders than for violent offenders across all items. Respondents expressed relatively high levels of support for restoration of rights to nonviolent offenders with regard to renting an apartment (84%), employment (73.5%), and voting (67.8%). The least support was expressed for restoration of jury duty (32.0%) and firearm ownership (26.4%). For violent offenders, the only civil right respondents were willing to restore was renting an apartment; respondents were more supportive than not, 42.4% agreed, 26.8% disagreed, and 30.9% were neutral. In regard to employment (44.6%), government assistance (47.1%) voting

(43.0%), jury duty (71.2%), and firearm ownership (87.1%), respondents were not willing to support the restoration of these rights to violent offenders.

Table 3. *Breakdown of Level of Support for Restoring Civil Rights, in Percentages (N = 363)*

Civil Right	Nonviolent Offenders			Violent Offenders		
	Disagree	Neural	Agree	Disagree	Neutral	Agree
Should be able to rent an apartment	1.9	14.0	84.0	26.8	30.9	42.4
Employers should hire	4.4	22.0	73.5	44.6	37.7	17.6
Should be to apply for government assistance	14.3	30.6	55.1	47.1	24.9	24.8
Should be allowed to vote	12.1	20.1	67.8	43.0	24.9	32.0
Should be allowed to serve on a jury	37.7	30.3	32.0	71.2	21.1	7.8
Should be allowed to own a firearm	38.8	34.7	26.4	87.1	9.9	3.1

### Bivariate Correlations

Bivariate correlations were conducted to see how variables related to each other (see Table 4). Support for restoration of civil rights to nonviolent offenders was significantly correlated with support for restoration of civil rights to violent offenders ( $r = .46, p < .01$ ) and knowing a felon ( $r = .12, p < .05$ ). Support for restoration of civil rights to violent offenders was correlated negatively with knowledge about felonies ( $r = -.12, p < .05$ ), and positively with race ( $r = .14, p < .01$ ). Knowledge about felonies was significantly and positively correlated with age ( $r = .12, p < .05$ ), and negatively correlated with sex ( $r = -.14, p < .01$ ).

Table 4. *Correlations among Key Variables (N = 363)*

	X1	X2	X3	X4	X5	X6	X7
X1: Support for nonviolent offenders	-						
X2: Support for violent offenders	.46***	-					
X3: Knowledge about felonies	-.07	-.12*	-				
X4: Knows a felon <sup>a</sup>	.12*	.05	.07	-			
X5: Age	.10	.04	.12*	.01	-		
X6: Race <sup>b</sup>	-.03	.14**	.03	.03	-.01	-	
X7: Sex <sup>c</sup>	.02	-.04	-.14**	-.03	.01	-.18**	-

\* $p < .05$ , \*\*  $p < .010$ , \*\*\*  $p < .001$ .

<sup>a</sup>Knows a felon (0) = No or yes, but someone I am not close to, (1) = Yes, someone I am close to

<sup>b</sup>Race (0) = non-White, (1) = White

<sup>c</sup>Sex (0) = Male, (1) = Female

#### Multivariate Statistics

Two OLS regression equations were used to analyze whether knowledge about felonies and knowing a felon were related to support for restoration of civil rights to nonviolent and violent offenders. Missing values were replaced using mean substitution. Table 5 displays the results of these analyses. The independent and control variables account for about 1.2% of the variance in support for the restoration of civil rights to nonviolent offenders and 2.2% of the variance in support for the restoration of civil rights to violent offenders. Only the model regressing support for restoration of civil rights to nonviolent offenders was statistically significant.

