

University of Nevada, Reno

**No Entry: Examining the Pitfalls of Reentry  
and Criminal Records in the Age of Mass Incarceration**

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in  
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by

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## ABSTRACT

The dramatic increase in the number of individuals with criminal records warrants examining reentry and the maintenance of criminal records for those concerned with the criminal justice system and the rise of mass incarceration. This study aims to shed light on the ways in which individuals with criminal records experience a marginalized status in the United States.

Ethnographic research was conducted in Reno over the span of eight months at two sites that provide services for individuals with criminal records. I situate barriers to re-integrating into the Reno community after prison, such as difficulties obtaining employment and bureaucratic setbacks, within larger theoretical frameworks of citizenship and marginalization. I argue criminal records produce ongoing punishment and exclusion. As the state creates and maintains criminal records, it also reproduces a social order that offers little to no mobility for those at the bottom. Individuals with criminal records experience the work of waiting in both the everyday and in a larger sense of waiting for their post-incarceration sentence to end.

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## Prologue

I set out the sign-in sheet and pressed start on the old automatic coffee maker. Standing by the small table, I asked people to write down their names and offered them Styrofoam cups for their coffee. This was a typical start to an evening job retention workshop offered by Pathway. I had recently been granted permission to conduct fieldwork with Pathway, a non-profit that offers residential and transitional assistance to prisoners experiencing reentry. As part of my participation, I helped set up and clean up after these evening classes that were required for Pathway clients who had found employment through their services. That night's discussion focused on fiscal responsibility, and was led by an attorney I would come to know in other settings during my fieldwork. The audience was rowdier than usual that night, as they talked over one another, made jokes, and held side conversations, much to the irritation of the Pathway staff member and guest speaker who reprimanded them. Unfortunately, I was not able to stay at Pathway for as long as I had initially planned. Four months into my time with them, the organization was audited by a federal agency, and the director told me that it would be best if I took a break from volunteering with them. For weeks, I kept emailing the staff member I had working with, Alex, and the director of the Workforce Development Team to find out when I could come back. But there was no response. I felt that my understanding of reentry for individuals rejoining the community was incomplete, and so I began seeking an alternative site to continue my fieldwork.

After two months, I was introduced to Tony through a friend of a friend. Tony worked for a non-profit that provided legal aid to the Northern Nevada area and was the sole staff member who worked to seal criminal records. This is where I learned the more intimate details of individuals' past and present struggles with the reentry process, which seemed never-ending to

those who were still unable to find work due to their criminal records. One afternoon, I was sifting through a rural court's handwritten transcript to find the missing sentencing details for a client when I heard a muffled crying coming from Tony's office. After the woman left—I will call her Diane—I inquired about what has caused her such distress. He explained that Diane had acquired a long rap sheet, or criminal record, of misdemeanors for drug use. She was mostly deaf, and had been self-medicating her depression, which had, in part, been caused by her hearing loss. The source of her tears were not grief, however; rather they were tears of relief. As it turns out, the same attorney who had presented on fiscal responsibility at Pathway months early had told her that it would cost \$10,000 to seal her criminal record, a price she could not pay. And so, when Tony had said he would do it for free, she was overcome with emotion.

Diane is one of millions in the United States who lives with the aftermath and barriers that stem from a criminal record. The era of mass incarceration in the United States has placed many behind iron bars, but it has also resulted in a growing number of individuals who live outside of prisons with a criminal record. Individuals recently released from prison or jail find themselves up against a growing number of one-strike policies and civil penalties that restrict their mobility in society. In my thesis, I examine the ways in which the criminal record becomes a roadblock to fully rejoining society after completing prison sentences. The effects of a criminal record suggest that rehabilitation of individuals is not the primary goal of incarceration. Instead, as I argue, criminal records produce ongoing punishment and exclusion. As the state creates and maintains criminal records, it also reproduces a social order that offers little to no mobility for those at the bottom. In particular, I found that people with chemical addictions who were poor, like Diane, became cemented into a kind of caste system, with few opportunities to escape the

carceral dragnet. Rather than a “reentry,” the prison label signals “no entry” for seventy million people in the United States.

## Chapter One

### Introduction: A Rising Tide

Every prisoner knows perfectly that he is a convict and a reprobate, and knows the distance which separates him from his superiors; but neither the branding irons nor chains will make him forget that he is a man. He must, therefore, be treated with humanity...It is their salvation, their only joy.

- Fyodor Dostoevsky, *The House of the Dead* (2004)

With over two million individuals in prisons, jails, and other penal facilities, it is no wonder that incarceration has attracted so much scholarly attention in the last decade. Those carrying out sentences often occupy some of the lowest education, health, and socioeconomic statistics in the United States (Wacquant 2010b: 612). The numbers of those incarcerated continue to reach unprecedented levels; concomitantly, the number of individuals under correctional supervision grows. In the United States, approximately five million individuals are on probation or parole, making for a grand total of seven million who are under the control of the criminal justice system (Pager 2007, 2; Alexander 2012, 91). Furthermore, seventy million individuals live with a conviction history, and with 95 percent of current inmates expected to be released, this number will grow (Pager 2007, 2). The chances for these individuals to reintegrate into society are slim, as upwards of 40 percent are rearrested, reconvicted, or reincarcerated and 75 percent remain jobless up to a year after being released (Pager 2007, 5). Thus, individuals participating in reentry programs or living with criminal records offer policymakers, activists, and scholars a unique perspective on mass incarceration. Individuals with criminal records make up a rising tide of concern to those interested in criminal justice reform.

Works critiquing the criminal justice system largely focus on issues related to the pre-trial and incarceration experience. However, the moment of release from a correctional facility

and subsequent process of reentering society reveals a flawed element of the criminal justice system that warrants critical attention. Reentry—though somewhat ambiguous—describes the transition period for individuals leaving prison and returning to their communities. The term is ambiguous because its starting or ending points cannot be clearly delineated. Furthermore, no two experiences of reentry look exactly alike from state to state, or even county to county, or depending the circumstances of the individual. Typically, reentry is associated with the actual release from the custody of prison or jail (National Institute of Justice 2015). However, some, including formerly incarcerated individuals (Mobley 2010: 572), claim that the reentry process begins during incarceration, and should therefore begin well in advance of release.

Perhaps more important is the elusiveness of a clear end time for the process of reentry. The end date of a state funded reentry program may set one possible boundary. Alternatively, obtaining secured employment and housing may function as one individual's definition of the end of reentry. Still, others feel that the stigma of incarceration has no clear end point. These examples illustrate how reentry evades clear beginning and ending markers due to the different experiences of the many individuals involved in the process. This ethnographic research looks in particular at how formerly incarcerated individuals experience reentry as a continuation of punishment asking: why and how does the state require people to serve additional time, in a sense, post-incarceration? As I argue, reentry is the continual process of integrating into society—a process that has no real end. Thus, reentry is an extension of punishment and correctional supervision that demands examination alongside other aspects of the criminal justice system, such as policing and imprisonment.

The term “mass imprisonment” describes the intensive expansion of imprisonment in recent decades. The term was first used by sociologist David Garland to describe the expansion

of penal practices that imprisoned large portions of the population that began in the 1970s and have been steadily escalating since (Simon 2011: 27). Research in this area has since expanded to include other considerations, such as the pre-trial phase, under the banner of mass incarceration. However, current scholarly attention on mass incarceration has yet to explore the experiences of reentry in depth. Work on imprisonment focuses its analysis on confinement, issues of abuse, and living conditions (Cunha 2014; Rhodes 2001, 2004; Wacquant 2000). Other works critiquing mass incarceration have yielded insights into the ways in which policing and surveillance negatively impact communities of color (Alexander 2012; Davis 2003; Cacho 2012; Rios 2011), individuals in lower socioeconomic brackets (Bourgois 2003; Gilmore 2006), and urban residents (Graham 2011; Wacquant 2000). While reentry is studied to some degree among these scholars, it does not receive the same amount of attention as the other aspects of incarceration. Reentry is sometimes examined more as a “revolving door” back into prison, otherwise referred to as recidivism (Bureau of Justice 2014). Reentry is, however, a significant phase within the criminal justice system in and of itself. Reentry provides a vantage point from which to view the various agents and organizations involved in the criminal justice system: inmates emerge as parolees, guards are replaced by probation officers, and the site of confinement transitions from the prison cell to the halfway house.

Individuals who were formerly incarcerated are exposed to the law in a way that complicates our understanding of punitive institutions and punishment more broadly. While reentry categorizes the space and time in which individuals are introduced back into “free” society, it comes with a battery of limitations and exclusions that mirror the prison. The “prison label” (Alexander 2012, 94) follows individuals outside of the cell and into the community. Incarceration has negative impacts on individuals’ ability to move freely (Beckett 2015), to visit

family and friends (Rios 2011), to obtain housing (Carey 2004), to vote (American Civil Liberties Union 2016), and to access other crucial services. Individuals with criminal records become an unprotected class of citizens, stripped of many rights usually afforded by citizenship. Many scholars insist that for these individuals there exists a form of second-class citizenship, or lessened citizenship (Alexander 2012; Beckett 2011; Cacho 2012; & Davis 2003). Because public discourse often conflates “breaking the law” —any law under any circumstances— with immorality, individuals with criminal records find it nearly impossible to “represent themselves as moral and deserving” (Cacho 2012, 4) of the freedoms afforded to the rest of society. The kind of caste system created by incarceration renders the “inalienable rights” promised by the Constitution inaccessible to many. All the while, the prison label is used to justify this inaccessibility (Cacho 2012, 8). Indeed, individuals in the process of reentry find themselves still confined within a continuum of punishment.

The formal legal restrictions of individuals reentering society after prison give way to informal and subtle forms of discrimination. The civil penalties legally incurred by these individuals also stigmatize the population in areas that are not necessarily subject to the same legal regulations. Pierre Bourdieu used the term “social capital” to describe how certain social relations can mobilize individuals to positions of status or power (1986, 21). Social capital has since been expanded to include “negative social capital” (Portes 1998,15), which is the negative consequence of the inverse processes that give rise to social capital. Individuals can accumulate negative social capital through acts such as breaking the law, which leads to a loss of power and status.

During reentry, individuals with criminal records find themselves burdened with this negative social capital (Wacquant 2002:383), which becomes especially problematic when

seeking employment. Despite it being touted as the number one measure for the successful reintegration of formerly incarcerated individuals back into society (National Research Council 2007), employment is also the most elusive for these same individuals. Employment discrimination, and the subsequent inability to find work, impacts all other aspects of reentry as well as membership within society more broadly. It is this thread of *employment as membership* that I wish to pull at in order to unravel the ways in which the prison label reveals not only important considerations for the analyses of mass incarceration, but also illustrates how current policies on crime and punishment actively marginalize certain identities.

The retraction of individual rights both in and out of prison begs the question: Is there a way to recognize these individuals as citizens? How is their membership in the state accounted for, if at all? Social contract theory states that punishment is the consensual consequence between the citizen and the sovereign for breaking the social contract between the individual and the state (Gauthier 1986). However, when 25 percent of the nation's population is processed through the criminal justice system (Sassen 2012, 6) and enough individuals live in prison facilities to run a global chain (Pager 2007:28), it suggests that either a fundamental flaw exists in this system of punishment or this system has motives beyond enforcing a social contract. Some theorists claim that penal institutions are an extension of slavery and other oppressive measures taken against people of color (Alexander 2012; Davis 2003; Cacho 2012; Rios 2011). Others have cited correctional facilities as a prison industrial complex, more concerned with generating profits than redeeming people (Ducksworth 2010, 558-9; Gilmore 2007; Thompkins 2010, 592). And still others view prison and reentry regimes as a part of a state project to produce easily tracked, docile bodies (Graham 2011; Hallett 2011, 9; Riggs 2015, 434; Martin 2013, 498). Collectively, these theories point to the state's desire to create a population of

politically and economically vulnerable individuals, a point I will expand on in the following chapters.

Criminal and civil penalties generate what I understand to be a class of “antithetical citizens,” rather than restore formerly incarcerated individuals back to their former status. I am using the term antithetical citizenship, rather than terms such as lessened citizenship or second-class citizenship, because it conveys the severity of the effect of criminal records on citizenship—in everyday lives post-incarceration, any meaningful form of membership can be entirely stripped away from individuals. The civil penalties and sanctioned social suffering that accompany the criminal record are incompatible with the ideals and benefits of citizenship within a democratic state, a point I expand on in “Chapter Three: Shutout: Bare Life and the Criminal Record.” Ignoring these issues intrinsic to reentry and criminal records permits the continuation of practices by the justice system that infinitely punishes and marginalizes individuals for finite offenses.

### The Biggest Little Field Site

My fieldwork took place in Reno, Nevada, from August of 2015 through June of 2016. I began my research at the Pathway, a small nonprofit dedicated to assisting individuals reentering the community after prison. I ended my research at Reno Legal Aid (RLA), a nonprofit with a small criminal record sealing service for the community. Each location contributed a particular perspective to the reentry process and the experiences of individuals with criminal records. Especially important for my research was the fact that each nonprofit allowed me to examine how the stigma of incarceration affects the pursuit of employment. From the two vantage points of Pathway and RLA (both pseudonyms), I was able to observe and participate in the lives of individuals both recently out of prison and those who had been living in their return communities

for years. The result was a long-view on the reentry process and its impact on individuals' ability to find work.

Reno, dubbed "The Biggest Little City," is hardly the typical location from which issues of mass incarceration and reentry are studied. The limited available ethnographic research on reentry often comes out of densely populated urban cities (Riggs 2015; Rios 2011; Speck 2010; Trimbur 2009; Wacquant 2010b). With an estimated population of 233,294 in 2013 (U.S. Census 2010), Reno and Northern Nevada brings to the fore of reentry studies the experiences of rural, suburban, and semi-urban communities as opposed to the dominant discussion of urban narratives. Reno and surrounding areas are marked by transience, in part due to the tourism that surrounds legalized gambling. As such, many of my participants were not from Reno at the time of their incarceration.

Nevada as a whole is notoriously lagging behind other states in areas that are of concern to individuals with criminal records, including its rank in last place for education (Milliard 2016), its high rates of drug and alcohol abuse (Substance Abuse USA 2016), and its difficulty recovering from the recession of 2008, including lack of job opportunities (Pew Charitable Trust 2016). The American Civil Liberties Union of Nevada (ACLUNV) outlined more than fifty bills that passed in the 2015 legislative session that enhanced penalties on crime, created new crimes, increased law enforcement presence, and removed rights and/or liberties. Some of these include harsher "one-strike" laws for a graffiti conviction, making a T-turn in a school zone punishable with up to six months in prison, and authorizing the use of certain hearsay evidence in a preliminary examination (ACLUNV 2015). Nevada's poor ranking in the nation in combination with its particular laws and policies on crime and punishment, makes for a particularly fraught state in which to have a criminal record.

The site of my original research took place in a small beige building near the river that runs through downtown Reno. I remember climbing the stairs in the musty hallway to the second story where the offices of the Pathway were located. The first floor is a small thrift store where a few of the Pathway's clients worked. The basement, all brick painted over with a blue coat of paint, contained a small space where group meetings were held. I had met with the director a few weeks prior about my research and volunteering with their Workforce Development Department. I was waiting in the lobby, where R&B played from a boom box, to meet the head of the Workforce Development Department.

As I sat in the reception area, thumbing an old National Geographic magazine, I was eyed curiously by those who were coming and going in the building. Directly across from where I was sitting was the "computer lounge" boasting two ancient looking PCs, that I later learned were many individuals' source for browsing the web for job listings and completing resumes. The wait was particularly long, and as I sat there several others sat down next to me before beginning their various appointments with Pathway personal. Some individuals chatted with the receptionist, some even offered me a smile, but most stared at their shoes waiting to be called back. Little did I know, this first impression, marked by waiting, small chat, and shoegazing, was true to the rest of my experience at Pathway.

I volunteered from August until November with the Workforce Coordinator, assisting individuals with resumes, facilitating interview workshops, and providing clerical support such as filing and organization. The participation portion of my fieldwork allowed me to access particular experiences or pieces of information. For example, setting up for workshops presented valuable moments for small talk and checking in, helping with intake forms gave a better sense of who the person was prior to their incarceration, and helping distribute resumes around town

resulted in an embodied knowledge of the tedium in reentry. Unfortunately, a few months into my time there, the department faced a series of difficulties, including the terminal illness of a team member, a federal government audit, and the resignation of two out of three of the individuals in the Workforce Development Department.

I came into my second fieldwork site as haphazardly as I was forced to leave the first. I had planned to stay with Pathway for a longer period, so when it fell through, I began seeking other ways to continue my research into reentry. By coincidence, I was introduced to a man, who I will refer to as Tony, who worked with Reno Legal Aid (RLA) representing individuals with criminal records. As it would turn out, he was the only person at RLA that practiced this particular kind of law. After explaining my research and my interest in volunteering, I began volunteering as his legal assistant from February to June in 2016. I worked with Tony filing paperwork and facilitating workshops to seal criminal records.

Most of my interactions with individuals were one-on-one to work through the process of sealing their criminal records, with the exception of criminal record sealing workshops in the building, at the courthouse, or at the homeless shelter. Much of what I did during the day-to-day included calling various police stations, courthouses, and attorneys to track down paper copies of individual conviction records, which proved to be bureaucratic nightmare for both myself and the individuals whose lives depended on securing these documents. Even during workshops, most individuals would wait to speak with either Tony or myself individually, exposing me to the complicated realities of seeking employment and trying to move forward from a conviction that, for most, had occurred more than a decade earlier. Working closely with individual's and their cases shaped my understanding of the long-term impacts of having a criminal record and the ways in which bureaucratic systems further exacerbate individuals' sufferings.

While the immediate pressures of reentering society out of prison characterized the first location, the second site of my fieldwork revealed the long-term consequences of living with a criminal record. In the former, individuals were in the early phases of reentry, and were often still living under correctional supervision and/or fulfilling requirements for the condition of their release. In some ways, the regimented nature of their reentry programs seemed like business-as-usual, having recently come out of the criminal justice system. Generally speaking, I would describe these individuals as cautious about their “freedom,” whereas individuals I met at the second site of my fieldwork I would describe as weary. Those working on sealing their criminal record felt that they knew “the system” and how it worked, and were wrestling to free themselves of it.

The makeup of participants generally reflected the demographics of Reno. According to the 2010 U.S. Census, the racial makeup of the city was roughly three-fourths white, with approximately 24 percent of the population identified as Hispanic or Latino, 2.9 percent African American, 1.3 percent Native American, 6.3 percent Asian, 0.7 percent Pacific Islander, 10.5 percent some other race, and 4.2 percent from two or more races. The majority of my participants were white males between the ages of twenty-five and sixty-five, reflecting the composition of Nevada prisons in general, according to Nevada Department of Corrections (NDOC) in 2016. Women were present at both locations; they made up about one-fourth of individuals at Pathway versus about half at RLA. African American males made up a small group of participants at Pathway, and had an even smaller presence at RLA. It should be noted that, while African Americans make up only a small percentage of the state’s population as a whole, at 7 percent, they are the second largest ethnic group in Nevada prisons (NDOC 2016).

