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PELL GRANTS FOR PRISONERS

WHY SHOULD WE CARE?

By Jon Marc Taylor, Missouri inmate

They were code words. Employed 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 color. The conservative movement's concerted onslaught on the more inclusive entitlement and social safety net programs inspired by the *New Deal* era of government commenced, however, against the politically powerless and publicly vilified prisoner.

While the more overt *War on Drugs* with the attendant abolition of parole, mandatory minimum sentences, and expanded death penalty would take years to enact and for the crushing consequences to be felt, the initial forays against prisoners was fired by Virginia Congressman William Whitehurst in 1982, when he submitted legislation to rollback inmate *Pell Grant* disbursements. By 1991, senators and representatives from both parties (primarily from 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. For a decade, the various annual exclusion-fest amendments either did not make it out of their committees, or if passed on floor votes, were struck in the joint resolution committees.

Then 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. The following year, Representative Thomas Coleman claimed 100,000 prisoners unrightfully received Pell Grants. And in 1993, Senator Kay Bailey Hutchison stated that prisoners "received as much as \$200 million in Pell funds." (Side Bar A)

Three weeks earlier, dramatically waving a copy of the *Pottstown* (PA) *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 chance," the representative intoned, "but certainly not from a program that has been earmarked for low-income people to educate their children."

By 1994, the Texas senator's and Tennessean Bart Cordon's House amendments had been attached to the *Violent Crime Control and Law Enforcement Act*. And in September of that year, American President, Bill Clinton, signed the law that, among a plethora of draconian measures, resulted in prisoners becoming ineligible for Pell Grant disbursements.

Lies, Distortions & Facts

During all the down right indignant to self-righteous outrage, the rhetoric demonizing prisoner-students to 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? It was only diversionary politics at its best, and they were only convicts at their worst.

The fundamental argument advanced by opponents for prisoners receiving Pell Grants was that it was unfair for zero-income prisoners to take limited grants away from poor, law-abiding traditional students. (Side Bar B) Concomitantly, with tuitions soaring, it was becoming harder and harder for the working- and middle-class to send their children to university. If "unworthy" prisoner-students were thus barred, the reasoning went, then criminals would be further punished and "just" balance would be restored to student funding. The problem was that reality did not match the political diatribe.

◆ Forty years ago, when *Basic Education Opportunity Grants* (later renamed in honor of the sponsoring senator, Clairborne Pell) were created, as a "needs-based" student financial aid program, prisoners were specifically encompassed by the legislation's sponsors.

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."

◆ 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. In other words, one-half of one percent of all awards went to prisoner-students, and at the average amount then issued to prisoner-students of \$1,400 would have totaled 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).

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. Furthermore, nearly seven out of ten (68%) of state prisoners had not received their high school diploma prior to arrest. Two-thirds of the nation's penal population is composed of minorities, and there are now more black males in prison earning GEDs than on the country's campuses receiving degrees. As H. Lawyer and J.



SIDEBAR A

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..."

POST-SECONDARY CORRECTIONAL EDUCATION (PSCE) REDUCES RECIDIVISM (SIDE BAR C)