Table 5. OLS Regression Predicting Support for Restoration of Civil Rights to Offenders (N = 363)

Variables	Nonviolent Offenders			Violent Offenders		
	<i>B</i>	SE <i>B</i>	$\beta$	<i>B</i>	SE <i>B</i>	$\beta$
Age	.04	.02	.11	.02	.02	.06
Race <sup>c</sup>	-.14	.15	-.06	.34	.17	.13*
Sex <sup>b</sup>	.13	.09	.09	-.08	.10	-.05
Knows a felon <sup>a</sup>	.18	.09	.13*	.07	.10	.05
Knowledge about felonies	-.01	.00	-.10	-.01	.00	-.13*
<i>F</i>	2.60*			1.87		
<i>Adjusted R</i> <sup>2</sup>	.03			.02		

\* $p < .05$ , \*\*  $p < .010$ , \*\*\*  $p < .001$

<sup>a</sup>Knows a felon (0) = No or yes, but someone I am not close to, (1) = Yes, someone I am close to

<sup>b</sup>Race (0) = non-White, (1) = White

<sup>c</sup>Sex (0) = Male, (1) = Female

Hypothesis 1 stated that students with greater knowledge about felony convictions will be more likely to support restoration of rights to convicted felons regardless of offense status. This hypothesis was not supported. This variable was significantly and negatively associated with the dependent variable in the model for violent offenders, but not in the predicted direction, nor was the model significant. In the model for nonviolent offenders, knowledge about felony convictions was not significantly associated with the dependent variable.

Hypothesis 2 stated that those who know someone with a felony conviction will be more likely to support restoration of civil rights to convicted felons. This hypothesis was partially supported; those who knew a felon expressed greater support for restoration of civil rights to

nonviolent felons ( $\beta = .13, p < .05$ ), whereas knowing a felon was not significantly associated with support for restoration of civil rights to violent felons ( $\beta = .05, n.s.$ ).

Overall, the results suggest that support for restoration of civil rights is related to whether the felon was convicted of a nonviolent or violent crime, and knowledge about felony convictions and personal contact with someone who has a felony conviction work in different ways. The bivariate and multivariate models suggest that respondents with more knowledge about felonies were less likely to support restoration of civil rights to violent offenders, and respondents who knew a felon were more likely to restore rights to nonviolent offenders.

### Summary and Overview

In this chapter, the results of the analysis exploring whether knowledge about felonies and knowing a felon were related to the opinions about restoration of rights to felons showed that hypotheses were only partially supported, and support was dependent upon whether the felon had committed a nonviolent or violent crime. The results of this chapter will be expanded upon in Chapter Five. The results will also be related back to the literature. Finally, limitations will be addressed and suggestions for future research will be provided.

## CHAPTER FIVE

### DISCUSSION

The purpose of this thesis was to examine college students' knowledge about felonies and their perceptions regarding the restoration of civil rights to felons. Using primary data collected in spring of 2017 ( $N = 363$ ), this thesis analyzed whether having accurate knowledge about felony convictions and knowing someone with a felony conviction were related to support for the restoration of civil rights to nonviolent and violent offenders. It was expected that those who held more knowledge about felony convictions would be more supportive of restoring civil rights because they are better informed. Additionally, Goffman theorized that knowing a stigmatized individual will make you more sympathetic and accepting of their stigma; for this study, the stigma is a felony conviction. In this chapter, a summary of the results will be presented. The results will then be related back to relevant literature, and then the implications and limitations of the study will be discussed. Lastly, areas of future research will be suggested, which will be followed by a conclusion.

#### Discussion of Results

The results of the current study indicated that knowledge about felony convictions was not a significant predictor of students' support for the restoration of civil rights to felons. In the model for nonviolent offenders, knowledge about felony convictions was negatively, but not significantly related to support, and while significant in the model for violent offenders, the overall model was not significant, and the coefficient was not in the predicted direction. In other words, had the coefficients and models been statistically significant, they would have indicated

that knowledge about felony convictions was related to less support for the restoration of civil rights to offenders. However, it is worth noting that the average for how much knowledge a person respondents held regarding felony convictions was 66 on a scale of 0 to 100.

The OLS regression showed that the more knowledge a person holds about felony convictions, the less likely they are to support the restoration of rights to violent offenders. This result may have been related to the makeup of the sample; a number of respondents were enrolled in a juvenile delinquency course. This course is often taken by students in the criminal justice program, many of whom may approach crime from a social control perspective. Another explanation for the lack of support for Hypothesis 1 could be attributed to the type of knowledge that was measured in this study, because most people are unaware of the civil rights consequences to felons (Cholbi, 2002). Furthermore, since respondents had to choose a category (true or false and misdemeanor or felony), and there was no option for “do not know,” some respondent may have guessed. This would could potentially skew the data.