Individuals who identified as Latino/a were the third most prevalent at either location, and they also made up the third largest ethnic group reported in Nevada prisons (NDOC 2016).

While reentry is fraught with its own obstacles that this thesis will discuss at length, it is important to acknowledge that some do not even make it this far. That is, many people's narratives of reentry are not recorded because they often become re-incarcerated or fall further through the cracks in "free" society. Recidivism rates may help account for some of the absent voices discussing reentry. In 2009, NDOC reported that 28 percent of individuals released from custody were readmitted with a thirty-six-month period (NDOC 2016, 5). However, some individuals who are released become homeless, transient, or are otherwise far removed from the conversation on reentry. Their experiences are unaccounted for and they are often erased from state statistic pools. During record sealing workshops at local homeless shelters, it was apparent that much more work needs to be done to recover the voices of those who are not currently accounted for in reentry programs.

My research captures experiences of reentry among primarily white males, which contrasts with the majority of ethnographic research on reentry that often focus on the narratives of people of color. The history of Reno, particularly its overt and covert hostility towards people of color, reminds us that the makeup of a population is hardly random. Reno was home to a small Chinese district that was burnt to the ground by an all-white labor group known as the Workingman's Club in 1878 (Marcus 2013) and was again burnt down in 1908 after the city condemned the area (Moreno 1995, 28). Additionally, a member of the NAACP at a conference in Reno labeled Nevada the "Mississippi of the West" on June 6, 1964 (Rocha 2006, 1). These and other events, such as ongoing land disputes east of Reno with Shoshone residents (LeDuff 2003), have in no small way shaped the racial makeup of the current majority of white residents

in Reno. However, the emergence of scholarly research into whiteness has contributed to the identification of whiteness as a heterogeneous experience, rather than a monolith of privilege (Roediger 1991; Wray 2006). As such, the narratives that emerged out of my fieldwork continue to complicate our understanding of whiteness, especially with the added considerations of socio-economic status and the precariousness that burdens individuals with criminal records. The following chapters help to flesh out the day-to-day lives of poor, white individuals from largely blue-collar backgrounds and their relationship to the state and law more generally.

### The Value of the Ordinary

The goal of my fieldwork was to identify the day-to-day barriers to employment for individuals with criminal records. Government reports and quantitative-driven research easily identifies employment as one of the few indicators for successful reintegration into return communities (National Research Council 2007), yet government reports also show that approximately 75 percent of individuals returning from prison will be re-incarcerated or without work within five years of their release (Bureau of Justice 2014). However, the availability of critical qualitative research on barriers to reentry is sparse. Conducting ethnographic research with individuals who were formerly incarcerated contributes to the anthropological and social scientific literature by revealing the everyday challenges of seeking employment, living with the social stigma of the prison label, and difficulties surrounding the public availability of the criminal record.

I relied primarily on participant observation recorded through extensive field notes and unstructured interviews for the majority of my research. These methods were best suited to revealing the political and historical situation of the otherwise mundane moments in day-to-day life. As anthropologist Didier Fassin writes, there is a “transformative value of the ordinary” (2013, 632) where one moment can expose the “social texture of the relations between actors and

instantaneously make perceptible its political and moral implications” (2013, 634). Finding the political or historical significance of the everyday gives meaning to the time spent waiting in line at a courthouse only to be ejected, or the bus rides up and down 4th Street to drop off resumes every week. These observations were carried out during my volunteer work with the informed consent of the participants.

Throughout the thesis I use pseudonyms and change details to protect research participants’ anonymity. The participatory aspect of my research underscored my desire not only to understand their experiences from a practical perspective, but also to contribute to the common goal of making employment more accessible to individuals living with criminal records. Through qualitative research, scholars are able to witness obstacles to employment in ways the statistical reports cannot. Ethnographic accounts of reentry also provide concrete examples to larger polemics about the replacement of a welfare state with a punitive, or security state (Fassin 2013, Graham 2011; Martin 2013; Wacquant 2010a).

In the pages that follow, I draw on my fieldwork to help fill in the gap on reentry within the larger academic work on mass incarceration. I also engage critically with reentry and the use of criminal records to understand the role of their antithetical citizenship within the larger framework of membership within the state. Chapter Two, “Invisible Bars: Theorizing Barriers to Employment,” examines ethnographic and theoretical research on reentry, including my own work, to show that barriers to employment for individuals with criminal records generally stem from three factors: the para-prison conditions of their release 2) the negative symbolic capital surrounding the prison label and 3) the economic and social restructuring occurring in impoverished communities. I discuss how society artificially reinforces the idea that formerly incarcerated individuals have little to contribute at the same time that individuals with criminal

records are systematically barred from working. I show how barriers to employment are then situated within the contemporary political moment, particularly the rise of the security state.

Chapter Three, “Shutout: Bare Life and the Criminal Record,” focuses on the question I proposed to myself: if work is a form of membership to which formerly incarcerated individuals have no access, then what forms of belonging are left for them? This section examines reentry and the maintenance of criminal records as processes that reduce the social standing of individuals who were formerly incarcerated. Building on Giorgio Agamben’s concept of *bare life* (1998), this chapter brings the study of reentry into other more established critiques of the state. As I argue throughout, the criminal record exposes individuals to a kind of violence by denying them access to crucial services, such as affordable housing. The precariousness of persons with criminal records suggests that the state’s power does not always come from democratic participation of all, but rather the state’s ability to exclude individuals from this process.

Chapter Four, “The Work of Waiting: Examining Temporality in Reentry,” focuses on the relationship between time and reentry, especially as it relates to seeking employment. On an individual level, boredom and waiting characterize much of the day-to-day experiences of reentry. However, time serves a political function as well. Not only does the state influence the regimented nature of reentry programs, it also determines who can wait in a more abstract sense. This is, many individuals in reentry find themselves waiting for a future that the state has permanently excluded them from. Through ethnographic examples and other theoretical approaches to time, I demonstrate that, for individuals who were formerly incarcerated, time itself can create marginality. At the same time, reentry orients individuals toward both the past and the future, making it a unique temporal experience that individuals share.

Lastly, the final chapter, “American Purgatory: Indefinite Punishment,” reiterates the importance of making visible the often invisible burden of living with a criminal record. I discuss the ways in which post-incarceration is similar to purgatory and re-emphasize my use of the term antithetical citizenship to describe how criminal records deprive individuals of membership in political, economic, and social ways. I also speculate about the future of criminal justice reform amidst the turmoil of the 2016 election results and consider steps towards a reentry system that would create new beginnings for individuals leaving prison, rather than dead ends.

## **Chapter Two**

### **Invisible Bars: Theorizing Barriers to Employment**

Karin's first job was as a prostitute. She began when she was 16 and continued this line of work for almost forty years. Her second job was as an unlicensed in-home nurse for her pimp. Her third job, which she started when she was nearly 60 years old, was as a payroll clerk for a small office. Karin was client I worked with at the Pathway who had been unable to find work outside of the sex industry due to her criminal record, a record that included multiple accounts of soliciting prostitution among other convictions. She was positive and even bubbly, both rare qualities for someone who had been processed through the criminal justice system so many times. Throughout the process of sealing her criminal record, she sent Tony handwritten letters expressing her gratitude for his help. Karin's long history of prostitution is not uncommon in Nevada, and it illustrates the difficulty many experience when trying to find legal work once saddled with the label "felon." For Karin, remaining employed within these illegal spheres for as long as she did was the better alternative to unemployment. It was not until she had sealed all three of her criminal records, each containing numerous charges, that she was able to find "legitimate" work as a payroll clerk. In this chapter, I explore barriers to employment for individuals such as Karin, those with criminal records that follow them long after incarceration.

Individuals with criminal records experience daunting challenges when trying to secure employment in the United States. This point is critical considering that securing employment has been identified as one of the most significant factors to ensure the "successful" reentry, where success is defined as merely the cease of criminal activity, of individuals returning to their communities from prison or jail (National Institute of Justice 2013). However, the research into former offenders and their obstacles in finding work has been "theoretically shallow" (Hallett

2011: 3). For example, how might formerly incarcerated individuals themselves define success? Ethnographic research by anthropologists and sociologists offer the most compelling view of the experiences of individuals who were formerly incarcerated, including the work of Loïc Wacquant (2002), Robert Riggs (2015), Marie Pryor (2010), and Lucia Trimbur (2009). Collectively, this body of work has brought three important insights, to be covered in this chapter, to the forefront as to why individuals with criminal records face such extraordinary difficulties in the job market: 1) the para-prison conditions of their release 2) negative symbolic capital surrounding the prison label and 3) economic and social restructuring in impoverished communities.

My own fieldwork examines barriers to reentry from the vantage points of both the initial moment of release from custody and after years spent living with a criminal record. While my research was not a longitudinal study, participating at two separate nonprofits that worked with individuals at different phases after release from federal or state custody provided a more nuanced understanding of reentry. Employment barriers shift and change over the course of reentry. For example, parole or probation restrictions eventually come to an end; however, bureaucratic setbacks to seal a criminal record may increase over time. Therefore, seeking employment with a criminal record is a long-term concern that is situated within the larger context of contemporary socio-economic issues.

For individuals with criminal records, the difficulties of finding employment are symptomatic of the larger issues tied to neoliberal economic restructuring and the rise of the security state. Critiques of neoliberalism and the rise of the “security state” have been at the center of many discussions of marginality (Harvey 2009; Sassen 2014; Wacquant 2010a). I include the maintenance of criminal records into this larger body of work because of the unique

precariousness such records and processes of record-keeping by government agencies create in these individuals' lives. Ethnographic research about reentry reveals how quasi-prison conditions are experienced in the day-to-day lives of those individuals, especially as it relates to their lack of economic opportunities and broader social expulsion.

### Still Confined

In Reno, the precariousness of formerly incarcerated individuals extended to the reentry service organizations themselves. For example, Pathway competed for grants against other local nonprofits rather than having a secure source of funding. The shabby condition of the building itself signaled bleak prospects for those who entered. The carpets were worn and in many places revealed the wood underneath. The interior was a drab beige which took on the color of an old band aid under the fluorescent lights. Additionally, there was high burnout among individuals who worked there; many were looking for the next career opportunity soon after they joined the organization. For example, one individual I worked with, Alex, was a recent psychology graduate who had stumbled upon the job opening in the Workforce Department. He quit less than a year after starting for another position, although no one was certain what kind of position he had moved into since he had ended communication with the staff there. Similarly, I found out later through my internship with RLA that the head of the Workforce Development staff had left as well. The feeling of disrepair in the building and the revolving staff of Pathway contributed to the sense of vulnerability individuals experienced during their reentry program.

The conditions of release are themselves a hindrance to obtaining employment. Often, these conditions require meeting with a parole or probation officer in the middle of the day and costly check-in procedures that inhibit former offenders from being employable in any practical way (Pryor 2010). Other limitations placed on individuals include banishment from certain areas

of the city. For example, Katherine Beckett's work in Seattle, Washington, reveals that orders to stay out of areas associated with drug or prostitution use have severely limited social and economic opportunities for the city's homeless and most vulnerable residents (2011). Poor organization, funding, or design may be the source of some of the hurdles that individuals in reentry programs experience. However, some scholars have even gone as far as to suggest that the punishment industry that began with prisons has now expanded into reentry services that profit off recidivism and the continued cycling of individuals through the criminal justice system (Ducksworth 2010; Speck 2010; Thompkins 2010).

Reentry programs, often required by parole and probation boards, encompass the formative period for community reintegration for individuals released from prison or jail. This crucial period gives cause for concern when one examines how few individuals meet the many demands of their conditions for release. The number of individuals on parole, probation, or some other form of community supervision far surpasses the number of individuals incarcerated at 4.7 million compared to 2.2 million (Bureau of Justice Statistics 2014). Of particular concern is the fact that individuals who are initially released from custody are more likely to become re-incarcerated due to a technical violation, such as missing a meeting with a parole officer, than to reintegrate back into the community (Pryor 2010: 514). Indeed, 76.6 percent of individuals released in 2005 nationwide found themselves rearrested within five years and roughly 11 percent of those arrests were for technical violations, whereas only a small percentage of rearrests were for more serious offenses (Bureau of Justice Statistics 2014). It would seem, then, that some key pitfalls occur during the initial period of release from prison, making reentry insurmountable for many.

Securing employment is one of the main requirements for release, if not directly than indirectly by necessitating that former offenders pay their court fees, housing, food, and so on. Yet, due to the various obstacles to employment, it is one of the most difficult requirements to meet. One of the reasons for the level of difficulty stems from the fact that mandatory reentry programs consume most of the time individuals need to look for jobs and work. Former offenders, family members, and supervision officers alike have suggested that “it is impossible for the parolee to maintain employment because of the requirements of their program” (Thompkins 2010: 600). In her work with individuals recently released from prison, Marie Pryor argues that many policies regulating reentry gridlock an individual's ability to successfully transition back into their communities and thus contribute to economic and social suffering of urban communities (2010). She describes one such example where their interlocutor was “overwhelmed” by the limited amount of time she had to search for work due to the mandatory attendance of group programs, drug testing, and an enforced curfew in the evenings (Pryor 2010: 514). Douglas Thompkins, who examined the shortcomings of reentry programs, also reports that parolees are “often required to spend an average of four hours per day, three to four days a week participating in programs” (2010: 600). The para-prison regiments of reentry programs, which are coincidentally conditional for probation and parole, make it difficult for former offenders to succeed at securing employment.

At Pathway, substance abuse programs, group therapy, and other mandatory classes complicated job searches and the types of work individuals could obtain. While Pathway does try to encourage employers to partner with them to hire individuals, any employed Pathway client must also complete the mandatory job retention course, which often conflicting with working hours. Due to limited staff, there was little flexibility in scheduling the various workshops and

meetings between Pathway clients and counselors. At RLA, one client explained that he had been given a number of set hours to complete with a reentry services program, and upon completion of those hours ceased to attend classes in favor of pursuing employment. However, the reentry service provider deemed his participation as insufficient and would not sign off on his completion of the required hours. While these programs are designed to benefit former offenders, giving priority programs to meet local, state, or federal definitions of “success” can hinder individuals in reentry from obtaining employment and creating successful transitions for themselves.

Furthermore, even with more relaxed probation or parole requirements, the maintenance and public availability of conviction records complicates reentry attempts for many former offenders. It is worth mentioning that Michel Foucault, author of *Discipline and Punish*, was part of an activist group that promoted the abolition of records because it “marginalized former prisoners in employment and relegated them to permanent State supervision and harassment” (Martin 2013: 495). In the Prisons Information Group, the GIP in French, Foucault and other progressive intellectuals sought to amplify the voices of those in prison through a network of family, neighbors, and other activists to help circulate news and information within and outside of the prison, and lead to the formation of an activist group lead by formerly incarcerated individuals (Zurn 2016: 75). The GIP saw the connections between “the worsening conditions inside the prisons with the intensification of social control outside” (Martin 495). The silence surrounding those in prison and the continued surveillance of individuals who were formerly incarcerated were seen then, as they are now, as part of the new social control of individuals.

Criminal records are readily available to potential employers, and therefore, pose a significant barrier in and of themselves when seeking work. Scholars who have conducted

ethnographic work with individuals carrying conviction histories know that these records not only multiply their contact with police and other authority figures (Rios 2011; Beckett 2010), but they also keep these individuals in a continuous state of reentry without ever being able to actually complete the process (Ducksworth 2010; Mobley 2010). The criminal record continues to marginalize long after an individual's release, often perpetuating broad patterns of social inequality (Hallett 2010) by creating a closed social space (Martin 2013: 494). Indeed, while not behind the physical walls of the prison, these individuals are outside the parameters of belonging and citizenship upon their release from prison.

Without the state's protection in the form of affordable housing, welfare, and other social services, individuals with criminal records are dependent on their ability to find employment. The criminal record in the digital age keeps these individuals at arm's length from the very employment opportunities they need to move beyond their post-incarceration limbo. Individuals with convictions dating as far back as two decades were still unable to find stable employment (Pager 2007: 34). During my time at RLA, it was not uncommon to work with individuals who were struggling to find employment with a conviction date dated back into the 1970s. Criminal records are the state's way of denying moral credit and new technology has only made this marked status "ever more permanent and durable" (Martin 2013: 498). As one former offender succinctly asks, "How long must we bear the scarlet letter of convicted felon?" (Mobley 2010: 574).

Lastly, there are those that see the conditions of release as an obstacle because there is a profit driven motive to keeping former offenders from fully reentering society. In *Are Prisons Obsolete?*, Angela Davis made the argument that there is vested interest in keeping people behind bars because of the ability to profit off inmates and inmate services in a variety of ways

(2003). She brought the term the “Prison Industrial Complex” into popular discourse in her earlier essay “Masked Racism: Reflections on the Prison Industrial Complex” (1998). Her ideas have not only gained traction with other scholars working within prison and jails, but have since been expanded to include reentry services. The emerging work around the “Prison Reentry Industry” or PRI first appeared in the special issue of *Dialectical Anthropology* (Ducksworth 2010; Speck 2010; Thompkins 2010). PRI offers additional explanations for the hurdles faced by individuals coming out of custody.

In PRI, federal, state, and local agents stand to benefit from individuals who have been incarcerated. Individuals in reentry programs may be enticed by the promise of finding work, but the very programs that were established to assist them through the transition back into their community fall short of providing critical work-related skills (Speck 2010: 483). This was unfortunately true of my experiences at Pathway, where job retention workshops were only offered once every thirteen weeks. Reentry programs were established to ease the initial transition back into return communities, but have since transformed into “long-term treatment” residences (Ducksworth 2010: 558). This extension has, in turn, transformed public perceptions of reentry as being a long-term status, rather than something that naturally ends after correctional supervision has been lifted. The consequences of this shift in public perception include the continued surveillance and daily interference of individuals in the reentry process, which further disrupts their prospects of obtaining employment and overall integration back into their communities.

PRI, which consists of both public and private organizations, also has a stake in renewing itself. As in any other industry, PRI is a source of jobs and revenue, and its survival as such relies on the ability to continually repopulate their program with individuals released from custody

(Ducksworth 2010: 558-9; Thompkins 2010: 592). Foucault anticipated the extension of prison-like conditions when he predicted that society would have an increasingly “carceral texture” (1995: 228). The extended reach disciplinary and corrective agencies in reentry programs have the consequence of re-cycling individuals into prison or jail because it is a space “characterized by exclusion and close surveillance” (Martin 2013: 496). Furthermore, the extension of post-prison supervision becomes an additional period of “quasi-incarceration” (Thompkins et al. 2010: 428), which begs the question: When does an individual's sentence end and their life as citizens and community members begin? PRI, if nothing else, signals the growing use of penal logic in social control, which is symptomatic of a larger restructuring of the state, a point which I return to at the end of this chapter.

### Closed Off

The first in-take I sat in on at Pathway was with Mark, a middle aged white male recently out of prison. He had been imprisoned for a felony DUI for Nevada’s maximum of six years. However, his place of residence and work was in California, and his prison time resulted in the loss of his home and the small business that he ran. Mark had a master’s degree in business with decades of experience, and yet his felony status now prevented him from finding employment at entry-level positions at fast food chains. While not a common case in my fieldwork, Mark’s situation illustrates the ways in which the social stigma surrounding criminal records prevents even highly qualified, highly educated individuals from reintegrating into the community after prison.

