



Calling Catholics to Political Responsibility

BY FRED KAMMER, S.J.

Every four years since 1976, in preparation for U.S. elections, the U.S. bishops have issued a statement on Catholic political responsibility. Since 2007, this document has been entitled *Forming Consciences for Faithful Citizenship: A Call to Political Responsibility from the Catholic Bishops of the United States*. In the first part, the bishops discuss their right to speak out politically:

Some question whether it is appropriate for the Church to play a role in political life. However, the obligation to teach the moral truths that should shape our lives, including our public lives, is central to the mission given to the Church by Jesus Christ. Moreover, the United States Constitution protects the right of individual believers and religious bodies to participate and speak out without government interference, favoritism, or discrimination.

The bishops emphasize how participation of people of religious conviction enriches the nation's tradition of pluralism.¹

For the bishops, the Catholic community brings two major contributions: (1) a consistent moral framework for assessing political issues drawn from reason illuminated by Scripture and Church teaching; and (2) broad experience in serving those in need including "educating the young, serving families in crisis, caring for the sick, sheltering the homeless, helping women who face difficult pregnancies, feeding the hungry, welcoming immigrants and refugees, reaching out in global solidarity, and pursuing peace."²

In addition to these two primary contributions, I would add two other Catholic contributions: (1) a passion for social justice; and (2) realism about power and evil. Seeming contradictory, these two additions actually stand in healthy tension with one another. Our faith-filled passion keeps us committed to working for justice when others have given up on political advocacy, chosen the all too common course of being swayed by the polls, or been silent in the face of popular opinion.

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Furthermore, our realism about power and evil makes us ever watchful about what is possible, probable, and/or foolish or prophetic. We recognize limits in what we can do on particular issues at specific times; and we steward our energy, time, and money to fight the battles where we can be most effective. All the while we recognize that certain issues call for prophetic actions that may seem foolish in the world's eyes but which plant the seeds for future harvests.

Two other important distinctions shape Church statements about public issues and help in understanding our prophetic advocacy as individuals and Catholic institutions. The first distinction, made thirty years ago by the bishops in their comprehensive pastoral letter *Economic Justice for All*, addresses various "audiences":

We write, then, first of all to provide guidance for members of our own Church as they seek to form their consciences about economic matters. No one may claim the name Christian and be comfortable in the face of the hunger, homelessness, insecurity, and injustice found in this country and the world. At the same time we want to add our voice to the public debate about the directions in which the U.S. economy should be moving. We seek the cooperation and support of those who do not share our faith or tradition. The common bond of humanity that links all persons is the source of our belief that the country can attain a renewed public moral vision.³

This distinction affects how we seek to persuade both fellow Catholics and others in this pluralistic society. It also colors the use of moral reasoning, logic, data, ministry experience, and even the Scriptures.

The second distinction is between *principle* and *policy application*. For example, there is a principle in Catholic teaching dating back to 1891 about the right of workers to receive a decent family wage.⁴ That principle is distinct from the question of whether to support a particular minimum wage bill—a policy application. The bishops indicate that there are an important set of bridges, however, from principle to policy applications:

In focusing on some of the central economic issues and choices in American life in the light of moral principles, we are aware that the movement from principle to policy is complex and difficult and that although moral values are essential in determining public policies, they do not dictate specific solutions. They must interact with empirical data, with historical, social, and political realities, and with competing demands on limited resources. The

soundness of our prudential judgments depends not only on the moral force of our principles, but also on the accuracy of our information and the validity of our assumptions.⁵

Because of the bridges from principle to policy applications, the "moral authority" of policy applications is different:

Our judgments and recommendations on specific economic issues, therefore, do not carry the same moral authority as our statements of universal moral principles and formal church teaching; the former are related to circumstances that can change or that can be interpreted differently by people of good will. We expect and welcome debate on our specific policy recommendations. Nevertheless, we want our statements on these matters to be given serious consideration by Catholics as they determine whether their own moral judgments are consistent with the Gospel and with Catholic social teaching.⁶

With Catholics, the bishops appeal to Church teaching and conscience, with a distinction between principle and policy application, but urging careful consideration of the policy applications. With "people of the book," the appeal can include reference to Scripture. With others and non-believers, the bishops often appeal to reason and human dignity and a hope that the bridges to policy application are convincing in themselves.