Additionally, the results for Hypothesis 2 showed that knowing someone with a felony conviction was the only a significant predictor of support for the restoration of civil rights, if the individual was convicted of a nonviolent crime. In other words, respondents who knew someone close to them who had been convicted of a felony charge, were more willing to restore rights to nonviolent offenders, but not violent offenders. This could be the result of the respondent knowing the severity of the crime committed by the stigmatized individual. This is also partially consistent with Goffman’s (1963) theory of stigma. He suggested that knowing a stigmatized individual may be enough to render an individual sympathetic. In the current study, it was not possible to identify details of the individual crimes and their severity for the offenders known by the sampled respondents. For instance, we do not know if the offenders known to the

respondents were convicted of drug charges or an aggravated assault charge, and so forth. Pager (2007) found that, compared to nonviolent offenders, violent offenders face greater public stigma. Thus, this greater public stigma may result in an unwillingness to restore civil rights to violent offenders, even when a person knows someone with a felony.

### Restoration of Rights to Offenders

Overall, breakdown of the items making up the support scale showed that respondents supported the restoration of civil rights to nonviolent offenders in four of the six categories; jury duty and firearm ownership were the least likely to be restored by the respondents. Regarding violent offenders, the only civil right that respondents were likely to support was allowing offenders to rent an apartment.

The Federal Government bans all felons from public housing and supports discrimination in private housing, regardless of whether the offender is classified as nonviolent or violent. Results from the current study showed that respondents were likely to support restoration of this right for both types of offenders, which is contradictory to the position held by the federal government. The Federal Government also allows for employers to discriminate in hiring, thereby limiting job opportunities to felons, regardless of offense status. Jobs are necessary in the prevention of homelessness, and allow individuals to create social bonds, which in turn lowers recidivism rates (Hirschi, 1969). Skardhamar and Telle (2012) demonstrated this relationship when they found that offenders who had been reconvicted, only one-third were employed. The results of the current study indicated that there was support for employing nonviolent offenders, while respondents were less likely to allow violent offenders the same right. Additionally, support for government assistance was mixed, with half the respondents supporting the

restoration of this civil rights to nonviolent offenders, and fewer supporting restoration of civil rights to violent offenders.

Respondents were also more likely to support restoration of voting rights to nonviolent offenders than violent offenders. These results parallel a previous study by Manza and colleagues (2004), which claimed that the specifics of the crime itself mattered in terms of public willingness to restore voting rights. They used the categories white-collar ex-felons, violent ex-felons, and sex crime ex-felons, three crimes that people generally view as being progressively more severe. They found more support for the restoration of voting rights to white-collar criminals and violent criminals than for those convicted of sex crimes. Sex crimes carry a much greater stigma in comparison to the other two crimes; similarly, violent crime is more stigmatized than nonviolent crime.

Regarding allowing those with felony charges to serve on a jury, this study found that there was a lack of support for restoring this right, regardless of offense status. The Federal Government operates such that those convicted of felonies are assumed to be inherently biased in their views. Binnall (2014) showed that felons are not the only group with a bias; in his study, law students showed the same amount of bias towards the defense as offenders. However, law students are not inherently banned from jury service, nor are they stigmatized because it is assumed they are of good moral character. The current study suggests that the public would agree with the Federal Government and their inherent bias blanket exclusion, even though this conflicts with empirical findings.

When analyzing support for restoration of firearm ownership, respondents were unwilling to support the restoration of this civil right to either nonviolent or violent felons. The law states that those convicted of a felony (regardless of type) lose the right to own a firearm for ten years,

and those with a violent misdemeanor lose this right for five years. As previously stated, only 3% of state crimes and 12% of federal crimes involved a weapon (Durose & Langan, 2007). It is important to note that just because a felony is classified as violent, does not mean it involved a weapon.