Individuals with criminal records struggle with being shut out of society socially. This social exile makes employment difficult to obtain due to limitations placed on the kinds of work available to them. Similarly, their social mobility is restricted in general by employment discrimination. Ethnographic work has detailed how the negatively symbolic nature of a criminal

record impacts their ability to access resources that would either directly or indirectly aid their ability to find work (e.g. Pager 2007; Riggs 2011; Speck 2010; Trimbur 2010). In a study on job callbacks for individuals with convictions histories, Devah Pager found, not surprisingly, that individuals with criminal records were one-half to one-third less likely to be considered by potential employers (2007: 43). Pager also found that African Americans fared worse than white people with similar conviction histories (2007: 92). Indeed, the intersections between race and the criminal justice system are plentiful and there are numerous works detailing the impact reentry and conviction records have had on communities of color (Alexander 2012; Pager 2007; Rios 2011; Trimbur 2009).

Individuals in prison and reentry overwhelmingly come from portions of society that are already shut out of the mainstream in one or more ways. “Illegality” has long been used to regulate the poor, as illustrated by laws emerging in the 18th century that forced individuals to abandon trade and barter economies in order to conform to a wage economy (Kasimir 2008: 14). The marginalization of the poor is also discernable in the heavy criminalization of informal drug economies in the 1980s and onward (Bourgois 2003: 35). It is no coincidence that these individuals are not only largely poor but also of a minority status. Michelle Alexander (2012) popularized the idea that mass incarceration was aimed to maintain unequal race relations by painstakingly tracing the racial bias present before, during, and after conviction for African American men in particular. The state also exercises its power to punish immigrant populations and Latino/a citizens that threaten national hegemony, which perpetuates the stigma of racial groups within its borders (Doty 2013; Rios 2011). The maintenance of the criminal record reinforces divisions along racial lines (Wacquant 2000: 377) as well as economic ones.

My work differs from other studies of reentry, which focus on the intersections of the criminal justice system with minority identities, in that, the majority of my participants were white, poor men. In Reno, it is common parlance to use the term “white trash” as racial epithet to mark someone from a low socio-economic status. Matt Wray’s book, *Not Quite White*, examines the term “white trash” and its use to “describe people living on the fringes of the social order who are seen as transgressive: criminal, unpredictable, and without respect for authority whether it be political, legal, or moral” (Ladd 2008: 132). Indeed, the individuals I worked with offer a unique perspective of social difference and inequality by demonstrating how class can disrupt white skin privilege. It surprised me when, while engaging in casual conversation in the Pathway waiting room, a man I will call Jeff casually identified as “white trash.” He was making light of the fact that he owned a pit-bull, a dog that has been linked to criminal behavior due to their use in illegal dog fighting, when he said, “I’m white trash, so I own a pit-bull.” While he was clearly joking, this remark demonstrated his social awareness of not only his perceived status in society, but also how other actions, such as choosing a pit-bull for a pet, were signifiers of this status. There were few other such explicit discussions of whiteness, but the interrelatedness of race and class means that power and privilege—as well as punishments—are uniformly bestowed onto one singular identity, but are distributed along the related lines of race, class, gender, and sexuality.

Individuals with criminal records find themselves closed off to many different types of work due to the stigma of their previous convictions, making it difficult to find employment as well as belonging within their return community. This means that very few reentry program participants can find work beyond entry level, temporary, or part time (Ducksworth 2010: 558) and all too often even these jobs “have odd hours and on the spot hires” (Pryor 2010: 516) that

are incompatible with their release requirements. In Reno, these issues were compounded by the fact that the few positions available required long commutes and were often inaccessible from the limited public transportation in place.

During my research, the two most common positions taken up by individuals with criminal records were in fast food chains and warehouses, both of which were far removed from the downtown location of the reentry house. Warehouse jobs were located in an industrial center thirty minutes east of town, began as early as 5:00 AM, and had no bus line running to reach them. Similarly, fast food restaurants were tucked away in difficult to reach suburban strip malls and ran odd hours of the day and night. Indeed, transportation to and from potential jobs was a major stumbling block for individuals recently released from custody, who had neither cars nor the time required to make such tedious commutes. Maintaining employment, a condition required by 80 percent of parole boards (Pager 2007: 26), becomes problematic when examining the availability of work on the ground.

Even after the regiments of probation or parole have been lifted, criminal records keep individuals from being able to access certain kinds of work. For many, professional certifications and expensive college degrees remain out of reach due to the civil penalties that make them ineligible for certain job licensing and federal educational grants. Those who make it through the obstacles of inherent in reentry often have a desire to contribute their knowledge and experience in reentry or substance abuse programs, yet these positions increasingly require the very professional licensing that are inaccessible to individuals with criminal records (Ducksworth 2010: 560, Speck 2010, 490; Trimbur 2009: 267). Pathway provided some employment opportunities for individuals who had successfully completed the program.

However, the larger professional community has yet to embrace this model. Jesse, a young woman I spoke with once outside of my fieldwork, explained how her drug felony has made it impossible to find employment in the field of substance abuse prevention and recovery. As a young woman, she had struggled with a heroin addiction, but with the support of her family was able to return to college and earn her degree. She was passionate about helping others like herself and wanted to become a drug counselor. However, the felony drug charge meant that she was ineligible to seal her record for at least ten years, and, as a result, was ineligible for the professional license required of the career that she not only had the degree for, but also the personal experience in and a true desire to help.

Even for non-degree entry-level positions, criminal records impacted the types of work available to individuals. Despite the existence of laws against employment discrimination, many employers continue to discriminate, either covertly or overtly, against individuals with criminal records. When I first met Lindsey, she was surprisingly optimistic about starting fresh and focusing her employment efforts towards her passion for animals. For several weeks when we would load up in the workforce van, Lindsey would be sure to drop off resumes at local pet stores and dog kennels, sometimes even shouting, “*Pull over!*” if she spotted a dog groomer that she had not encountered before. During one such job search, we had stopped at a gas station for water, bathrooms, and a cigarette break when she explained that part of her desire to work with dogs stemmed from her feelings that “dogs don’t care what you’ve done,” referring to the fact that animals, unlike people, do not make judgments about her based on her criminal record.

After months of responding to help wanted signs and “Now Hiring” online advertisements, Lindsey stopped applying for positions that might lead to a new career because time and again employers refused to hire her. There is a general disappearance of careers

available to marginalized communities. Those with criminal records find themselves in competition with educated, conviction-free individuals even for part-time jobs in the service industry (Hallett 2011: 9). A lack of employment means that these individuals continue to struggle to reintegrate into communities long after serving their time. Social control is not just a physical removal of society in the form of a prison, but also takes the form of exclusions from employable markets.

Individuals leaving prisons and jails are shut out of employment opportunities, and miss out on chances to use laws to their benefit. Individuals with criminal records are often unaware that they possess rights in certain contexts, let alone that they may be able to use the law to their advantage. The Fair Credit Reporting Act (FCRA), though rarely discussed in relation to reentry, introduces an interesting space job seekers with criminal histories must navigate. In the era of big data and digital record keeping, FCRA is intended to ensure that information being sold to consumer reporting agencies is accurate, fair, and distributed only to qualified entities. Under FCRA, an individual has the right to know what is on their record, to know if that information has been used against them, and to dispute or correct incomplete or inaccurate information (The Fair Credit Reporting Act, 15 U.S.C. § 1681).

Individuals, like Lindsey, have the formal right to know if employers have used their criminal records against them. Similarly, those who had successfully sealed their record have the potential to use the FCRA to correct any lingering conviction records. This ability comes as a surprise to many former inmates--so used to being stripped of their rights--to realize they have the recourse to “access” the law. However, I am not aware that any individuals I spoke with used this information to in order to navigate employment discrimination. Rather, they worried that this kind of action was more trouble than it was worth, suggesting that they had, on some level,

internalized that the law was not their ally. Their ability to press for justice, in employment or housing practices for example, is compromised by their unequal status in society. Individuals living with conviction histories remain an unprotected class in the United States.

### Brick Walls

“Negative social capital” (Wacquant 2002: 383) surrounding the prison label results in another barrier to their ability to access work. Conviction records produce symbolic boundaries that have material consequences, such as giving rise to “objectified forms of social differences manifested in unequal access to and unequal distribution of resources and social opportunities” (Riggs 2015: 434). The same civil penalties that formally bar individuals with criminal records from affordable housing, education opportunities, Food Stamps, and other kinds of social services produce negative symbolic capital (Ducksworth 2010: 558). The stigma surrounding criminal records influences the hiring decisions of employers, and as one report demonstrates, five million fewer Americans would have been poor between 1980 and 2014 if they had not been branded with the scarlet letter of incarceration (DeFina & Hannon 2009). In 2008, the Urban Institute reported more than half of individuals released from prison remained unemployed even up to a year after their release and those who do manage to secure jobs are often working for part-time positions at less than minimum wage (Visher, Debus, & Yaher). The prison label leads to long-term exclusions from society because of its ability to generate cumulative negative effects for its holder.

Literature on reentry and recidivism does not often pause to ask “how” or “why” individuals with criminal records have such difficulty securing a foothold in their return communities. Pierre Bourdieu’s work on social capital offers one approach to grounding these more abstract questions to the social reality of inequality. He introduces the idea that status and

power are linked to more than material wealth and describes social capital as the ability to effectively navigate networks of people and resources to leverage one's position in a given society (Bourdieu 1986: 21). Unfortunately, it also true of the inverse process, wherein one's status in a group is compromised by their inability to mobilize connections in their favor. Criminal records are part of the, "punitive containment as a government technique for managing deepening urban marginality" (Wacquant 2010a: 205). Therefore, criminal records close off the possibility of generating social capital, and instead, actively contribute to a marginalized status in society. An individual who "has spent any time 'inside' is put permanently 'outside' the ordinary social system (Riggs 2010: 441). The physical separation from society that the prison creates is reproduced and maintained on a daily basis through criminal records long after release.

Everyday interactions with individuals at both Pathway and RLA revealed the ways in which negative social capital impacts job seeking. The atmosphere of the weekly van rides to drop off resumes can only be described as one of discouragement. Individuals would drop off as many as fifteen resumes in a single trip, each time returning to the van with their heads down, averting eye contact. There were few words exchanged during these trips, indicating that everyone tacitly understood the reality of their slim prospects. Once when the workforce supervisor left the van to use the restroom, one woman whispered, "*This is so depressing.*" I later asked that same supervisor about this remark and the general dry-spell in employment opportunities to which he replied:

Not everyone makes it through [the reentry program]. I'm not saying that I condone it but I understand why they go back to drugs. I used to work with juvenile delinquents and you could tell that they didn't know better. They only knew what it was like to be in corrections and so they didn't even understand what normal was.

This sentiment echoed Victor Rios's observation from working with Latino and African American boys who had been categorized as "delinquent" by their schools and the police. These

individuals became “partially constructed by punishment” (2011: 95). He found, as did I, that a prison label has a multiplicative effect on interactions with the law (Rios 2011: 95).

Indeed, working at RLA revealed that the vast majority of individuals experience multiple cycles of going in and out of prison, often resulting in lengthy criminal records for petty charges. One woman I met through RLA was attempting to receive a presidential pardon for a class of felony that could not be legally sealed. She described how she was dependent on her child to support her financially and house her, which burdened her with immense shame and guilt. Even after seven years of being free of correctional supervision, she was still attempting to reintegrate into society. As she told me, “I pray to God that I can move on but I just keep hitting a brick wall.”

Ethnography often captures the “nitty-gritty” (Riggs 2011: 440) of the stigma of having a criminal record that statistical studies fail to convey. Furthermore, qualitative research contributes a more intimate understanding of barriers to employment that can then help better direct funding and policy decisions. My work revealed that initial obstacles to employment, such as experiencing weekly rejection and feelings of discouragement, gave way to long-term experiences of unemployment and increased likelihood of becoming re-incarcerated. Similarly, ethnographic research in reentry provides insights into the obstacles to employment such as the desire “to be challenged and recognized as skilled (Trimbur 2009: 269). Reflecting on his status as a person with a criminal record, Derrick Mobley states that, “Metaphorically, having felony convictions in today’s environment is comparable to being a Black man living in southern Mississippi in 1952...employers just do not want us” (2010: 574). Criminal records are a tool used by the state to keep individuals excluded from mainstream society, at times indefinitely.

The rise of the security state and neoliberal economic restructuring are two themes that dominate critical theory on incarceration and its aftermath. The security state describes how governments increasingly use penal practices as a form of social control (Graham 2011; Martin 2013; Wacquant 2010a). Neoliberalism, on the other hand, refers to the expansion of the privatization of the social and economic market through the reductions of regulatory policies (Harvey 2009). Neoliberalism and the security state are mutually reinforcing systems; as states reduce or cut social welfare programs and move toward privatization, the use of prisons to regulate people rises (Wacquant 2010a; Sassen 2014). The result is the “emergence of new logics of expulsions” (Sassen 2014: 1) that helps frame current state and economic practices that affect those living with a criminal record.

In the United States, post-industrialism and the move to flexible accumulation models have overwhelmingly contributed to the problems faced by individuals with criminal records. Beginning in the 1970s, both the private and public sectors in the United States transitioned towards a model that sought to maximize profit through the reduction of production costs and a “new imperialism” abroad (Harvey 2004: 64). As a result, poverty had to be increasingly regulated by punitive measures, rather than social ones, which lead to the increased use of the police, the courts, prisons, and now reentry programs (Wacquant 2010a: 202). According to NPR, “the United States has lost nearly 5 million manufacturing jobs since 2000 alone, hollowing out factory towns all over the country and leaving countless working-class Americans struggling” (Zaroli 2016, Aug 18).

Researchers have cited the loss of manufacturing jobs as a cause of economic downturn in the very places that are home to many former offenders, such as Los Angeles (Wacquant 2002), New York (Pryor 2010; Riggs 2015; Trimbur 2009), and Philadelphia (Mobley 2010).

Michael Hallett argues that individuals are returning from prisons and jails into jobless landscapes with too few resources to successfully reintegrate (2011: 11). Of course, the economic processes that have contributed to the unraveling of economic opportunities in poor, urban communities are deeply intertwined with social policies—such as the decline of welfare and the rise of carceral industries—that are characteristic of the security state.

The security state replaces the idea that individuals can be rehabilitated with the mission that individuals must be incapacitated. The security state, as discussed by Loïc Wacquant (2010a), is the label given to the style of government that uses punitive social control to regulate social insecurities brought on by, “the fragmentation of wage labor and the shakeup of ethnic hierarchy” (Wacquant, 2010a: 198). Foucault’s activist and scholarly work on the maintenance of criminal records suggest that, in a discipline state, society will become more of a carceral continuum where the school, the hospital, and society in general all resemble the prison (Martin 2013: 494). Perhaps then, the prison label, which has proved so difficult to remove, serves as a justification of increased surveillance and retraction of access to state services. According to one report, in the United States alone, between 70 million and 100 million individuals have some type of criminal record (Defina & Hannon 2009), and so it seems that the state has taken an active role in perpetuating the marginalization of sizable portions of the population.

As neoliberal market policies erase economic opportunities for communities across the United States, the security state increases its presence to manage or “warehouse” (Martin 2013: 498) large swaths of the poor, especially African American populations (Trimbur 2009). The prison label becomes a mechanism for a system of government aimed at identifying, containing, and making invisible “unruly” populations (Hallett 2009, 5, Wacquant 2010b: 200). In 1996, corrections expanded into the third largest source of employment in the United States (Wacquant

2010a: 214). A study released in 2015 states that approximately 630,000 individuals were released from prison that year (Bureau of Justice Statistics 2015). At this rate, millions will experience obstacles to employment, public assistance, housing, education, family reunification, and more.

In Reno, individuals with criminal records found themselves excluded from economic opportunities that promised growth and prosperity to the rest of area's inhabitants. When I began my fieldwork, there was a buzz around a new Tesla factory that was being built outside of town. It promised construction, warehouse, manufacturing, and other job prospects. Not to mention, locals were hopeful that its business would generate additional boons to the housing, retail, food service, and other markets. Individuals at Pathway, who believed that they would have access to the thousands of job openings it would supposedly bring, discussed its presence at length. In particular, those who were involved in the Iron Workers union or had experience with warehouse labor felt that it was only a matter of time until they were employed.

However, this optimism soon gave way to dejection, as Tesla slowly filled job openings with laborers from outside of the state. As one participant explained to me, the local union workers were given a three-month contract and told that more opportunities would come later. But later never came for them, and the factory construction was finished quietly in the desert. Unlike other manufacturing jobs in the area, the ones available at Tesla have proven to be out of reach for those with limited educational backgrounds, and work was described as "too technical" even from an individual with years of experience in the field. Quickly browsing through job openings on the Tesla website reveals that few positions are open in Nevada (Jobs at Tesla, Oct 1, 2016).

Furthermore, because of Nevada's tax structure, Tesla is exempt from paying business taxes that would otherwise go to county schools, infrastructure, and other public services. It received a controversial \$1.3 billion in tax incentives from the state (Lecher 2016, Feb 8), but so far that down payment has not paid off in terms of generating jobs for those in the area who need it most. Also, harmful to those individuals in reentry was the loss of affordable housing in the area. The announcement of Tesla's gigafactory was followed shortly by skyrocketing prices on homes and apartments, making the low-income housing shortage turn into an all-out panic. Reno's public radio station, KUNR, followed the housing crisis for several months in a series called "Squeezed Out," noting the disappearance of affordable rentals (Ritchey 2016, Oct. 23 2016). Individuals with criminal records who were no longer receiving temporary housing fared poorly in the search for affordable living arrangements. RLA, alongside other nonprofits in the area, worked around the clock on wrongful eviction cases and denied public housing assistance appeals due to the massive influx of low-income residents being driven from their homes.

### Exclusions

Up to this point, I have discussed current themes related to barriers to employment for individuals in reentry or living with criminal records. Understanding how "value" is socially constructed and experienced by individuals is useful for thinking about how individuals in reentry or with criminal records make sense of their position in the current socio-economic climate. Given that work is the main barometer of how an individual holds or gains value in society, eliminating an individual with a criminal record's ability to work in fact eliminates their personhood and ability to fully reintegrate into society—the very purpose of prisoner reentry itself. Individuals cease to be viewed as citizens, mothers, brothers, lovers, skilled workers, artists, thinkers, or neighbors and instead are given labels such as "felon," "ex-con," "convict,"

or “criminal.” Their role in society is reduced to that of the prisoner, at times indefinitely. When these individuals cannot sell their labor it reinforces society’s view of them as valueless, a view which itself becomes internalized within the former offender and echoed by society in the form of employment discrimination.

Repeatedly, individuals with criminal records comment on feeling dehumanized and undervalued in society (see also Trimbur 2009; Mobley 2010; Riggs 2015). Not only are these sentiments deeply felt by individuals; they resonate within whole communities. Incarceration and criminal records are often part of a larger social context of exclusion. Finding the means to end poverty and isolation will require a long overhaul of current civil penalties and the maintenance of criminal records that bind individuals, families, and communities from improving their quality of life. Moving forward then, it is imperative that critical theory, policy initiatives, reentry programs, and potential employers work to provide alternative frameworks for recognizing value in former offenders outside of their capacity to sell their labor while simultaneously working towards removing barriers to employment.

