

Pell Grants for Prisoners: Why Should We Care?

Jon Marc Taylor

Commonly used in the opening salvos of the Reagan Revolution, the irresponsible “unwed mother”, lazy “welfare queen”, parasitic “drug dealer” and dangerous “gang banger” were not-so-subtle euphemisms for the poor and people of colour. Use of these code words signalled the conservative movement’s concerted onslaught on the more inclusive entitlement and social safety net programs inspired by the New Deal era of government. This was also a crusade against the politically powerless and publicly vilified prisoner.

The assault on the socially-politically marginalized was ongoing and multifaceted, providing easy to sensationalize diversionary scapegoating for soundbite seeking politicians. While the more overt War on Drugs with its attendant abolition of parole, mandatory minimum sentences and expanded death penalty would take years to enact, the initial foray against prisoners was fired by Virginia Congressman William Whitehurst in 1982, when he submitted legislation to rollback Pell Grant disbursements (Whitehurst, 1982). By 1991, senators and representatives from both parties – primarily of the old Confederacy – repeatedly introduced legislation to exclude “any individual who is incarcerated in any federal or state penal institution” from qualifying for Pell Grant assistance (Congressional Record – House, 1992). In the previous decade, the various annual exclusion-fest amendments either did not make it out of their committees or if passed on floor votes, were stuck in the joint resolution committees (DeLoughry, 1992). The consequences of which had been clearly and continuously outlined, but were obviously politically immaterial to the covertly desired and thought to be advantageous prison-industrial complex.

In 1991, the primary force behind the eventually successful exclusionary legislation, Senator Jesse Helms, pontificated that “the American taxpayers are being forced to pay taxes to provide free college tuitions for prisoners at a time when so many law abiding, tax-paying citizens are struggling to find enough money to send their children to college” (Congressional Record – Senate, 1992). The following year, Representative Thomas Coleman claimed 100,000 prisoners unrightfully received Pell Grants (Congressional Record – House, 1992). Then in 1993, Senator Kay Bailey Hutchison stated that prisoners “received as much as \$200 million in Pell funds” (Congressional Record – Senate, 1993).¹

Three weeks earlier, dramatically waving a copy of the Pottstown, Pennsylvania *Mercury* above his head, Congressman Timothy Holden fulminated before the C-SPAN cameras that he was appalled to learn from the newspaper's (tabloid lurid) reports that prisoners were receiving hundreds of millions in grants, allowing them free college educations. "There is an obligation to do the best you can to give the incarcerated people a change", the representative intoned, "but certainly not from a program that has been earmarked for low-income people to educate their children" (Berkey, 1993a).

By 1994, the Texas senator's and Tennessean Bart Gordon's House amendments had been attached to the *Violent Crime Control and Law Enforcement Act*. In September of that year, America's first "Black President", Bill Clinton, signed the law that among a plethora of draconian measures resulted in prisoners becoming ineligible for Pell Grant disbursements (Taylor, 1997). It was diversionary politics at its hypocritical best, while the victims were only convicts at their worst. Truly "just deserts" at the epitome of the era's zeitgeist.

LIES, DISTORTIONS AND FACTS

During all the indignant and self-righteous performances by politicians, the rhetoric used to demonize prisoner-students and morally justify their expulsion from the Pell Grant program flowed like pabulum. Yet not one rationalizing fact cited was correct. Why should have it been? Again, it was diversionary politics at its best and we were only convicts.

The fundamental argument advanced by opponents against prisoners receiving Pell Grants was that it was unfair for zero-income prisoners to take limited grants away from poor, law-abiding traditional students.² Concomitantly, with tuition soaring it was becoming harder for the working- and middle-class to send their children to university. If "unworthy" prisoner-students were barred, the reasoning went, then criminals would be further punished and a "just" balance would be restored to student funding. The problem was that the political diatribe did not reflect reality. Forty years ago, when Basic Education Opportunity Grants – later renamed in honour of the sponsoring senator, Claiborne Pell – were created, as a "needs-based" student financial aid program, prisoners were specifically encompassed by the legislation's sponsors (Ubah and Robinson, 2003). Commenting on the then pending exclusionary legislation in 1994, Senator Pell observed:

...the Pell Grant program functions as a quasi-entitlement: a student qualifies for a grant, and the size of the grant depends on

the availability of appropriations. Thus, the child of a police officer would not be denied a grant in favor of a prisoner. If both are eligible, both receive grants” (Pell, 1994).