Overall, respondents were more willing to support the restoration of civil rights to individuals who have committed nonviolent offenses than those who have committed violent offenses. Respondents were also asked whether upon completion of their sentence, a felon should be treated like any other citizen. Approximately 30% of the sample agreed, 40% were neutral, and 30% disagreed. Again, it may be the case that the details of the crime itself matter, which would explain why there was a difference between support for the restoration of civil rights to nonviolent and violent offenders. It could also be the case that those who disagreed or are neutral believe that felons' restriction to society should be continue after sentencing and incarceration. Fear of recidivism may be another factor shaping attitudes.

#### Implications

Since there was support for restoring rights to nonviolent offenders, restoring some of these civil rights could help to lower recidivism rates by allowing ex-felons to become fully accepted into society again. New York is an example of reintegrating felons into society. They have a pilot program that allows formerly incarcerated felons to live in public housing with their families in three cities. Eighty-five individuals have participated in the pilot program, and none been reconvicted (New York State, 2017). The purpose of this program was to reduce homelessness and lower the risk of recidivism, and it does in fact seem to be working. This study showed greater support for the restoration of rights to nonviolent offenders; following New

York's example could assist with integrating larger numbers of felons back into society and thus possibly decreasing the stigma of conviction.

In Virginia, Governor McAuliffe is restoring voting rights to roughly 200,000 convicted felons who have completed their sentence. There, the state constitution permanently disenfranchises citizens with felony convictions, but grants the state's governor the authority to restore voting rights. The Virginia Supreme Court overruled Governor McAuliffe's executive order, so he is individually restoring voting rights to each offender (Brennan Center for Justice, 2017). He stated, "these individuals are gainfully employed. They send their children and their grandchildren to our schools. They shop in our grocery stores and they pay taxes. And I am not content to condemn them for eternity as inferior second-class citizens" (Gonzales, 2016, par. 4). So far, the impact has been that thousands of individuals have the opportunity to participate in politics and vote for policies which affect their lives just as much as someone without a felony.

In 2007 Senator Biden said, "by changing the way we talk about addiction, we can change the way people think about addiction, both of which are critical steps in getting past the social stigma too often associated with the disease" (Anderson, Scott, & Kavanaugh, 2015, par. 2). This same logic can be applied to those with felony convictions. Since there was support for nonviolent offenders to have some civil rights restored, providing access to basic sources of support that many take for granted, such as the ability to work and secure housing, may be a powerful step towards reducing stigma and lowering recidivism rates.

Lastly, regarding Goffman's theory of stigma, he claimed that those who know someone with a stigma are expected to be more sympathetic and understanding. Thus, those who know someone with a felony conviction will be more likely to support the restoration of civil rights. However, this study only found willingness to restore rights to nonviolent offenders, so the

theory was only partially supported. This could mean that “blemishes of the individual character” are much harder to overcome because they are the direct result of an individual’s actions in comparison to “abominations of the body” or “tribal stigmas,” which are outside of the individual’s control. Additionally, Goffman says the wise will “more” sympathetic and understanding of these individuals, however, “more” is not the same as “fully accepting” these individuals. The results of this study did suggest that the wise were more accepting of restoring rights to nonviolent offenders than violent offenders. This could be due to nonviolent offenders being seen as less dangerous; people do not associate as much fear with those crimes (Warr, 1994), so they may be more willing to restore civil rights to those they view as less harmful to society. Goffman’s theory argues that, the stigmatized individual is a discreditable person, meaning they must manage when and with whom to share their stigma. It appears that even when among the wise, they are subject to judgement and prejudice from society. From that point on, the stigma becomes part of their public image and those who meet the individual after the stigma is assigned are likely to see that person as a faulted individual.

