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RHETORIC, LEGISLATION, AND THE FELONY OFFENDER

by

Cyrus LaDale Taylor

A Thesis

Submitted to the Graduate School,  
the College of Arts and Sciences  
and the School of Social Science and Global Studies  
at The University of Southern Mississippi  
in Partial Fulfillment of the Requirements  
for the Degree of Master of Arts

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## ABSTRACT

Rhetoric is arguably of more importance than the message that is being overtly conveyed. Therefore, it is of great importance to understand how rhetoric can be utilized to convey one message while simultaneously transmitting another distinct message (Walter 2017). In this study, discourse analysis was conducted by examining the rhetoric associated with the Violent Crime Control and Law Enforcement Act (VCCLE), through the use of legislative speeches and newspaper articles, to determine how language has effectively resulted in the relegation of felony offenders within a class-based society. Utilizing two theories, class structure theory and distributive justice theory, an understanding was gained as to how the rhetoric utilized for the enactment of the VCCLE has affected the lives of felony offenders overall.

The main question posed for this research is how did the use of certain language to enact the VCCLE effect felony offenders post release, broadly? The conclusions of this research suggest that the use of language embedded with messages of division and preference helped to facilitate separations in society based on class, as well as facilitated ways to order individuals regarding benefits and resources. It was ultimately concluded, based on the following analysis, that felony offenders were portrayed as being inferior to other citizens and considered less worthy as a result. Thus, the rhetoric utilized before the enactment of this legislation demonstrated how the characteristics of a newly formed caste system was created, and subsequently led to the overall relegation of felony offenders regarding society.

## ACKNOWLEDGMENTS

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## DEDICATION

To “Ma” for her love, inspiration, and her unwillingness to settle for anything less than what was earned. Thank you for instilling in me the importance of having a good work ethic. I only hope that I can do as much for my sons that you have done for me. Tristan and Christian thank you for understanding that I had to commit myself to my studies to succeed, and I promise that we will enjoy ourselves more now that my work is done. To friends, family, and my valued customers thank you as well for your continued support throughout the years.

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## LIST OF ABBREVIATIONS

<i>VCCLE</i>	Violent Crime Control and Law Enforcement Act
<i>ADAA</i>	Anti-Drug Abuse Act

## PRELUDE

“**We** always have to work hard for our money. **They** simply get their money from welfare” (Van Dijk 1993, 36)!

In terms of language, written or spoken, the way that a message is communicated often presents varying meanings. These meanings are often dependent upon conditions that are stated implicitly or explicitly and have the ability to influence how information is interpreted or conveyed from that point on. Based on this, the use of language has the capability of creating divisions that are a product of how things are interpreted but not necessarily meant. Words used in daily communication have the capability of drawing imaginary lines or boundaries, but our mind has the ability to make these lines and boundaries real. Thus, these lines and boundaries become the foundations of what divisions in society are based on. These divisions in society are sometimes drawn based on classifications such as class, religious affiliation, sexual orientation, social status, or felony offender status. As such, in the following research, the use of language by politicians will be analyzed to determine how rhetoric helped to facilitate the creation of a new caste group by looking at the role language has played in the misfortunes of felony offenders.

## CHAPTER I - INTRODUCTION

### *Introduction of Misfortune*

The basic needs of an individual, concerning their likelihood of success in society, are directly related to their ability to obtain housing, employment, and the possibility of further education. These basic needs are of much greater importance for individuals that are reintegrated into society following time served for felony convictions, during a time known as re-entry (Hooper 2011, 132). This is, in part, due to this time of reintegration being arbitrated by congressional as well as state legislative requirements that have been enacted for felony offenders to meet because of the language used to depict them.

These legislative stipulations in many instances present challenges of re-entry often too overwhelming to surmount and have led to high levels of incarceration for specific members of the population (Rudovsky 2008, 209). For instance, White and van der Velden insist that in capitalistic society definitions and patterns of criminality are historically and structurally specific. For example, under capitalistic modes of production, the criminalization of large swaths of the population could help to increase the margin of surplus value generated by underpricing labor (1995, 51). This serves as an acknowledgment of class structure that explains legislation that bars all felony offenders from receiving assistance for education and employment training while incarcerated as well as some felony offenders upon release. Additionally, this explains why some forms of legislation may contribute to the stigmatization of certain groups through felony offender status in that it tends to justify as well as reinforce the class structure of a society.

The objective for this research is to focus on the overall effects of the rhetoric used during the enactment of the Violent Crime Control and Law Enforcement Act of 1994, that presents obstacles for individuals convicted of felony offenses while incarcerated. This legislation also presents barriers for some offenders upon conditional release. The VCCLL included provisions that denied felony offenders from receiving vital government assistance during the time of incarceration by removing some access to resources. Enacting legislation that was neutral on its face, but having persuasive rhetoric that accompanied it, helped to facilitate the relegation of individuals branded as felony offenders to lower levels of stratification amongst broader society (Walter 2017, 301). This use of language in effect reduces the economic value of such individuals and lowers their social capital. By looking at the rhetoric that was utilized during the enactment of this legislation, it will be possible to determine how the use of language was highly effective in marginalizing felony offenders long after release.

