

Introduction

The scene in downtown Columbia, South Carolina, was a raucous one. Unified chants of “No more years!” and “Impeachment now!” were interspersed with declarations of approval for the president of the United States. Against the backdrop of protest signs and red “Make America Great Again” baseball caps, a very different gathering was being held at nearby Benedict College.¹ On his first visit to a historically Black college, President Donald Trump was scheduled to receive the Bipartisan Justice Award at the 2019 Second Step Presidential Justice Forum. While the protesters outside decried the president’s record on social justice and immigration policy, inside he received a warm reception as he touted the impact of his administration’s signature criminal justice reform measure.²

The Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act or the First Step Act, was passed by Congress the previous year and by the summer of 2019 was responsible for the early release of over three thousand nonviolent drug offenders in federal custody.³ According to the president, the First Step Act had done more to benefit the African-American community than any recent criminal justice reform legislation. His remarks, no doubt, were a thinly veiled jab at his predecessor, the first African-American president of the United States. While critics would dismiss Donald Trump’s words as nothing more than political bluster, it was difficult to dismiss the words of one of the event’s attendees, Tanesha Bannister.

In many ways Tanesha embodied everything that was wrong with the War on Drugs.⁴ In response to the rising drug epidemic of the 1980s, the United States' criminal justice system implemented policies and laws that led to militarized policing and mass incarceration.⁵ By the time Tanesha was arrested in 2002 her sentence, though harsh, was hardly surprising.⁶ At twenty-seven years old, Tanesha along with fifteen other defendants, was arrested and charged with conspiracy to sell five kilos of cocaine and fifty grams of crack cocaine. Upon her conviction she was given a sentence of life imprisonment, which was later reduced to twenty-three years. Because the First Step Act included a provision to retroactively apply the 2010 Fair Sentencing Act, nonviolent drug offenders like Tanesha were eligible for early release. Signed into law by President Barack Obama, the 2010 law was intended to reduce the sentencing disparity between crack and powdered cocaine possession, which was largely responsible for lengthy sentences of minority nonviolent drug offenders.⁷

Standing on a stage in the same city where she was sentenced sixteen years prior, Tanesha was unambiguous in declaring her feelings about the First Step Act and the politicians who supported the legislation. Turning to face the president, she smiled and declared: "I want to thank the president for giving me another lease on life. If it wasn't for you Mr. President I'd still be serving five [more] years in prison." The audience erupted in applause.⁸ Advocates of prison reform want nothing more than for nonviolent offenders like Tanesha Bannister to be released from lengthy prison sentences.⁹ But what happens after the applause? What happens to the majority of women who don't gain national attention or meet politicians or celebrities? More often than not they and the lives impacted by their incarceration are easily forgotten. While leaving prison is an important step a woman takes toward starting a new chapter in life, it is far from the end of her relationship with the criminal justice system. The seventy women I interviewed for this study provide insight into the challenges of navigating life after prison and the factors that shaped their lives before, during and after incarceration.¹⁰

Central to understanding the challenges a woman faces after incarceration is realizing that imprisonment is not an event that begins and ends at a definitive moment in time. Rather, it can be thought of as a life experience that brings into sharp relief the lived experiences of the past, while framing one's prospects for the future.¹¹ Each year, when approximately two million women are released from prisons and jails across the United States, they are faced with the daunting task of rebuilding

their lives.¹² The encompassing nature of the prison system is such that carcerality impacts almost every aspect of a formerly incarcerated woman's life. Her relationships, employment opportunities, and even her very body is policed based on the assumption that criminality is the default worldview through which she must define herself and be judged by others. Even the parts of her identity that might be more readily viewed as socially acceptable are often ignored or delegitimized as a result of her ex-offender status. This is key to understanding how and why formerly incarcerated women frame and reframe their identities as women and as mothers.¹³

