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Eliminating the enemy

The import of denying prisoners access to higher education in Clinton's America

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Abstract

This article investigates why Congress passed legislation in 1994 that denied Pell Grants – the primary source of funding for postsecondary correctional education (PSCE) – to prisoners, despite evidence that PSCE helped reduce recidivism and bolster carceral order. Analysis of the congressional debates and relevant media texts shows that lawmakers, in concert with the popular media, produced a *legislative penal drama* in which they spoke to key audiences³ – particularly white, working and middle class voters⁴ – mistrust of penal practitioners and criminal justice experts, prejudices toward (black and brown) street criminals, fears about crime and anxiety over the economy, the transformed labor market and access to higher education. The article contends that the timing and texture of the Pell Grant affair were symbiotically related to a confluence of developments in the political and related fields during the 1980s and early 1990s. It extends Emile Durkheim's communicative theory of penalty to encompass notions of class power and political interest. By producing such legislative penal dramas, lawmakers simultaneously tap into and legitimize collective sentiments of particular audiences, highlight symbolic boundaries between in- and out-groups and shore up political electoral support for punitive policies.

Key Words

Pell Grants • politics • postsecondary education • prisoners • punishment

For too long, crime has been used as a way to divide Americans with rhetoric. . . . It is time to use crime as a way to unite Americans through action. (United States President, William Jefferson Clinton – Remarks announcing the Anticrime Initiative and an exchange with reporters, 11 August 1993; cited in Windlesham, 1998: 34)

In the beginning of 1991, Dr James Gilligan, Professor of Psychiatry at Harvard Medical School, gave the Erikson Lectures at Harvard University, in which he announced 'that getting a college degree while in prison had been the only program (in Massachusetts'

prisons) that had been 100 percent effective in preventing recidivism over a 25-year period' (Gilligan, 2000: 11). Shortly after the lecture, a friend of Dr Gilligan's gave a copy of the speech to the new, self-proclaimed 'tough on crime' Republican Governor of Massachusetts, William Weld. Governor Weld's response was to

go on television two days later to give a press conference in which he said, 'We've got to stop giving a free college education to prison inmates, or else the people who cannot afford to go to college are going to start committing crimes so they can get sent to prison to get a free education!' (Gilligan, 2000: 11)

On 5 May 1991, *60 Minutes* aired a segment titled 'Prison U.', in which Governor Weld re-articulated his opposition to state-sponsored postsecondary correctional education (PSCE). In an exchange with CBS News Correspondent, Morley Safer, Governor Weld insisted that when 'you tell them [middle class families] that, if their son or daughter committed a violent felony, they would be eligible for a free education, their eyes fall out of their heads' (Eisen, 1991: 10). Maureen Donavon, 'a campaigner against the pampering of prisoners', added:

you sell drugs, you murder someone, you rape someone, you go to prison and you get a free education. You hear kids saying now, 'Well, you know, if I can't make it, you know, I can foul up and I'll get to prison and I'll get a free education.' (Eisen, 1991: 9)

On 30 July 1991, nearly four months after *60 Minutes* ran 'Prison U.', Senator Jesse Helms (R-NC) introduced an amendment to an appropriations bill, which called for the denial of Pell Grants – the main source of funding for PSCE in the USA – to all state and federal prisoners. Mr Helms told his colleagues that by passing his measure, Congress would complete a process that began in 1988:

Congress has already, as part of the Anti-Drug Abuse Act of 1988, denied Pell Grants and numerous other Federal benefits to individuals who are convicted of possessing or trafficking drugs . . . I see no reason why other criminals, including murderers, should be treated any better. (US Congress, 1991a: S11329)

The Senate passed the proposal by a vote of 60–38. Mr Helms 'later attached his amendment to the Higher Education Reauthorization Act [that the Senate took up in 1992]. By then, the legislative action had shifted to the floor of the House' (Taylor, 1993: 90).

On 26 March 1992, Representatives Thomas Coleman (R-MO) and Bart Gordon (D-TN) offered a joint amendment to the higher education bill in order to conclude what Mr Helms started in the Senate. The congresspersons overwhelmingly passed the Coleman–Gordon measure with a vote of 351–69, but during conference proceedings to reconcile differences between the House and Senate versions of the Higher Education Reauthorization Act, the conferees voted to eliminate Pell Grant eligibility for individuals condemned to death or serving life sentences, rather than for all prisoners (US Congress, 1992a: H6091).

During the second half of 1993, Congress fiercely debated the Violent Crime Control and Law Enforcement Act. On 10 November 1993, Senator Kay Bailey Hutchison, a Republican freshman from Texas, introduced Senate Amendment 1158 to try once again to eliminate *all* prisoners from the Pell Grant program. After a relatively short

debate, the Senate passed Ms Hutchison's proposal. Again, it was up to members of the House to finish the deal.

On 19 April 1994, *Dateline*, NBC ran a piece called 'Society's debt?' The show described a contest of sorts between 'deserving young students' who 'can't afford to go to college' and prisoner-students – 'the lucky ones with no income and plenty of time to study' ('Society's debt?', 1994: 2). Mr Roth, a full-time business student who was turned down for a Pell Grant, expressed outrage at what he saw as preferential treatment for prisoners:

I believe I've had five days off since the first of the year, but I don't have a choice. I've got to work all those hours in order to make ends meet and pay my bills. The prisoners, they have their cable TV, they have their weight rooms. What do I have? I have school, I have a job, and I have a bed I see for four to five hours a night, and that's it. ('Society's debt?', 1994: 5)

Several crime victims and/or their families also displayed their feelings about prisoners receiving Pell Grants. Mr Mumma, the father of a 13-year-old boy who was killed by another young man, fumed at the fact that the murderer of his son had been 'rewarded' with a free college education:

He – he perpetrated a crime, in this case murder, and now we're going to reward him for that crime. He's going to do about 14-and-a-half years minimum, and we're saying to him, 'Thank you very much for killing somebody. We're going to give you a college education.' ('Society's debt?', 1994: 3)

The day after NBC aired 'Society's debt?' Representatives Bart Gordon, Tim Holden (D-PA) and Jack Fields (R-TX) proposed an amendment to finally deny Pell Grants to all convicted felons. As a last-ditch effort to retain the funding for PSCE, Representative Albert Wynn (D-Mass) offered a counter-amendment, which stipulated that if experts could not prove in two years that the program decreased crime and was cost-effective, the incarcerated would be denied Pell Grants. The House solidly rejected Mr Wynn's alternative and passed the Gordon–Fields–Holden measure by a vote of 312–116, despite opposition from Attorney General Janet Reno, the Clinton Administration, the *North American Association of Wardens and Superintendents*, the *Federal Bureau of Prisons*, the *American Correctional Association*, the *Association of State Correctional Administrators*, every major educational organization in the nation and numerous civil rights organizations. On 13 September 1994, President William Jefferson Clinton signed the \$30.2 billion Crime Control and Law Enforcement Act, which, among other things, prohibited all prisoners from receiving Pell Grants.