To arrive at a viable meaning based on the theories utilized for this research, that will be discussed later in detail, archived congressional records that contained speeches from politicians, Republicans and Democrats alike, were selected and analyzed for rhetoric. Similarly, political views are often conveyed by politicians to the voting public through newspapers and other written media (Brown 2010, 322). As a result, newspaper articles were utilized similarly to demonstrate further a conceptual basis for drafting legislation (such as the Violent Crime Control and Law Enforcement Act) concerning class structure and distributive justice. Utilizing newspapers as another method of demonstrating how rhetoric was pivotal during this period of legislative action adds another degree of context to support the theory employed in this research. Similarly, as

with speeches and newspaper articles, politicians continued to purvey their message of separations in society, by way of functional language. By employing similar selection methods, it was possible to obtain an adequate amount of text to analyze for this research.

The case has been made that such legislation has rendered issues like re-entry, increased recidivism, and extended “invisible” punishment problematic (punishment that continues post-release); all of which have been deemed by-products of legislation such as VCCLE (Alexander 2010). However, in employing a theory based on class structure theory and distributive justice theory, it is recognizable that the language utilized during the enactment of the VCCLE contributed to further divisions of the population by facilitating the reproduction of socioeconomic classes in society.

In the following sections, re-entry will be conceptualized as the interval period and the process in which felony offenders, having met sentence requirements, endeavor to adhere to stipulations that arise as a consequence of the language used to enact legislation. Further, in this study:

- a) Terms such as felony offenders, prisoners, convicts, and inmates, all used interchangeably, are defined as the individuals who have met the requirements of their respective sentencing and re-enters society based upon the terms of statutes and laws.
- b) The social and economic factors of the felony offender will be defined as issues that are endured after re-entry.

- c) The stipulations of re-entry are defined as the legislative requirements outlined in the Violence Crime Control and Law Enforcement Act that effects felony offenders while incarcerated as well as their impending re-entry.
- d) The challenges (policy feedbacks) of re-entry are defined as legislative impediments placed on public goods and social services, which preclude felony offenders from needed support while incarcerated and afterward to more effectively rejoin society. These include but are not limited to eligibility for government assistance such as job training, employment placement, and education.

The points above are critical when viewed in conjunction because they demonstrate the process by which felony offenders are marginalized and relegated to lower classes in society when there is a proposed open competition for limited resources with other marginal and marginalized groups.

#### *Study Rationale and Research Question*

Through the analysis of rhetoric by politicians, this thesis seeks to identify the overall effects of the language used during the enactment of the VCCLE on felony offenders based upon aspects of class structure theory and distributive justice theory. Specifically, this thesis seeks to analyze how the use of functional language has effectively downgraded them to a lower class in society (Quinney 173, 16). Aspects of class structure theory will be used to demonstrate how felony offender, as a categorization, is used in relegating offenders by societal terms. Also, distributive justice theory will be utilized to address how the same language perpetuates divisions by using felony offender classification as a means of ordering offender needs as opposed to the

needs of non-offenders in society. This is achieved by creating hypothetical situations where individuals compete for limited resources to attain limited social status (Lehning 2007, 90-1), on the margins of society. Therefore, it is proposed that the use of language has led to their overall subjugation in society.

The significance of this thesis lies in developing an argument that will address how legislation, by way of rhetoric, effectively placed a specific class of individuals (felony offenders) in a category that has all the capabilities of creating a caste system, is self-sustaining, and promotes the welfare of specific groups more so than others without explicitly defining roles in society. In establishing how this is possible, this thesis seeks to begin a new dialogue with contributors from all strains of thought about the issues that felony offenders are faced with upon release.

In reviewing the literature, each proposed explanation of the effects of legislation presents compelling arguments that deal with the legislation explicitly but miss or either omit significant information that suggests the legislation alone is not responsible for the problematic life of the felony offender. So, rather than refuting these respective arguments in totality, by developing an argument that acknowledges pertinent information from individual views in the field this should create a more sustainable stance on how rhetoric and the legislation have contributed to the problematic life of the felony offender. In beginning a collective dialogue, it may become evident that the problems faced by felony offenders are a culmination of the prevailing theories relating to legislation and the language used during the enactment of legislation rather than one specific issue. This, in turn, may redirect the focus of each respective group and create a more suitable alliance whose voice for change may be heard more clearly.

## CHAPTER II – LITERATURE REVIEW

In reviewing the literature that relates to legislation and felony offenders, key themes such as re-entry, racial caste systems, and policy feedbacks of legislation were identified as areas of significance. These critical areas of interest will be discussed below.