This book is as much about women like Tanesha Bannister as it is about the broader factors that create and sustain a system bent toward punitiveness rather than restoration. You see, the harrowing images of overcrowded prisons and jails exists alongside the silence of the empty seat at the holiday dinner. The scale and frequency of both scenes are woven into the fabric of so-called American exceptionalism, and without interrogating how the structural shapes the individual, it is difficult to understand the relationship between the experiences of formerly incarcerated women and the living legacy of mass imprisonment. The women I met in Massachusetts, New York City, and New England City may not have articulated their challenges using the language of social science but they knew those experiences intimately.¹⁴

Upon leaving prison, women return home, or finding no home to return to, grapple with a sense of placelessness in the literal and figurative senses.¹⁵ Most women are mothers when they enter prison, and so for many women motherhood provides a type of grounding, giving them a sense of purpose as they secure their footing in the world. But being a mother with a criminal record is an identity fraught with tension because it presents women with competing messages about their social value. In one sense motherhood is perceived as an identity that holds the rare place as an almost impenetrable moral benchmark when performed in a way that meets mainstream norms.¹⁶ But that framing of motherhood did not apply to the women I met, and they knew it. Because the women I spoke with were morally compromised in the eyes of society, the ability to approximate a version of motherhood which met the expectations of state actors and rehabilitation organizations competed with their own beliefs about who they were as mothers and as women. In this book I address the question presented by women's competing narratives about motherhood and criminalization: *How do formerly incarcerated mothers reframe their marginalized identity,*

while presenting a version of motherhood acceptable to state actors that wield influence over their postincarceration lives?

What I found in speaking to women is that they don't reject normative expectations of motherhood, even though they know that they are viewed by broader society as undeserving or unworthy of motherhood. Moreover, the period of incarceration was not the first time women found themselves outside normative definitions of who they should be, so they were well aware that they were outsiders before their involvement in carceral institutions. As a result, women spent much of their lives carving out a space for themselves by deploying, in both informal and strategic ways, definitions of criminality, marginality, and motherhood that centered their lived experience. Recognizing the tenuousness of their place in the world, these women's experiences show how they engage in agency-driven acts of resistance.¹⁷ *This is Our Freedom* follows the nuanced journeys of women, as they upend notions about marginalized motherhood, the effectiveness of rehabilitative efforts and ideals about justice in the United States.

When I began interviewing formerly incarcerated mothers in 2010, the national conversation around criminal justice reform was in a different place than it is today. While the Fair Sentencing Act had just been signed into law, on a national level little had been accomplished in the way of countering the devastating consequences of mass incarceration. At the time there was a burgeoning "Ban the Box" movement, which sought to eliminate questions that required job applicants to disclose their criminal history. Still, in 2010 there were only a handful of states which had adopted such practices.¹⁸ That same year also saw the publication of Michelle Alexander's *The New Jim Crow*.¹⁹ While previous scholars had examined the impact of aggressive criminal justice policies on marginalized groups, Alexander's book struck a chord both within and outside of academic circles by detailing how judicial, legislative and public policy measures upheld systemic race-based injustice. Now, over a decade since its publication, some have begun to question whether the causes and consequences of mass incarceration were exaggerated to fit a liberal narrative that emphasizes racism within the criminal justice system.²⁰ Moreover, some pundits argue that the continued emphasis on mass incarceration is nothing more than a political boogeyman unsupported by recent data. After all, incarceration rates have declined over the past decade and there appears to be political will on both sides of the aisle to reform some aspects of the criminal justice system. Rather than drumming the beat of systematic injustice, they argue that the

country should just move on and treat the War on Drugs like an unfortunate footnote of U.S. history.²¹

If mass incarceration is understood solely as the rise and fall of statistical trend lines, it stands to reason that once numbers decline to meet some arbitrary threshold, society has entered a post-mass incarceration period. However, the truth is that the impact of mass incarceration isn't solely reflected in a snapshot of data points but is the result of decades-long policies that have transformed communities and lives long after a sentence has been served. For a country whose nationalistic rhetoric invokes notions of being "the greatest country in the world," yet also has one-third of the world's imprisoned female population, there is a clear disconnect between ideals and realities.²² In fact, for the last four decades, women have been the fastest-growing population in U.S. prisons and jails.²³