### **Chapter Three**

#### **Shutout: Bare Life and the Criminal Record**

During my first meeting with the director of Pathway, my first fieldwork site, I conveyed my interest in studying voting rights issues for individuals with criminal records. He narrowed his eyes, put his hands together on his desk and asked me, “Why?” What followed was a long-winded explanation of my interest in examining how the prison label disenfranchises individuals and the cost of having so many people shut out of the democratic process. After exchanging a few tangential ideas about Bernie Sanders running in the presidential primaries and the political direction of the country as a whole, the director leaned back in his chair and shrugged his shoulders and said, “You can try to do your research here, but I just don’t know if [the participants of Pathway’s reentry program] will be very interested.” It did not take me long to realize what he meant. Once I began volunteering and speaking with individuals over Dixie cups of Folgers at weekly workshops, it became clear that the ability to vote, serve on a jury, or hold office were about the furthest things from their mind. I shifted my research instead to be reflective of what those individuals told me they cared about: finding work. However, during my time at Pathway, and later at Reno Legal Aid (RLA), I could not help but see the issues of employment and political membership for individuals with criminal records as inextricably linked.

Individuals with criminal records experience a different kind of membership within the nation. Given that 95 percent of the approximately two million incarcerated individuals in the United States will return to “free” society (Trimbur 2009: 261), it is important to explore the consequences the prison label has on membership within a democratic state. For example, if individuals who have served time—and supposedly fulfilled their debt to society—are excluded

from holding political office, participating in jury duty, and even voting, then what does having a criminal record mean to a democratic state whose power supposedly comes from the peoples' participation?

These civil penalties vary in severity from state to state, however a recent article in the *New York Times* discusses the impact of felony disenfranchisement across the nation. The authors noted that the majority of individuals who were ineligible to vote were not in prison or jail, but were post-sentence (Lai & Lee, Oct. 6 2016). So, not only do formerly incarcerated individuals incur criminal and civil penalties, they are excluded from the benefits usually associated with citizenship. Furthermore, individuals with criminal records find themselves excluded from other opportunities to occupy the role of a productive citizen due to formal and informal limitations on their ability to work, such as exclusions from professional licenses and employment discrimination across the nation. Using Giorgio Agamben's framework of "bare life" (1998), I aim to give voice to the ways in which the prison label produces an antithetical citizen.

### The Weight of the Criminal Record

Just as the director of Pathway had anticipated, few participants wished to discuss voting rights issues. While I would come to have a better understanding of this disposition in the months to come, it seemed curious that those who got the "worst deal" from the criminal justice system seemed the least interested in trying to change it by self-advocating for their access to the full rights of citizenship. The idea that the prison label alters an individual's political membership is not new. Angela Davis (2003), Michelle Alexander (2012), and Gabriel Chin (2012), among

others, have noted that individuals with criminal records experience a form of second-class citizenship. In Alexander's work, she points out the ways in which individuals with criminal records are shut out from benefits afforded to other citizens,

Barred from public housing by law, discriminated against by private landlords, ineligible for food stamps, forced to 'check the box' indicating a felony conviction for nearly every job, and denied licenses for a wide range of professions people...find themselves locked out of the mainstream society and economy--permanently. (2012: 94)

The work of these scholars examines the ways in which the maintenance of criminal records and the civil penalties that follow them isolate individuals from the rest of society through the creation of prohibitions that establish a lesser level of citizenship.

In my work, I have chosen to use the concept "antithetical citizenship" in place of other terms for eroded citizenship because it highlights the ability of the criminal record to distort or even invert membership in a democratic state for a diverse range of individuals. The most prevalent theories surrounding mass incarceration and membership focus on the racialized character of the criminal justice system. For example, Michelle Alexander, Angela Davis, and Loic Wacquant consider the effects of mass incarceration as a continuation of slavery and Jim Crow laws that reduce the status of black men and women in the modern era. Davis describes it as the "loss of status as a rights-bearing citizen" (2003: 38), and Alexander and Wacquant both comment on the carceral continuum's ability to relegate individuals to a "closed circuit" of marginality (Alexander 2012: 95; Wacquant 2009: 53). Their keen insights indeed describe a primary structural genealogy of the prison label's exclusion of Americans from mainstream society.

Antithetical citizenship furthers the critique of mass incarceration by focusing on the invisible barriers that can prevent all individuals with criminal records from retaining true or full citizenship. Antithetical citizenship—a kind of non-citizenship—captures but also extends

beyond barriers presented by race, class, gender, and more to explore the sometimes elusive or invisible discrimination against individuals with criminal records—discrimination that is condoned by the state or even enacted by state institutions themselves. In short, antithetical citizenship is characterized by a kind of void of membership; it is the often concealed mark that keeps so many under the eye of the criminal justice system, even years after they have left prison or are no longer on probation.

In the modern prison, an individual's liberty is supposedly only temporarily suspended until their release. However, these individuals will continue to be excluded from full citizenship through the maintenance of their criminal record (Chin 2012: 1819). Some scholars, such as Elizabeth Coehn, have suggested that this status could be best described as “semi-citizenship” (2009: 84). Coehn's work and theories on second-class citizenship maintain that membership exists on a spectrum or as a bundling of select rights. However, I argue that “antithetical citizenship” better illuminates the plight of people in reentry. Antithetical citizenship is a status in which an individual is removed from the benefits of state membership, thereby creating a form of non-citizenship within the state. In contrast to views that see citizenship as a bundle of rights or as existing on a spectrum, antithetical citizenship provides another framework: It recognizes that individuals can, in a sense, be in exile without leaving their country. The concept of antithetical citizenship makes clear how people in reentry can be in theory categorized as citizens, yet have their rights suspended by the state. Thus, antithetical citizenship is a hollow, incomplete form of membership that can entrap formerly incarcerated individuals in a perpetual marginal state.

These barriers to fully reintegrating back into “free” society call into question the rehabilitative nature of prisons and reentry programs. Individuals who have been through

incarceration often internalize the prison label with which the criminal justice system brands them. As mentioned in Chapter One, individuals feel like their identity is “partially constructed by punishment” (Rios 2011: 95). In *Discipline and Punish*, Michel Foucault articulates how punishment becomes internalized for individuals in prison:

He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection. (Foucault 1995: 202-203)

For Foucault, the panoptic model of surveillance becomes less of a way of ensuring that people will be individually reformed, and instead internalizes punishment within the individual. The model of inscribing punishment on the individual person, rather than the illegal action itself, “necessarily [condemns] them to recidivism” (Foucault 1995: 267). This supports the idea that the criminal record creates, not a reformed citizen, but a lesser form of citizenship. Once “freed” from the prison or jail, individuals in reentry are part of a carceral continuum of surveillance, which in turn reinforces their identification with a “criminal” self-concept.

Society tends to normalize the high rates of poverty, recidivism, and marginalization that often accompany individuals with a criminal record. One individual I worked with to seal his criminal record described how his cyclical relationship with the criminal justice system resulted in feelings of deep apathy towards himself, his future, and society as a whole. Mike was in his early thirties, and his criminal record was memorable, not because of the content of his convictions, but because of the sheer weight of the papers stacked one on top of another. His first charge, a minor drug conviction, resulted in a short stay in jail and a couple years of probation. However, his probation officer meetings soon came into conflict with his job, and he was rearrested for violating probation. Once set free again, he was convicted yet again and set back into the beginning of the cycle.

Mike said that it was not until prison that “he learned to be bad.” He explained, “I was getting fed up with my [probation] officer always in my business. I heard from some of the other guys that meth didn’t show up on a drug test, and that was the first time I tried it.” Meth became an addiction that Mike struggled with for years, and resulted in several additional years in jail and prison. Now a father of a son, he continues to struggle to leave behind that painful time because of the bureaucratic setbacks he has faced in sealing his criminal record. Mike was unemployed while I was volunteering at RLA, and did what he could to get by, including odd jobs where he could be paid under the table. Working with Mike, it became all too clear how the prison label has long-term, corrosive effects on the futures of individuals.

As a result of negative experiences with the police, courts, prison, and probation, individuals grow circumspect of the authorities and the government, including reentry programs. Mike explained to me that he was only able to move beyond his addiction by utilizing an experimental method offered by a group affiliated with the church of Scientology. While not a scientologist himself, he found the group through mutual acquaintances, and participated in a ceremony in which his “will power” was “put to the test.” He briefly described his experience of being locked in a room with “every drug imaginable” and left in the room overnight. What I found interesting about his experience was how it stood in stark contrast to traditional reentry programs, which continuously monitor individuals’ activities through scheduled probation officer meetings, therapy and workshop programs, and unannounced drug tests. It seemed as though the ability to have the freedom to choose was what ultimately empowered Mike’s decision to work on his drug abuse problem.

As Lucia Trimbur found during her four years of ethnographic work in Brooklyn with individuals in reentry, individuals who have been caught in the spiral of prison and reentry become disheartened and mistrustful of the reentry system. She writes,

They place little faith in the institutional encouragement to secure lawful work immediately upon release, locate housing, even if transitional in the city's infamously horrible shelter system, utilize the advice and support of parole officers and social workers, participate in support groups and fathering classes, and seek out the benevolence of charitable and non-for-profit organizations, all of which are supposed to help former prisoners reintegrate into society. (Trimbur 2009: 275)

As her exhaustive list demonstrates, individuals in reentry often find themselves at-odds with current reentry organizations, programs, or agents, and thusly take reentry into their own hands.

Mike's experiences with using meth to sustain his substance addiction while passing mandated drug tests and his utilization of the scientology group to inevitably move beyond his drug addiction demonstrate the extent to which individuals are willing to use alternative or illegal channels to navigate reentry, rather than rely on the same system that criminalized their identity in the first place. Trimbur's ethnographic research demonstrates that individuals tend to take reentry "upon themselves" either through developing pro-crime identities or strictly disciplining themselves, and those who did "trust the system" fared worse (2009: 275). For Mike, the important factor missing from most of his reentry experience was the ability to choose and make decisions for himself. Finding alternatives to current reentry channels became a means for regaining his sense autonomy and control over his life. Reentry programs with federal or other externally defined measures of success, such as desisting drug use, leave little room for individuals to define what success might look like for them.

### The Criminal Record as Bare Life

I overheard two young males bonding over a re-arrest experience while sitting in on a job-retention workshop at Pathway. One of the men recounted how, recently out of prison for a previous conviction, he had questioned the validity of being asked to step out of his car for a minor traffic violation and had then been forcibly removed from his vehicle. The highway patrol officer began using his Taser on him, causing his limbs to jerk violently in reaction to the shock. He recounted how the officer had repeatedly screamed, “Stop resisting arrest!” and how he was trying to comply but the Taser made it impossible to be still. He was given jail time for resisting arrest all the same. This snapshot offers an illustration of how the state employs punishment and violence to deem certain lives “criminal” or somehow less valuable than others—the very condition explored in this section.

Examining the prison label offers new insight into how the United States marginalizes individuals through what Agamben terms the reproduction of “bare life.” In *Homo Sacer*, Agamben concerns himself with tracing the relationship between the modern state and its subjects. He examines how Greeks separated their understanding of biological life (*bios*) from political life (*zoē*), and how the state’s ability to rule political life, meant that states also indirectly were able to rule over biological life. States then, were able to produce and reproduce the right to reign over the lives of political subjects (1998: 9). This political relation between the state and life, according to Agamben, gives the state its power to enact justifiable violence (*nomos*) on its subjects (1998: 31). When the state chooses to enact justifiable violence, it creates “bare life.”

The ban becomes a significant framework for understanding the role of bare life in the state. Unlike exile, where one loses their citizenship as a punishment, those who have been banned are “delivered over to [their] own separateness and, at the same time, consigned to the

mercy of the one who abandoned [them]—at once excluded and included, removed and at the same time captured” (Agamben 1998: 110). The ban serves as the ultimate expression of justifiable violence because it bears “both the insignia of sovereignty and expulsion from the community” (1998: 111). Bare life then, is the result of the ban. It is a figure that lives in relation to the rule of the sovereign or state, but is no longer protected by it, like other citizens are. Furthermore, he sees the structure of the ban in current political relations and structures, and I will argue that this structure characterizes the criminal record as well.

Agamben uses two main examples to demonstrate bare life, the refugee and the Holocaust camp, but I maintain that, individuals with the prison label are an example of this as well. In bare life, the state can maintain its sovereign power over life without being accountable for that life. In Agamben’s example, the refugee signals the breakdown, or at least the ineffectiveness, of the social contract between the people and the modern state. The refugee reveals that, “In the system of the nation-state, the so-called sacred and inalienable rights of man show themselves to lack every protection and reality at the moment in which they can no longer take the form of rights belonging to citizens of a state” (Agamben 1998: 126). In other words, life, liberty, and the pursuit of happiness are not the rights of all individuals, rather states reserve the right to bestow those gifts on lives they deem valuable.

The concentration camp is the second focal point for Agamben’s discussion of bare life and sovereign power. In the camp, a particular, demarcated space exposed individuals to the “justifiable” violence of the state (Agamben 1998: 159). The life of those who enter becomes “bare life” in that the protection of the law has abandoned them. This creates the possibility for the surgeon, the scientist, or therapist to enact violence on these individuals without repercussions from the law, as was witnessed in the concentration camps. From the camp

emerges a defining political moment where “the sovereign decision on bare life comes to be displaced from strictly political motivations and areas to a more ambiguous terrain in which the physician and the sovereign seem to exchange roles” (Agamben 1998: 143). This shift means that those who enact violence do not have to be held accountable to the law, which brings us back to the originating moment of sovereignty, that is, the singularity between justice and violence. Criminal records inflict the exposure of the camp onto the individual, where subtle or explicit violence inflicted upon them by any number of individuals becomes justified.

The state-sanctioned violence associated with prisons and the criminal record have, in recent decades, come to embody this form of bare life that Agamben previously attributed to the refugee and the camp. Prisons are witness to numerous instances of physical abuse and mistreatment (American Civil Liberties Union 2015), as well as the psychological and mental violence inflicted on those in the prison cell (Rhodes 2004). The violence experienced first in the prison is continued post-incarceration as people experience subtler forms of violence, such as not having access to affordable housing, education, or other forms of living assistance. The stigma surrounding criminal records, no matter the type or crime or the context, allows other citizens to justify their marginalized status within the community. The normalization of the prisoner’s precariousness, whether behind bars or within “free” society, further demonstrates their ability to represent Agamben’s concept of bare life:

Precisely because they were lacking almost all the rights and expectations that we customarily attribute to human existence, and yet were still biologically alive, they came to be situated in a limit zone between life and death, inside and outside, in which they were no longer anything but bare life. (Agamben 1998: 159)

This limit zone that Agamben describes between citizenship and banishment reveals the way the state creates both categories and spaces to place individuals into a physical and legal state of exception, or the status in which violence becomes justifiable.

The expansion of the “penal dragnet” (Wacquant 2010: 205), which also excludes individuals from the political community and the rights we associate with existence, would indicate that the sovereign’s capacity to reduce life to bare life has dramatically increased since the 1970s when the era of mass incarceration and convictions was in its early stages. In my own research, I saw how the figure of the refugee in those who wore the prison label and how the prison expanded to include those communities they inhabited. Under rhetoric focused on “public safety,” these individuals experienced rejection on a daily basis from those in positions of power. One individual, Elliott, had been in the process of sealing his criminal record for almost two years and, as a result of his convictions, had been unemployed for the majority of his life after his incarceration. Nearing his fifties, Elliott’s criminal record reflects his history of meth use, but he has committed no other serious offenses.

However, the District Attorney (DA) refused to sign off on Elliott’s petition to seal his criminal records, citing that he is a dangerous individual to whom a criminal record sealing should not be granted. Despite years of sobriety and no history of violence, Elliott will continue to experience job discrimination and the prescribed social suffering of poverty precisely because of the DA’s refusal to seal Elliott’s criminal record. The DA then, embodied the state’s ability to reject individuals from fully finishing the reentry phase, suspending them—possibly indefinitely—in this unprotected class. The prisoner, or former prisoner, and the refugee both belong to a state, yet are without the rights, protections, or liberties promised by their status as citizens. A criminal record creates a ban against individuals, even as they attempt to reintegrate back into society.

As I have argued, the state uses criminal records as a tool to marginalize individuals. While not the case for all research participants, in general, the individuals I spoke with came

from low-income neighborhoods and had little to no education beyond high school. The prison label did not strip them of their status so much as it pushed them further down the lowest rungs of society. Without the benefit of the social capital of a degree or the financial capital from one's socioeconomic position, the barriers to employment that accompany a criminal record truly seem insurmountable. For example, I remember an unexpected visit while I was at Pathway. One afternoon I was conducting phone surveys to ask former participants if they were satisfied with the quality of their treatment from the Workforce Development Program. The head of that program was out that day and so I was set up at her desk to conduct the surveys when a young man, Jason, entered the office. Jason was clenching papers in his hand when he asked to speak to the director. I told him that she was away from the office but asked if I could help at all. His voice began to rise in volume as he explained how he had been denied a Commercial Driver's License (CDL). Several weeks into a CDL program that Pathway had placed Jason in, he had found out that his previous drug and alcohol convictions made him ineligible for a CDL.

Despite his ineligibility for a CDL, Jason had set aside hours for training and studying in hopes of finding work. Because of his criminal record and limited education, he knew there were not many other options available to him, so he was greatly looking forward to a second chance. He kept repeating phrases like "It's just not right" as he stood over the desk talking to me. Jason indicated that Pathway should have "known better" than to get his hopes up by placing him into a time consuming program from which he could not benefit. I distinctly remember his eyes and the tone of his voice. He was not yelling out of anger, but out of a deep sense of frustration. The intensity of his eye contact impressed upon me the urgency and hopelessness he felt. Settling down into a chair, he asked, "What am I supposed to do?"

Individuals with criminal record experience many instances of powerlessness in the United States. Both Foucault and Agamben discuss how, in a modern state, the body of a king, president, or sovereign represents absolute power, and this necessitates that some bodies represent an absolute lack of power. In Foucault's *Discipline and Punish*, he discusses the king's body as the site of "surplus power" and places the body of the condemned man at the opposite pole as the "symmetrical, inverted figure of the king" (1995: 29). Agamben uses the king's body as a site for exploring sovereign power. He writes that when the king kills as an expression of sovereign power it "can be considered as less than homicide," whereas the killing of the king is "more than homicide" (1998: 102). Both examine how state bodies can be imbued with power to the point of being outside the normal law. For example, the president of the United States would have to attend a wholly separate court to preside over a case for impeachment. On the other end of the spectrum, individuals whose identities have been criminalized by society are often not granted full access to the normal law. Simply stated, poor individuals with criminal records are often unable to afford justice.

When criminal records exclude individuals from belonging in communities, individuals find themselves in a position of powerlessness. It is no mistake, then, that other scholars have used phrases, such as "second-class" citizenship (Alexander 2012: 4; Davis 2003: 25) to describe the status of those with criminal records. As I saw in my own fieldwork, individuals felt indifferent if not betrayed by the current political system. Their inability to feel a sense of belonging in their own return communities, due to their unemployment, limited access to education, or harassment by officers, extended outwards towards feelings of abandonment by the political system as a whole. As the title of Michael Hallett's article (2011) pointedly asks: "Reentry into what?"