### *Re-entry*

Re-entry is defined as the period when an individual convicted of a felony offense is reintroduced into society (Miller 2014; Wilkinson et al. 2005). There are three areas of prevailing interest when dealing with the reintegration of felony offenders: re-entry, recidivism, and reinvestment (Gottschalk 2015; Rosengart 2017). Recidivism is the term used to denote the tendency or likelihood of an individual to re-offend and subsequently return to prison. As a result, rates of recidivism are used as a method to quantify whether proposed or implemented solutions work. Reinvestment, the last category of re-entry, consists of initiatives that are geared towards the reduction of prison populations (Rosengart 2017, 238). Despite these being the most highly sought-after trends concerning reintegration, each of these areas of interest has presented problems respectively.

Prior to reintegration, there is a multitude of issues that are faced by felony offenders returning to society such as homelessness, social readjustment, and employability yet the approaches that have been taken to address these issues have been limited (Gottschalk 2015, 80). Most problems, pointed out in recent literature, of re-entry are said to involve the willingness of ex-felons to partake in the prescribed re-entry programs. Reinvestment programs consist of job training, educational programs (degree and certification), and community transition designed to make reintegration more



successful (Wilkinson et al. 2005; Hooper 2010; Gill and Wilson 2017). These programs have been implemented as a way to remove individuals from prisons or drastically reduce their exposure to correctional system sentences. Conversely, they have also contributed to the growth and expansion of programs such as supervised monitoring (house arrest) that have added to the ever-growing list of proposed solutions for reintegration that often produce more revenue than helpful results. In a recent study, Rosengart (2015) demonstrated that these programs were shown to allow money and resources that normally are spent to board inmates to be redirected for the enhancement of public safety (237). These solutions have had limited efficacy in dealing with long-term problems related to re-entry programs such as homelessness, unemployment, and long-term employability. In some instances, they also lead to re-arrests, due to the inability to meet the provisional terms and conditions of these programs.

Additionally, though felony offenders as a group consisting of a broad group of individuals that have committed various crimes, they are collectively barred from receiving government assistance while incarcerated. Further, most were disadvantaged economically or socially prior to being categorized as a felony offender and thus were driven to commit crimes initially due to a lack of opportunities, or sustained opportunity (Anders 2011, 529). Research suggests that being economically disadvantaged and being a felony offender is more burdensome than being financially disadvantaged alone regarding forwarding progress in society (Gill and Wilson 2017, 338). In a study of re-entry programs, Farabee and Wright (2014) suggest that there is a correlation with re-entry programs that provide job placement or employment training, and reductions in crime-related involvement that makes individuals less likely to re-offend (311). Though

conversely Gottschalk insists, “human capital is a major contributing factor in determining the recidivism and unemployment rates of ex-offenders—but it is the human capital they already have at the time they are swept up into the penal system, not whatever skills, or education they acquire while incarcerated that determines future progress” (2015, 83). Therefore, there is little consensus in this area of research to suggest whether re-entry programs reduce the number of individuals that re-offend.

This debate is complicated further by high recidivism rates and competing frames of logic that suggests recent re-entry literature has forgone or disagreed on how to best prepare felony offenders for reintegration regarding variables such as unemployment, a living wage, social programs and the possibility of education. According to Gottschalk, these issues are often related to programs such as drug courts, probation, custody proceedings, and many other branches of re-entry programs that make it almost impossible to gauge their success (2015). Such variables are indicators that relate to levels of class within societal constructs and suggest that re-entry, recidivism, and reinvestment have little potential regarding the issues faced by felony offenders. Data to indicate that these programs have had varying results, coupled with the fact that other research suggests that laws have aggravated the existence of felony offenders’ fuels debate in this area of study (Farabee and Wright 2014, 311). These assertions point towards another proposed explanation regarding the issues faced by felony offenders.

### *Racial Caste*

Other areas of literature point to legislation such as the VCCLE as having resulted in the subjugation of particular groups from broader society. In such literature, some researchers posit that legislation has created a racial caste system that has been used to

keep certain groups marginalized within society (Stewart 1998; Mauer 2002; Alexander 2010). Research, such as this, concluded that there is potentially a racial component to be observed in legislation such as the VCCE that results in those of specific racial groups becoming felony offenders. Further, Walsh contends, “In politics, a particularly powerful act of categorization is the parsing of people into “us” and “them” (2012, 519). In framing individuals as felony offenders, this legislation has had negative impacts on particular races long after release from prison. This argument was bolstered by data that suggested that poor individuals of color were “most” affected by legislation that seeks to bring justice and calm to areas that were overcome with high crime, high poverty, and few economic opportunities (Mauer 2002, 30-1). Also, Alexander points out the fact that much of the legislation passed coincided with the era associated with protests related to the Civil Rights Movement (2010). These facts in addition to these areas being highly susceptible to the effects of legislation suggest that the drafting of such legislative enactments had racial underpinnings that would indirectly lead to a high number of minorities being subjected to incarceration. In turn, by becoming a felony offender, this inserts an individual into another sub-group in society with decreased value as opposed to citizens who are not offenders.