Between 1978 and 2015 the number of women incarcerated skyrocketed, increasing by 823 percent.²⁴ Drug offenses accounted for 800 percent of that figure.²⁵ For minority populations trends are even more discouraging: Black women are incarcerated at twice the rate of their white counterparts and Latina women are incarcerated at 1.3 times the rate of white women.²⁶ Currently, white women have a 1/111 chance of being incarcerated and Latina and Black women have 1/45 and 1/18 chance of incarceration respectively. Not only does race impact who is most likely to occupy this nation's prisons, but physical differences within racial groups further exacerbate inequities. The phenotypical presentation of Blackness that influences other aspects of social life, such as employment and health, also impact incarceration.²⁷ While Black people on the whole have a roughly 36 percent chance of incarceration, being Black and having dark skin increases that chance by 30 percent. For women this means that dark-skinned Black women serve sentences that are 12 percent longer than Black women with lighter complexion. These statistics further underscore how criminalization is gendered and racialized, leaving the already marginalized most susceptible to this country's carceral system.²⁸

DUALITY AT THE MARGINS

On average incarcerated women have 2.5 children. Incarcerated mothers are also more likely to be the custodial parent for children under the age of eighteen when compared to incarcerated fathers, which means that each year approximately two hundred thousand children

experience the absence of their primary caretaker.²⁹ Studying mothers involved in the criminal justice system thus requires understanding the unique circumstances that shape how they enter into and are subsequently labeled by that system. The commission of crime and the social responses to crime are not only informed by the laws that regulate behavior, but also the social context in which the offense occurs and is adjudicated. Like so many others labeled as moral outsiders, formerly incarcerated women understand the challenges associated with an identity that relegates them to the social margins of life. In this book the concept *duality at the margins* is used to describe the ongoing emotional labor and reframing of social circumstances that shape the decision-making processes of marginalized women before, during, and after incarceration. Duality at the margins describes the metaphorical splitting of oneself into identities acceptable to mainstream society, while remaining authentic to one's personal experiences. It is the undefined space between powerlessness, appealing to those in power and exerting one's agency through counternarrative and critique.

Duality at the margins draws upon sociologist W.E.B. Du Bois's concept of double consciousness. Double consciousness describes the internal conflict of being a marginalized citizen, yet deeply desiring social inclusion in a space to which one holds a legitimate claim.³⁰ While double consciousness describes how one thinks of herself through the lens of others and self-defined personhood, duality at the margins focuses on how an individual balances agency and acquiescence when the challenge to existing social norms can result in real and lasting social consequences. In framing women's narratives, I primarily focus on actions and rhetoric that women harness to assert an identity separate from their criminal records, even as they strategically defer to the expectations of authority figures.

To be clear, duality at the margins is not a cavalier shedding of one persona for another in an appeal for fleeting acceptance. Rather, it is a framework used to understand how women respond to the headwinds of social exclusion in their daily lives as they adapt to their surroundings. Furthermore, duality at the margins is not a rigid dichotomous framing of marginalized people's interpretation of the social world. What the framework captures is the complex process whereby marginalization is experienced differently, depending on the context, and thus may elicit a variety of responses. In other words, how marginality takes shape will vary from woman to woman. Moreover, the reframing that

women engage in as a means to resist or challenge their otherized position exists in relation to risks to their safety, the possibility of further criminalization, and their roles as mothers. Thus, duality at the margins acknowledges the complex, messy, and even contradictory ways that women make decisions as a result of their marginal status.

In using an approach that builds upon Du Bois's concept of double consciousness as embodied in the everyday lives of marginalized women, I want to be clear: Du Boisian analysis is not and should not be thought of as isolated from other theoretical interrogations. In particular, writing about marginalized women means considering how their intersecting identities shape their lives as formerly incarcerated mothers.³¹ As Morris notes, Du Bois's work recognized the distinct experiences of women and how race and gender informed social status.³² Likewise, Rabaka and Gilkes illustrate how Du Boisian sociology helps to foreground early intersectional analyses of marginalized women, with Gilkes noting: "early in the history of sociology, W.E.B. Du Bois emphasized that gender, race, and class intersected in the lives of Black women to foster an important critical perspective or standpoint."³³ Even while recognizing Du Bois's contributions to intersectional studies, it is important to recognize that his framing of women's place within society sometimes fell short of centering their contributions. Therefore, in describing the lived-out application of conflicting identities, I offer a framework for understanding marginalized women in the fullness and complexity of their lives.³⁴