In *Forming Consciences for Faithful Citizenship*, the bishops describe our responsibilities for political life, forming conscience, and Catholic Social Teaching. They specifically discuss issues of human life, peace, marriage and family life, religious freedom, the option for the poor, economic justice, health care, migration, Catholic education, justice, violence, discrimination, care for creation, communications, media, culture, and global solidarity. Reading the entire text is essential preparation for the upcoming federal, state, and local elections.

The bishops specifically do not endorse or oppose candidates, and it is explicit policy of our Conference of Bishops not to do so in elections or judicial appointments. Their focus is on the moral quality of issues and positions, leaving to voters the exercise of well-informed conscience and prudence in choosing candidates. They acknowledge that, "These decisions should take into account a candidate's commitments, character, integrity, and ability to influence a given issue."⁷ It is not enough for a candidate or party to give "lip service" to even the most important moral issues. There also must be a commitment to action on issues that will be effective in making change or, as noted earlier, embody a prophetic commitment to change.



Catholic Social Thought and Politics

In the eyes of our faith, politics is about love writ large. Pope Francis in *Evangelii Gaudium* quoted from Pope Benedict: “We need to be convinced that charity ‘is the principle not only of micro-relationships (with friends, with family members, or within small groups) but also of macro-relationships (social, economic, and political ones).”¹ For Pope Francis, “An authentic faith...always involves a deep desire to change the world, to transmit values, to leave the earth somehow better than we found it.”²

In the Catholic Tradition, responsible citizenship is a virtue, and participation in political life is a moral obligation.

Politics is one essential way in which we exercise our responsibility for co-creating the world entrusted to us by God and through which we express the communitarian nature of the human person. “Justice is both the aim and the intrinsic criterion of all politics.”³ Political participation also enhances human freedom because, “Freedom acquires new strength ... when a man consents to the unavoidable requirements of social life, takes on the manifold demands of human partnership, and commits himself to the service of the human community.”⁴

As the U.S. Bishops have put it recently, “In the Catholic Tradition,

responsible citizenship is a virtue, and participation in political life is a moral obligation.”⁵ This obligation flows from our duty to promote the common good and “is inherent in the dignity of the human person.”⁶ It may vary in part from country to country, culture to culture; but the Church praises those nations which “allow the largest possible number of citizens to participate in public affairs with genuine freedom.”⁷

In Catholic teaching, politics also is seen as the proper, but not exclusive, domain of the laity. In the words of the Second Vatican Council: “Laymen should also know that it is generally the function of their well-formed Christian conscience to see that the divine law is inscribed in the life of the early city. ... Since they have

an active role to play in the whole life of the Church, laymen are not only bound to penetrate the world with a Christian spirit. They are also called to be witnesses to Christ in all things in the midst of human society.”⁸