This argument is valid, has merit, and should not be overlooked, but it must be placed within a more suitable context. Further, while this logic provokes thought, it implies parallels that are only reached by ignoring some of the otherwise fundamental contradictions of how this legislation was implemented. The VCCE places no more emphasis on a particular race more so than another, nor does it specify by any means that this law is anything other than neutral on its face. For example, Murakawa (2014) pointed

out how lawless black protestors were juxtaposed lawless white resistors thereby legislation passed was neutral. A racial argument is only possible if it is shown that legislation was put in place to curtail the actions of a specific group(s) based on certain characteristics. To further situate this assertion Alexander, in the *New Jim Crow*, expressed that the uptick in incarceration rates have been far higher for blacks, but acknowledges the fact that all races have experienced increases in incarceration rates (2010, 122). In addition, Gottschalk's research concedes that there have been dramatic increases in incarceration rates for poor whites, non-whites, blacks, Hispanics, and others (2015). Therefore, it should not be assumed that a racial component has the capability of explaining the marked increase felt by blacks alone, because this will not provide a plausible explanation as to why all races experienced rates of increase during the time frame of such research from the 1970's to 2000's. These rates of increase should be viewed in comparison to the previous numbers of their respective groups, and not be considered in contrast to one another. This allows for a glimpse of how the numbers have demonstrated a steady increase for all groups, despite attempts to offset the number of initial arrests and rearrests through programs and initiatives. Consequently, a newly acquired status in society is not governed by race; instead, it is simply a classification that is bestowed upon an individual that is found guilty of any crime deemed a felony offense.

Contrary to this mode of thought, the legislation does place emphasis on a specific class of individuals, felony offenders. Therefore, felony offenders are not confined to a single race, so the racial aspect of this analysis falls short due to the array of individuals affected by the VCCLE. Instead, what is missed in the racial argument is that the prison label is what ostracizes an individual, not their respective race. This legalized form of

segregation in this argument is not questioned, though it is at the heart of this issue.

Gottschalk (2015) insists that framing legislation, as an issue of race is problematic due to how frames can sway public opinion and restricts paths for solutions.

To conclude that certain legislation had racial underpinnings, certain assumptions must be made without clear evidence. Thus, race as an argument fails to place any introspective determination on how these laws place considerable limitations on individuals of all races that are felony offenders, despite having no language that distinguishes individuals by categorizations. Instead, a more critical view should be taken to understand that these laws affected individuals going forward. Quinney suggests that critical thought should be used in determining how a legal order is constructed (1973, 3). Critical thinking should be applied to understand how/why legislation that should only affect individuals while incarcerated continues to shape their lives going forward. The focus should be placed on how felons, post-conviction, are burdened with a badge of degradation that affects all felony offenders overall rather than focusing on how a racial component may be an aspect of the larger problem. This point of view hinges on the effects of being labeled as a felony offender for a particular group rather than focusing on the greater implications of being labeled as an offender in society overall, which leads to how policy manifests itself.

### *Policy Feedbacks*

Other aspects may be viewed in trying to understand the significance of legislation that negatively affected felony offenders post-release. In contrast to legislation having racial underpinnings, an opposing view suggests that the stigma related to the prison label has been the result of unintentional consequences of legislation such as the

VCCLE. Some scholars suggest that legislative efforts display the power of crime “policy feedbacks”; that is, how policies “produce social effects that reinforce their own stability” (Murakawa 2014; Beckett and Western 2001). This argument is significant because it acknowledges that crime policies sometimes reinforce issues that they were created to correct. This view of legislation highlights the fact that in the event some policy is seen to have detrimental effects that it should be augmented or repealed is ignored. This fact helps to understand the failures of re-entry regarding reform and recidivism.

Miller insists that once an individual has been classified as a felony offender that there is no end in sight for the sea of regulation that follows ex-offenders (2014, 307). Excessive scrutiny and highly regulatory practices of re-entry lead to recidivism. Barak and Stebbins “perceive re-entry as a continuation of prisoner economic exploitation” (2017, 289). This exploitation leads to high rates of recidivism, and re-entry is viewed as unsuccessful.

To compound the problems of recidivism, studies have illustrated that, according to Mears et al., (2016), “research has identified mixed effects; some studies find that greater time served increases recidivism, others find that it decreases it, and still others find a null effect. The ‘true’ effect of time served, then, may lie in the middle—that is, it may have no consistently appreciable beneficial or harmful effect” (98). Results suggest that the length of time served may be irrelevant with regards to deterring effects. As such, other methods such realignment have been recommended to determine what is the best course of action to prepare felony offenders for life post-release. Realignment refers to the shifting of certain offenders from state prisons to municipal or county jails (Bird and Grattet 2016, 177). Realignment programs were created to reduce the exploding prison

population by moving much of its inmate population to county jails or to place them on supervised release programs.