The few scholars who have analyzed the Pell Grant decision have focused on its operational impact, showing that from 1994–5 to 1997–8 the percentage of correctional systems offering PSCE programs declined from 82.6 to 54.9, and the percentage of students participating in those programs shrunk from 7.3 to 3.8 (Tewksbury and Taylor, 1996; Tewksbury et al., 2000). Rather than concentrate on the legislation's effect on PSCE, this article examines *why* Congress denied Pell Grants to prisoners, despite professional opinion that PSCE helped reduce recidivism and bolster carceral order.

Moreover, it scrutinizes why congresspersons passionately targeted Pell Grants for prisoners *in the first years of the 1990s*.

To investigate these questions, I studied the content and form of the public discourse that politicians and major media figures produced about the Pell Grant issue between 1991 and 1994 on the floors of the US Senate and House of Representatives (which are part of the *Congressional Record* and are available online through *Lexis-Nexus*), in the editorial pages of local and national newspapers and on television news shows.¹ I methodically isolated and coded the arguments that the congresspersons and media pundits made for and against retaining prisoner eligibility in the grant program. Moreover, I chronicled the social groups that the debaters claimed to represent and oppose – e.g. ‘the people’, ‘working families’, crime victims, convicts, correctional experts, their colleagues et al. I also analyzed questions regarding the structure and tone of the debates, including: Did the actors engage each other’s arguments, or did they talk past and/or attack their opponents’ positions? Did they employ professional opinion and statistics to support their stances, or did they rely on hyperbole and anecdotes? Did the debaters consider alternative solutions or compromises? After fleshing out the obvious and implicit rationales that the legislators provided in a variety of public forums regarding Pell Grant eligibility for the incarcerated, I situated those arguments in relation to developments within the political and related fields during the 1980s and 1990s.

This article argues that lawmakers, in concert with the popular media, produced a *legislative penal drama* – complete with heroes and villains, action and suspense and colorful imagery – in which they spoke to key audiences’ (specifically, white working and middle class voters’) mistrust of penal practitioners and criminal justice experts, prejudices toward (black and brown) street criminals, fears about crime and anxiety over the economy, the transformed labor market and access to higher education. This article shows that the timing and structure of the Pell Grant case (as a contest between less and more eligible groups) were symbiotically related to a confluence of developments in the political and related fields during the 1980s and early 1990s – namely, the decline of the rehabilitative ideal and the rise of penal populism; the general assault on the undeserving poor; growing status anxiety among the American middle class; and relentless media coverage of ‘the crime problem’. This article concludes that the producers of the Pell Grant drama expressed politically potent messages that resonated with core constituencies in the early 1990s, so as to potentially increase their political capital – and not necessarily to decrease crime, make carceral institutions more secure and efficient, help ‘ordinary’ citizens or increase public trust in government.

This case study contributes to recent efforts to extend Emile Durkheim’s communicative theory of penal sanctions. Durkheim argues that punishment is a fundamentally irrational, passionate and vengeful response to serious violations of the ‘collective consciousness’, which he defines as the ‘totality of beliefs and sentiments common to the average member of a society [which] forms a determinate system with a life of its own’ (1984: 38–9). For Durkheim, penal rituals – which are, by definition, public, organized and fervent – express and solidify the sacred values of a given society, while drawing symbolic boundaries between in-groups and out-groups. In industrialized and ‘organically’ solid societies, the state (the guardian and organizer of collective sentiments) defines crimes and doles out penal sanctions to protect society’s moral fabric; criminal law is less prevalent than civil law; punishment becomes less severe and intense;

and imprisonment, rather than corporal punishment, becomes the state's penalty of choice (Lukes and Skull, 1983; Durkheim, 1984). While criminal punishment plays a more restricted role in advanced societies, it serves the same functions that it did in more homogenous and less complex societies.

Durkheim's theory is limited in several ways because of the French sociologist's view of 'society' and the state. To begin with, *a*, or *the*, collective consciousness simply does not exist in contemporary pluralistic, hierarchically ordered societies (and likely did not exist in Durkheim's ideal-typical undifferentiated, 'mechanical' societies either). What does exist is a 'dominant moral order which is historically established by particular social forces' (Garland, 1990: 53). Also, punishment does not merely reflect and reaffirm values that exist in the social ether; it '*helps construct and support the social world* by producing the shared categories and authoritative classifications through which individuals understand each other and themselves' (Garland, 1990: 252, emphasis added). Rather than simply reflect the will of 'the people', politicians (perhaps pre-reflexively) use penalty to 'connect with the fears, insecurities, and prejudices of their intended audience' – particularly voters (Garland, 1990: 252). Penal rituals, therefore, serve an instrumental, political purpose that Durkheim had trouble seeing because of his idealistic conception of the state.

Rather than abandon Durkheim's theory of penalty because it does not contain clear and obvious notions of political power and social conflict – as Beckett and Sasson (2000) do – we should bridge Durkheim's core insights about penalty with neo-Marxist and neo-Weberian notions of class and political interest and domination. Punishment is a fundamentally ritualistic, communicative, boundary-drawing institution that helps constitute identities, as Durkheim insists. However, rather than purely reflect the general will, penal dramas – as this article shows – convey and legitimate, at least in part, the dispositions, concerns and interests of political elites. Moreover, these dramas – regularly produced today in courtrooms, newspaper editorial pages, the Internet, the floors of Congress and state legislatures and on television – tend to reinforce common-sense categories (e.g. worthy/unworthy, legitimate authority/illegitimate authority) that underpin the dominant moral order. In short, penal dramas do express and reinforce collective sentiments; these sentiments, however, reflect political elites' particular visions of the world (and their desire to maintain or improve their social position) at least as much as those of 'the public'.