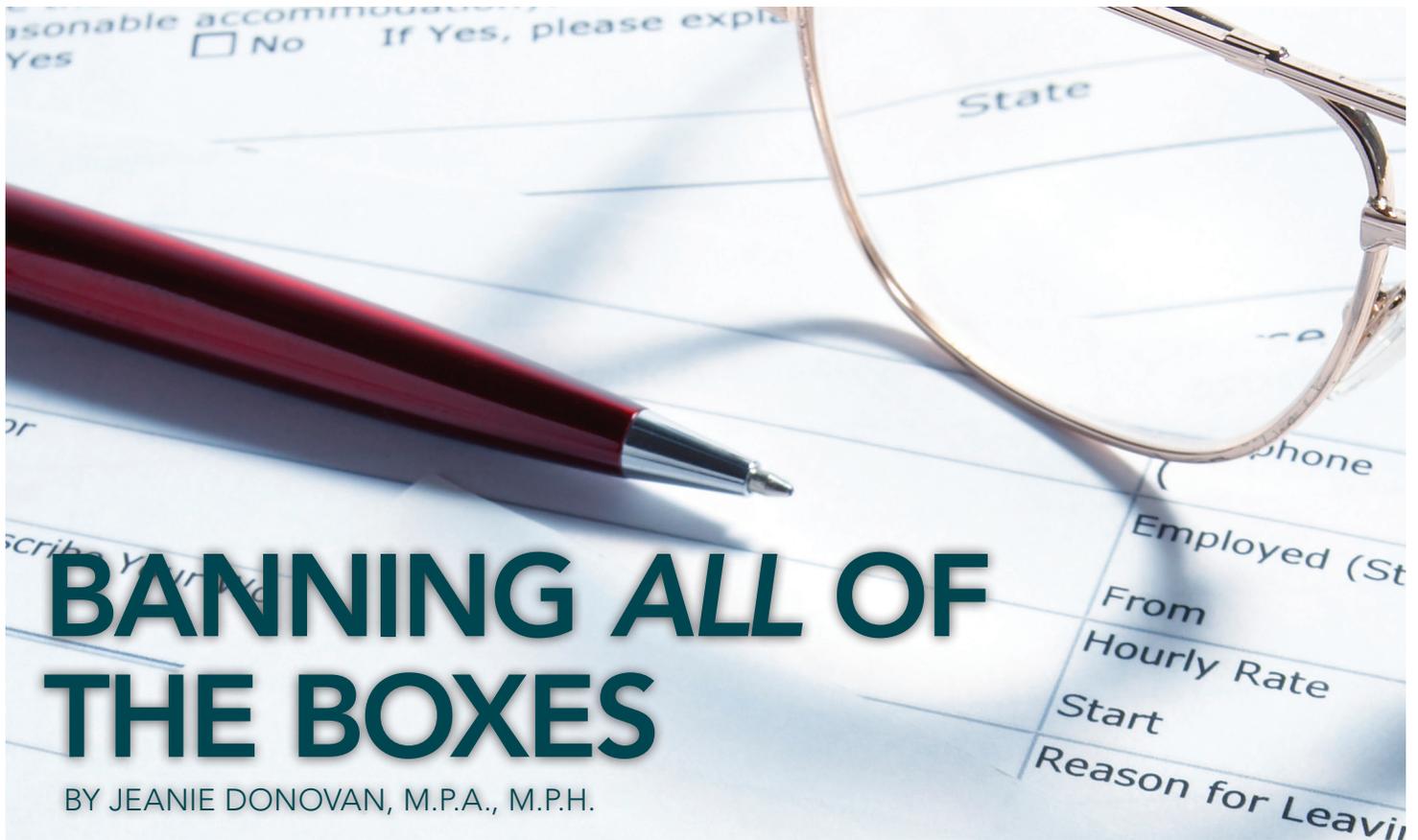
The role of the bishops, assisted by priests and deacons, religious and lay leaders, is to “teach fundamental moral principles that help Catholics form their consciences correctly, to provide guidance on the moral dimensions of public decisions, and to encourage the faithful to carry out their responsibilities in political life.”⁹

What political activities are urged upon us by the Church? First, Pope Francis

reminds us, “Politics, though often denigrated, remains a lofty vocation and one of the highest forms of charity, inasmuch as it seeks the common good. ... I beg the Lord to grant us more politicians who are genuinely disturbed by the state of society, the people, the lives of the poor!”¹⁰ In addition to actually running for office, the U.S. Bishops urge the following: working within political parties; communicating directly with officials; joining Church advocacy networks; participating in community organizations; and other efforts “to apply authentic moral teaching in the public square.”¹¹ Then, the bishops add, “Even those who cannot vote have the right to have their voices heard on issues that affect their lives and the common good.”¹²