In the last year they were eligible, approximately 25,000 – and not the trumpeted 100,000 – prisoner-students received funding among the 4.7 million Pell Grants disbursed. Only one-half of one percent of all awards went to prisoner-students. The average amount of \$1400 then issued to prisoner-students would have totalled well less than one-quarter of the \$200 million so loudly decried – i.e., six-tenths of one-percent of the \$6 billion in funds distributed (Taylor, 2004).

Over two-thirds of all grant recipients came from families with incomes at or below the poverty line, which matched the prisoner-demographic the year prior to their incarceration, and wholly thereafter (Perkins, 1993). Furthermore, nearly seven out of ten (68 percent) state prisoners had not received their high school diploma prior to arrest (Harlow, 2002), two-thirds of the nation’s penal population is composed of minorities (Beck and Harrison, 2002), and there are now more black males in prison earning General Equivalency Diplomas than on American campuses receiving degrees (Franklin, 2006). As Lawyer and Dertinger (1993) writing for the American Bar Association’s journal *Criminal Justice* pondered, “[w]here else would we find, in such large numbers, individuals who are so educationally, economically and socially disadvantaged?”

A point never mentioned by the politicians in the vitriolic lamentations over prisoner-students receiving financial aid as traditional students struggled to meet ever rising tuitions was that Congress never fully funded the Pell Grant program to its maximum allocation-level, and in fact, had from time to time actually reduced its annual appropriation (Blumenstyk, 1991). Adjusted for inflation, the “purchasing power” of Pell Grant aid has not increased since 1975 (Marklein, 2003a). Where Pell Grants had once covered most of the average cost of public university tuition, by 1999, the grant met only slightly more than half of the tuition expense (Marklein, 2003b). During the 1980s, inflation-adjusted tuition increased more than three-fold over state and federal financial assistance (Wagner, 1993). In the last two decades of the 20th Century, working- and middle-class incomes stagnated, necessitating a greater proportion of family incomes, doubling from an aggregate of 13 to 25 percent, to fund higher education expenses (Marklein, 2002).

These problems, largely created by the very same grandstanding politicians that wanted an end to Pell Grants for prisoners, were not mentioned as requiring redress. These factors could be cogently postulated

as having had a greater influence on families' abilities to pay college costs than money provided to prisoner-students. Instead, standing on the proverbial necks of scapegoated prisoners, the elected chose to expel tens of thousands of prisoner-students from the ameliorative experience of higher education.

Finally, and most telling, when prisoners were barred from the Pell Grant program, not one additional grant was – by virtue of the very same needs-based formula – awarded to traditional students (Welsh, 2002). Funding that had gone to prisoner-students, equally divided among the millions of grant recipients, amounted to an extra five dollars per semester (Pachter, 1994). It was an insignificant gain accompanied by devastating consequences.

WHY SHOULD WE CARE?

Before prisoners became ineligible for Pell Higher Education Grants there were more prisoner-students in American prisons than there are presently. Yet the penal population today is *twice* the size it was then (Taylor, 2004). Three years after the financial aid cuts, prison-based college programs and enrollments had declined by half, with almost all penal systems reporting negative changes in their higher education opportunities (Tewksbury et al., 2000). State systems, reacting to the example and loss of federal funding, eliminated prisoner-students eligibility for their grant programs (e.g., New York) and / or have even recently closed their prison-based programs altogether (e.g., Utah) (Taylor, 2004). Yet over the years, the Pell Grant appropriation has doubled without one grant or one cent assisting prisoner-college students (Gallagher, 2003).

Why should we care? What is the big deal if convicted felons do not have the opportunity to earn college educations while serving their sentences?

The answer is: because they get out. It is in society's best interest criminologically, economically, and socially to provide and even encourage prisoners to complete as much education as possible. The more education prisoners acquire while inside, the safer, more stable and richer our commonwealths will be. In other words, as succinctly put by a former director of the American Correctional Association, "[i]f you're sitting next to a convicted felon on the bus, would you rather he spent seven years in prison opening his mind and learning a skill, or staring at a crack in the wall?"

Over 70 percent of the nation's prisoners have prior felony convictions and / or previous terms of incarceration (Bureau of Justice Statistics,

2000). Average recidivism rates have *increased* to nearly seven out of ten parolees since the reductions of all forms of education and therapy programs (Langan and Levin, 2002). Prisoners who earn college degrees, however, have common recidivism rates of 20 percent or even down to single digits when earning baccalaureates (Taylor, 2004).³ Criminologists Ross and McKay (1978) observed that “nowhere else in the literature [of correctional programming] can one find such impressive results with the recidivistic adult offender”.