### Abandonment

Agamben's term bare life is incisive because it reflects the sense of abandonment I found so prevalent in my own fieldwork. Individuals who had long been out of prison or jail still felt as though society had given up on them, as their appeals to seal their criminal record sat in bureaucratic limbo and they were left to survive off odd jobs with no prospects of fulfilling employment. And yet, these neglected lives could not rid themselves of their relation to the state and were still "at the mercy of" the state. Bare life "is not a piece of animal nature without any relation to law and the city. It is, rather, a threshold of indistinction...within both while belonging to neither" (Agamben 1998: 105). This status, aside from barring access to certain rights thought to be inalienable, also exposes individuals to further violence justified by the state. In Reno, this violence took both subtle and explicit forms, including a lack of accessible grocery stores near low-income neighborhoods that these individuals inhabited, unavailability of affordable housing, harassment by local law enforcement officers, the hostility from court clerks, and more.

The vulnerability of individuals to state violence can be readily observed within the prison, and also followed individuals once out of the prison. Agamben brings us back to the relationship between the prison and the camp by drawing attention to the vulnerability individuals incur in both spaces. During the Nazi occupation of Germany, two high-ranking officers carried out a series of communications. In 1941, Dr. Sigmund Rascher, a German S.S. doctor, asked Heinrich Himmler, a leading member of the Nazi Party, for access to professional criminals so that he might carry out certain experiments, knowing full well that these experiments would result in the death of the subjects. Himmler installed Dr. Rascher at Dachau where he freely experimented on Jews, Roman, and others with the support of the scientific community labeling these subjects as *Versuchspersonen*, or human guinea pigs (Agamben 1998: 154). And

rather than constituting one exceptionally disturbing moment in the history of totalitarian regimes, this pattern of unethical experimentation on prisoners continued even after World War II within democratic states.

Agamben notes the alarming precariousness of prisoners within democratic countries: “What is decisively more disquieting is the fact...that experiments on prisoners and persons sentenced to death had been performed several times and on a large scale in our century” (1998: 156). Allen Hornblum, in *Acres of Skin: Human Experiments in the Holmesburg Prison*, documents the non-therapeutic medical experimentation on inmates in a Philadelphia prison from the 1950s to the 1970s. While medical experimentation and mistreatment is just one example of the vulnerability experienced in prisons, other examples include the harm of solitary confinement (Rhodes 2004), use of excessive force (Deitch & Mushlin 2016, Jan 4), or the sexual abuse of inmates (American Civil Liberties Union 2015) to demonstrate the reduced value these individuals have in the eyes of the law and the state. However, as I argue, this precariousness follows individuals who have been branded with a criminal record.

The inability of individuals to find affordable or adequate housing is one of the most obvious ways in which the criminal record exposes individuals to undue suffering. Lack of employment and the ability for judges to ban individuals from returning to their old neighborhoods—especially in cases of gang-related convictions—make it difficult enough for individuals to reintegrate into their return communities. A further blow came in 1996 from the combined efforts of Congress and the Department of Housing and Urban Development. Under President Bill Clinton’s “one-strike” approach to controlling access to public housing, persons with criminal records became ineligible for public housing (Carey 2004). Due to the fact that a majority of former inmates come from the lowest brackets of socio-economics and education,

this civil penalty leaves up to 10 percent of state parolees homeless, on any given day, after their release into the community (Pager 2007: 25). In 2004, Human Rights Watch released a report titled “No Second Chance” that detailed the high rates of homelessness as a result of the one-strike policy. The Second Chance Act, which was passed in response to the concern caused by the Human Rights Watch report, superficially ameliorated this situation by allocating funding to reentry programs and other reintegrative services, but it failed to reform the structural nature of discrimination by lifting the ban on access to public housing.

Homelessness was often a shared experience for individuals with criminal records in Reno. Since Pathway provided temporary housing to individuals, my primary experiences with homelessness and reentry came out of my work with RLA. Once a month, the attorney and I would be available to answer questions on record sealing for half a day at a local homeless shelter. I felt particularly helpless during these visits due to my general inability to offer these individuals anything of use. One afternoon, Pam, came in to receive legal aid. Her story articulates so much of what is left out of criminologists’ discussions of “public safety” or quantitative reports on recidivism rates. Pam’s thin, bleached hair was pulled back with a clip, and she was wearing pajama bottoms with an old shirt. She apologized for her smell but said she had to sit close due to her trouble hearing, which made me painfully aware of the power of social mores that function as yet another stumbling block for these disenfranchised individuals.

Pam had been living out of her car for the last few months and was attempting to file a lawsuit against the psychologists whose care she had been under during her incarceration. While in prison for a minor offense, she was diagnosed with anxiety and depression and given a host of medications that she had tried to refuse. The drugs had made her ill and, she explained, “psychotic.” She cited hair loss, mood swings, and weight loss as some of the side effects. Due

to her health, she was unable to find work once she was released and had been struggling with homelessness for nearly a year. The lawsuit aimed to right what had been “done to her” and obtain enough money to seek responsible medical support. The attorney, whose specialization did not include lawsuits of that nature, was able to offer her the names of other lawyers who might be able to help her for reduced prices. I sat there silently trying to nod my head encouragingly. Pam’s state of impoverishment demonstrates the often unjust nature of the justice system. Where the state enacts violence on bare life in the name of the law, Pam had a slim probability of any recourse through legal channels. Thus, the state can punish while remaining outside of the reach of its own punitive system.

### Dead Ends

Sovereign state power has always been tied up in the law’s ability to punish life (Agamben 1998: 71). However, bare life demonstrates that the state uses its ability to punish in order to deny individuals the rights and protections originally promised by the state rather than to maintain justice. The experiences of individuals with criminal records reveal “bare life” and demonstrate the state’s ability, and propensity, to abandon large swaths of the population. Individuals with criminal records incur both criminal and civil penalties that reduce them to, as some have argued, second-class citizenship (Alexander 2012; Davis 2003; Chin 2012). Applying Agamben’s lens, however, reveals another dimension to this reduced status in the eyes of the state. I have argued that criminal records not only reduce, or deny entirely, a person’s political rights: they also expose individuals to multiple forms of violence, such as denied access to housing. If the prison label does indeed reproduce bare life, then over seventy million individuals (The Sentencing Project 2015) in the United States alone have been exposed to this threshold, and much more subtly and swiftly than refugees or inhabitants of concentration camps.

The increased numbers of individuals with criminal records make it crucial to consider how they are being exposed to various violent acts by the state. The precariousness of persons with criminal records reminds me that the state's power does not come from democratic participation of all, but rather the ability to exclude individuals from this process. Agamben writes, "The sacredness of life, which is invoked today as an absolutely fundamental right in opposition to sovereign power, in fact originally expresses both life's subjection to a power over death and life's irreparable exposure in the relation of abandonment" (1998: 83). During my fieldwork, it became apparent that, while reentry was supposed to usher in new beginnings for individuals, they only found dead ends. Agamben's notion of "bare life" helps explain, or at least creates a framework to begin to understand, how individuals who have served time for a finite crime might be punished indefinitely upon their return to "free" society. How else might we understand the abandonment experienced by individuals like Mike and Pam who work under the table to support their child or spend nights sleeping in a car while their hair falls out? We must find and rescue bare life in the vast expanses of sovereignty that has placed itself beyond the law.

#### **Chapter Four: The Work of Waiting: Examining Temporality in Reentry**

Before my first time riding in the van to drop off resumes with Pathway, I asked staff member Alex about the likely timeline for visits to potential work sites around town: “How long will this take?” I wondered aloud. He said that it “just depends,” and with that I climbed in and buckled my seatbelt. We drove for hours through some of Reno’s most neglected neighborhoods, especially East 4th Street, an area characterized by old weekly motels, boarded up warehouses, corner liquor stores, and flickering neon signs. The hours passed with little conversation, mostly in silence, as we watched scenes of urban disrepair pass by. Sometimes we stopped in the parking lot of casinos or grocery stores for a cigarette or bathroom break. I will admit, I was impatient this first day. The hours seemed to drag on and the cracked asphalt and sealed off warehouses offered little in the way of a view. It dawned on me over the course of the subsequent van rides that this experience was commonplace for those at Pathway. Indeed, “How long will this take?” was not just a question asked by myself, but was tacitly asked by all who were attempting to navigate reentry after prison. Time, then, was an important aspect of “reentry” as experienced by those that I worked with.

Waiting, boredom, suspension, anticipation, and other orientations toward static time characterize an overlooked category of subjectivity, crucial to understanding the everyday experiences of individuals in the process of reentering society after incarceration. In my own fieldwork, no theme recurred as frequently as waiting and boredom. At Pathway and RLA, time held individuals hostage on a daily basis. Its unwelcome abundance as a state of static inaction left many in a state of purgatory. Time was inseparable from job seeking activities for individuals with criminal records. For individuals at Pathway, being newly released from prison

came with new time schedules and deadlines set by parole officers and the demands of living back in “free” society. Individuals I met through RLA were all in the process of attempting to seal their criminal records, which meant navigating the time-intensive annals of bureaucracy. This chapter positions time as a central feature of reentry. I argue that “time”—especially as boredom or waiting—makes up a significant portion of an individual’s subjective experience, that it can be a tool deployed by the state to separate particular individuals from their communities, and that reentry itself disrupts the linear progression of time in favor of a more porous approach to the past, present, and future.

Anthropologists have attempted to understand time’s relation to culture since the founding of the discipline. Alfred Gell (1992) reviews four main approaches anthropologists have used to understand time, namely developmental psychology, symbolic anthropology, economic models, and phenomenological theories. Time is explored in the following pages through lenses most similar to the phenomenological theories, such as those that stem from the theoretical traditions of Edmund Husserl and Martin Heidegger. In his book *Layers in Husserl’s Phenomenology: On Meaning and Intersubjectivity*, Peter Costello explains Husserl’s phenomenological understanding of internal temporality as “the time that passes as the life that I live, the time that makes possible my awareness of objects and others...primarily as interconnected moments” (2012: 117-118). This perspective on time claims that meaning for individuals can be derived both inwardly from an individual’s ability to shift from the past, present, and future as well as externally from an individual’s interconnectedness to objects and other individuals. For an anthropological framing of reentry, a phenomenological approach thrusts time to the forefront as a central aspect of experiencing the transition from prison to “free” society.

Unlike the subject of time in anthropology, reentry is an understudied aspect of mass incarceration and the criminal justice system. Ethnographic work on reentry that has been conducted thus far highlights the significance of race (Mobley 2010; Pager 2007; Rios 2011; Trimbur 2009) and socioeconomic factors (Ducksworth 2010; Hallett 2011; Riggs 2015) in social and subjective identity formation. Subjective experiences and social constructions of time remain an overlooked aspect the everyday lives of individuals with criminal records. An understanding of reentry as individuals experience it is incomplete without considering how much time is “served” even after one is out of prison or jail. By applying related work in the areas of unemployment and homelessness, this chapter offers an examination of time as a constitutive part of meaning in reentry. As I demonstrate, time is a central dimension of reentry: as an aspect of subjectivity, as a state tool for social control, as a porous entity, and as site of social reproduction.

### Bored to Death

The occurrence of boredom alongside unemployment in my own fieldwork was all too frequent. A typical day of job searching for individuals at Pathway consisted of long periods of driving and waiting. All participants going in the workforce development van to drop off resumes or check on an application’s status would line up outside of the main office early in the morning. Some smoked cigarettes, some drank coffee, but most quietly waited with their back leaned up against the wall for the driver to show up. While Reno is a small city compared to metropolises that typify other ethnographic work about reentry, an entire day spent driving around town produces its own tediousness; to repeat the task for months on end only serves to worsen this feeling. Individuals clenched their resumes and shifted uncomfortably in their seats in the hot

van as we drove in silence from a tire sales company, to a casino, to a gas station, to a fast food chain restaurant, and so on—a seemingly never-ending loop around the city.

After four hours in the bus, one woman I had been speaking with throughout the day groaned loudly, “I’m so bored I want to die.” Getting back was not much better either. After finishing their required meetings, such as with a counselor or in a skills development workshop, individuals were confronted with the boredom of living under correctional supervision. With no money, no readily available transportation, a curfew, and strict rules of conduct, there were few opportunities to escape this boredom. We passed one afternoon on a scratchy sofa watching an old nature documentary on public access television. Turning to me, one man said, “Well, there’s nothing to see here,” referring back to earlier when I had explained that I was interested in observing what goes on from day-to-day. Rather than dismiss these types of experiences and comments as trivial, the incessant presence of boredom became a major theme throughout my work. Boredom hinted at deeper experiences of exclusion in reentry. Boredom, read as exclusion from opportunities to work or engage in activities outside of the bounds of correctional supervision, is symptomatic, then, of how current criminal justice models prevent individuals from fully reintegrating back into society.

Time plays a central role in the everyday practices of individuals in the reentry process. Prison regimens and schedules that work as technologies of discipline and punishment in incarceration have been explored in the work of Michel Foucault; these analyses can also inform our understandings of reentry. The Prison Reentry Industry (PRI), as discussed in Chapter Two, places both demands on time—by mandating participation in court-ordered programs—as well as restrictions. Marie Pryor describes the timetable of reentry, as she traces how days passed for one woman in a reentry program:

Considering her dependence on public transportation, her job search and paper chase time were limited to the hours of 9 a.m.–2 p.m. She felt overwhelmed by the number of tasks she had to accomplish in that limited amount of time and claimed it was counterproductive to her attempts to reestablish herself. No one should have to choose between staying in the line down in the welfare office or rushing home to make curfew. (Pryor 2010: 514)

Pryor uses this example to further discuss how the constricting effects of curfews and time-intensive reentry programs are directly linked to high rates of recidivism (2010: 14).

A report conducted by the Bureau of Justice Statistics found that more than half (56.7 percent) of prisoners were rearrested by the end of their first year and around three-quarters of released prisoners were rearrested within five years (Durose, Cooper & Snyder 2014: 1). Within that same study, parole or probation violations made up 68 percent of federal arrests after release (Durose, Cooper & Snyder 2014: 4). Reexamining Pryor's account of how the correctional supervision schedule, one can readily examine how difficult it is to comply with the conditions of one's release and how arrests for parole or probation violations reach such high numbers. It is curious indeed that reentry programs, whose mission is to help individuals successfully transition back into society, often contribute to an individual's placement back in prison or jail. In reentry programs, time is an organizing structure to which one must comply, lest one suffer the punishment of not making curfew, or not filing the proper forms, or not searching for a job. Time, or in this case the lack of adequate time to comply with conditions of release, is a powerful tool for shaping individuals' experiences within reentry.

Other orientations toward time also color the reentry process. Time as an aspect of subjectivity poses interesting questions for our understanding of reentry in terms of structure and agency. Are timetables, waiting, and boredom to be thought of as passive or active stances for individuals? Pryor's description above may seem to construct the individual as without agency, but it is imbued with activity and future-oriented engagement. Temporality can complicate the

structure-agent binary by relocating experiences, such as waiting or boredom, to a stance where individuals are “engaged in and have expectation from life” (Hage 2009: 1). Time is at once scheduled “from above” and engaged in by individuals “from below.” These orientations reveal the hopes, dreams, and frustrations of individuals in reentry, which may be contrary to popular representations of this population that depict them as apathetic, lazy, and passive.

One such generalization came from a report conducted by the National Institute of Justice in which the author cites “a lack of willingness to embrace the sorts of changes that, frankly, are necessary to turn one’s life around” (Ritter 2014: 3) as a cause of recidivism. Passivity may itself be a label meant to marginalize certain individuals. Laziness is a common justification for poverty in a society that places the failings of the economy squarely on the shoulders of individuals. Laziness is an “ingrained stereotype . . . which one too many times has been racialized into an apparent way of being” (Orrantia 2012: 54). The labels of “laziness” or “passivity” strip subjective experiences of waiting or hoping of their layered meanings and justify further efforts to control and marginalize certain populations. Indeed, “we all wait for futures—yet not for the same ones, nor in the same way, nor at the same tempo (Hage 2009: 3), so I offer temporality as a new dimension for examining structure and agency.

Boredom is an experience of time shared by many in the process of reentry. Incarcerated individuals describe boredom as a thing to be feared and avoided at all costs (Kohn 2009), but it also lingers in the para-prison conditions of reentry. Far from the observations of early psychologists that thought boredom was only associated with the overly rich and “well fed” (Toohey 2011: 88), boredom is closely linked to current ethnographic research on homelessness (O’Neill 2014) and unemployment (Frederiksen 2013), two conditions that mark many individuals with criminal histories.

Bruce O'Neill examined boredom in his ethnographic research in post-Communist Romanian. One homeless Romanian individual, who had been previously arrested for loitering, described his day-to-day boredom as such,

In these moments I feel an overwhelming dissatisfaction with life. It is like my organs don't sense anything around me...Don't get me wrong—I am a religious man and I believe it is a sin to kill yourself; but sometimes I just feel like I want to die, or perhaps that it would be better to be dead. These feelings of boredom are very, very terrible for me. (O'Neill 2014: 10)

Boredom, rather than the trivial feelings of a child or the temperament of the wealthy, is presented here in a visceral and deeply existential way that gives us all pause. Boredom, as clearly depicted, is something to be taken seriously. Similar descriptions have been offered up by the unemployed and bored in post-Soviet Georgia (Frederiksen 2013) and those stuck in the economic restructuring of Nigeria (Masquelier 2013). In these examples, the relation between boredom and unemployment can be understood as a kind of embodied reaction to alienation from the promises of progress and security offered by the global market. Indeed, boredom is a central dimension for those cast aside by modernity, not the rich.

### Waiting to Seal Criminal Records

Even years after release from federal or state custody, waiting can still define a significant portion of the everyday lives of individuals with criminal records. In the state of Nevada and throughout the country, sealing a criminal record requires years of waiting before even initiating the paperwork, periods that can extend across time depending on the category of offense.

The record sealing process in Nevada is a convoluted one. Generally speaking, the first step is to obtain a state background check because it typically lists all convictions for an individual in that state. Additionally, individuals should obtain a copy of their record from the court in which they were convicted or the arresting agency. This is important because charges

may appear on the record that should not. These are often arrests without convictions or convictions that were later dismissed. These may appear on a background check because a local court, a county sheriff, or another arresting agency has incorrect records of the events.

Once an individual has a full list of their convictions, the next step is to determine if they are eligible to seal their criminal record. They are eligible to seal their criminal record once they have met the legal waiting period for their offense. The waiting period differs according to the seriousness of their offense as well as state and local laws. For example, in Nevada, the longest waiting period to seal a criminal record is fifteen years for a Class A Felony, and the shortest amount of time is two years for a misdemeanor. In the case of a felony DUI or certain violent offenses, the criminal record can never be sealed. Additionally, an individual is required to work backwards through their criminal record, sealing their most recent convictions before their oldest.