To counter the previously noted findings related to time served, realignment though considered, (Bird & Grattet 2016, 177) has faced considerable backlash due to the unintended overcrowding in county jails and bail system discrimination (Causey 2013, 62). This reduction in prison population allowed for many non-violent and non-felony inmates to reduce their sentences in state facilities but created problems such as overcrowding into the smaller facilities that led to early release and re-offending due to program requirements. Though these policies and reforms were put in place to address issues associated with re-entry and high recidivism rates, issues with realignment strategies have yielded few short-term beneficial effects. The results of these policies often display results quickly but usually taper off. As such, overcrowding, understaffing, and limited areas for housing high-level offenders demonstrates that these policies lack sustainability regarding long-term success.

Policies and programs such as these continue to fail due to them being designed to fix secondary issues that result from the legislation. The fact that literature can be produced to suggest realignment policy successes as well as opposing findings indicates that the problems associated with life after felony conviction should be researched further.

Although re-entry, racial caste, and policy feedbacks have garnered support in the mainstream, each has demonstrated modest efficacy in addressing the issues faced by felony offenders after time requirements have been met. Current literature fails to address key parts of the conundrum that is life for the felony offender by looking at the effects of

legislation alone, such as the VCCLE. As a result, this study will shift focus away from looking explicitly at how legislation has negatively affected felony offenders. Instead, it will focus on how the rhetoric employed to enact legislation has affected felony offenders broadly, by using components from class structure theory and distributive justice theory. Individually, the rhetoric employed in conjunction with the VCCLE should be viewed to determine whether the issues faced by felony offenders are, in part, the result of the language utilized for the enactment of this legislation.

In the following section, the Violent Crime Control and Law Enforcement Act of 1994, will be introduced. This legislative act has greatly affected felony offenders since its enactment.

*The Violent Crime Control and Law Enforcement Act of 1994*

Despite limited opportunities for convicted felony offenders, laws were enacted that have proved to further impede their ability to re-enter society. Before the enactment of the Violent Crime Control and Law Enforcement Act of 1994, the Anti-Drug Abuse Act of 1988, was passed. The ADAA only prohibited felony drug offenders from receiving government assistance for housing, education, and employment. This legislation did not affect the perpetrators convicted of violent offenses. Under Title V, Subtitle A, Subtitle G of the Anti-Drug Abuse Act of 1988, it stated:

Denies Federal benefits (grants, contracts, loans, licenses, and public housing): (1) for up to five years to any person convicted for the first time of any Federal or State drug trafficking offense; (2) for up to ten years upon the second conviction for such an offense; and (3) permanently upon a third or subsequent conviction. Imposes one or a combination of the following sanctions on persons convicted for the first time of drug possession offenses: (1) ineligibility for Federal benefits for up to one year; (2) required successful completion of an approved drug treatment program; or (3) required community service. Extends benefit ineligibility for up to five years with respect to possessors convicted for a second or subsequent time.



Permits penalty waivers under certain circumstances if the offender submits to a long-term treatment program for addiction. Suspends the benefit ineligibility period if the offender attempts to enter a drug rehabilitation program or is rehabilitated either through such a program or otherwise. Exempts Government witnesses from penalties under this subtitle (U.S. Congress Pub. Law No. 100-690).

To include the remaining felony offenders, in 1994, Congress passed the VCCL, which prohibited all other remaining felony offenders from receiving government assistance while incarcerated (Page 2004, 358). The VCCL was introduced in a bipartisan effort in 1994. This legislation, receiving limited opposition, was enacted with majority support from both sides of the political aisle. The VCCL was introduced on October 10, 1993, in the House of Representatives and voted on. It was subsequently passed on to the Senate on November 19, 1993, where it remained until it was referred to the House for amending. It then remained in the House, where it was reviewed and subsequently amended further, until August 21, 1994. Upon the House committing to proposed resolutions from the Senate it was then forwarded back to the Senate on August 25, 1994, when it was agreed on by a conference Yea-Nay vote of 61/38. The legislation was then sent to the desk of President William Jefferson Clinton on September 12, 1994. On the following day, September 13, 1994, it was signed by the President and became law. It was referenced with Public Law Number 103-322. This legislative act resulted in felony offenders, not included under the Anti-Drug Abuse Act of 1988, permanently forfeiting their access to government assistance for education while incarcerated (Middlemass 2017, 116). Under Title II, Subtitle D, Section 20411 of the Violent Crime Control and Law Enforcement Act of 1994, it stated:

AWARDS OF PELL GRANTS TO PRISONERS PROHIBITED. (a) IN GENERAL.—Section 401(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(8)) is amended to read as follows: “(8) No basic grant shall be awarded under this subpart to any individual who is incarcerated in any Federal or State penal institution.” (b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to periods of enrollment beginning on or after the date of enactment of this Act (U.S. Congress Pub. Law No. 103-322).