Upon parole, unemployment has been identified as a prime recidivism factor (Robinson et al., 1990). Less than half of ex-offenders find full-time employment (Innes, 1988), while three-quarters of college educated parolees find steady employment at family sustaining wages (Taylor, 1994). Stevens and Ward (1997), analyzing the North Carolina Post Secondary Education program, made special note that prisoners “who earned four-year degrees were not re-incarcerated during the three year period after their release, and all but one of the individuals found employment relating to their degree”. According to a recent *USA Today* editorial:

Like it or not, college has become the new high school. This reality is why forward thinking educators and government officials are looking for ways to ensure more high school graduates go on to get associate, if not bachelor, degrees. That’s especially important for poor and minority students at risk of falling even further behind and becoming part of a permanent underclass (Gallagher, 2007).

On average, states invest as much per student (\$24,000) supporting their public school-earned baccalaureate (Gallagher, 2002) as they spend annually per prisoner (\$25,000) incarcerated (Zedlewski, 1987). The standard return on the states’ higher education investments are approximately \$2 million in economic stimulus and \$375,000 in state tax revenues during each graduate’s working lifetime (Gallagher, 2002). This return-on-investment in the prisoner-student becomes further manifest when factoring in all the socio-economic savings from significantly reduced criminal behaviours, coupled with the increased state and federal tax revenues, and the productive and consumptive economic stimulus generated by the more highly educated worker. Consider this positive economic outcome as opposed to all too common disruptive anti-social actions and demand for revenue-draining social services that recidivistic convicts can create.

The primary goal of education and treatment programs is that of crime reduction (Gray, 1994). In one of the first assessments of prison college

programs nearly 35 years ago this holistic benefit with all its attendant economic benefits was summarized as:

Simply, and aside from humanitarian concerns -- it is cheaper in the not-so-long run to pay [adequately] for effective anti-recidivism measures, than to finance law enforcement, justice administration, and penal services and apparatus (Lockwood, 1991).

The front end investment in these programs is more than compensated by the social welfare realized by the emergence of more self-actualized and self-supporting citizens. As J. Michael Quinlan, the former director of the Federal Bureau of Prisons during the Reagan and Bush I administrations so bluntly put it:

I frequently use the term, 'Pay me now, or pay me later'. Society should recognize... that the cost of college is really very insignificant [i.e., 10 percent of a year of the annual cost of incarceration alone] when you compare the cost and damage done by crime (Marks, 1997).

In 1930, the rate of African-American incarcerations was three times that of Anglo-Americans. By 1990, that ratio had increased to five times the number of blacks to whites. In 1996, there were eight African-Americans to every Anglo-American incarcerated in proportion to the racial composition of the nation. At the end of the millennium, one in three black men aged 20 to 29 was under some form of correctional supervision. One of the effects of this focused criminal justice effort is that by their thirties, almost twice as many black men will have been cycled through the penal system as will have received baccalaureates (Raspberry, 2003).

Charles Sullivan, the executive director of the public advocacy group Citizens United for the Rehabilitation of Errants (CURE), claimed during the exclusionary legislation debate that it "smacks of racism since the majority of the penal population is composed of minorities" (Berkey, 1993d). Thus, Sullivan reasoned minority groups had been disproportionately affected by banning prisoners from the Pell Grant program. With more black males in prison than on college campuses (Justice Policy Institute, 2002), Sullivan wondered, as absurd as the idea was about having to go to prison to get a college education, were we then going to close off that avenue as well? The answer was apparently and astoundingly, yes.

Across the country, the enrollment demographics of prison-college programs supported Sullivan's contention. The composition of incarcerated collegiate student bodies generally mirrored the makeup of the penal populations (Taylor, 2004), creating the most generally racially integrated university settings in the nation. Besides experiencing significantly reduced recidivism, these prisoner-students were some of the best behaved and also served as some of the few positive role models in a milieu normally bereft of such. Robert Powell, the assistant academic affairs officer at Shaw University observed in 1991, "if you want to educate black men, if you want to reclaim that talent out there, you have to go into the prison" (Warden, 1991). Ironically, Shaw University created its own prisoner-student fee-waiver scholarship program that was later negated by the state prison system, because it was in conflict with policies prohibiting such prisoner-exclusive funding programs.