ENDNOTES

- ¹ Pope Francis, *Evangelii Gaudium*, November 24, 2013, no. 205, quoting Pope Benedict, *Caritas in Veritate*, June 29, 2009, no. 2.
- ² *Ibid.*, no. 183.
- ³ Pope Benedict, *Deus Caritas Est*, December 25, 2005, no. 28.
- ⁴ Second Vatican Council, *Gaudium et Spes*, 1965, no. 31.
- ⁵ U.S. Conference of Catholic Bishops, *Forming Consciences for Faithful Citizenship: A Call to Political Responsibility from the Catholic Bishops of the United States*, 2015, no. 13.
- ⁶ *Catechism of the Catholic Church*, no. 1913.
- ⁷ *Gaudium et Spes*, no. 31.
- ⁸ *Ibid.*, no. 43.
- ⁹ *Forming Consciences*, no. 15.
- ¹⁰ *Evangelium Gaudium*, no. 205.
- ¹¹ *Forming Consciences*, no. 16.
- ¹² *Ibid.*



BANNING ALL OF THE BOXES

BY JEANIE DONOVAN, M.P.A., M.P.H.

In January, 2014, City of New Orleans administrators announced the new *Policy for Review of Employment Candidates' Criminal History*, also known as a "Ban the Box" policy. This administrative change represented a significant step toward equal employment opportunity and decreasing recidivism in the city. Still, the policy left much to be desired by job applicants with criminal records and advocates because it did not have any impact on the vast majority of employers in the city—private businesses.

In 2014 the City of New Orleans employed 4,363 people, representing less than 1 percent of the 553,100 total jobs in the city.^{1,2} In that same year 1,123 individuals were released from the Orleans Parish Prison (OPP) after serving a jail sentence.³ In the general population experts estimate that more than 1 in 4 adults in the U.S. have a criminal record, meaning that at least 65,000 of New Orleans' 260,000 adult residents have criminal records.^{4,5} Allowing private employers to continue to ask about criminal history on an initial job application represents a significant barrier to employment for at least a quarter of the city's working-age population.

In fact, workers who have been incarcerated are far more likely to be unemployed than those who have not.⁶ Extensive research shows that those who report on an initial job

application that they have a criminal record are significantly less likely to receive a call back or be hired for a position compared to those who do not.⁷ The effect is even more pronounced when the applicant with a criminal record is a person of color.⁸ This pattern is problematic especially given that a criminal record has been shown to be an *inadequate* measure of an individual's risk of creating a safety or security threat on the job.⁹ Improving employment opportunities for those with a criminal record by banning the box for *all* employers would have significant social and economic benefits for New Orleans and its residents through decreased recidivism, increased earnings, greater tax revenues, and avoided criminal justice costs.¹⁰

The most obvious economic benefit of banning the box on all job applications is greater employment and earnings for workers with criminal records. Although their earning potential is reduced by their mark as a criminal, a former offender's ability to secure employment still is incredibly important to their successful reentry and economic stability.¹¹ Even with wage and wage growth discounts factored in, employed former inmates living in New Orleans would have the estimated average annual and lifetime earnings shown in Chart 1.