A BRIEF HISTORY OF HIGHER EDUCATION IN US PRISONS

Before analyzing the Pell Grant debates, I provide a short historical overview of PSCE in US prisons, and describe the nature of the Pell Grant program and its impact on PSCE. Governmental reports and academic studies show that even though prisoners began taking correspondence courses for college credit in the 1920s, PSCE did not have a significant presence in the USA's penitentiaries until the mid-1970s. In 1965, for example, only 12 institutions offered degree programs to inmates (Wolford and Littlefield, 1985: 258). That number increased to 237 in 1976 (Emmert, 1976), 350 in 1982 (Wolford and Littlefield, 1985) and 772 in 1990 (Stephan, 1992). The percentages of correctional systems offering PSCE programs to convicts were 71 in 1973 (Heron et al., 1973), 91 in 1983 (Woodard and Ryan, 1987) and 82.6 in 1995, the final year that prisoners received Pell Grants (Tewksbury et al., 2000). The percentage of total

prisoners in PSCE increased from 6 in 1973 (Heron et al., 1973) to 10.44 in 1977 (Bell, 1979), dipped a bit to 8.9 in 1982 (Wolford and Littlefield, 1985) and slid slightly further to 7.3 in 1995 (Tewksbury et al., 2000).

The sharp rise in PSCE in the 1970s was due, in large part, to a shift in penal philosophy and the implementation of the Pell Grant program. In the 1960s critics challenged the fundamental assumption of the 'treatment model', arguing that people committed crime because they did not have access to legitimate avenues of accumulating wealth, status and power – not because they were socially or psychologically 'sick'. The critics contended that prisoners should have the *opportunity* to partake in programs, including higher education, which provided convicts with necessary social resources. During the late 1960s, proponents of this 'opportunities model' encouraged local and national governments to support PSCE programming, and many of them went into prisons to teach college courses themselves (Seashore and Haberfeld, 1976).

In 1965, Congress passed Title IV of the Higher Education Act, which instituted the Basic Educational Opportunity Grant Program (named the Pell Grant in 1980 after Senator Claiborne Pell (D-RI)), a federally funded loan and work program designed to help low- and middle-income students afford college. To be eligible for a Pell Grant, a student must demonstrate financial need, be enrolled in an undergraduate program and be making satisfactory progress towards graduation. The US Congress determines the size of the Pell Grant pool that gets divided among eligible students each year. The Pell Grant program is the largest student aid program managed by the US Department of Education, providing billions of dollars to millions of students each year (Peramba, 1994: 165).

Shortly after Congress released funds for the program in 1972, Pell Grants became the major source of funding for PSCE for two reasons: on the one hand, nearly all prisoners were eligible for the grants because of their lack of income, and, on the other hand, states historically refused to put their own resources toward higher education (Lawrence, 1994: 34). By 1982, 72 percent of correctional systems utilized Pell funding for PSCE, and by 1993–4, roughly 73 percent of the total 38,000 prisoner-students used the grants to pay for college (Lillis, 1994).²

As PSCE expanded throughout the USA in the 1970s and 1980s, penal practitioners and correctional experts argued that PSCE 'works' in two main ways:

- (1) The recidivism rate for PSCE participants is as much as 55 percent lower than that of non-participants (Chase and Dickover, 1983; Holloway and Moke, 1986; Center on Crime, Communities and Culture, 1997; Tewksbury et al., 2000) because PSCE helps prisoners gain self-esteem, develop a pro-social world-view and cultivate life and job skills, which are all needed to obtain employment, and to (re)establish relationships with friends and family upon release from prison. Graduates of PSCE programs are more likely to get jobs than their counterparts who do not have college degrees (Holloway and Moke, 1986), for they possess cultural capital that at least partly counterbalanced the 'mark of Cain' – the social stigma attached to ex-convicts – that makes it very difficult for prisoners to get quality jobs when they hit the streets. Critics rightfully charge that studies that correlate PSCE participation with reductions in recidivism are not as conclusive as the studies' authors suggest – largely because of self-selection bias (prisoners who take college courses are determined to stay out of prison upon release with or without a college education).

- (2) PSCE programs help prison workers maintain carceral order. In a 1974 study of a PSCE program in a maximum-security prison, Alfred Blumstein found that the program 'improves institutional climate' and made the prisoner-students 'more manageable residents' (quoted in Duguid, 1987: 23). PSCE programs, like all 'meaningful program opportunities available to prisoners', are good 'institutional management tools' (DiIulio, 1991: 114), for they keep prisoners busy; they are 'carrots' that can be taken away if prisoners act up; and they help prisoners develop pro-social, non-violent and non-criminal identities, making them less likely to resort to physical confrontation to solve problems (Taylor, 1993).

Prison administrators were generally enthusiastic about Pell-funded PSCE for two additional reasons. First, with the exception of providing classroom space and supervision, states did not have to foot the bill for PSCE. Therefore, prison managers enjoyed a cheap rehabilitative program at a time when funds for treatment programs and treatment-oriented research were cut across the USA (Garland, 2001: 60). Second, providing PSCE to prisoners allowed state and prison officials to show prisoner rights' groups, progressive legislators and the American public – who, on the whole, still believed that rehabilitation should be one of the objectives of imprisonment (Tewksbury et al., 2000) – that they were 'doing something' to help prisoners improve their lives and stay out of trouble. Additionally, some malfeasant prison administrators supported Pell Grants for prisoners because these officials used the federal funds for rudimentary educational (rather than PSCE) programs, thereby freeing up state-allocated educational dollars for extra-educational (e.g. custodial) purposes. As part of the Higher Education Reauthorization Act of 1994, Congress made it illegal for prison officials to 'supplant' rather than 'supplement' their educational budgets with Pell funds. Nevertheless, legislators highlighted this misuse of federal funds during the legislative debates, as detailed in the following section.

THE PELL GRANT DEBATES, 1991–4

The case against Pell Grants for prisoners

The arguments that lawmakers in the House of Representatives put forth in opposition to allocating the grants to prisoners were slightly more elaborate and fine-tuned than those articulated by the members of the Senate. This was likely due to the fact that the legislators in the House, unlike those in the Senate, faced considerable opposition from a handful of their colleagues who were in favor of retaining federal funds for PSCE. Nevertheless, the politicians in both houses concentrated on the same five points.