- ✳ 1974: Burlington County College of New Jersey prison college program: 10% program recidivism rate compared to 80% national rate
- ✳ 1976: Alexander City State Junior College prison college program: 16% program recidivism rate compared to 70-75% national rate
- ✳ 1979: State Correctional Institution Pittsburgh, Pennsylvania PSCE: "...inmate students with the highest risk of recidivism experience a statistically significant at the (.05 level) reduction in recidivism when compared to the control group of 108 variables."
- ✳ 1979: Maryland Correctional Training Centers PSCE program: "...positive effect in reducing recidivism among participants."
- ✳ 1980: Texas Department of Correction Treatment Directorate: "...participation in the junior college program definitely results in lower recidivism rates."
- ✳ 1981: University of Victoria of Canada prison college programs: 14% program recidivism rate compared to 52% matched group
- ✳ 1983: Folsom prison college program: 0% baccalaureate program recidivism rate compared to standard first year recidivism rate
- ✳ 1983: New Mexico State Penitentiary college program: 15.5% program recidivism rate compared to 68% overall recidivism rate
- ✳ 1986: Lebanon Correctional Institution of Ohio college program: 11% program recidivism rate compared to 30% H.S. dropout rate
- ✳ 1986: Boston University of Massachusetts college program: 0% baccalaureate recidivism rate
- ✳ 1990: Lorton Prison of the District of Columbia college program: 6% program recidivism rate compared 40% average rate
- ✳ 1991: New York Department of Correctional Services PSCE programs: 26% program recidivism rate compared to 44% overall rate
- ✳ 1994: "Recidivism Among Federal Prisoners Released in 1987" 5% earning college degrees recidivate compared 40% overall
- ✳ 1995: Texas Department of Corrections Windham School System Analysis: Recidivism rates of various degree levels: Associate 13.7%, Baccalaureate 5.6%, Masters 0%
- ✳ Dr. Robert Ross of the University of Ottawa, analyzing prison college programs in his article, "Behavioral Approaches to the Treatment in Corrections: Requiem for a Panacea" observed that "nowhere else in the literature (of correctional programming) can one find such impressive results with the recidivistic adult offender."

Dertinger, writing for the American Bar Association's journal *Criminal Justice* pondered, "Where else would we find, in such large numbers, individuals who are so educationally, economically and socially disadvantaged?"¹⁷

◆ 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.²⁰ Adjusted for inflation, the "purchasing power" of Pell Grant aid has not increased since 1975.²¹ 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.²² During the 1980s, inflation-adjusted tuition increased more than three fold over state and federal financial assistance.²³ And 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 educations expenses.²⁴

But these points, largely created by the very same grandstanding politicians, 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 scapegoat prisoners, the elected chose to truculently campaign for substantively meaningless change for traditional students, while abruptly expelling 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.²⁵ Funding that had gone to prisoner-students, equally divided among the millions of grants recipients, totaled an extra \$5.00 a semester.²⁶ It was an insignificant gain for a devastating consequence.

Why Should We Care?

Before prisoners became ineligible for *Pell T-Higher Education Grants* there were more prisoner-students in American prisons than there are presently; although, the penal population today is twice the size as it was then.²⁷ Three years after the financial aid expulsion, prison-based college programs and enrollments had declined by half, with almost all penal systems reporting negative changes in their higher education opportunities.²⁸ State

systems, reacting to the example and loss of federal funding, eliminated prisoner-students eligibility from their grant programs (e.g., New York) and/or have even recently closed their prison-based programs altogether (e.g., Utah).²⁷ Yet over the years the Pell Grant appropriation has doubled, without one grant or one cent assisting prisoner-college students.²⁹

Really, though, why should it matter? So what if convicted felons don't 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, penologically and socially to provide and even encourage prisoners to complete as much education as possible. The more education prisoners acquire, the safer, more stable, and richer our commonwealths will be. In other words, succinctly put by a former director of the *American Correctional Association*, "If 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.³⁰ Average recidivism (i.e., return to prison) rates have increased to nearly seven out of ten parolees since the reductions of all forms of education and therapy programs.³¹ Prisoners earning college degrees, however, have common recidivism rates of 20 percent or even down to single digits when earning baccalaureates.²⁷ (Side Bar C) Criminologists Robert Ross and H. McKay observed, "nowhere else in the literature [of correctional programs] can one find such impressive results with the recidivistic adult offender."³²

◆ Upon parole, unemployment has been identified as a prime recidivism factor.³³ Less than half of ex-offenders find full-time employment,³⁴ while three-quarters of college educated parolees find steady employment at family sustaining wages.³⁵ D. Stevens and C. Ward, analyzing the North Carolina *Post Secondary Correctional 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."⁴⁵

◆ 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 is especially important for poor and minority students at risk of

falling even further behind and becoming part of a permanent underclass.⁴⁶

On average, states invest as much (\$24,000) supporting their students' public school-earned baccalaureates³⁶ as they spend annually (\$25,000) incarcerating their prisoners.³⁷ 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.³⁶ This return-on-investment in the prisoner-student becomes further manifest when factoring in all the socio-economic savings from significantly reduced criminal behaviors, 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 the all-too-common disruptive antisocial actions and demand for revenue-draining social services that recidivistic offenders can create.