This process may appear logical, but in practice it is detrimental to the individual. For example, a person who most recently acquired a serious felony conviction must wait a full fifteen years to seal that record before moving onto a simple misdemeanor, which only requires two years to seal. These waiting periods are compounded and do not run concurrently. This means that, for example, if a person has to wait fifteen years to seal their first record, they would have to wait an additional two years to seal a misdemeanor that occurred before the felony—seventeen years in total. The result is that an individual can spend a lifetime waiting to seal their criminal record.

Once an individual meets the waiting period requirement, they may file a petition to seal their criminal record. This filing process can differ for every county within a state, as well as from state to state. It even differs within a city, depending on whether the municipal or district

court oversaw the conviction. So the process of filing a petition is difficult and confusing at every stage. At Reno Legal Aid, we tried to simplify the process by providing clients with a ten-page template. However, this template still required a great deal of time and effort from the individual. For example, the individual needed to fill in the identification numbers for their case at the local, county, and state level, since each agency uses its own identification number for a case. A frequent task during my time at RLA was contacting courts, police stations, and sheriff offices in order to track down the correct identification number, which is often buried in proceeding transcripts.

Once the extensive paperwork is filled out correctly, the court that presided over the conviction must sign and authorize the request. From there, the city or district attorney is also required to sign and authorize the request, depending on which jurisdiction the court is associated with. For example, the municipal court might send the document to the city attorney. Waiting for signatures, the official court stamps or notarization can take months, and that is if every document is filed properly in the first place.

It is primarily during this petition step that individuals are met with obstacles. As I mentioned above, there are many agencies and documentation steps that are easily overlooked, missed, or otherwise misunderstood. The gatekeepers of this information can also pose obstacles. Once, when I accompanied a woman to retrieve the necessary case numbers from the municipal court, the court clerk denied her request, saying she didn't "have the time" to look up such information. Tony from RLA was fortunately able to step in and demanded that the court clerk retrieve the case number for the client; it was simply in a filing cabinet in the back of the building. Other individuals such as the presiding judge and the district or city attorney can impede the petition as well. These juridical actors have the power to deny petitions based solely

on their subjective opinion of the individual. One instance in which an individual could be deemed ineligible would be if the district attorney refused a petition to seal a criminal record because they do not believe the individual is “deserving.” This is precisely what happened to Seth, an individual I discuss later in this section.

If the petition is granted, the individual then needs to file an order to seal their criminal record and request certified copies of the order to seal their record from the court. These certified orders to seal the record are then sent out, along with the required notice of entry paperwork, to every agency involved in the conviction including—but not limited to—the court, the sheriff, the police, the city or district attorney, the DMV, and the Department of Corrections. Once these agencies receive the order to seal, they are required to remove the record from public information. This process is then repeated once the next most-recent conviction becomes eligible to seal and continues until all eligible records are sealed.

Once the criminal record is sealed, it means that legally the conviction never occurred. However, this can be a stumbling block of its own. In some cases, such as when third-party background check agencies still have a digital copy of the criminal record, an individual may need additional certified copies of the order to seal their criminal record as proof that their record is, in fact, sealed. However, once the record is sealed, an individual cannot request additional certified copies of their order to seal their record. An individual can only get copies of the seal order at the time the record is sealed. This means that an individual must plan that their records will be improperly sealed and obtain multiple copies in advance. This catch-22 can permanently block an individual from sealing their record. This is especially problematic in an age when digital recordkeeping may mean that a person’s criminal record is available indefinitely. Of course, there are some convictions that cannot ever be sealed. There are also certain institutions,

such as the military, that can unlock a sealed criminal record. In truth, the criminal record is never truly destroyed for an individual.

Although I do not think that the process is difficult by design, it does suggest that there are many bureaucratic elements at work that make reentry a blocked or even impossible process rather than a rehabilitative one. In 2013, 56 percent of Nevada inmates lacked a GED or high school diploma (Nevada Department of Corrections 2015: 68). It is no wonder that the process is daunting and often remains out of reach for those without access to lawyers. The wait time involved in filing and receiving official documents became tedious and even dangerous in some cases. One woman I worked with at RLA hoped to leave town after her abusive ex-partner found out where she was living, but she was not permitted to relocate during her time under probation. She ultimately did leave the area and now faces a warrant for her arrest for violating her probation. I also worked with a man who was wrongfully convicted of possessing stolen property, and who was then sentenced to 10-25 years in prison. Released after he had been judicially exonerated, Seth attempted to have the record of his wrongful conviction sealed. However, because his record reflected convictions previous to the wrongful conviction, mostly related to substance abuse, his permission to seal his records has been repeatedly denied. Seth and the attorney I worked with at the non-profit are still waiting on further appeals to seal his record.

Bureaucracy read as a technology of governmentality allows one to see the political dimensions of record keeping and the public availability of an individual's criminal record. Sally Engle Merry and Susan Bibler Coutin (2014) articulate that systems of bureaucratic power are themselves forms of symbolic and structural violence due to their ability to produce polarizing categories. For example, they cite how DREAM Act legislation produced a "dichotomous

contrast between ‘deserving’ high-achieving students and more ‘undeserving’ youth” (2014: 2). Similarly, a criminal record and the bureaucratic systems that keep them in place reproduce the category of “criminal” on individuals who have already served time. These processes of record keeping also further allow for the surveillance and social control of these individuals. Thus, the bureaucracy surrounding the criminal record is an extension of the state’s ability to punish individuals.

As it relates to employment, individuals with criminal records, which are readily retrievable by third party background check companies, miss crucial opportunities to reestablish and provide for themselves in their return communities. Similarly, criminal records put individuals at a disadvantage when looking for housing, or other credit-based processes, such as a car loan, for years after their release from prison. Why might society benefit from disqualifying individuals from the very services they need to successfully reintegrate and for so long? And why are individuals required to wait such long periods of time to seal their records? After serving their sentences, criminal record imposes a second judgment that requires individuals to serve time once again. This ability to suspend individuals, or make them wait, is representative of the state’s use of time as a way to regulate individuals, a topic I turn to in the next section.

### Chronopolitics and Social Order

We are all constrained by time’s order. The role of time in the state’s ability to displace individuals from the mainstream became apparent when I examined individuals’ interactions with technology once out of prison and the Kafka-like nightmare of the paper trails linked to the criminal record. Individuals coming out of prison after sentences of five, ten, and even twenty-five years missed out on many of the various technological advancements, which now hindered their ability to find work. Mitch, who had received his MA in business in the 1980s, required

assistance using a computer to fill out an application for a position in a large chain grocery store, putting him at a noticeable disadvantage over other non-convicted individuals with experience in current technologies, such as digital and web-based cash register systems like the Square card reader. Additionally, these individuals did not own smartphones—most did not own a cell phone at all—and had to rely on others, such as girlfriends, to provide a usable phone number for applications.

Bureaucracy, from the perspective of my fieldwork, was not innocuous record keeping, but as an expression of the state's ability to make individuals wait. As part of my work with RLA, I submitted the form and fees required to receive a criminal background check from the FBI. For anyone with a conviction or arrest from more than one state, this is a standard procedure for beginning the process of sealing your record, since you must first know what is on your record. For months, I waited for my background check to come in the mail. Approximately four months after I had left my internship with RLA, I finally received a letter from the FBI. It stated that my background check had been denied because my payment had expired, meaning that the check I wrote ninety days earlier was now void because it took them more than ninety days to process my request. For individuals seeking employment, ninety days is entirely too long to wait. Being “timed out” from society in these ways is not only not rehabilitative, it actively continues an individual's time served in punishment.

State control is most often conceived of in terms of spatial domination, as colonial, imperial, and other expansionist projects well demonstrate. However, state control of time can be similarly restrictive. Western divisions of time dominate the global economy, and the ability to determine the timetables of large swaths of the population creates what has been termed elsewhere, “chronopolitics” (Fabian 1983: 144). Prisons make use of timetables to discipline

individuals, as Foucault indicates: “There is an economico-moral self-evidence of a penalty that metes out punishments in days, months and years and draws up quantitative equivalences between offenses and durations (1995: 232). Under the criminal record, the disciplinary timetable follows individuals out of the prison and into “free” society. It allows the state to reproduce a temporal and social order.

Waiting and boredom can be part of subject positions, as discussed earlier, but they can also reveal a social order and hierarchy. Waiting, in particular, can be seen as part of a drawn out dialogic process between the one who waits and the one or thing being waited for. While this waiting can be tied to everyday experiences, such as having one’s record sealing or waiting for the call back from a potential employer, everyday waiting has implications for larger state and global projects. Waiting and boredom stand at odds with late capitalism’s agenda for the immediate gratification through consumerism and the continual growth of profits. Dissimilar experiences of time and the loss of a shared future are the foundations of “temporal marginality” (Frederiksen 2013: 7) because an individual “experiences of time and societal ideas about it create feelings of marginality—that is, of not sharing the same time” (Frederiksen 2013: 17). Temporal marginality sheds new light on reentry as a way that individuals become displaced from the contemporary moment. As one former inmate describes, “Having felony convictions in today’s job environment is comparable to being a Black man living in southern Mississippi in 1952, employers just do not want us” (Mobley 2010: 574). While there are elements of racial and regional identity in this metaphor, the temporal aspect cannot be ignored. Locating himself in a past historical moment is significant to understanding how this individual experiences the prison label. It can be said that those with criminal records, often unemployed or underemployed, are not inhabiting the same kind of “time” or time period.

Temporal marginality offers new insights into the ways in which neoliberal markets and policies exclude large swaths of the population. The unemployed, the homeless, the individuals with prison labels, all find themselves in the position of “living in the shadows of society and on the margins of society’s future” (Frederiksen 2013: 174). The world financial crisis of 2008 made room for new development projects and other disaster capitalist ventures (Klein 2008) that further thrust state economies headlong into one vision of the future while many still found themselves reeling in the material and social aftermath of the crisis. Construction projects, urban gentrification, and other visible narratives of the future seem far removed from those that are excluded from capitalism’s trajectories. Those locked out of the economy find themselves unable to engage in society through producing and consuming and have described themselves as being “downwardly mobile in a neoliberal era of supposed ascent” (O’Neill 2014: 23). For example, the act of waiting—and sealing one’s criminal record—is tied to economic realities. As the axiom states: Time is money. Examining time’s role in the exclusion of individuals with criminal records adds a nuanced layer to spatial analyses and the identity politics in the era of mass incarceration and convictions.

Years spent behind bars, under correctional supervision, or carrying the prison label keeps individuals locked out and incapacitated rather than reformed and reintegrated into society. Civil penalties that disqualify individuals with criminal records from receiving assistance in the form of affordable housing, food assistance, or other social services programs shift the burden of successful reentry to fall squarely on an individual’s ability to obtain employment. However, due to high rates of under- and unemployment as a result of employment discrimination (Pager 2007), individuals with criminal records take home 40 percent less pay annually compared to the national average (Sentencing Project 2015). As Lucia Trimbur found in her ethnographic work

with newly released individuals in postindustrial New York City, one participant “calculated that the amount of money he was able to generate through illegal and extra-legal means outweighed the likelihood of generating income through lawful work. It also provided more satisfaction” (Trimbur 2009: 273). Chronopolitics then, has the power to reproduce social order through its ability to place particular individual’s livelihood on hold.

Economic mobility as described by the Pew Charitable Trust is “the ability of individuals and families to move up the income ladder over their lifetime and across generations” and “is the epitome of the American Dream” (Pew Charitable Trust 2010: 3). However, once incarcerated, individuals have limited economic mobility which hurts not just the remainder of their lifespan, but also impacts families and communities on a generational scale (Pew Charitable Trust 2010: 4-5). Thus, being “timed out” of society through the use of prison and the prison label is a form of chronopolitics by having reaching negative impacts for, not only individual years, but generations. The state reproduces temporal marginality through economic restructuring that began in the 1960s, which in turn changed the landscape of possibilities for individuals once released from custody. Boredom and waiting in reentry in this economic context can be understood as a kind of prescribed social suffering because of formerly incarcerated individuals’ “timed out” participation in society. If we understand chronopolitics as the state’s ability to cast aside individuals through temporal means, such as the prison or the maintenance of criminal records, then we see the linkage between time and state’s ability to punish its subjects. Indeed, the state exercises its control of time with its ability to “force people to wait, take detours, or give up on certain quests” (Frederiksen 2013: 174).

### Porous Time

In reentry, the present becomes more porous and open to both the past and the future. One warm evening before a night workshop, individuals at Pathway were engaged in sharing which foods they were most looking forward to eating now that they were released. One young woman explained she could not wait until she was able to get a milkshake because she had not had one in six years, while another responded he had not had ice cream in eleven years. Rather than trivial, these exchanges caught my attention because they were constructing a future intentionality while using their prison sentences to measure time. As Frederiksen wrote of the unemployed men in Georgia, “both pasts and imagined futures were used by my informants to exhibit an active stance in the present, even in the midst of seeming inertia” (2013: 82). Indeed, while no one in that particular moment was doing any specific action, their discussion oscillated between their length of their prison sentence with a desired moment in the future. Reentry, where individuals often felt in limbo, could be an active site for the co-mingling of past incarceration narratives with imagined futures.

The very boundaries that delineate the period of reentry have one stake driven into the past and another stake driven into some idea of the future. That is, while under correctional supervision, one is continually reminded of the prison, which represents one version of the past, but the transition period back into society is also oriented towards the future with the act of “becoming” a full citizen again. The past in reentry is thought to be “no-more,” but for those with criminal records the future is always right out of reach; it is always “not yet.” Jacques Derrida’s concept of *hauntology* (1993), which has been applied to ethnographic work on maximum security prisons (Rhodes 2004) and unemployment in Georgia (Frederiksen 2013), is readily applied to reentry as well. *Hauntology* decenters the present and deemphasizes presence in favor of the ghostly, the specters of the past and futures yet to come that influence social

worlds. Derrida was primarily concerned with the “death” of communism in post-Soviet Russia and other “lost futures” (Fisher 2014), which brings us to the useful notion that time can be more porous than traditional Western understandings of time have previously allowed. Porous time agrees with Husserl's phenomenological “overlying” or *Deckung* (Costello 2010: 116). The criminal record can, in a way, overlay one's past, such as a conviction, with their future, such as when meeting potential employers. Experiencing reentry disrupts the Western perspective of time as a linear progression from past, present, to future.

Reentry is haunted by both the past and the future, a disorienting experiences that leaves many individuals waiting, ambivalently hopeful, and bored to death. Despite efforts to move forward, their criminal record draws the individual back to their past and reframes their present experiences in the context of what was. In her ethnographic work with inmates on death row, Tamara Kohn challenges the notion that waiting is a form of stasis, and instead, examines it as a state of being full of activity (2009). However, she recognizes how most narratives surrounding incarcerated individuals permanently tie them to the moment of their conviction (Kohn 2009: 22). I would argue this is equally true for individuals who were released. Their ability to move forward becomes constricted, which stands at odds with their efforts to reintegrate through activities such as job seeking. As Kohn notes:

You and I are permitted to 'make ourselves' and present this to others through our present activities, opinions and occupations and not necessarily through the crazy things we might have done in our youths, but the selves that enter the extreme surveillance, confinement, routine and brutality of death row are often imagined to lack the ingredients and wherewithal for such agency. (2009: 223)

Like Kohn's observations of individuals waiting on death row, the personhood of individuals with criminal records is excluded from ideas of mobility, change, and freedom. These individuals' future-oriented self-making actions are highly susceptible to the specters of their

past. Reentry is highly hauntological in that these individuals' social and material realities are shaped by things that are both "no-more" and "not-yet."

The slippage of the past, present, and future characterizes many conversations of individuals with criminal records. As in Derrida's hauntology, the present moment is tuned out in favor of the past and the future-yet-to-come, which can result in "vertical" conversations that simultaneously link incarceration narratives to future-oriented moments, such as interviewing for a job. Individuals at Pathway articulated a fear of being stuck in the past during interviews, which speaks to a larger anxiety surrounding their restricted mobility to move forward in line with other dominant, linear understandings of time. Often, when an individual from Pathway made it to the interview phase, questions about their previous criminal convictions would result in lengthy descriptions of their past that stood at odds with the employer's desire to hear narratives that indicated some kind of productive future. In this sense, employers weren't seeking the truth about the circumstances surrounding an individual's conviction, but wanted to be reassured that their potential employee conformed to a national narrative of the future as a place of production and productivity. Mock interviews and other job preparation workshops at Pathway addressed this issue by repeating to participants that "employers don't want to hear your sob story," and they should acknowledge their conviction and move on as quickly as possible to explain how they have grown and will make a positive contribution to the job. These individuals were taking steps to create a new future for themselves by attending job interviews and even mock interviews, and yet, questions about previous convictions work like a dead end. Upon being asked about their previous conviction, all momentum into the future comes to a halt, and the individual is, once again, stuck in the past.

### Time Shared

Time at Pathway was often spent smoking cigarettes. Scheduled workshops, therapy sessions, curfew, and restrictions to mobility left individuals to fill the time in a limited number of ways, but perhaps the most engaged activity was sharing cigarettes together. Activities to fend off idleness have been noted in other ethnographies examining unemployment (O'Neill 2014; Riggs 2015). In particular, Adeline Masquelier examined how the "lengthy preparation and consumption" of tea was used as "a form of time management" for the unemployed, young Nigerian men (2013: 472) and, therefore, was a significant form of social production for those who felt they had been passed up by the boon promised from the Westernization of their world. The ritual of tea preparation made space for an alternative construction of time during long stretches of waiting and boredom; it created an "anticipatory experience" that transform[ed] waiting into a goal-oriented, meaningful practice" (Masquelier 2013: 472). Similarly, sharing cigarettes in the front yards of the transitional housing units offered through Pathway created a meaningful way to organize time and socialize.

Smoking gave back a sense of autonomy and choice where there was so little room to maneuver otherwise under correctional supervision. Smoking is prohibited in front of housing units, but is loosely enforced, and as such, becomes a playful transgression that individuals can participate in that subtly pushes against the otherwise constricting feeling of reentry. Sharing cigarettes became an anticipated conclusion to evening workshops, or broke up the monotony of the long van rides to drop off resumes around town. Individuals relieved some of the tension of the day by discussing the more positive prospects that lie on the horizon. It was over cigarettes that future plans were most often discussed. As their guard was lowered, whether or not it was the effects of nicotine, they took a few moments of pleasure in sharing their prospects with one

another. Some discussed their plans to save money and enroll at TMCC, some laughed off the austerity of their parole officer, others were hopeful about reconciling with their family. There was a sense shared hope against the backdrop of the ruination their prison label typically wrought. Sharing cigarettes was not only a way to stave off boredom, waiting, or the regimented feel of the reentry programs, it was a way to reestablish a sense of personhood in a society that otherwise wanted to condemn them to the silent social suffering of living with a prison label.