(1) *Convicted felons diverted federal educational dollars from the people that the politicians believed the grant program was designed to serve* – law-abiding students from working families – at a time when, as Senator Helms put it, 'college tuitions are skyrocketing and the workplace is demanding more advanced education' (US Congress, 1991b: S12879). In 1993, Senator Hutchison reasoned thus:

This past year, the \$200 million in Pell grants claimed by convicts deprived about 100,000 law-abiding kids of federal assistance . . . Education Department personnel concede that the current situation isn't what they intended . . . If we do not act to curb this issue, we are, in

effect, sanctioning the diversion of money from a program established by Congress for the express purpose of helping to educate sons and daughters of lower income families. (US Congress, 1993a: S215587)

The legislators insisted that quick action had to be taken for the problem was growing worse by the year, if not the day, for two primary reasons. First, the 'word' that prisoners were eligible for Pell Grants was 'getting around with increasing speed', making it likely that 'more inmates will take advantage of this free college education in the future', explained Mr Helms (US Congress, 1991b: S12879). Second, corrupt prison officials urged prisoners to obtain Pell Grant money, which the officials used for purposes other than education. Representative Gordon argued,

we are seeing an industry developed around taking advantage of prisoners to the point of recruiting them, paying them bounties so that some irresponsible school can set up some type of program around these prisoners and let the taxpayer pay for it to the tune of \$160 million a year. (US Congress, 1992b: H1895)

The politicians painted a dreary picture of a future in which increasing numbers of prisoners receive Pell Grants. Representative Coleman stated:

This is something [prison officials] have keyed in on, they have really honed in on it. It is not going to get smaller, it is going to get bigger. It is \$160 million today, and it could be \$300 million, it could be a half-billion dollars, it could be a billion in five years. (US Congress, 1992b: H1895)

Senator Hutchison extended this argument:

At the current rate of increase . . . we will soon have the best educated prison population in the world – but we will have sacrificed the hopes and dreams of hundreds of thousands of our young men and women, who always have been good citizens . . . who have always done what society expected of them . . . who earned a chance to further their educations and better their lives. (US Congress, 1993a: S15587)

Thus, the congresspersons proposed that denying Pell Grants to prisoners would provide direct assistance to low- and middle-income students and their families. On *Dateline*, Representative Gordon insisted: 'students would see their pe-PELL grants increased, and if there was more money in the program, then Congress would be able to increase eligibility' ('Society's debt?', 1994: 6). Mr Coleman commented similarly in 1992: 'All Pell grant recipients could get \$75 more a year if we deny this to prisoners, and an additional 20,000 students would be able to receive an award under the Pell grant system' (US Congress, 1992b: H1892).

(2) *Most prisoners were incapable of rehabilitation and were cheats.* Representative Gordon employed the following analogy in the 1992 and 1994 House debates, and in a *USA Today* editorial (Gordon, 1994: A14):

Just because one blind hog may occasionally find an acorn does not mean many other blind hogs will. The same principle applies to giving Federal Pell grants to prisoners. Certainly there is an occasional success story, but when virtually every prisoner in America is eligible for Pell grants, national priorities and taxpayers lose. (US Congress, 1994: H2544)

Representative Allen (R-VA) echoed his colleague:

I would conclude by saying that you can come up with examples where something is good, you can spend enough money on any sort of program and something will happen. We have a saying in Virginia that even a blind hog will find an acorn now and then. But it does not mean we have to spend millions of dollars without a priority being set, without setting our priorities straight. (US Congress, 1992b: H1895)

While Representatives Gordon and Allen implied that only a rare prisoner was capable of change, Senator Helms suggested that prisoner-students were cheats by citing a couple of statements that Mr Ellis, a prisoner-student, made in the *Raleigh News and Observer*:

Mr. Ellis stated that his college courses seemed something out of a remedial high school. Mr. Ellis went on to say that one student was kicked out of class when he raised his hand during a test, forgetting that he had scribbled cheat notes all over his wrist and palm. This 65-year-old man . . . also observed that many of the inmates were taking the classes just for so-called gain time – because for every course a prisoner passed, the prison would knock 20 days off the inmate’s sentence . . . Mr. Ellis made one other comment that I have to admire for its honesty and truthfulness. He said, regarding his tuition assistance, ‘I really don’t deserve this.’ (US Congress, 1991b: S12879)

(3) *The Government already funded enough rehabilitation programs.* Senator Helms exclaimed in 1991:

I anticipate that we may hear arguments about prisoner rehabilitation and sundry other concerns about the plight of the poor prisoners. But the fact is . . . that the Federal Government already spends an enormous amount of money – the taxpayers’ money – on prisoner rehabilitation and prison literacy programs, and other programs of that sort. (US Congress, 1991a: S1330)

Mr Helms later elaborated: ‘You may teach inmates how to fix automobiles, you may teach them how to write, certainly how to read – and the Federal Government funds such programs – but a college education free of charge? No, sir’ (US Congress, 1991a: S1332). Representative Fields similarly stated: ‘the Federal Government already spends up to \$100 million a year on education and training programs specifically targeted at prisoners – and that’s more than enough’ (US Congress, 1994: H2545).

The lawmakers argued that appropriating federal funds for PSCE was not only beyond the scope of the Government’s responsibility to rehabilitate prisoners, it also made prisons luxurious and comfortable. Senator Helms read a letter from one of his constituents to this effect:

The honest hard working taxpayer is being blasted from all sides while the criminal gets light sentences, early release, lawyers paid for, air-conditioned cells with color TV and carpet, plus a college education. It is no wonder we’re having a crime wave. The better it is made for them, the more crime you’re going to get. (US Congress, 1991b: S12879)

(4) The last sentence of the letter read by Mr Helms points to another argument that the congresspersons put forth: giving convicts a free education increased crime, for it

made prison a viable alternative to the streets for potential criminals. Ms Hutchison stated, for instance: 'some convicts have figured out that Pell grants are a great scam: rob a store, go to jail, and get your degree' (US Congress: 1993b: S15587).

(5) *The 'rewarding' of prisoners with a college education was unfair to crime victims and their families.* Ms Hutchison stated, for example, in 1993: 'As I said at the outset, this [providing grants to prisoners] is not fair. It is not fair to taxpayers. It is not fair to law-abiding citizens. *It is not fair to the victims of crime*' (US Congress, 1993a: S15747, emphasis added). As noted earlier, Ms Hutchison's statement about crime victims was reiterated on popular television shows, and with particular force on *Dateline*.

The case in favor of Pell Grants for prisoners

As previously mentioned, Senators Helms and Hutchison faced little resistance from their colleagues when they introduced their respective amendments. In 1991, Senator Pell was the only member to speak against Senator Helms' proposal, and not a single senator spoke out against Ms Hutchison's in 1993. The situation was much different in the House, where Representative Gordon and his counterparts were met with substantial opposition. It is important to note that with the exception of Bob McEwen (R-OH), all of the representatives who spoke in favor of retaining Pell funding were members of the Congressional Black Caucus. The legislators' case in support of the provision of Pell Grants to prisoners centered on six arguments.