Further, under Title IV, Part A, Sec 401(b) of the Higher Education Act of 1965 it states:

b) There are hereby authorized to be appropriated \$70,000,000 for the fiscal year ending June 30, 1966, and for each of the two succeeding fiscal years, to enable the Commissioner to make payments to institutions of higher education that have agreements with him entered into under section 407, for use by such institutions for payments to undergraduate students for the initial academic year of educational opportunity grants awarded to them under this part. For the fiscal year ending June 30, 1969, and for the succeeding fiscal year, there may be appropriated, to carry out the first sentence of this subsection, only such sums as the Congress may hereafter authorize by law. There are further authorized to be appropriated such sums as may be necessary for payment to such institutions for use by them for making educational opportunity grants under this part to undergraduate students for academic years other than the initial year of their educational opportunity grants; but no appropriation may be made pursuant to this sentence for any fiscal year beginning more than three years after the last fiscal year for which an appropriation is authorized under the first sentence. Sums appropriated pursuant to this subsection for any fiscal year shall be available for payment to institutions until the close of the fiscal year succeeding the fiscal year for which they were appropriated. For the purposes of this subsection, payment for the first year of an educational opportunity grant shall not be considered as an initial-year payment if the educational opportunity grant was awarded for the continuing education of a student who had been previously awarded an educational opportunity grant under this part (whether by another institution or otherwise) and had received payment for any year of that educational opportunity grant (U.S. Congress Pub. Law 89-329).

Neither form of legislation emphasized gender or race, and this is evident due to increased numbers in the prison population of all three major ethnic groups in the United States; Caucasians, African Americans, Hispanics (Murakawa 2014, 121-2). Although these pieces of legislation did not place emphasis on the race of any individual convicted

of a crime, it did put emphasis on a specific class of individuals', felony offenders. Although according to statistics, minorities have a higher rate of incarceration when compared to whites this does not explain this phenomenon completely. Focusing on one variable, race, disregards other elements that should be addressed. By felony offenders not being confined to one race or another exclusively, these laws have impeded the ability of all individuals that have been deemed as felony offenders equally.

As such, stipulations created by the ADAA and the VCCE have created as well as further compounded issues for felony offenders. Though like explanations such as racial castes, re-entry, and policy feedbacks, legislation does not explain all the circumstances that are faced by felony offenders (Petersilia 2009, 128). The legislation, just as the previous areas mentioned in the literature review, when examined more closely fails to explain many of the issues that plague offenders post-release such as the inability to secure housing, employment, or education. Precluding a specific class of individuals following felony conviction from resources not based on race or ethnicity from access to particular government resources while incarcerated should not foster unemployment, under education, and homelessness upon release. This suggests that other explanations should be examined. As a result, this search proposes that the rhetoric employed to enact such legislation extended these effects past incarceration, because of how it positioned individuals in society against one another. As such, the theoretical framework for this analysis was constructed.

### CHAPTER III - THEORETICAL FRAMEWORK

The work in this study begins with investigating how class structure and distributive justice would apply holistically to the theory proposed. The focus of this study is to determine how the language used during the enactment of the VCCLE presents obstacles for felony offenders post-release, despite these legislative acts having been created as forms of deterrence that in theory should only affect offenders while incarcerated. For this study, a working theory is derived using a synthesis of class structure theory and distributive justice theory. This theory will be used to explain the subjugation of felony offenders in the society that directly resulted from the rhetoric utilized during the enactment of the VCCLE, by analyzing the language used in conjunction with this legislation. These two theories when viewed singularly fail to define all the pertinent aspects of how legislation has subjugated felony offenders within a societal context. So, rather than abandoning each respective theory, a more effective argument is achieved when the two theories are used in conjunction. These two theories provide a satisfactory explanation as to how rhetoric and the eventual enactment of legislation has engineered and reconstituted levels of class structure with self-sustaining components driven by elements of distributive justice (Murakawa 2014; Page 2004). In the following sections, these theories are detailed as prescribed for this study.