Experiencing of time out-of-joint creates possibilities for a social afterlife out of prisons. In her essay, "Imperial Debris: Reflections on Ruins and Ruination," Ann Stoler uses the term "ruination" to describe the figurative and literal corrosive processes of "political projects that lay waste to certain people and places, relations, and things" (Stoler 2008: 196). Reentry and the maintenance of criminal records can be thought of as examples of the corrosive effects of mass incarceration that are connected to the larger political project of using punishment and surveillance as a style of government or social control. Frederiksen expands Stoler's framework in his own ethnographic research by examining not only what people "are left with" in the wake of large restructuring projects but also what they are "left to" (2013: 16). He shifts the focus away from the material conditions associated with looking at what people are left with and refocuses on what people are left to, as in what actions or interactions people engage with, as a way to reexamine agency during periods of unemployment in post-Soviet Georgia. Ruination then, is not only debris of an empire, but also the ashes from which new social formations can emerge during periods of displacement, such smoking with others while waiting for a mandatory job-retention workshop described in the beginning of this section.

Waiting and boredom in reentry and unemployment can be dynamic processes that serve as the backdrop for new kinds of social formations. Ethnographic work by Robert Riggs and

Lucia Trimbur locate such social formations in the spaces where individuals in reentry go to counter boredom, wait for change, or otherwise create their own daily schedule in the absence of work. Lucia Trimbur (2009) identifies boxing gyms as a central social organizing process that provides structure and meaning for many returning to New York City communities after serving time in prison. Similarly, Robert Riggs' (2015) informants reported that social ties to groups that were not associated with prisons or reentry programs, such as churches and educational programs, were the most valuable during the reentry process.

These preliminary insights suggest that there is indeed a shared sense of purpose and identity that emerges while living in the margins of the future. In situations of under- or unemployment, experiences such as waiting for a job are “often thought of as a negative experience –boring, irritating, and anxiety-ridden- but it can also be linked to more positive feelings and conditions such as hope, longing, and expectation” (Frederiksen 2013: 116). As such, the exchange of cigarettes and lighters should not be thought of lightly, but rather explored as a delicate and meaningful way of carving out space and time for crucial opportunities to socialize with one another. Sharing these more positive positions of hope with others who have been cast aside, perhaps at a boxing gym or a church, lays the foundations for meaningful social exchanges.

### Serving Time in Reentry

Temporal marginality is key to understanding reentry from the point of view of those experiencing it. Reentry imposes a unique temporal disposition, one that is hauntological as the past, present, and future coalesce. The state's control over time, and even its ability to expel individuals from the state's future, adds a new dimension to the study of the carceral textures of governing in the era of mass incarceration and convictions. Integrals of time marked by

boredom, feelings of being suspended in time, and waiting become central experiences in the everyday life of reentry. Rich ethnographic work on unemployment has yielded crucial frameworks, including temporal marginality, for thinking about time's relation to social exclusion in the age of global capitalism (Frederiksen 2013; Masquelier 2013; O'Neill 2014). Ethnographic research in reentry reveals subjective experiences that are similarly linked to social constructions of time (Pryor 2010; Riggs 2015, Trimbur 2009). My own ethnographic work in this field demonstrated the work of waiting. Whether it was during a job search or the process of sealing their criminal record, waiting became the principal experience of time. But waiting also gave way to daydreaming, where individuals engaged with each other and cigarette smoking became a meaningful site of socialization. Just as individuals "serve time" while incarcerated, people with criminal records experience "serving time" once outside of prison as well.

## **Chapter Five**

### **American Purgatory: Indefinite Punishment**

Four months after my fieldwork ended, I was riding the bus to work. It was just after 6:00 a.m., and the bus was packed with other bleary-eyed people heading into work. I soon found myself listening to a conversation between an older black woman and a younger white man about the difficulties of staying out of prison. He told her that he lives in a hotel off Fourth Street, but says it is better than where he was. She invited him to her church, repeating that there is always food for someone in need. The conversation turned toward a discussion of the need for individuals to come together and support one another. The young man signaled for the bus to stop, but before he got off, he hugged the woman and said, “We’re in a time as a nation with so much uncertainty, and it’s getting worse and worse.”

How often do we encounter individuals whose lives have been impacted by a criminal record without realizing it? The invisibility of a criminal record belies its prevalence in society. Most people believe that the sentence meted out by the officials is carried out in the prison alone. However, few people realize that the prison is not the sole way in which the state—or society—punishes individuals. As I have shown, the state extends the punishment of incarceration beyond the prison gates. I often think about the people with whom I have spoken and wonder how they are doing. I followed up with Tony five months after leaving RLA to determine the outcomes of some of the record sealing petitions we filed. Mike, who was discussed in Chapter Three, is in the final phase of his order to seal his record. I am hopeful he will, at the very least, be able to find work that is not under the table. However, others are two years into the record sealing process with no end in sight. Some have even been re-convicted since my departure and may not disentangle themselves from the criminal justice system for many years—if ever. Between

crippling probationary regulations, labor disenfranchisement, and compromised citizenship, running afoul of the justice system burdens individuals with ineluctable hardships. Indeed, punishment continues long after time served.

While many scholars share my concerns about the ever-expanding practices of policing, internalized punishment, privatized prisons, and surveillance, few focus on formerly incarcerated individuals as they move through “reentry.” In these chapters, I have attempted to call attention to the ways that punishment continues for individuals with criminal records and describe their experiences as they struggle to reenter society. The lives of these individuals are precarious because the criminal record is, in effect, a kind of “social death” (see Cacho 2012). Social death is justified by the political actors, media, and fellow citizens through the construction of the “dangerous criminal” (Schneider 2008: 352) to evoke a sense of insecurity, a discourse that justifies further restrictions on those living with the prison label. By stripping individuals of their rights and liberties, those with the prison label find themselves confined to the lowest socioeconomic tiers of society.

The alarming fact is that, as a society, we make it nearly impossible for those who have served time to ever fully reenter the formal economy or social life. Purgatory is described in Christian theology as an after-life state that is between Heaven and Hell. So, too, is post-incarceration an arrested liminal state; it is not quite a fully restored societal status and not quite prison. The deprivation of certain rights and the many barriers to upward social mobility for individuals with criminal records creates this sense of unending punishment. In the United States, where prisons are being built, filled, and refilled ad nauseam, many more than the current approximation of 5.1 million individuals under correctional supervision (Alexander 2012: 94) will come to experience this form of purgatory. Unless we work to support rehabilitative

programs, provide a legal framework that restores full access to the rights of citizenship, and withhold our judgment of those with the prison label, formerly incarcerated individuals will continue to be in limbo, confined to an American purgatory.

Like those in a Christian purgatory, individuals with criminal records are blamed for their status, which works to prevent us from investigating the structures and systems that gave rise to their circumstance. Individuals with criminal records are generally discussed as separate from the socio-political mainstream; however, they teach us a great deal about statecraft and the regulation of “good” citizens. Citizens require “structural conditions for the realization of ‘full’ citizenship” (Lazar 2013: 4), yet the criminal record closes off access to these structures. For example, if having a criminal record reduces one’s ability to earn income and removes their eligibility for public housing, how can these individuals participate in other economically “productive” activities, such as home ownership? Hence, the state “[refuses] to recognize the material histories, social relations, and structural conditions that criminalize” (Cacho 2012: 9) people long after incarceration. The prison label cloaks larger structural inequalities by normalizing formerly incarcerated individuals’ marginal status. As a result, these individuals are blamed for their short fallings, rather than examining the larger structural barriers that have constrained their social or economic mobility. Individuals must shoulder the blame alone for their inability to find work or their lack of access to affordable housing.

Individuals are given neither a viable option for reintegration into their communities nor a viable pathway to full membership within the state. Thus, throughout the thesis I have used the concept of *antithetical citizenship* to describe the kind of reduced membership within the state that I witnessed during my fieldwork. This compromised status is part of the state’s assertion of sovereignty. By displaying its ability to deny an individual’s right to have rights, the state

oppresses individuals within the nation. Punishment works in the modern state by depriving “the individual of a liberty that is regarded as a right and as a property” (Foucault 1995: 11).

Consequently, this deprivation turns citizenship inside out for those with a criminal record.

### Subtle Sufferings

As I have argued throughout this work, individuals with criminal records are a class of people who are vulnerable to the state’s ability to punish them. While society no longer condones grand spectacles of punishment, such as drawing and quartering, the increased use of civil penalties against individuals in post-incarceration creates “more subtle, more subdued sufferings” (Foucault 1995: 7). The state expresses its power through police harassment, the exclusions of particular individuals from public services and spaces, and the maintenance of publicly available criminal records. Exclusion can be determined by the state, which “serves as a credentialing institution, providing official and public certification” (Pager 2007: xix), much in the same way a credit score is used to confer benefits or punishments on individuals in the “free” economy. Increased marketization of the government and the vertical and horizontal spread of the “carceral dragnet” (Bourgois 2003: 36) has allowed the penal system to “become a major engine of social stratification and cultural division” (Wacquant 2002: 389). Incarceration and reentry cease to be exceptional bi-products of breaking the law, or breaking the social contract, but rather are central forces in the production of a particularly vulnerable class of citizens.

In my work, social suffering was perhaps the easiest burden to perceive, though it remains invisible to those outside of the system. Trips in the Pathway van to find work felt Sisyphean in nature. Driving through Reno for hours to drop off resumes, over and over again each month, with no positive results left individuals dispirited. Similarly, the circulation of documents between attorneys, the courts, and other juridical agencies gave the impression of

existential punishment that could only be likened to a Franz Kafka novel. The sense of being cast aside by society was keenly felt by individuals I spoke with at Pathway and RLA. The word “no” gains a certain weight in reentry. As weeks and months went by without a job interview, it was as if potential employers voiced the rejection of individuals by society at large.

“No” was also the common parlance of the local and state courthouses where individuals would petition to seal their criminal records, and it was not entirely uncommon for judges or district attorneys to reject an individual’s petition to seal records based on their belief that these individuals do not deserve a clean slate. “No” might have been heard in the wind for individuals like Pam, who were homeless as a result of their criminal record. The continuation of direct and indirect punishment during post-incarceration demonstrates the state’s move towards punishing individual personhood rather than merely criminal actions or misconduct that an individual may have committed. The creation of vulnerable, antithetical citizens normalizes structural violence beyond their individual experiences. The state uses the prison label as a means to justify the social suffering of its own subjects, rather than introducing solutions that would expand welfare and other social services.

### Squeezed Out

Antithetical citizenship is also a part of the fabric of the spaces in which individuals with criminal records dwell. The increased presence of the penal institution into the fabric of inner-city neighborhoods, for example in the form of corrections officers or government-run reentry programs, makes a clear distinction between “prison” and “free society” more difficult to discern. The abandonment of spaces can be understood as part of the state’s retreat from welfare programs and reinvestment in private enterprise, actions that disproportionately affect the state’s most vulnerable citizens. The retreat of “good” citizens to the suburbs further allows the state to

deploy “militarized means of managing the wider public realms of the city” (Graham 2011: 107), relying on the moral panic over class divisions and “race wars” (Cacho 2012: 73) to justify the use of extreme enforcement technologies, such as military-style raids, grenades, and rifles (Alexander 2012: 75). These areas suffer from a lack of employment opportunities, overcrowded and underserved public schools and health clinics, and overall “ugliness” (Schneider 2008: 361), making them marginalized much like the people who inhabit them. In light of all this, Wacquant asks, “How could former prisoners be ‘re-integrated’ when they were never integrated in the first place and when there exists no viable social structure to accommodate them outside?” (2010b: 615). This overreach into the everyday workings of “free” citizens forces formerly incarcerated individuals to exist within the penumbra of the justice system, never quite moving beyond its shadow.

In Reno, the spatial organization of the city contributed to the feelings of exclusion experienced by participants in my research. The physical landscape and city infrastructure also underscored barriers to employment, as discussed in Chapter Two, and instances of waiting and boredom, as discussed in Chapter Four. Pathway, which I previously mentioned was located by the river, is experiencing encroachment by businesses that cater to the upper-middle class, such as an artisan coffee shop, a yoga clothing outlet, a chocolatier, and a French restaurant. These high-end neighbors are currently driving up the rent of that area, and may soon drive Pathway and the transitional houses it provides out of the neighborhood entirely. While the affordable housing crisis in Reno has enjoyed some current community attention, little, if any, attention is being paid toward solutions for the lack of reliable and affordable transportation within the area. Warehouses continue to sprout up, almost overnight, just outside the city, but there are no buses in place to support the commute of those in need of these jobs. The few buses that are available

to transport individual from the downtown locations of transitional houses to the suburban fast food chains that provide some employment are infrequent, adding to sense that these individuals are in a purgatory-like state of waiting.

The city has made it clear that the homeless population, which includes many formerly incarcerated individuals, is not included in its vision of the future. The baseball stadium downtown was built over what was called “Tent City” that sprouted up after the Great Recession. There is an urban development sign to the left of the stadium reads, “Freight House District,” and displays images of families shopping and large retail structures. The homeless shelter I volunteered at is in close proximity to this structure, and many individuals still camp out behind it and try to sleep while the baseball games and accompanying bars blast pop music throughout the night. Where are these individuals to go if the city continues to squeeze them out of the few remaining affordable areas and shelters? Inevitably, these practices of spatial exclusion and price constriction have contributed to the increase of individuals cycling in and out of prisons and jails.

The use of the invasive practices has increased the power of punitive apparatuses in the domestic spaces of the nation itself. Previously, military operatives used “high-tech targeting practices such as unmanned drones and organized satellite surveillance” outside of the nation against identified threats to national security. However, since the 1980s, they have “increasingly been turned inward to the spaces of everyday urban life” (Graham 2011: 20). One example of this is the Nevada Senate Bill 37 from the 2015 legislative session that authorizes GPS tracking “of parolees, probationers and certain other offenders who are subject to electronic supervision.” Such authorized invasions illustrate how technology is used by the state to target former offenders directly for the purpose of further penalizing them. Over a year later, there has been no discussion or transparency into how this authorization is currently being used to monitor and

track individuals. These practices work to continue to exclude even those who have already served time and exacerbate the underlying problems of mass incarceration, such as poverty, racism, and chemical addiction that the criminal justice system does not address.

### Punishing the Poor

The criminalization of the poor is nothing new. States have long used punitive techniques to manage their “disorderly” impoverished populations (Rhodes 2001: 69). The state attempts to maintain order by making risk assessments along racial and class divisions, which has resulted in whole swathes of the population being criminalized “to protect the rest of the public from their predicted future behavior” (Graham 2011: 109). By employing the rhetoric of “public safety” or “law and order,” the state has intensified the public’s associations between poverty and crime. As a result, punishment begins to focus on the individual at the level of membership and belonging within a state. Foucault described this phenomenon as “an economy of suspended rights” that operates to “deprive the individual of a liberty that is regarded as a right and as a property” (Foucault 1995: 11). As discussed in Chapter Three, the state has the ability to reduce individuals to bare life, as individuals are stripped of the benefits of their membership within the state but are still exposed to the state’s punishment and regulation.

Expanding our view of the prison label to include its ability to “manage” large portions of economic “undesirables” helps us further understand the barriers to reentry that have been discussed thus far. The loss of economic opportunities for the working class and the poor, such as in manufacturing positions, has greatly impeded the ability of many to reenter society after prison, and in fact, encourages many to resort to behaviors that inevitably lead to re-incarceration: “Most of the people who are being incarcerated are also the people who do not have work and for whom work will not be found in our current epoch; this was less the case

twenty years ago, when a prisoner had a better chance to be considered rehabilitated and deserving of a job” (Sassen 2014: 64). People who are not perceived as making a viable economic contribution, those without work, seemingly disappear when they are imprisoned. Furthermore, the rise in private, for-profit prison contracts (Davis 2003; Sassen 2014) suggests that some lives are worth more to the state when they are locked up. This leads to the unlikelihood or even impossibility of reintegration for individuals released from jail in a jobless future.

### A Scarlet Letter

While mass incarceration is still an issue that warrants attention, there have been efforts towards putting the brakes on America’s skyrocketing prison population. President Obama has shortened the sentence of nearly 700 prisoners, which means he has granted more commutations to prisoners than the past ten presidencies combined (Johnson, Aug 30, 2016). However, the shift away from rehabilitation to punitive post-sentence penalties leaves one to wonder what punishments await these pardoned prisoners upon their release? In time for the 2016 presidential election, The Sentencing Project released a report concluding that roughly six million individuals will be ineligible to vote due to prison-related disenfranchisement laws (Uggen, Larson, & Shannon 2016: 3). On November 8, 2016, those that could vote elected Donald Trump as the next president of the United States, paving an uncertain path for those caught up in the criminal justice system.

The next administration of the United States may well reverse what little progress has been gained in the area of criminal justice reform. While the Department of Justice announced in August that it planned to phase out private prisons, private prison stock prices skyrocketed once Trump’s victory was announced (Planas 2016, Nov. 09). The list of potential targets for the next

administration's strong punitive measures are endless: undocumented immigrants, Muslims, LGBTQ individuals, minorities, women, and even activists all seem to be in the crosshairs (Human Rights Watch 2016, Nov. 18). People at home and abroad are, understandably, feeling more vulnerable than ever. The increased use of the "strong arm" of the law to handle domestic issues promises to usher in continued growth in incarceration rates. This, in turn, will have more individuals than ever exposed to the difficult realities of living with a criminal record. The complex of invasive and socially punitive measures collectively punishes, stigmatizes, monitors, and further criminalizes individuals, creating a large class of people that are viewed as disposable.

For many, experiencing barriers to reentry brings out deep feelings of resentment, remorse, anger, and shame. Individuals from Pathway and RLA were anxious to move beyond their criminal records. The people I met were not public safety issues, nor were they completely hardened by their experiences in prison; they worried about finding jobs, supporting their families, maintaining their relationships, finding a place to live. However, their criminal record made it difficult to reintegrate into the community and move beyond their previous convictions. The prison label served as a constant reminder that the state maintains control of the life of formerly incarcerated individuals and expresses this power through its ability to disqualify them from welfare and social services, discredit them from employment and housing opportunities, and disenfranchise their citizenship status. As Tony told me, "The entirety of the American criminal justice system has not changed since Hawthorne wrote *The Scarlet Letter*." I could not help but notice how he, like others (DeFina & Hannon 2009; Hallett 2011; Mobley 2010) likened the criminal record to *The Scarlet Letter*. Indeed, the following excerpt from Hawthorne's book could easily describe the prison label: "[The scarlet letter] had the effect of a spell, taking her out

of the ordinary relations with humanity, and enclosing her in a sphere by herself.” (Hawthorne 1994: 56). Clearly, the solution is not to brand people in order to enclose them. Clearly, we should be doing more to allow individuals who have served their time to fully reintegrate into free society.

There is a need to create viable pathways towards fully reinstated membership for individuals like Pam, Mitch, Jeff, Lindsey, and others I worked with. One of the biggest issues surrounding reentry and criminal records is a lack of awareness and funding for transitional programs. For example, Tony’s is no longer to seal criminal records because the funding used to pay him for this service ran out. Without acknowledging the role criminal records play in the era of mass incarceration, we fail to address criminal justice reform holistically. The act of “freeing” someone becomes merely an empty signifier—or a broken promise—because punishment continues even after time is served. Millions of individuals with criminal records find that they are still waiting: waiting for adequate access to housing and public services, waiting on nondiscriminatory employment practices, waiting for the wheels of bureaucracy to turn, waiting to fully rejoin their communities. In short, they are waiting for “no entry” to become reentry.