Chart 1. Estimated former New Orleans inmates earnings:

Educational Attainment Level	New Orleans Resident Average Annual Earnings 2014 ¹²	Employed Former Inmate Average Annual Earnings 2014 ¹³	Employed Former Inmate Average Post-Release Lifetime Earnings ¹⁴
No high school diploma	\$9,551	\$5,731	\$256,851
HS or GED	\$13,483	\$8,090	\$368,191
Some college	\$17,759	\$10,655	\$489,929
Bachelor's degree	\$48,108	\$28,865	\$1,712,248

Using the individual earning estimates, one can project the full economic impact of connecting 100 former offenders to employment and preventing recidivism. A representative sample of 100 persons released from OPP would roughly include 47 without a high school diploma, 40 with a high school diploma or GED, 10 with some college experience, and three college graduates.¹⁵ Accordingly, the estimated annual earnings of this group of 100 former offenders in New Orleans would have totaled \$786,073 in 2014 if they were gainfully employed. Over the course of their careers, the same group of 100 workers would earn an estimated \$36 million. Increased earnings also would generate greater sales tax revenue for the city.

Employment of persons who have a past criminal record has been linked to lower rates of recidivism — meaning decreased costs for the criminal justice system.¹⁶ First, decreased recidivism means that fewer police resources are consumed in making arrests. An analysis by the Vera Institute of Justice found that the marginal cost per arrest is an estimated \$360. Therefore, if 100 former offenders released from OPP each year were connected to employment and did not recidivate as a result, it would translate into a savings of \$36,000 for the city's police department annually.¹⁷ Preventing recidivism also would reduce court processing and trial costs. Previous research estimates a marginal cost per case of between \$657 and \$714.¹⁸ Reducing the number of recidivists by 100 would result in annual cost savings of roughly \$70,000 for the city's court system. Finally, reducing recidivism would result in decreased correctional costs. In 2014 the cost of housing an inmate in OPP was \$22.39 per day and the average length of stay for inmates in OPP was 53.1 days.¹⁹ If 100 former offenders were prevented from recidivating through connection to employment, it would save the city's jail system an estimated \$118,808 annually.

The city's decision to ban the box for jobs in local government established a model for private employers as well as other cities and states that may be considering a similar policy. Until New Orleans' Ban the Box policy is expanded to include all employers, however, the city is forgoing significant social and economic benefits. In this Holy Year of Mercy proclaimed by Pope Francis, which began December 8, 2015, local leaders should reflect on the need to expand New Orleans' existing Ban the Box policy to ensure that employment practices are fair, engender forgiveness and compassion, and promote the common good of all of us.

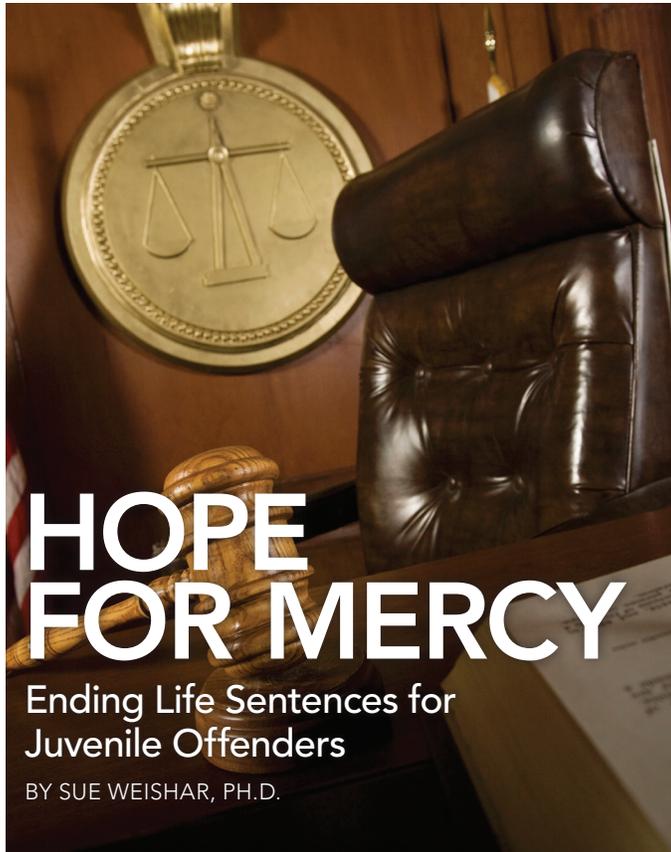
Chart 2. Annual municipal cost savings:

Annual Municipal Savings from Preventing Recidivism of 100 Former Offenders	
Police Cost Savings	\$36,000
Court Cost Savings	\$70,000
Incarceration Cost Savings	\$118,808
Total Cost Savings	\$224,808

ENDNOTES

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HOPE FOR MERCY

Ending Life Sentences for Juvenile Offenders

BY SUE WEISHAR, PH.D.