#### *Class Structure Theory*

The first provision for demonstrating how rhetoric associated with the VCCLE subjugated felony offenders is derived using class structure. To better understand how the language used affected felony offenders, class structure theory was chosen to address and flesh out the minimalistic approach that is considered concerning how language has

affected felony offenders. In this research, class structure theory is defined as having two having two key concepts: social forms and transitions. It is defined traditionally as a mechanism used for placement in a society based upon social classes, and the ability to control modes of production by which these classes are based upon (Chibber 2011, 63). Here, mode of production refers to any variation of productive force (e.g., labor or knowledge) and relations of production (e.g., class status, or social standing) that an individual or group has that is used to support them in society. Class structure theory, as employed here, demonstrates the ability to devalue the price of labor of a particular citizenry thus, lowering their worth (economically) and marginalizing them within society. Historically, class structure theory proposes that social classes are based on different modes of production, yet regarding the felony offenders, this idea does not adequately explain class structure theory due to such traditional definitions relying on specific ways to demonstrate how individuals maintain themselves in society (Lehning 2007, 90). As such, though missing one component here, the classical definition of class structure theory would not be applicable for analysis of the felony offender in this situation, but there has been recent literature to account for the differences that appear in a modern era in which class structure has evolved regarding labor due to globalization.

Chatterjee suggests that class structure theory has evolved from being socio-economic to more socio-cultural (2016, 264). This accounts for the missing labor aspect of class structure theory as well as provides an evolved version that satisfies the other primary concept of class structure theory that states class structure transitions from one form to another (Chibber 2011, 65). In transitioning from one form to another, it is possible for terms that are used to qualify status in society to evolve from one

representation to another. When viewing felony offenders with this revised version of class structure theory, there are unmistakable parallels. Once an understanding of how class structure theory reconstitutes itself is gained, other comparisons can be drawn regarding the felony offender.

Another critical provision of class structure theory is the individuating of how individuals maintain or support themselves at a minimal level (Chibber 2011; Schiller 2008). The significance of organizing new ways by which individuals meet these minimal needs is integral in the next phase of reclassification of the felony offender. To maintain the levels of class following an industrialized shift forced by globalization a new “proletariat” or working class must be created. Quinney insists that criminal law is used by the state and the ruling class to maintain domestic order by ensuring that the underclass will continue to be within the dominion of the ruling class (1973, 16). Therefore, the creation of the felony offender individuates or distinguishes a sub-group from greater society, thereby lowering their ability to achieve or maintain at a minimal level in society.

White & van der Velden states, “types of class society give rise to different types and conceptions of ‘criminality’, which (epochal nuances aside) relate fundamentally to the needs of the dominant minority class to control the laboring majority that directly produces the social wealth, but only receives a subsistence share of the surplus produced by that labor” (1995, 52). In creating non-essential layers of divisions in society, this effectively ensures that there is insulation between the higher-class minority and the lower classes of majorities. Creating continued separation of the classes, that is a direct result of the language used to enact the VCCE, ensures that society places individuals in

a traditional hierarchy based on capitalistic logic. Therefore, class structure theory must be addressed because of the positivistic approach that is taken when considering how the use of language in conjunction with the VCCE has affected the lives of felony offenders.

Critically looking at the rhetoric prior to enactment and the ramifications of the VCCE, in the singular event of becoming a felony offender an individual is essentially reclassified regarding society. Additionally, as a consequence of this classification, a new value both economically and socially are placed upon this newly formed subgroup. Therefore, for this research class structure theory aids in explaining the process by which stratifications are achieved in society by some means of classification or qualifier, here being a felony offender. While the second aspect, transitions, refers to how in theory classifications are not fixed and have the ability to reproduce levels of class based on different qualifiers. Therefore, consistent with the proposed theory of this research, if there is a downgrading of the status of an individual convicted of a crime (felony offender) as a result of the language used during the enactment of the VCCE, then this suggests that elements of class should be instrumental in the rhetoric used to depict felony offenders. Then, if true, as a result of becoming a felony offender further restriction should be realized. To further explicate how restrictions are accomplished distributive justice theory is utilized as well.

#### *Distributive Justice Theory*

The final provision for demonstrating how the language utilized for the enactment of the VCCE has subjugated felony offenders is derived using distributive justice theory. In this research, distributive justice theory explains how society accomplishes a

structured way to determine who should have the benefit of rights and services as well as provides a basis for how these things should be distributed (Lehning 2007; Bilchitz 2014). Specifically, distributive justice is defined as an allocation of goods, services, and resources based upon some criterion with discernable mechanisms in place to distinguish who should receive them (Lehning 2007; Rosen 2018). This allocation of goods is often posed in terms that display preferences regarding one group more so than another. To the felony offender, these benefits are often the difference between being hungry, homeless, or ultimately becoming reincarcerated.

The felony offender because of failure to comply with the accepted norms of society coupled with stipulations of the VCCLC is placed in and confined to a sub-group of society that is considered less deserving. By relegating these offenders into an underclass, this effectively reinforces a structural system that places some individuals at a lower level in society than other individuals around them (Quinney 1973, 16). As a new member of a sub-group, this places them further down in terms of their marginality among society, as well as obscuring societies' view of their deservingness regarding assistance as well as rights. This marginality and decreased sense of societal worth are then compounded because of consequences related to class structure that has effectively placed them on the outermost fringes of society (Alexander 2010).