### Limitations

There are a few limitations of this study. First, one of the classes sampled was Juvenile Delinquency. The instructor of the course indicated that the adult criminal justice system was not covered in course material, but this could lead to advanced knowledge about felony convictions or civil rights. Because of the way the data was collected, controlling for which class the student was enrolled in was not possible. The sample consisted only of students taking sociology courses, however, of the 363 respondents, only four were sociology majors and 38 were criminal justice majors. Another limitation is the inability to control for the specific crime that was committed, including the crime severity, by someone convicted of a felony and known to the

respondent. Also, whether respondents had been the victim of a crime was not known. The final limitation is related to the generalizability of study findings. According to the 2015 Educational Attainment Census report, only 33% of the U.S. population over the age of 25 has a bachelor's degree (Ryan & Bauman, 2016) and this study only sampled those pursuing a bachelor's degree, therefore it is not representative of the entire population. Additionally, because it was a convenience sample, it violates the most crucial assumption underlying inferential statistics.

### Suggestions for Future Research

In order to gain a better understanding of how the public feels about the restoration of civil rights to felons, a more generalizable sample needs to be used and additional questions should be asked as background regarding the nature of crimes committed so that more about the "wise" can be understood. Qualitative work would also be helpful to in improving greater detail about what most people know about crime and its punishment, where and how this knowledge is constructed, and how it is related to stigma, such as severity of the crimes and how respondents perceive offenders. The findings from this study can be used as a framework for future research to better understand how knowledge about felonies and knowing a felon are related to attitudes about restoration. If more promising results were to be found among the general population, it could be a foundation for legislative change.

### Conclusion

This thesis analyzed the relationship between knowledge about felony convictions and its potential relationship with support for the restoration of civil rights to felonies. It also looked at whether knowing an offender would influence attitudes about the restoration of civil rights to felons. This study found that knowing a felon was related to the willingness to restore civil rights to nonviolent offenders, and that there was a difference in the willingness to restore civil rights to

nonviolent versus violent offenders. This study helps us to better understand the complex relationship between perceptions of felony convictions and the restoration of civil rights.

## REFERENCES

18 U.S. Code § 921

18 U.S.C. §921(a)(20)B

Administrative Office of the U.S. Courts. (2017). *Comparing federal and state courts*. Retrieved from <http://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>

Alexander, M. (2012). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York: The New Press.

Anderson, T.L., Scott, L.S., & Kavanaugh, P.R. (2015). Race, inequality and the medicalization of drug addiction: An analysis of documentary films. *Journal of Substance Abuse, 20*(5), 319-332.

Barraza, C. (2016). HUD to landlords: Rent to ex-convicts or else face the consequences. *HousingWire*. Retrieved from <https://www.housingwire.com/articles/36693-hud-announces-landlords-cant-ban-ex-convicts>

Barrett, A. C. (2013). Taking aim at felony possession. *Boston University Law Review, 93*(1), 163-199.

BBC News. (2016). World prison populations. *BBC News*. Retrieved from <http://news.bbc.co.uk/2/shared/spl/hi/uk/06/prisons/html/n2page1.stm>

- Binnall, J. M. (2014). A field study of the presumptively biased: Is there empirical support for excluding convicted felons from jury service? *Law & Policy*, 36(1), 1-34.
- Brennan Center for Justice. (2017). *Voting rights restoration efforts in Virginia*. Brennan Center for Justice. Retrieved from <https://www.brennancenter.org/analysis/voting-rights-restoration-efforts-virginia>
- Bureau of Justice Statistics (BJS). (2017a). *Felony defendants*. Retrieved from <https://www.bjs.gov/index.cfm?ty=tp&tid=231>
- Bureau of Justice Statistics (BJS). (2017b). *How many persons in the U.S. have ever been convicted of a felony?* Retrieved from <https://www.bjs.gov/index.cfm?ty=qa&iid=404> from
- Cammack, M. (1995). In search of the post-positivist jury. *Indiana Law Journal*, 70, 433–89.
- Carson, E. A., & Golinelli, D. (2013). *Prisons in 2012: Trends in admissions and releases, 1991–2012*. Report No. NCJ, 243920. Bureau of Justice Statistics Bulletin. Retrieved from <https://www.bjs.gov/content/pub/pdf/p12tar9112.pdf>
- Cholbi, M. J. (2002). A felon's right to vote. *Law & Philosophy*, 21(4), 543-565.
- District of Columbia v. Heller, 554 U.S. 570 (2008)
- Durose, M.R., & Langan, P.A. (2007). *Felony sentences in state courts, 2004*. Report No. NCJ 215646. Bureau of Justice Statistics Bulletin. Retrieved from <https://www.bjs.gov/content/pub/pdf/fssc04.pdf>
- Edwards, E.R., & Mottarella, K. (2015). Perceptions of the previously convicted: The influence of conviction type and therapy participation. *International Journal of Offender Therapy and Comparative Criminology*, (59)12, 1358-1377.