## Bibliography

- Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Pal Alto: Stanford University Press.
- Alexander, Michelle. 2012. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York City: The New Press.
- American Civil Liberties Union. 2015. "Mass Incarceration in Nevada." *ACLUNV* web page. Accessed October 9, 2016. <https://aclunv.org/files/ACLUNV%20Mass%20Incarceration%20Report%20June%202015%20FINAL.pdf>.
- \_\_\_\_\_. 2015. "Dockery v. Epps." *Prisoners' Rights* web page. Accessed October 9, 2016. <https://www.aclu.org/cases/prisoners-rights/dockery-v-epps?redirect=prisoners-rights/dockery-v-epps>
- \_\_\_\_\_. 2016. "Criminal Re-enfranchisement." *Prisoners' Rights* web page. Accessed September 19, 2016. <https://www.aclu.org/issues/voting-rights/criminal-re-enfranchisement>.
- \_\_\_\_\_. N.d. "Combating Mass Incarceration." Last modified June 17, 2011. <https://www.aclu.org/infographic-combating-mass-incarceration-facts>.
- Beckett, Katherine. 2011. *Banished: The New Social Control in Urban America*. Oxford: Oxford University Press.
- Bourdieu, Pierre. 1986. "The Forms of Capital." In *Handbook of Theory and Research for the Sociology of Education*. Edited by John Richardson, 241-258. New York City: Greenwood.
- Bureau of Justice Statistics. 2015 "Correctional Population in the United States, 2014." Accessed October 6, 2016. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5519>.
- \_\_\_\_\_. 2014 "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010." Accessed September 19, 2016 <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>.
- Bourgois, Philippe. 2003. "Crack and the Political Economy of Social Suffering." *Addiction Research and Theory* 11:31-37.
- Cacho, Lisa. 2012. *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. New York City: NYU Press.
- Carey, Corinne (eds.). 2004. "No Second Chance: People with Criminal Records Denied Access to Public Housing." *Humans Rights Watch, United States*. ISBN 1564323285.
- Coehn, Elizabeth. 2009. *Semi-Citizenship in Democratic Politics*. New York City: Cambridge University Press.

- Costello, Peter. 2010. *Layers in Husserl's Phenomenology: On Meaning and Intersubjectivity*. Toronto: University of Toronto Press.
- Cunha, Manuela. 2014. "The Ethnography of Prisons and Penal Confinement." *Annual Review of Anthropology* 43: 217-233.
- Davis, Angela. 1998 "Masked Racism: Reflections on the Prison Industrial Complex." *Color Lines* webpage, September, 10. Accessed October 8, 2016.  
<http://www.colorlines.com/articles/masked-racism-reflections-prison-industrial-complex>.
- \_\_\_\_\_. 2003 *Are Prisons Obsolete?* New York City: Seven Stories Press.
- Defina, Robert & Hannon, Lance. 2009. "The Impact of Mass Incarceration on Poverty." *Crime and Delinquency* 59(4):562–586. Accessed October 7, 2016.  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1348049](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1348049).
- Deitch, Michelle and Mushlin, Michael. 2016 "What's Going on in Our Prisons?" *The New York Times* webpage, January 04, 2016. Accessed October 18, 2016.  
<http://www.nytimes.com/2016/01/04/opinion/whats-going-on-in-our-prisons.html>.
- Derrida, Jacques. 1993. *Specters of Marx: The State of the Debt, the Work on Mourning & the New International*. New York: Routledge.
- Doty, Roxanne. 2013. "Bare Life: Border-crossing Deaths and Spaces of Moral Alibi." In *Governing Immigration Through Crime: A Reader*, edited by Julie Dowling and Jonathan Inda, 129-145. Stanford: Stanford University Press.
- Dowling, Julie and Inda, Jonathan. 2013. *Governing Immigration Through Crime: A Reader*. Stanford: Stanford University Press.
- Duckworth, John. 2010. "The Prisoner Reentry Industry." *Dialectical Anthropology* 34(4): 557-561. DOI 10.1007/s10624-010-9176-8.
- Fabian, Johannes. 1983. *Time and the Other: How Anthropology Makes its Object*. New York: Columbia University Press.
- Fair Credit Reporting Act of 1970 (PL 91-508, Oct. 26, 1970). United State Statues at Large, 84 (1970) pp. 1114-2.
- Fassin, Didier. 2013. "Why Ethnography Matters: On Anthropology and Its Publics." *Cultural Anthropology* 28(4): 621-646.
- Fisher, Mark, 2014. *Ghosts of My Life: Writings on Depression, Hauntology and Lost Futures*. Portland: Zero Books. ISBN 978-1-78099-226-6.
- Frederiksen, Martin. 2013. *Young Men, Time, and Boredom in the Republic of Georgia*. Philadelphia: Temple University Press.

- Foucault, Michel. 1995 *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage. First published 1975.
- \_\_\_\_\_. 2010 *The Birth of Biopolitics: Lectures at the College de France 1978-1979*. Edited by Michel Senellart. Translated by Graham Burchell. New York City: Palgrave MacMillan. First published 1978-1979.
- Gauthier, David. 1986. *Morals by Agreement*. New York City: Oxford University Press.
- Gell, Alfred. 1992. *The Anthropology of Time: Cultural Constructions of Temporal Maps and Images*. London: Bloomsbury Academic.
- Gilmore, Ruth. 2006. *The Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Berkeley: UC Press.
- Graham, Stephen. 2011. *Cities Under Siege: The New Military Urbanism*. New York City: Verso.
- Hage, Ghassen, ed. 2009 *Waiting*. Melbourne: Melbourne University Press.
- Hallett, Michael. 2011. "Reentry to What? Theorizing Prisoner Reentry in the Jobless Future." *Critical Criminology* 20(3): 1-16. DOI 10.1007/s10612-011-9138-8.
- Harvey, David. 2009. *Social Justice and the City*. Athens: University of Georgia Press.
- Human Rights Watch. 2016. "US: Trump's Justice, CIA Picks Threaten Rights." *Human Rights Watch* webpage, November 18. Accessed November 19, 2016. <https://www.hrw.org/news/2016/11/18/us-trumps-justice-cia-picks-threaten-rights>.
- In the Public Interest. 2013. "Criminal: How Lockup Quotas and Low-Crime Taxes Guarantee Profits for Private Prison Corporations." Last modified September 19, 2013. <http://www.inthepublicinterest.org/article/criminal-how-lockup-quotas-and-low-crime-taxes-guarantee-profits-private-prison-corporations>
- "Jobs at Tesla" *Tesla* webpage. Accessed October 1, 2016. <https://www.tesla.com/careers>.
- Johnson, Carrie. 2016. "Obama Grants Clemency to 111 Prisoners; DOJ 'Confident' It Will Clear Backlog." *National Public Radio* web page, August 30. Accessed October 22, 2016. <http://www.npr.org/2016/08/30/491964417/obama-grants-clemency-to-100-prisoners-doj-confident-it-will-clear-backlog>.
- Justice Policy Institute. 2011. "Gaming the System: How the Political Strategies of Private Prison Companies Promote Ineffective Incarceration Policies." Last modified June 22, 2011. <http://www.justicepolicy.org/mobile/research/2614>
- Kasmir, Sharryn. 2008. "Dispossession and the Anthropology of Labor." *Critique of Anthropology* 28:5-25.

- Klein, Naomi. 2008. *The Shock Doctrine: The Rise of Disaster Capitalism* London: Picador.
- Kohn, Tamara. 2009. "Waiting on Death Row." In *Waiting*. Edited by Ghassen Hage, 218-227. Melbourne: Melbourne University Press.
- Ladd, Barbara. 2008. "Odd Tribes: Toward a Cultural Analysis of White People by John Hartigan, Jr.; Not Quite White: White Trash and the Boundaries of Whiteness by Matt Wray." *The Southern Literary Journal* 41(1):131 – 134.
- Lai, K.K. Rebecca & Lee, Jasmine. 2016. "Why 10% of Florida Adults Can't Vote: How Felony Convictions Affect Access to the Ballot." *New York Times* web page, October 6. Accessed October 23, 2016. [http://www.nytimes.com/interactive/2016/10/06/us/unequal-effect-of-laws-that-block-felons-from-voting.html?\\_r=0](http://www.nytimes.com/interactive/2016/10/06/us/unequal-effect-of-laws-that-block-felons-from-voting.html?_r=0).
- Lecher, Colin. 2016. "Inside Nevada's \$1.3 Billion Gamble on Tesla: The Muddy Math That's Turning the State into a Manufacturing Destination." *The Verge* web page, February 8. Accessed September 19, 2016. <http://www.theverge.com/2016/2/8/10937076/tesla-gigafactory-battery-factory-nevada-tax-deal-elon-musk>.
- LeDuff, Charlie. 2016. "U.S. Agents Seize Horses of 2 Defiant Indian Sisters." *New York Times* web page, February 7. Accessed September 19, 2016. <http://www.nytimes.com/2003/02/07/us/us-agents-seize-horses-of-2-defiant-indian-sisters.html>.
- Marcus, Emerson. 2013. "Did Reno Workingman's Party Burn Down Chinatown in 1878?" *Reno Gazette Journal*, web page, May 23. Accessed September 19, 2016. <http://blogs.rgj.com/askthergj/2013/05/23/did-the-reno-workingmans-party-play-burn-chinatown-in-1878/>.
- Martin, Liam. 2013. "Reentry within the Carceral: Foucault, Race and Prisoner Reentry." *Critical Criminology* (21): 493-508. DOI 10.1007/s10612-013-9196-1.
- Masquelier, Adeline. 2013. "Teatime: Boredom and the Temporalities of Young Men in Niger." *Africa: The Journal of the International African Institute* 83(3): 385-402. DOI: 10.1353/afr.2013.0041.
- Merry, Sally Engle and Susan Bibler Coutin. 2014. "Technologies of Truth in the Anthropology of Conflict." *American Ethnologist* 41(1): 1-16. DOI: 10.1111/amet.12055.
- Milliard, Trevon. 2016. "Nevada Falls to Last on Education Ranking." *Reno Gazette Journal* web page, January 11. Accessed October 10, 2016. <http://www.rgj.com/story/news/education/2016/01/07/nevada-falls-last-education-ranking-despite-improvement/78397820/>.
- Mobley, Derrick. 2010. "A Personal Perspective on Reentry Services." *Dialectical Anthropology* 34(4): 571-574. DOI 10.1007/s10624-010-9163-0.

- Moreno, Richard. 1995. *A Short History of Reno*. Reno: University of Nevada, Reno Press.
- National Institute of Justice. 2013. "Research on Reentry and Employment." Last modified, April 2013. <http://www.nij.gov/topics/corrections/reentry/Pages/employment.aspx>.
- \_\_\_\_\_. N.d. "Recidivism." Last modified June 17, 2014. <http://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx>
- National Research Council. 2007. "Parole, Desistance from Crime, and Community Integration." Committee on Community Supervision and Desistance from Crime, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.
- Nevada 78th Legislature. "Senate Bill 37." Last modified May 05, 2015. <https://legiscan.com/NV/bill/SB37/2015>.
- Nevada Department of Corrections. 2015. "Fiscal Year 2013 Annual Statistical Report." Accessed October 9, 2016 [http://doc.nv.gov/uploadedFiles/docnvgov/content/About/Statistics/Annual\\_Abtracts\\_by\\_Fiscal\\_Year/fy2013.pdf](http://doc.nv.gov/uploadedFiles/docnvgov/content/About/Statistics/Annual_Abtracts_by_Fiscal_Year/fy2013.pdf).
- \_\_\_\_\_. 2016. "Policy and Program Report: Corrections." Research Division, Nevada Legislative Counsel Bureau. Accessed October 9, 2016. <https://www.leg.state.nv.us/Division/Research/Publications/PandPReport/29-C.pdf>.
- O'Neill, Bruce. 2014. "Cast Aside: Boredom, Downward Mobility, and Homelessness in Post-Communist Bucharest." *Cultural Anthropology* 29(1): 8-31. DOI: 10.14506/ca29.1.03.
- Orrantia, Juan. 2012. "Where the Air Feels Heavy: Boredom and the Textures of the Aftermath." *Visual Anthropology Review* 28(1): 50-69. DOI: 10.1111/j.1548-7458.2012.01110.x.
- Pager, Devah. 2007. *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago: University of Chicago Press.
- Parenti, Christian. 1999. *Lockdown America: Police and Prisons in the Age of Crisis*. Brooklyn: Verso.
- Pew Charitable Trust. 2010. "Collateral Costs: Incarceration's Effect on Economic Mobility." Economic Mobility Project and the Public Safety Performance Project. Accessed October 7, 2016 [http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes\\_assets/2010/collateralcosts1pdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf).
- \_\_\_\_\_. 2016 "Percentage-Point Change in Employment Rate, 2007 to 2015." Fiscal 50: State Trends and Analysis, web page, November 1. Accessed Sept 20, 2016. <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/fiscal-50#ind3>.

- Planas, Roque. 2016. "Private Prison Stocks Surge After Donald Trump Victory." *The Huffington Post* webpage, November 09. Accessed November 19, 2016. [http://www.huffingtonpost.com/entry/private-prison-stocks-trump\\_us\\_582336c5e4b0e80b02ce3287](http://www.huffingtonpost.com/entry/private-prison-stocks-trump_us_582336c5e4b0e80b02ce3287).
- Portes, Alejandro. 1998. "Social Capital: It's Origins and Applications in Modern Sociology." *Annual Review of Sociology* 24: 1-24. <http://www.annualreviews.org/doi/abs/10.1146/annurev.soc.24.1.1?amp;searchHistoryKey=%24%7BsearchHistoryKey%7D&journalCode=soc>.
- Pryor, Marie. 2010. "The Unintended Effects of Prisoner Reentry Policy and the Marginalization of Urban Communities." *Dialectical Anthropology* 34(4): 513-517. DOI 10.1007/s10624-010-9207-5.
- Roediger, David. 1991. *The Wages of Whiteness: Race and the Making of the American Working Class*. Brooklyn: Verso.
- Riggs, Robert. 2015. "Reflections on Institutional Boundary Work and Boundary Crossing: Prison, Free Society, and Prisoner Reentry." *Dialectical Anthropology* (39): 433-442. DOI 10.1007/s10624-015-9398-x.
- Rios, Victor. 2011. *Punished: Policing the Lives of Black and Latino Boys*. New York: New York University Press.
- Rhodes, Lorna. 2001. "Towards an Anthropology of Prisons." *Annual Review of Anthropology* 30:65-83.
- \_\_\_\_\_. 2004 *Total Confinement: Madness and Reason in the Maximum Security Prison*. Berkeley: University of California Press.
- Richey, Julia. 2016. "Squeezed Out: Reno-Tahoe's Affordable Housing Shortage." *KUNR* web page May 26. Accessed October 23, 2016. <http://kunr.org/programs/squeezed-out-reno-tahoes-affordable-housing-shortage#stream/0>.
- Ritter, Nancy. 2014. "'Cultural Shift' Is Among Findings of Second Chance Act Evaluation." *NIJ Journal* (273): 1-6. <https://www.ncjrs.gov/pdffiles1/nij/244147.pdf>.
- Rocha, Guy. N.d. "The Mississippi of the West." Nevada State Archives web page. Accessed Sept 19, 2016. <file:///C:/Users/ewirthlin/Downloads/Myth%20105.pdf>.
- Sassen, Saskia. 2014 *Expulsions: Brutality and Complexity in the Global Economy*. Cambridge: Belknap Press.
- Sentencing Project. 2015. "Americans with Criminal Records." Poverty and Opportunity Profile web page. Accessed October 7, 2016. <http://www.sentencingproject.org/wp-content/uploads/2015/11/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>.

- Simon, Jonathan. 2011. "Mass Incarceration: From Social Policy to Social Problem." In *The Oxford Handbook of Sentencing and Corrections*. Edited by Joan Petersilia and Kevin R. Reitz, 23 - 52. Oxford: Oxford University Press.
- Speck, Elizabeth. 2010. "Human Services and the Prisoner Reentry Industry." *Dialectical Anthropology* 34(4): 483-490. DOI 10.1007/s10624-010-9168-8.
- Substance Abuse USA. 2016. "Does Nevada Need Help?" Get Help Now web page. Accessed Sept. 20, 2016. <http://www.substanceabuseusa.org/get-help-now/nevada.html>.
- Thompkins, Douglas. 2010. "Forum: The Prison Reentry Industry." *Dialectical Anthropology* 34(4): 589-604. DOI 10.1007/s10624-010-9219-1.
- Trimbur, Lucia. 2009. "'Me and the Law is not Friends': How Former Prisoners Make Sense of Reentry." *Qualitative Sociology* (32): 259-277. DOI 10.1007/s11133-009-9134-4.
- Toohey, Peter. 2012. *Boredom: A Lively History*. London: Yale University Press.
- United States Census. 2010. "Demographic Profile Data: Reno city, Nevada." Quick Facts webpage. Accessed Sept. 19, 2016. <http://www.census.gov/quickfacts/table/PST045215/00>.
- Wacquant, Loïc. 2000. "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto." *Theoretical Criminology* 4(3): 377-389.  
[http://users.soc.umn.edu/~uggen/Wacquant\\_TC\\_00.pdf](http://users.soc.umn.edu/~uggen/Wacquant_TC_00.pdf).
- \_\_\_\_\_. 2002. "The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration." *Ethnography* 3(4):371-397.
- \_\_\_\_\_. 2009. "From Slavery to Mass Incarceration: Rethinking the Race Question," *New Left Review*, Jan.-Feb. 2002, 53.
- \_\_\_\_\_. 2010a. "Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity." *Sociological Forum* 25(2): 197-220. DOI: 10.1111/j.1573-7861.2010.01173.x.
- \_\_\_\_\_. 2010b. "Prisoner Reentry as Myth and Ceremony." *Dialectical Anthropology* 34(4):605-620.
- Vallas, Rebecca. 2014. "One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records." *Center for American Progress* web page, December 2. Accessed October 9, 2016.  
<https://www.americanprogress.org/issues/poverty/reports/2014/12/02/102308/one-strike-and-youre-out/>
- Visher, Christy, Debus, Sara and Yahner, Jennifer. 2008 "Employment after Prison: A Longitudinal Study of Releasees in Three States." *Urban Institute* web page Accessed September 30, 2016. <http://www.urban.org/sites/default/files/alfresco/publication->

[pdfs/411778-Employment-after-Prison-A-Longitudinal-Study-of-Releasees-in-Three-States.PDF](#).

Wilson, James Q and Kelling, George L. 1982. "*Broken Windows: The Police and Neighborhood Safety*", *The Atlantic* webpage. Accessed September 30, 2016.

<http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>

Wray, Matt. 2006. *Not Quite White: White Trash and the Boundaries of Whiteness*. Durham: Duke University Press.

Zaroli, Jim. 2016 "Bringing Back Manufacturing Jobs Would Be Harder Than It Sounds." *National Public Radio*, August 18, 2016.

Zurn, Perry. 2016. "Work and Failure: Assessing the Prisons Information Group." In *Active Intolerance Michel Foucault, the Prisons Information Group, and the Future of Abolition*. Edited by Andrew Dilts and Perry Zurn, 75 – 91. New York: Palgrave Macmillan.