Relying upon a Du Boisian framework is also significant for ongoing discussions about how the lived realities of marginalized people are written about and analyzed in social science. In recent years, a critical interrogation of the sociological canon has called into question why Du Bois, whose study of Black life illuminated the experiences of Black folk and American society writ large, had been discounted as a pivotal figure in shaping American sociology. What might at first seem like an insular academic debate, the glossing over of Du Bois's contribution in shaping early sociological analyses of U.S. society speaks to broader issues of inclusion, exclusion, and centeredness. These are issues central to studying formerly incarcerated women. Who is studied and how studies are conducted are influenced by one's intellectual and personal positionality relative to power and agency. Thus, a Du Boisian framework which centers the intersectional experiences of justice involved women provides a lens to understand women's framing of their social experiences,

while expanding the conceptual frameworks used to write about those experiences.

CRIME AND MOTHERHOOD IN THE LIFE COURSE

One of the analytical strengths of duality at the margins is that it can complement and strengthen existing frameworks that have been used to examine criminal involvement. In particular, the use of life course theory, a developmental perspective used to study criminality, can be more effectively applied to the study of marginalized populations when expanded to include Du Boisian analysis.

Glen Elder, a sociologist of life course development, defines the life course perspective as an examination of the intersection and relationship between individual developmental pathways and social institutions structured by broader societal forces.³⁵ Pathways shaped by one's family background or career, for example, are believed to impact patterns and behaviors over an individual's lifetime. By contrast, transitions refer to short-term events, such as graduation or retirement, that are embedded within one's life trajectory.³⁶ The interplay between events that evolve over the long term (trajectories) and those that evolve over shorter periods of time (transitions) can produce what sociologists Laub and Sampson call turning points. Turning points are significant in that they mark a moment in an individual's life that impinge on decision making in ways that can alter their criminal trajectory.³⁷

While each of these developmental categories is relevant for understanding the relationship between motherhood and criminalization, it is turning points that address most directly the possible impact of motherhood on a woman's entry into or exit from criminal involvement. It might be tempting to assume that becoming a mother is a uniformly positive turning point for women, at least as it relates to their participation in criminal activity. Research on young fathers, for example, shows that fatherhood motivates young crime-involved men to become more present in the lives of their children and change their behavior.³⁸ By contrast, pregnancy and mothering can add to the already stressful reintegration process for women.³⁹ There are other reasons for the divergence of experiences between men and women. A criminal past does not negate the fact that like the majority of mothers in this country, child care is gendered, with women more likely to be single heads of households. So, while fathers returning from prison are grappling with the challenges of housing and employment, the majority of women are

grappling with these same issues, while also trying to reunify with their children and shouldering the burden of childcare.⁴⁰

Nearly 80 percent of mothers are the custodial parents at the time of their arrest.⁴¹ As a result, when women are arrested they must often scramble to identify suitable caretakers for their children or face the prospect that their children will be placed in foster care.⁴² Because children are more likely to already be in the custodial care of their mother, they are all the more vulnerable to the risk of intergenerational criminal involvement when their mother is incarcerated. So, while paternal criminal involvement and incarceration has historically been the focus of most criminological research, the impact of maternal incarceration is likely more detrimental to the development of children.⁴³

Recent work in life course theory shows how centering the experiences of often ignored populations provides rich insight into their understanding of the world around them.⁴⁴ A Du Boisian framework extends this scholarship by showing how society's moral outsiders view their own turning points relative to the expectations of mainstream norms.⁴⁵ This is particularly relevant for women I interviewed, since many of them were apart of what might be called the War on Drugs cohort. Some were like LaToya, who was a teenager in the late 1980s and early 1990s and saw her mother's decline into drug addiction. Some were younger, like Aaliyah, who witnessed her community ravaged by addiction and recalls drug raids in her own home. Their lives were shaped by experiences at the individual level, but those individual level life events occurred within the context of aggressive drug policies, militarized policing, and broad systemic inequities.⁴⁶