- Ewald, A. (2002). Civil death: The ideological paradox of criminal disenfranchisement law in the United States. *Wisconsin Law Review*, 5, 1045–1132.
- Federal Bureau of Investigation (FBI). (2017). *National Instant Criminal Background Check System (NICS)*. Retrieved from <https://www.fbi.gov/services/cjis/nics>
- Federal Bureau of Investigation (FBI): UCR. (2013). *Arrest by race*. Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-43>
- Ghandnoosh, N. (2014). *Race and punishment: Racial perceptions of crime and support for punitive policies*. The Sentencing Project. Retrieved from <http://www.sentencingproject.org/wp-content/uploads/2015/11/Race-and-Punishment.pdf>
- Gilens, M. (1996). “Race coding” and white opposition to welfare. *American Political Science Review*, 90, 593-604.
- Glaze, L.E., & Herberman, E.J. (2013). *Correctional populations in the United States, 2012*. Report No. NCJ, 243936. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/cpus12.pdf>
- Goffman, E. (1963). *Stigma: Notes on the management of spoiled identity*. New York: Simon & Schuster.
- Gonzales, R. (2016). *Virginia governor restores voting rights to felons, again*. NPR. Retrieved from <http://www.npr.org/sections/thetwo-way/2016/08/22/491000431/virginia-governor-restores-voting-rights-to-felons-again>
- Gramlich, J. (2016). *Voters’ perceptions of crime continue to conflict with reality*. Pew Research Center. Retrieved from <http://www.pewresearch.org/fact-tank/2016/11/16/voters-perceptions-of-crime-continue-to-conflict-with-reality/>

- Gray, J. (2009). *Public opinion and criminal justice*. Cullompton, Devon, UK: Willan Publishing.
- Grogger, J. (1995). The effect of arrests on the employment and earnings of young men. *The Quarterly Journal of Economic*, 110, 51–71.
- Hirschi, T. (1969). *Causes of delinquency*. Berkley, CA: University of California Press.
- Holzer, H. J., Raphael, S., & Stoll, M. A. (2007). The effect of an applicant's criminal history on employer hiring decisions and screening practices: Evidence from Los Angeles. *Barriers to Reentry*, 4(15), 117-150.
- Hull, E. (2007). Locked out: Felon disenfranchisement and American democracy. *Social Forces*, 85(3), 1438-1442.
- Jonson, C. L., & Cullen, F.T. (2015). Prisoner reentry programs. *Crime & Justice*, 44(1), 517-575.
- Kaeble, D., & Glaze, L. (2016). *Correctional population in the United States, 2015*. Report no. NCJ, 250374. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/cpus15.pdf>
- Kalt, B.C. (2003). The exclusion of felons from jury service. *American University Law Review*, 53(1), 65–189
- Latessa, E. (2012). Why work is important, and how to improve the effectiveness of correctional reentry programs that target employment. *Criminology & Public Policy*, 11(1), 87-91.
- Lynch, J P., & Sabol, W.L. (2001). *Prisoner reentry in perspective*. Washington, DC: Urban Institute.
- Manza, J., Brooks, C., & Uggen, C. (2004). Public attitudes toward felon disenfranchisement in the United States. *Public Opinion Quarterly*, 68(2), 275-286.