In his address to the U.S. Congress last September, Pope Francis declared that “a just and necessary punishment must never exclude the dimension of hope and the goal of rehabilitation.”¹ Two U. S. Supreme Court cases involving juvenile offenders from Gulf Coast states, Evan Miller and Henry Montgomery, have given hope to hundreds of men and women serving mandatory life sentences for homicides they committed as juveniles.²

In 2002 Evan Miller was 14-years-old when he and another youth attacked their 52-year-old neighbor, Cole Cannon, in Lawrence County, Alabama, after the three had spent the evening smoking marijuana and playing drinking games. The youths then set fire to his home, and Cannon died of smoke inhalation.³ Court testimony revealed that Miller had a deeply troubled life, having attempted suicide four times, starting at age six. He was placed in foster care at age ten, but was returned to the custody of his mother, who suffered from alcoholism and drug addiction, three years later. Soon after he began using drugs himself.⁴

In a June 2012 decision *Miller v. Alabama*, which included Evan Miller’s and another juvenile offender’s cases, a closely divided Supreme Court ruled that sentencing juveniles to die in prison violates the Constitution’s Eighth Amendment ban on cruel and unusual punishment. The Court declared that a sentencing evaluation must take into account juvenile offenders’

age and maturity, upbringing, and likelihood to reoffend, citing their lessened culpability as minors at the time of their crimes. Although the court did not ban all juvenile-for-life sentences for homicide, Justice Elena Kagan, writing for the majority, said the judicial system must distinguish between “the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.”⁵

The *Miller* decision meant that courts could no longer automatically sentence a juvenile offender found guilty of murder to mandatory life-without-parole, but it was unclear if this ruling could apply retroactively. Some states, including Florida, Mississippi, and Texas, passed laws or made rulings that allow offenders who received mandatory sentences before *Miller* to apply for parole or petition for resentencing hearings.⁶

Other states, including Louisiana and Alabama, decided automatic juvenile-life-without-parole sentences before 2012 were still legitimate.⁷ When the Louisiana Supreme Court denied Henry Montgomery’s resentencing request in 2013 for a 1963 homicide he committed when he was 17-years-old, Montgomery appealed his case to the U.S. Supreme Court.

Henry Montgomery grew up in Scotlandville, Louisiana, which was the largest majority-black town in Louisiana before it was annexed by the city of Baton Rouge in 1970. His mother was autistic and he was raised by his grandparents. Montgomery had just turned 17 two weeks earlier to when he skipped school on November 13, 1963, and was discovered by East Baton Rouge Sheriff’s Deputy Charles Hurt in a park near Montgomery’s home. When being patted down for weapons by Deputy Hurt, Montgomery panicked and shot him. Because of Montgomery’s diminished intellectual abilities, his lawyers, including renowned civil rights attorney Johnnie Jones, insisted that Montgomery had never intended to kill Deputy Hurt. An all-white, all male jury convicted Montgomery, who is black, of the murder of Charles Hurt, who was white; and he received the death penalty. Five years later Montgomery’s lawyers appealed his sentence and he was given a mandatory sentence of life without possibility of parole and sent to the Louisiana State Penitentiary at Angola. At age 69, Montgomery has been at Angola for over fifty years where he is considered a model prisoner, coaching young inmates and working in the gym.⁸