SPEAKING TO MARGINALIZED WOMEN

When I met with women they were grappling with the challenges of motherhood, while navigating their postincarceration lives. The ability to walk around a neighborhood, grab a meal at the local bodega, and drop their children off at daycare provided women with a moment of respite from performing an acceptable version of motherhood. Yet, the daily reminders that they were viewed as outsiders to be managed, regulated, and judged came in the form of curfews, probation officers' check-ins and denials for jobs and housing. Because women were trying to make sense of their own precarity, they were actively interrogating the normative representations of motherhood and womanhood that they were expected to attain in order to demonstrate rehabilitation.

I made the decision to interview women in New York, Massachusetts, and New England City because I was able to interview women with diverse rehabilitative experiences within transitional organizations. There were relatively few organizations that solely focused on formerly incarcerated mothers and children in the New England sites, so in order to identify an organization that served a large number of women within a residential setting, it was necessary to identify a setting with significantly more transitional organizations. New York City proved to be one of the nearest cities meeting that criteria. Furthermore, the accessibility of the settings factored into my decision to select each site. Because I wanted to be able to reinterview available women, it was important that I identify sites relatively close to my residential location at the time, Cambridge, Massachusetts.

While in-depth interviews formed the basis of much of my research, I also spent time observing activities at two of the sites. I spent approximately three hundred hours at Mother's Love and a hundred hours at Helping Hands, Inc. observing daily operations or assisting staff in administrative tasks. Given the combination of interviews and focused observations that formed the methodological basis of this study, I would characterize it as an interview based short-term ethnography.⁴⁷ To be clear, this study is distinct from long-term ethnographic studies which often evolve over the course of one year or more. Nevertheless, the time I spent observing and participating in activities at research sites shaped how I describe participant conversations and interactions that would otherwise not be possible.

The decision to interview women involved in transitional organizations was based on two reasons. First, the institutional context of transitional organizations made it more likely that the clients who chose to participate in the study were recently released from jail or prison. Because so much of the interview relied on women's recounting of their postimprisonment experiences, it was important to hear from women who were actively engaged in the process of reacclimating to society. Second, there is relatively little scholarship about the role of nonprofit reentry transitional organizations as intermediaries for carceral institutions. While the organizations themselves are not the focus of the book, they provide a context for understanding how women navigate society vis-à-vis these institutional liaisons. To date, there are relatively few reentry organizations for women, so most women who are released from prison or jail are unable to gain entrée into such organizations.⁴⁸ As a result, the women I interviewed held an advantage that many

formerly incarcerated women did not. Still, that advantage was not without its limits and addressing the strengths and weaknesses of the institutional context offers insight into how women must manage their marginal status across diverse spaces.⁴⁹

HELPING HANDS, INC.

Early in 2010, when I approached Ms. Brown, the director of Helping Hands Inc., about the possibility of interviewing formerly incarcerated women she was initially reluctant. Although Helping Hands was a fixture in the Massachusetts neighborhood where it was located, Ms. Brown confided that the small nonprofit organization was struggling. Burdened by the volume of clients she and her small staff served and the fundraising needed to keep her organization financially viable, the last thing she wanted was to manage a graduate student. Upon meeting, I explained to Ms. Brown that an important part of my research would entail learning about the daily operations of the organization and I would best be able to do so through weekly volunteer work. Soon after, I was given the task of organizing and updating information about one of their programs for children of incarcerated mothers. It was during this time that I conducted my first interviews.

Some days at Helping Hands I spent more time creating flyers for upcoming events or updating contact information for clients than interviewing women. On those days, the staff and I conversed informally about the social matters of the season—the temperamental Massachusetts spring weather, my experiences as a graduate student, and so on—and light-hearted topics like the upcoming nuptials of Prince William and Kate Middleton. Over time the offices at Helping Hands became a familiar part of my life. As my level of rapport with staff and clients increased, so too did my awareness that the theories, facts, and figures I had so diligently examined prior to beginning interviews, did not fully capture the heaviness of women's stories, relationships, and lived experiences.