With the primary goal of education and treatment programs to reduce crime,³⁸ in one of the first assessments of prison college programs nearly thirty-five years ago this holistic benefit 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."³⁹

Or as J. Michael Quinlan, the former director of the *Federal Bureau of Prisons* during the Reagan and Bush administrations so bluntly puts it, "I frequently use the term, 'Pay me now, or pay me later.' Society should recognize," the director explains, "that the cost of college is really very insignificant [i.e., 10% of a year of the annual cost of incarceration alone] when you compare the cost and damage done by crime."⁴⁰

◆ 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 20-29 were under some form of correctional supervision.⁴¹ 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 have received baccalaureates.⁴²

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 majority⁴⁷ of the penal population is composed of minorities," and thus Sullivan reasoned minority groups had been clearly disproportionately affected by banning prisoners from the Pell Grant program. With more black males in prison than on college campuses,⁴⁴ Sullivan wondered, as absurd as the concept was about having to go to prison to receive a college education, were we then going to close off that avenue as well? The answer was apparently, 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.⁴⁷ Thus once creating the most generally racially integrated university settings in the nation. Moreover, a racial composition that paid short- and long-term social dividends. 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.

SIDEBAR ■ B

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, "Maybe I should take off my badge and rob a store."¹⁰

The problem with this logic is that even if (and later when) prisoner-students were excluded from the Pell Grant program, this police officer's daughter would still not receive this type of financial aid. The dramatically quoted police officer's frustration was a little 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.⁴¹ 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.

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."⁴³ 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 its' policies prohibiting such inmate-exclusive funding programs.

BE IT RESOLVED

WHEREAS the restoration of prisoner Pell Grant eligibility will not deprive a single qualified traditional student of funding, will not substantially affect students' grant awards nor cause an overall program cost increase, while allowing thousands of prisoner-students to return to the edifying experience of college classrooms;

WHEREAS 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 and CURE endorse the restoration of eligibility for financial aid for "disenfranchised populations, including prisoners."¹⁸

WHEREAS Pell Grant funding eligibility is crucial to expanded and equitable Post-Secondary Education opportunities in United States prisons.

BE IT RESOLVED, that the NAACP calls upon Congress to enact legislation to restore prisoners' Pell Grant eligibility.

This resolution was approved by the membership at the July 2007 convention in Detroit and ratified by the Board of Directors later that year. It also calls upon the membership to educate themselves and others as to this position, and lobby Congress for the restoration of prisoners' Pell Grant eligibility.

It is in the best interests of all of society to restore this avenue for holistic change, if not simply for the hope it provides for the possibility for a better future for all Americans—even the incarcerated.

Inmate Jon Marc Taylor, Ph.D., is a member of the Crossroads Correctional Center (branch 4003), which submitted this resolution. He has received The Nation/ I.F. Stone and R.F.K. Journalism Awards for his reporting on this issue. He is also an inmate in Missouri. Bibliographies appear on the next page.

R.F.K.

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NOTES

In response to the American public's growing fear of crime and the call for more punitive measures to combat such fear, many legislators and policymakers have promoted building more prisons, enacting harsher sentencing legislation, and eliminating various programs inside prisons and jails. With re-arrest rates averaging around 60%, it is clear that incarceration alone is not working. In fact, the drive to incarcerate, punish, and limit the activities of prisoners has often resulted in the elimination of strategies and programs that seek to prevent or reduce crime.

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