IT'S TIME

Inclusion of prisoners in the Pell Grant program *will not* deprive a single qualified traditional student of funding, *will not* substantially affect students' grant awards, *nor* will it cause an overall program cost increase. Such inclusion will, however, allow thousands of prisoner-students to return to the edifying experience of college classrooms.

The American Indian Higher Education Consortium, the Hispanic Association of Colleges and Universities and the National Association of Equal Opportunity in Higher Education along with the Correctional Education Association, the Institute for Higher Education Policy, CURE and the NAACP all endorse the restoration of eligibility for financial aid for "disenfranchised populations, including prisoners" (Zook, 1993). Pell Grant funding eligibility is crucial to expanded and equitable post-secondary education opportunities in United States prisons.

It's time to restore prisoner-students Pell Grant eligibility. It's time because it's in the best interest of all of society, if not simply for the hope it provides for the possibility of a better future for all Americans – even the incarcerated that will one day be amongst us all. With 600,000 prisoners now released every year (Austin et al., 2007), it's time.

ENDNOTES

- ¹ Reporting on the issue, *The Chronicle of Higher Education* offered the following analysis of the politician's possible motivations: "...Senator Hutchison's proposal, the latest rendition of an idea that has been offered before, will be tough for some in Congress to oppose because to do so opens critics to charges of being sympathetic to criminals... Ms. Hutchison, who faces re-election next year, needs all the political firepower that she can muster. She is under indictment on charges of official misconduct while she was the state treasurer for alleged actions that occurred during her successful senate campaign earlier" (Zook, 1993).
- ² In an anecdotal example of this putative concern, widely cited in the 1993 Senatorial debate, a Pennsylvania police officer, frustrated that his daughter was denied a Pell Grant while prisoners in his state received free college educations, sarcastically quipped, "[m]aybe I should take off my badge and rob a store" (Berkey, 1993b). The problem with this logic is that even if (and later when) prisoner-students were excluded from the Pell Grant program, this policeman's daughter would still not receive this type of financial aid. The dramatically quoted police officer's frustration was disingenuous to cite and perhaps his was a hypocritical ire to boot. The family's income exceeded the Congressionally set grant ceiling by \$4000, and he admitted he had not saved for his daughter's education (Berkey, 1993c). Moreover, the father was eligible for over \$30,000 in forgivable federal education loans through the exclusive Perkins Loan Cancellation Program for law enforcement and correctional officers, a program not available to the average citizen regardless of their need or income (Taylor, 1997).
- ³ Post-secondary correctional education (PSCE) reduces recidivism. Thomas (1974): Burlington County College of New Jersey prison college program – 10 percent program recidivism rate compared to the 80 percent national rate. Thompson (1976): Alexander City State Junior College prison college program – 16 percent program recidivism rate compared to the 70-75 percent national rate. Blackburn (1979): Maryland Correctional Training Center's PSCE program – "positive effect in reducing recidivism among participants". Blumstein and Cohen (1979): State Correctional Institution Pittsburgh, Pennsylvania PSCE – "inmate students with the highest risk of recidivism experienced a statistically significant (at the .05 level) reduction in recidivism when compared to the control group of 108 variables". Gaither (1980): Texas Department of Correction Treatment Directorate – "participation in the junior college program definitely results in lower recidivism rates". Duguid (1981): University of Victoria of Canada prison college programs – 14 percent program recidivism rate compared to the 52 percent matched group. Chase and Dickover (1983): Folsom prison college program – 0 percent baccalaureate program recidivism rate compared to the 24 percent standard first year recidivism rate. Sabastian (1983): New Mexico State Penitentiary college program – 15.5 percent program recidivism rate compared to the 68 percent overall recidivism rate. Holloway and Moke (1986): Lebanon Correctional Institution of Ohio college program – 11 percent program recidivism rate compared to 30 percent

high school dropout rate. Barker (1986): Boston University of Massachusetts college program – 0 percent baccalaureate recidivism rate. Division of Continuing Education (1990): Lorton Prison of the District of Columbia college program – 6 percent program recidivism rate compared to the 40 percent average rate. Clark (1991): New York Department Correctional Services PSCE programs – 26 percent program recidivism rate compared to the 44 percent overall rate. Harer (1994): “Recidivism Among Federal Prisoners Released in 1987” revealed that 5 percent earning college degrees recidivate compared to 40 percent overall. Office of Correctional Education (1995): Texas Department of Corrections Windham School System Analysis – recidivism rates of various degree levels (Associate, 13.7 percent, Baccalaureate, 5.6 percent, Masters, 0 percent).

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