(1) *Pell Grants are supposed to help all 'needy' students, and prisoners are among society's most 'needy'.* In 1992 Representative McEwen stated flatly: 'Offenders are drawn from the same indigent population that Pell funding is designed to serve' (US Congress, 1992b: H1895). Mr Towns (D-NY) added,

The Department of Justice reports that nationwide, 41 percent of all prisoners have less than a ninth grade education . . . and 45 percent of all males in jail when they were arrested were unemployed, so we are talking about people who qualify for this. (US Congress, 1992b: H1895)

Representative John Conyers (D-MI) linked the Pell Grant issue to the hyper-incarceration of black males:

Think about this – more black men are in prison than there are black men enrolled in college full time. One out of four black men is under control of the criminal justice system . . . Prison may be one of the first opportunities many of them have to receive an education. Without a real improvement in the prospects of rehabilitation, we are in danger of losing a whole generation. (US Congress, 1992b: H1895)

(2) *The amount of Pell Grant money that went to prisoners was minimal.* 'Make no mistake about it, the amount is small', Senator Pell explained in 1991. 'The incarcerated account for only one-tenth of one percent of Pell grant expenditures' (US Congress, 1991b: S12879).³ In the House, Mr Wynn and his compatriots echoed Mr Pell's argument, which was affirmed by a US Department of Education (1994) memorandum, indicating that prisoners received .006 percent of the total Pell Grant money distributed for the academic year 1993–4.

(3) *Pell Grants are a quasi-entitlement.* According to Mr Wynn, 'the availability of Pell grants to prisoners has no effect on the availability of Pell grants to law-abiding students',

because 'by law, all eligible students who apply for Pell grants receive them' (US Congress, 1994: H2546). Mr Towns argued that the way to help students outside of prison pay for college was not to deny Pell Grants to prisoners but to increase the pool of grant money available to applicants:

To my colleagues who are so concerned that there are not enough Pell grants to give one to every student who is eligible, I ask them to defend their decision to oppose the Pell grant entitlement that was originally included in HR 3553. Denying Pell grants to prisoners will not provide enough money to give all eligible students an award. There would still be hundreds of students who need a Pell grant but could not get one . . . Pell grants for prisoners are a tiny drop in the bucket of student aid funds – but it is a very important drop. (US Congress, 1992b: H1896)

(4) *Providing Pell Grants to prisoners decreased recidivism, and therefore was a good investment.* In 1991, Senator Pell argued this point:

If you can take some of the people who are in prisons now – we have 1 million young Americans presently behind bars – if you can take some of them and educate them a bit more, the chances of recidivism, going back to jail afterward, will be less. Of course, it costs more to send a young man or young woman to jail than it does to Yale, to make a bad pun. It is a very expensive operation. Anything that can be done to reduce the rate of recidivism is to the advantage of the unfortunate taxpayers. (US Congress, 1991a: S11332)

In 1992, Representative Conyers fleshed out this argument with figures:

According to the Department of Justice, recidivism rates for inmates participating in college programs was reduced from over 30 percent to a mere 11 percent. This means that 19 percent of those individuals who would have otherwise used taxpayers' money through trials and imprisonment, were instead contributing to society by working and paying their share of taxes. Most importantly, when you consider that it costs \$30,000 per year to keep an individual in prison, this means a savings of \$570,000 for every 100 inmates who do not return to crime. (US Congress, 1992b: H1895)

The American Correctional Association, the Association of State Correctional Administrators and the North American Association of Wardens and Superintendents argued in a letter that Representative James Clyburn (D-SC) read in 1994: '[The Pell Grant program] provides a unique opportunity for our Nation to ensure that many released offenders are returned to the community with knowledge, skills, and abilities that will enable them to obtain employment' (US Congress, 1994: H2545).

(5) *PSCE helped maintain carceral order.* In the 1991 debate, Senator Pell presented a letter from a prisoner-student, which read,

Pell Grants fund programs in prison that keep inmates busy. We have all heard the aphorism 'idle hands are the devil's workshop' . . . College courses provide incentives for good behavior because, in many facilities, only men without disciplinary problems are allowed to participate. These programs keep inmates busy and out of trouble, reducing property damage to the facilities and saving taxpayer money. (US Congress, 1991b: S12879)

The letter submitted by the correctional organizations (see point 4) and read by Mr Clyburn made a similar contention: 'the impact of educational opportunities under the

authority of the Pell grants enhances the capacity of corrections officials to manage the complex needs of a changing offender population' (US Congress, 1994: H2545).

(6) *Providing Pell Grant money to prisoners helped keep the streets safe.* Representative Towns explained: '97 percent of all prisoners will be released back to society. If we want them to return to society with the tools to turn from a life of crime then education is the key' (US Congress, 1992b: H1892). George F. Will, in an editorial printed in the *Washington Post* and other newspapers across the country, repeated this claim:

Congress should consider the fact that Peanut (a prisoner-student in Maryland sentenced to life for murder and robbery) may be at large in a few years, at which time Baltimore's streets, which he left long ago, may be a bit safer than they would be if he had not acquired some social skills with the help of his Pell grant. (Will, 1994: C7)

THE ANATOMY, TIMING AND IMPORT OF THE PELL GRANT DRAMA

Throughout much of the congressional debates, the legislators for and against denying prisoners Pell Grants talked around and past each other. While the opponents of the legislation insisted that providing the funds to convicts was a matter of penological good sense, the proponents claimed that the issue boiled down to a question of priorities: who should receive valuable and finite social resources? In making their case, the proponents described a rather dramatic battle between two mutually exclusive and antagonistically opposed sides.

The lawmakers argued that convicts and their purported supporters comprised one side in the Pell Grant contest. They consistently described prisoners as an undifferentiated whole that was untrustworthy (convict-students pre-reflexively cheated on exams), opportunistic (they took college classes only to get 'good time'), largely unredeemable (the rare '*blind hog*' found an acorn) and fundamentally different from citizens self-evidently portrayed as law-abiding. Through repeated use of the animalistic '*blind hog*' trope, the legislators evoked images of the proto-typical black or brown, urban, young, male (and increasingly female) 'street criminal'. The lawmakers suggested that their colleagues, prison officials and criminal justice experts who favored retaining Pell Grant eligibility for the incarcerated occupied the same symbolic space as prisoners. The lawmakers accused criminal justice employees of corruption, coddling prisoners and wasting taxpayer dollars. They portrayed the experts, in other words, as *co-conspirators* in the robbing of Pell Grant money from law-abiding citizens. The congresspersons also stigmatized their colleagues on the other side of the issue. For example, during the presidential campaign in 1992, the Republican candidate for President, Bob Dole, attempted to discredit the Democratic candidate for Vice-President, Al Gore, as a 'first class liberal' because he voted for, among other things, 'Pell Grants to prisoners' when he was in the US Senate (US Congress, 1992c: S10003).