On January 25, 2016, the U.S. Supreme Court ruled in *Montgomery v. Louisiana* that its earlier decision, *Miller v. Alabama*, must be applied retroactively. Writing for the six-justice majority, Justice Anthony Kennedy held that states may choose either to hold resentencing hearings, or keep current sentences in place but provide opportunities to apply for parole.⁹

Table 1. Numbers of JLWOP Sentences by Gulf Coast State and Race/Ethnicity in 2015 from the Phillips Black Project

State	Number of Persons with JLWOP Sentences	Black	Hispanic	White	Other Unknown
Alabama	19	15	0	4	0
Florida*	227	135	12	78	2
Louisiana	247	199	0	47	1
Mississippi**	68	47	0	21	0
Texas***	17	13	4	0	0
Gulf Coast Total	578	409	16	150	3
National Total	2295	1303	120	531	27

*Florida dramatically narrowed JLWOP eligibility in 2014, allowing a juvenile offender convicted of capital murder to a sentencing review after 15 years if the victim did not die, or 25 years if the victim died.¹²

** As of May, 2015, Mississippi courts had reevaluated 17 JLWOP cases. Eight individuals were resentenced to life with parole, two were resentenced to life without parole, and seven were still waiting to be resentenced.¹³

***Texas abolished JLWOP in June, 2013. However, juveniles convicted of a homicide must serve 40 years before parole can be considered.¹⁴

The Phillips Black Project¹⁰ found that from May to October 2015 almost 2,300 persons were serving life sentences without parole for homicides they committed as juveniles. Above is a breakdown of juvenile-life-without-parole (JLWOP) sentences in Gulf Coast States by race or ethnicity.¹¹

Three significant findings emerged from the Philips Black Project’s data analyses. First, stark racial disparities were found to exist for juveniles arrested for homicides, with African American youth receiving JLWOP sentences twice as often as their white counterparts. Second, a small number of counties are responsible for a significant proportion of JLWOP sentences in ways greatly disproportionate to their populations. (Of the seven counties responsible for over a quarter of all JLWOP sentences in the last five years, four are in the Gulf South: Orleans, Jefferson, and East Baton Rouge Parishes in Louisiana and Miami-Dade County in Florida.) Third, JLWOP sentencing dramatically increased during the period (1992 to 1999) in which now discredited theories about “super-predator” youths spurred state legislatures to pass harsh sentencing laws for juvenile offenders.¹⁵

The options for reconsideration of one’s sentence post *Miller* and *Montgomery* are fraught with difficulties and uncertainties. If a state opts for resentencing, resentencing requests must be initiated by inmates. Although many offenders with JLWOP

sentences lack the resources to pay for a lawyer, the Supreme Court has ruled that prisoners seeking new hearings have no constitutional right to counsel.¹⁶

States can opt to provide offenders with JLWOP sentences a chance to be considered for parole, but winning parole can be very difficult. The Marshall Project found that parole boards nationwide tended to be secretive, driven by politics, and vested with almost unlimited discretion, with “hearsay, rumor and instinct... all fair game.”¹⁷

“Mercy is not opposed to justice but rather expresses God’s way of reaching out to the sinner, offering him a new chance to look at himself, convert, and believe,” Pope Francis observed in *Misericordia Vultus*.¹⁸ This begs the question: can a criminal justice system that systematically fails to honor the rights of poor people, especially people of color, ensure that opportunities for mercy are realized for the men and women with JLWOP sentences?