- Middlemass, K.M. (2017). *Convicted and condemned*. New York, NY: New York University Press.
- Minton, T. D., & Golinelli, D. (2014). *Jail inmates at midyear 2013: Statistical tables*. Report No. NCJ, 245350. Bureau of Justice Statistics. Retrieved from <https://www.bjs.gov/content/pub/pdf/jim13st.pdf>
- Mitchell, A., Gottfried, J., Barthel, M., & Shearer, E. (2016). *The modern news consumer: News attitudes and practices in the digital era*. Pew Research Center. Retrieved from <http://www.journalism.org/2016/07/07/the-modern-news-consumer/>
- Myers, B., & Lecci, L. (1998). Revising the factor structure of the juror bias scale: A method for the empirical validation of theoretical constructs. *Law and Human Behavior*, 22, 239–56.
- NAACP. (2016). *Death row USA*. Retrieved from <https://deathpenaltyinfo.org/documents/FactSheet.pdf>
- Nagin, D. S., Cullen, F.T., & Jonson, C.L. (2009). Imprisonment and reoffending. *Crime and Justice*, 8(1), 115-200.
- NDCC, 12.1-01-04
- Neff, B. (2016). Obama admin tells landlords they can't refuse to house criminals. *The Daily Caller News Foundation*. Retrieved from <http://dailycaller.com/2016/04/04/obama-admin-tells-landlords-they-cant-refuse-to-house-criminals/>
- New York State. (2017). *Governor Cuomo announces new pilot program to increase housing opportunities for the formerly incarcerated*. Retrieved from <https://www.governor.ny.gov/news/governor-cuomo-announces-new-pilot-program-increase-housing-opportunities-formerly-incarcerated>

- Pager, D. (2003). The mark of a criminal record. *American Journal of Sociology*, 108(5), 937–975.
- Pager, D. (2007). Two strikes and you're out: The intensification of racial and criminal stigma. In S. Bushway, M. A. Stoll, & D. F. Weiman (Eds.), *Barriers to reentry? The labor market for released prisoners in post-industrial America* (pp. 151-173). New York, NY: Russell Sage Foundation.
- Ryan, C.L. & Bauman, K. (2016). *Educational attainment in the United States: 2015*. United States Census Bureau. Retrieved from <https://www.census.gov/content/dam/Census/library/publications/2016/demo/p20-578.pdf>
- Scheb, J. M., & Scheb II, J. M. (2014). *Criminal law & criminal procedure* (8 ed.). Belmont, California: Wadsworth Cengage Learning.
- Skardhamar, T., & Telle, K. (2012). Post-release employment and recidivism in Norway. *Journal of Quantitative Criminology*, 28(4), 629-649.
- Swanson, C. C., Schnippert, C. W., & Tryling, A. L. (2014). Reentry and employment: employees' willingness to hire formerly convicted felons in Northwest Florida. *Offender Reentry: Rethinking Criminology and Criminal Justice*, 203-224.
- Taxman, F.S., Perdoni, M.L., & Harrison, L.D. (2007). Drug treatment services for adult offenders: The state of the state. *Journal of Substance Abuse Treatment*, 32(3), 239-254.
- The Pew Charitable Trust. (2016). *Punishment rate measures prison use relative to crime*. Retrieved from <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/03/the-punishment-rate>
- Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. Washington, DC: Urban Institute.

- Uggen, C., Shannon, S., & Manza, J. (2012). *State level estimates of felon disenfranchisement in the United States*. The Sentencing Project. Washington, DC.
- United States Courts. (2017). *Comparing federal & state courts*. Retrieved from <http://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>
- University of Georgia. (2017). Study provides first estimate of total US population with felony convictions: Estimates reflect racial disparities in felony convictions during era of mass incarceration. *ScienceDaily*. Retrieved from <https://www.sciencedaily.com/releases/2017/09/170928121641.htm>
- University of North Dakota. (2017). *UND student body profile 2016-2017*. Retrieved from <http://und.edu/discover/student-profile/2017.cfm>
- Warr, M. (1994). Public perceptions and reactions to violent offending and victimization. *Understanding and preventing violence, 4*, 1-66.
- Wood, J. L., & Gannon, T. A. (2009). *Public opinion and criminal justice*. Cullompton, Devon, UK. Willan Publishing.
- Zimring, F. E. (1975). Firearms and federal law: The Gun Control Act of 1968. *The Journal of Legal Studies, 4(1)*, 133-198.