In Massachusetts the majority of crimes for which women were incarcerated were nonviolent offenses, with drug offenses comprising the largest share of those crimes.⁵⁰ Because I conducted my first interviews in Massachusetts, it soon became clear that it would be difficult for me to examine the intersection between motherhood and carcerality without discussing the underlying traumatic experiences that led to substance abuse and other law-violating behavior. Moreover, it would be

difficult to discuss those underlying experiences without drawing connections to the broader social structures that disproportionately impacted women of color and those from poor communities. The concerns Ms. Brown expressed during our early conversations were largely due to the organization's limited resources and high client volume. In Massachusetts the majority of newly released ex-offenders returned to poorer sections of the state, further illustrating that the individuals in their social networks may not have the resources to financially help them when they returned from prison. The highest number of recently released individuals were concentrated in blocking groups with the highest levels of poverty and highest percentages of female-headed households. In the twenty-block area in which the majority of households were headed by single mothers, thirteen of those blocks were home to five or more ex-offenders.⁵¹ While data show the relationship between poverty and incarceration in some of Massachusetts' poorest neighborhoods, they still fail to capture the experience of women returning home. The majority of returning ex-offenders reflected in data are male and are often returning to areas and homes with higher concentrations of single mothers.

MOTHER'S LOVE

Following my initial interviews in Massachusetts during the early spring of 2010, I traveled to New York after the director of Mother's Love, Ms. Flynn, expressed interest in my study after our initial conversation. The women I met in New York provided a snapshot of the broader issues facing incarcerated women at the time. Between 1982 to 2006 the New York State female incarcerated population increased at a rate that far outpaced that of their male counterparts (245 percent versus 118 percent). Roughly 60 percent of women were incarcerated for nonviolent offenses, with drug offenses comprising a third of those crimes. While women of color comprised 30 percent of New York's female population at the time, they made up 68 percent of the prison population, with African-American and Latina women making up 46 percent and 22 percent of the inmate population respectively.⁵²

During June and July 2010 and the following summer in 2011, I spent approximately six hours a day, five days a week observing activities at the organizations' headquarters, attending workshops, training sessions and visiting local businesses operated by Mother's Love. I typically arrived in the mornings and spent the day either at the organiza-

tional headquarters engaged in conversations with staff and clients or conducting interviews.

RESTORATION HOUSE

When I conducted interviews in New England City the state was grappling with staggering drug addiction statistics. The National Survey on Drug and Use Health (NSDUH) found that New England City had one of the highest number of drug use categories in the nation.⁵³ At the time, national data showed that roughly 8 percent of individuals over the age of twelve reported using drugs within the last month. In New England City that figure was several percentage points higher.⁵⁴ The state where New England City was located also had a higher rate of drug-related deaths than the national rate. Only two of the formerly incarcerated mothers interviewed for this book were apart of Restoration House. There were organizational restrictions that limited my participation in daily activities and women's participation in the study. Unlike the other two organizations, I did not conduct fieldwork at Restoration House, but speaking to the manager gave me insight into the differences between their multi-step addiction treatment model and the methods used at the two other organizations featured in the book.

At the outset of the study I wanted to explore how women's views on postincarceration life evolved over time. To do so required follow-up interviews. However, because many of the women I spoke to were transient due to unstable housing arrangements, follow-up interviews proved to be challenging. I was able to reinterview seven respondents and discuss how their views of transitional organizations evolved in chapter 5.

An important part of my role as a researcher was to be reflexive about my position and identity and how that would inform my analysis. On a regular basis I found myself reflecting on a reality that I had seldom contemplated during graduate school, even as doctoral student at an Ivy League institution: my privilege. As a readily identifiable Black woman, the invisible privilege of my educational background only marginally influenced my daily interactions outside of campus life. However, spending hours with women whose life histories were significantly different from my own, required interrogating how my positionality shaped my relationship with women, so that what I wrote and how I wrote would be analytically rigorous, while centering the humanity of women.