The politicians situated convicts and their purported sympathizers in antagonistic opposition to *crime victims and law-abiding students from working families*. In Congress, television news shows and newspaper editorials, congresspersons and crime victims' advocates argued that each Pell Grant dollar that was given to prisoners took a psychological toll on victims and/or their loved ones, who were portrayed as unquestionably moral people who never broke the law.⁴ They contended that state-sponsored PSCE,

along with other goodies awarded to prisoners (e.g. weights and television), dulled the harsh edge of contemporary incarceration.

At every stage of the debates, the legislators insisted that 'working families' suffered greatly because prisoners received Pell Grants. They conveyed numerous picturesque stories of families who worked hard for wages, paid their taxes, abided by the law, loved their country, honored the institution of marriage and struggled to pay for their sons' and daughters' college education. For example, in 1993 Senator Hutchison told the story of the Dotterer family, first in the *Houston Chronicle* (Hutchison, 1993: B11) and later in the Senate:

Six years ago, a police patrolman and his wife . . . adopted a 15-year-old daughter. . . [S]ince the Dotterer's have a combined income of \$46,000, their daughter can't qualify for . . . a Pell grant. So, they borrow to pay tuition . . . The borrowing strains the Dotterer's family budget, but like millions of American parents, they are sacrificing in order to give their daughter the best possible start in life. Patrolman Dotterer was outraged recently when he learned [that] the criminals he puts behind bars can get the Pell Grant that his daughter can't. 'If that's the case,' fumed Dotterer, 'maybe I'll take my badge off and rob a store.' (US Congress, 1993a: S15586)

Other legislators also relayed stories about 'working families'. Senator Helms claimed, for instance, that he was inspired to action by one of his constituents, Billy Tetterton, the struggling owner of '*The Little Man*' restaurant in Plymouth, North Carolina. And Representative Gordon talked colorfully about a hardworking policeman and his wife who were unable to pay for their daughter's education because, in their view, prisoners depleted the pool of Pell Grant funds.

By constructing the Pell Grant case as an either/or contest between prisoners and their supporters on one side, and traditional students from working families and crime victims on the other side, the lawmakers presented a clear-cut choice to their colleagues: eliminate convicts from the grant program and help law-abiding students from working families and crime victims, or retain prisoner eligibility and hurt traditional students and offend victims. In arguing that the entire issue came down to a choice between politically honored social groups and a dishonored, stigmatized social collectivity, the lawmakers elided most discussions about the penological consequences of denying Pell Grants to the incarcerated.

Lawmakers and media pundits had difficulty challenging the framing of the Pell Grant issue in terms of a contest, in part, because the federal funds distributed to prisoners and students outside of prison *were* pulled from the same pool of money that Congress fixed each year. If the federal funds for prisoners and 'free' students had come from separate sources, the lawmakers likely would have had a harder time turning the issue into a zero sum game, in which one side had to win and the other lose. Several legislators argued that the solution to the problem was to make Pell Grants a true, rather than a quasi-, entitlement, so that enough money would be available for all eligible students – incarcerated or not. The politicians did not debate this proposal, much less vote on it.

Showing that the politicians constructed a competition between honorable and dishonorable groups does not explain why lawmakers ardently worked to deny Pell Grants to prisoners between 1991 and 1994, or why they framed the issue as a contest between particular worthy and unworthy groups. The literature on *less eligibility*

provides clues that help explicate the timing and structure of the Pell Grant event. Sparks (1996) and Melossi (1998) convincingly show that political and economic elites, when faced with growing threats to their legitimate authority (because of increased social disorder, economic instability, social movements, etc.), routinely invoke the language and logic of less eligibility – which stipulates that prisoners should not fair better than members of the lowest significant social class in a free society – to assert their ‘order making prowess’ and their concern for ordinary citizens. The Pell Grant case may be seen as a rather extreme case of a trend across policy domains (e.g. welfare, health, criminal justice and education) in the early 1990s, in which legislators employed less eligibility arguments to address escalating social problems: transformations in the labor market, economic recession, growing public fear about crime and decreased access to quality higher education. A convergence of related developments in the late 1980s and early 1990s inside and outside of the political field helps explain why the politicians *fervidly attacked state-sponsored PSCE and its proponents, targeted undeserving street criminals and celebrated working families and crime victims.*

Several changes in penalty that began in the mid-to-late 1970s and culminated in the early 1990s made prisoner involvement in the Pell Grant program particularly susceptible to political criticism. First, actors from across the political spectrum effectively discredited the ideological foundation of the ‘penal welfarist’ project – the ‘rehabilitative ideal’ – in the late 1970s and early 1980s (Allen, 1981; Garland, 2001). While many correctionalist experts remained committed to the rehabilitative ideal (or elements of it), politicians and penologists increasingly defined success in terms of deterrence, incapacitation, retribution and systems management (Feeley and Simon, 1992; Garland, 2001). Thus, during the 1980s and especially in the 1990s, penal reformers had a difficult time justifying rehabilitative policies – particularly those that suggested that prisoners were ‘like us’, such as state-sponsored PSCE. It is understandable, therefore, that politicians argued as early as 1982 – a year after Francis Allen published his influential treatise on the ‘decline of the rehabilitative ideal’ – that (1) providing Pell Grants to prisoners was a costly relic of an earlier age, and (2) taxpayers would be better served by funding, if anything, basic literacy and training programs.

The 1990s also witnessed the ascent of *penal populism* in the political field, which resulted in the passage of numerous policies that would have been ‘unthinkable’ three decades earlier, such as: ‘3 Strikes and You’re Out’; Megan’s Law; the return of the chain gang, boot camps, striped uniforms and other ‘shaming’ practices; and laws that committed juveniles to adult prisons (Tonry, 2001; Zimring et al., 2001). The rise of penal populism was not the result of increased public outrage about crime, for ‘populist sentiments have always been hostile to convicted offenders’ (Zimring et al., 2001: 14). Rather, it was the product of growing popular *mistrust of government* (in this case, the state’s ability to fight crime) and the agents charged with fulfilling its duties – namely, correctional experts and penal practitioners (Windlesham, 1998: 4; Zimring et al., 2001: 14–15).⁵ Consequently, the ‘professional groups who once dominated the policy-making community are now increasingly disenfranchised. Policy is formulated by political action committees and political advisors – not by researchers and civil servants’ (Garland, 2001: 142–3). As the buffer (hitherto provided by experts) between populist sentiments and criminal justice policymaking eroded from the late 1970s through the 1990s, politicians, the media and interest groups – e.g. prison officer unions, and

victims' rights organizations (see Garland, 2001: 143–4; Zimring et al., 2001: 223) – increasingly set the penal agenda.