ENDNOTES

- 1 See <http://www.usccb.org/about/leadership/holy-see/francis/papal-visit-2015/media-resources/upload/11-EN-congressional-address.pdf>
- 2 In yet another monumental case involving a Gulf Coast juvenile offender, in 2010 the Supreme Court abolished life-without-parole sentences for juvenile offenders in non-homicide crimes in *Graham v Florida*.
- 3 Adam Liptak and Ethan Bronner, “Justices bar mandatory life terms for juveniles,” *The New York Times*, June 25, 2012, at <http://www.nytimes.com/2012/06/26/us/justices-bar-mandatory-life-sentences-for-juveniles.html>.
- 4 Matt Smith, “Alabama inmate Evan Miller awaits resentencing four years after landmark decision,” *Juvenile Justice Information Exchange*, March 18, 2016, at http://www.al.com/news/index.ssf/2016/03/after_landmark_decision_alabam.html
- 5 Matt Ford, “A retroactive break for juvenile offenders,” *The Atlantic*, January 26, 2016, at <http://www.theatlantic.com/politics/archive/2016/01/montgomery-alabama-supreme-court/426897/>
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- 11 John R. Mills, Anna M. Horn, and Amelia Courtney Hritz, “Juvenile life without parole in law and practice: Chronicling the rapid change underway,” *American University Law Review*, Vol. 65, pp 535-605, 2016 at http://www.aulawreview.org/index.php?option=com_content&view=article&id=2067:juvenile-life-without-parole-in-law-and-practice-chronicling-the-rapid-change-underway&catid=296:vol-65-issue-3&Itemid=182
- 12 See <https://www.flsenate.gov/Committees/BillSummaries/2014/html/635>
- 13 Mills, *et al. op. cit.*, p. 570.
- 14 Joshua Rovner, *Juvenile Life Without Parole: An Overview*, The Sentencing Project, July 2016 at <http://www.sentencingproject.org/wp-content/uploads/2015/12/Juvenile-Life-Without-Parole.pdf>
- 15 Mills, *et al. op. cit.*, pp. 560-581.
- 16 Liptak and Bonner, *op. cit.*
- 17 Segura, *op. cit.*
- 18 Pope Francis, *Misericordiae Vultus: Bull of Indiction of the Extraordinary Jubilee Year of Mercy*, April 11, 2015, at https://w2.vatican.va/content/francesco/en/apost_letters/documents/papa-francesco_bolla_20150411_misericordiae-vultus.html



FAITHFUL CITIZENS: Calling Catholics to Political Responsibility

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ENDNOTES

- ¹ United States Conference of Catholic Bishops, *Forming Consciences for Faithful Citizenship: A Call to Political Responsibility from the Catholic Bishops of the United States*, November, 2015, no. 11.
- ² *Ibid.*, no. 12.
- ³ U.S. Catholic Bishops, *Economic Justice for All: Catholic Social Teaching and the U.S. Economy*, November 13, 1986, no. 27.

- ⁴ Pope Leo XIII, *Rerum Novarum*, 1891, no. 63.
- ⁵ *Economic Justice for All*, no. 134.
- ⁶ *Ibid.*, no. 135.
- ⁷ *Forming Consciences*, no. 37.

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- ⁹ Rodriguez, Michelle. *Op. cit.* pp. 6-7.
- ¹⁰ The methodology is loosely based on that used by The Economy League's 2011 analysis titled, *The Economic Benefits of Employing Formerly Incarcerated Individuals*.
- ¹¹ Research by Harvard economist Bruce Western found that the annual earnings of a worker with a criminal record are, on average, 40 percent lower than workers of similar age, education, and location who do not have a record. Additionally, the rate of wage growth over time is 30 percent lower than for workers without a criminal record.
- ¹² Average annual earnings estimates by education level were generated by Jeanie Donovan using 2014 U.S. Census Bureau's Public Use Microdata Sample (PUMS) for Public Use Microdata Areas (PUMAs) 02400, 02401, and 02402.

- ¹³ Average annual earnings for workers with a criminal record were estimated by reducing the average annual earnings of the average worker in New Orleans with a similar education level by 40 percent, based on findings of Western et al.
- ¹⁴ Lifetime earnings are based on income growth rates of 1.3%, 1.4%, 1.5%, and 1.8% for each education level, respectively, with the average age of a released inmate estimated at 30 and anticipating 35 years of participation in the labor force.
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