In the 1990s, legislators vigorously competed to institute symbolically charged policies that showed that they were 'doing something' to mollify voters' concerns about crime and punishment, which, according to opinion polls, reached an all-time high in 1994 (Beckett and Sasson, 2000: 72; Garland, 2001: 131), largely as the result of media-generated moral panics and endless political talk about 'the crime problem'. The 1994 Crime Bill epitomized this legislative competition, according to Lord Windlesham:

In each House, but the Senate especially, legislators vied to out-do each other and to impress their intended audiences with demonstrations of the toughness of their attitudes. Speech after speech, amendment after amendment, called for more punitive policies, without regard to their likely effect. (1998: 37)

The Senate debated the Pell Grant bill in a 'two-and-a-half week, tougher than thou bidding war in November' (Windlesham, 1998: 54). It was not by happenstance that legislators passed the Pell Grant measure as part of this populist-tinged crime bill: lashing out at undeserving 'street criminals' in the name of 'ordinary' Americans was par for the course during much of the deliberations over the legislation.

Populist penalty in general and the Pell Grant case in particular were socio-genetically linked to the *general assault on the 'undeserving' poor* that began in the 1960s and became commonplace in the 1990s. Political and economic elites in the late 1960s and early 1970s tried to shore up hegemony – then threatened by the Vietnam War; civil rights, women's rights and welfare rights movements; and the breakdown of the urban ghetto as an institution of control and containment – through discrediting the institutional and ideological bases of the post-war welfare state and advocating for the penal treatment of poverty and delinquency (Beckett and Sasson, 2000; Wacquant, 2000). At that time, conservatives altered

popular conceptions of the poor; whereas the rhetoric that gave rise to the New Deal and (during the 1960s) Great Society welfare initiatives depicted the poor as 'just like us', conservatives during the 1960s painted a picture of the poor as dangerous and undeserving. (Beckett and Sasson, 2000: 67)

Through a feat of social magic, media pundits, think tank scholars, and politicians discursively transformed the archetypal poor person from *rural and white* to *urban and black*, as exemplified in the debates on the 'urban underclass' in the 1980s and 1990s (Katz, 1989; Ganz, 1995; Beckett and Sasson, 2000). From the 1960s onward, Republicans assailed the undeserving poor with racially coded language and policies to court white working class voters traditionally aligned with the Democratic Party (Beckett, 1997; Beckett and Sasson, 2000). The Pell Grant affair was one of many political events in the 1980s and 1990s (culminating with the 1996 'Welfare-to-Work' legislation) in which Republicans *and* Democrats penalized the undeserving poor (specifically, 'welfare cheats' and 'street criminals') – by then a familiar and legitimate target – in the name of 'working families', in order to appeal to core constituencies.

Prisoner involvement in the Pell Grant program was also vulnerable to political scrutiny in the early 1990s because journalists and legislators 'discovered' a growing

sense of *status anxiety among the American middle class*. As President Clinton took office and the country settled into a wicked recession, many middle class (not to mention poor) individuals felt pinched economically. The average worker clocked in more hours for less real income, leaving fewer hours for 'family time' and other personal activities (Shor, 1992; Hochschild, 1997). Middle class individuals took on 'ever more debt' at a time 'when job security [was] ever more problematic and job loss routinely [led] to a sharp reduction in income' (Sullivan et al., 2000: 25). Also, they increasingly fretted about their, or their children's, prospects for earning a postsecondary degree, which became a pre-requisite for obtaining quality jobs in the service-dominated labor market. Just as the 'college premium' – 'the average amount a college graduate earns over a noncollege educated worker' – grew, students found it increasingly difficult to gain entrance into first-rate universities because tuition and fees were up, financial aid was down and rolling 'tidal waves' of applicants competed for prized spots at top institutions (Weir, forthcoming: 10). 'This interaction between reduced access to higher education and a sharper income divide based on education', Weir argues, 'presents a potent threat to mobility, one of the central underpinnings of the middle class. It also intensifies competition for access to higher education. One of the casualties of intensified competition is affirmative action in college admissions' (forthcoming: 12). During the first years of the 1990s, politicians made grand symbolic gestures to address middle class Americans' amplified 'fear of falling' (Ehrenreich, 1990) into the lower echelons of social space.⁶

In sum, the timing and structure of the Pell Grant affair make considerable sense from a socio-historical perspective. For some Democratic and Republican lawmakers in the early 1990s, the provision of Pell Grants to prisoners served as a symbol of the federal government's outdated, wrongheaded, and irresponsible approach to fighting crime; its benign treatment of convicted felons; its cold attitude toward crime victims and their loved ones; and its lack of commitment to the nation's working men and women at a time when 'college tuitions are skyrocketing and workplace is demanding more advanced education', to quote Senator Helms. In the legislators' eyes, they had a duty to represent the will of 'the people' (rather than the 'poor prisoners' and corrupt experts) and end what they claimed to be a moral outrage.

Critics of the Pell Grant legislation suggest that the congresspersons failed to obtain their main objective: to increase federal educational aid for 'free' students. Tewksbury and Taylor conclude, for instance:

not one additional qualified student received a Pell Grant that would not have been received before the prisoner exclusion . . . Essentially, then, other than a few more inconsequential grant dollars per semester, nothing has changed in the assistance that the Pell Grant program provides to the nation's non-incarcerated undergraduate student body. (1996: 62)⁷

While Tewksbury and Taylor correctly note that the politicians did not achieve their primary goal, the authors fail to see that promoting the Pell Grant legislation served other purposes for the lawmakers.

One of the legislators' main intentions was to increase the austerity and unpleasantness of imprisonment so as to amplify incarceration's deterrent power and ease victims' psychological trauma. By effectively eliminating the vast majority of PSCE programs in the USA, the lawmakers undoubtedly exacerbated the pain of being locked up for the

thousands of convicts who lost the opportunity to participate in college programs. As Loïc Wacquant (2000: 120) argues, the Pell Grant case was one of several policies that legislators instituted in the early 1990s that committed prisoners to 'social death', for it eliminated the only vehicle that many prisoners had for accumulating valued cultural capital. Howard Davidson (1995: 5) and Elizabeth Waller (2000: 115) respectively report that the governments in Canada and the UK followed in the USA's footsteps by drastically cutting resources for PSCE. The architects of the Pell Grant legislation were ostensibly more successful in their drive against PSCE than they perhaps intended or hoped.⁸

In eliminating prisoners from the grant program, the politicians *communicated* politically viable and popular messages to key audiences. They showed that they – opposed to their supposedly liberal and insensitive colleagues, and criminal justice experts – respected and shared voters' disdain for street criminals and desire for exact and punitive sanctions. The legislators also expressed that they, like much of the public, thought, somewhat paradoxically, that (1) prisoners should have access to limited rehabilitative programming (e.g. literacy education), and (2) the main purpose of imprisonment should be punishment. The legislators also fashioned themselves as the benefactors of crime victims and the increasingly powerful organizations that claim to speak for them.

The congresspersons also clearly articulated their commitment to helping working families realize the American dream of earning a higher education, obtaining secure employment, owning a home and moving up the social status ladder. The politicians, ironically, portrayed themselves as Robin Hoods who took from non-deserving prisoners to give to deserving, disadvantaged students. In doing so, they showed their determination to assuage working and middle class families' stresses about money and higher education, which were, in large part, the result of state and federal governments' policy prerogatives at that moment in time. The legislators also conveyed to financially strapped youngsters and their families that they were devoted to maintaining a clear divide between universities and prisons, so that the prior remained the hallowed province of non-incarcerated students. The legislators showed, in other words, that they were committed to policing the 'natural' boundary between institutions of incarceration and institutions of higher learning.

We now see that the legislators produced a patent Durkheimian penal drama, in which they publicly, dramatically and systematically vocalized – in newspapers, television news shows, on the floors of Congress and on their web pages – their outrage at Pell Grants for prisoners, an obvious violation of the collective will. The lawmakers also clearly delineated the violators from the violated, shining a blinding spotlight on the 'natural' material and symbolic boundaries that separated the incarcerated ('them') from 'free' Americans ('us'). Moreover, they insisted that the state had to take quick, forthright and conclusive action before the problem grew out of control. All the while, the politicians claimed that they were merely acting according to the dictates of 'the people' – as represented by the likes of the Dotterers and Billy Tetterton.

While the lawmakers undoubtedly represented the will of particular groups – e.g. certain crime victims and struggling working and middle class families and students who connected their fate to the plight of prisoners – they *also* represented their own *political* interests. The legislators framed the Pell Grant issue in a way that allowed them to show politically valuable audiences that they felt their pain, worked to improve their

plights and struggled to ward off their enemies (in this case prisoners). In other words, the politicians took the opportunity to accumulate political capital by speaking to (at times in coded language) voters' fears, prejudices, desires and anxieties.⁹ Through extending Durkheim's conception of penal dramas to recognize their fundamentally *political nature and functions*, we can see that politicians twist and turn (not just highlight, organize and reflect) collective sentiments in ways that serve instrumental and practical ends.

Notes

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- 1 I requested telephone interviews with the sponsors of the various bills to deny Pell Grants to prisoners, but my requests were denied or ignored. According to the legislators' staffers, their superiors were either too busy or not interested in talking to a sociologist about, as one worker put it, 'old business'.
- 2 I could not find data on the percentage of prisoners or correctional systems that used Pell Grants prior to 1982.
- 3 Senator Pell expanded upon this argument in a *USA Today* editorial:

During the current award year, for which about three-quarters of the calculations are complete, only 27,771 incarcerated students have received Pell grants, less than 1% of the total. To my mind this is a relatively small commitment. In fact, the overall federal commitment to corrections is relatively minor. In this fiscal year, less than 0.5% of the Department of Education budget went to programs for incarcerated individuals, including Pell grants. (Pell, 1994: A13)

- 4 Zimring et al. (2001: 223) argue that contemporary politicians show their concern for crime victims and contempt of prisoners through framing criminal justice policies as 'zero-sum games' between convicts and victims, thus suggesting that anything that improves the plight of prisoners hurts victims and vice versa. In arguing that helping prisoners via the provision of Pell Grants to prisoners hurt crime victims and their families, the legislators played on the politically popular zero-sum theme.
- 5 Mistrust of government paradoxically leads to a higher demand for punitive sanctions for two reasons: (1) 'crime seems to be a bigger problem when trust in government is low,' and (2) 'distrust means that citizens worry that judges will identify with offenders and treat them with inappropriate leniency . . . the criminal and the judge have become the citizens' enemy' (Zimring et al., 2001: 231). Politicians, in the last 30 years, have fueled mistrust of government through routinely questioning and discrediting penal experts and professionals – e.g. tirades versus so-called activist, liberal judges. Lawmakers today claim to restore trust through keeping criminal justice experts out of policymaking arenas, and by instituting tough penal sanctions that correspond with voters' punitive sentiments. Governmental mistrust thus simultaneously fuels and is fueled by law and order policymakers.

- 6 For example, in ‘the fall of 1994, just weeks after the first Republican Congress in a generation was elected, President Clinton floated the idea of a “Middle Class Bill of Rights”’ (Weir, forthcoming).
- 7 Although the politicians did not help more traditional students obtain Pell Grants, they did make good on their vow to provide a means of receiving financial aid to low- and middle-income students in another way. Immediately after voting for the Gordon–Hunter–Fields amendment, Congress passed the *Police Corps and Law Enforcement Scholarship Act*, setting aside \$200 million for the creation of a nationwide scholarship fund for college-age students who agreed to serve as law-enforcement officers (US Congress, 1994: H2549).
- 8 A recent article in the *Chronicle of Higher Education* argues that PSCE is winning ‘new support’ in the USA (Schmidt, 2002). As evidence, the article highlights the following developments: two recent, sophisticated studies that further correlate PSCE participation with reductions in recidivism; Congress’s establishment of the *Youthful Offenders Grant* program, which partially finances PSCE programs for ‘inmates who are under 26 years old and have fewer than five years to serve’ (Congress recently rejected a proposal to lift the age limit to 35); a correctional education bill passed twice by the California legislature and vetoed twice by Governor Gray Davis, which offered verbal support for PSCE; and the fact that Texas offers PSCE to 10,000 prisoners, all of whom must reimburse the state for their college expenses upon release. The article rightly intimates that PSCE will continue to rely on the goodwill of private foundations, community colleges and the ability of prisoners to finance their own educations. Meaningful state-sponsored PSCE clearly remains out of the question seven years after the Pell Grant decision.
- 9 To this day, Representative Gordon continues to publicize his role in passing the legislation. One full paragraph (out of nine) of his online *Biography* reads: ‘Furthermore, the Congress passed Bart’s proposal to ban awarding Pell Grants to prison inmates, which cost taxpayers \$70 million to \$200 million a year and *took money away from traditional students*’ (Gordon, 2003, emphasis added).

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