The last consequential aspect of distributive justice theory relied upon by this study centers on how marginalized groups of the population are pitted against one another. As a result, they are forced to compete for diminishing resources even though in some instances they are relatively within the same class in society (Mead 2000; Lehning 2007). Often, either one or both parties within the class system are oblivious to the fact



that they are both members of marginalized groups in terms of societal constructs. Each group has been indoctrinated unwittingly to become an active participant in maintaining societal class structures that inhibit ascending from one level of class stratification to another (Mead 2000, 11). This unwitting involvement is often disguised in the form of debates about material benefits, such as assistance for education or employment that are often essential or of great importance for one group's survival or prosperity within society. This, in turn, engenders the misleading of society at large who for the most part is unaware of this situation, and are compelled to choose a side in the debate in terms of "us vs. them" (Page 2004, 369). Moreover, if felony offender status is used to determine whether individuals are worthy of receiving benefits or resources, then the use of this classification demonstrates that aspects of distributive justice are used when making determinations regarding the distribution of benefits and of services.

The two preceding theories are essential for the proposed discourse analysis in this study. What has been omitted in previous research is the fact that negative repercussions for felony offenders have superseded any other explanation as to why felony offenders' misfortunes persist. As a result, a working theory that is a synthesis of class structure theory and distributive justice theory provides context as to how language was used during the enactment of the VCCE. If consistent with this working theory, when analyzing text, there should be observable connotations in the language of politicians that results in imposing reproductions of class that downgrades felony offenders concerning social status. Also, based on the usage of implied language, there should be observable instances of deliberations made by non-offenders grounded on these assumptions. Also, there should be apparent self-sustaining ways of manufacturing levels

of distinctions to determine and order who benefits from resources and services (Lehning 2007; Bilchitz 2014). As such, consistent with this working theory, key themes such as these should be pivotal in illustrating the downgrading of felon offenders' status regarding the language used to depict them. Furthermore, newly non-essential ways to categorize and classify individuals will be created and reinforced by rhetoric that is divisive.

## CHAPTER IV – RESEARCH DESIGN AND METHODOLOGY

### *Introduction*

This chapter provides a brief explanation as to why discourse analysis, as a research method, was chosen by demonstrating its relevance to the proposed research question. Also, the strengths and weaknesses associated with this method will be offered. This chapter will also outline the procedures used to obtain the documents that were chosen for this research.

### *Discourse Analysis*

To investigate the question posed for this research discourse analysis was selected. When generalizing results discourse analysis is utilized because of its proven ability to find and interpret acts or trends (Creswell 2014, 191). Discourse analysis, as a method, has been used widely as a cross-disciplinary tool. Discourse analysis is relevant to the research at hand because it acknowledges language as being more than what is spoken, written, or implied (Searle 1979; Budd and Raber 1996). As a result, discourse analysis demonstrates through themed or patterned based interpretive analysis an understanding of how language is manipulated. Therefore, discourse analysis is applied here to describe a proposed relationship in language (written or spoken) that exists regarding its purpose or how it is expressed (Budd & Raber 1996, 217). Specifically, discourse analysis provides a means of analyzing how rhetoric affected felony offenders by setting forth a set of implicit meanings through legislative debates that resulted in the creation of divisions in society. Discourse analysis is useful as a unit of study due to its ability to study language above the sentence level, above the clause, and above what is

merely spoken/written (Budd and Raber 1996, 217). The minute details of text do not drive discourse analysis; therefore, it is rather useful in obtaining meaning from larger units within a particular context. Thus, discourse analysis is helpful as it elucidates ways that language is influential in specified situations.

Determining how the relationship between felony offenders and the language used for the implementation of the VCCLE coincides with stipulations and challenges, that negatively affect felony offenders within the constructs of a class-based society, this will place much-needed focus on unsolved problems faced by felony offenders. Also, by highlighting this relationship, the current issues with the proposed solutions for the misfortunes of felony offenders can be shown to be misguided due to the lack of attention given to the effects of rhetoric overall. By highlighting the lack of effectiveness of previously proposed solutions, I propose a new direction of research that focuses on how the language utilized during the enactment of legislation has broadly affected felony offenders. To accomplish this, I employed a research design that was qualitative to examine how language functioned in accordance with the VCCLE. Given that communication can be utilized to elicit covert meanings within a given context, discourse analysis is a suitable approach to examine the rhetoric conveyed in political speeches and news disseminations (newspapers) that accompanied the VCCLE (Van Dijk 1990, 35).

As such, the purpose is to examine the language used by politicians (both Republicans and Democrats) within the parameters of discourse about legislation rather than legislation explicitly. In demonstrating how law alone does not adequately explain the plight of the felony offender, discourse analysis will be used to examine selected texts from speeches and newspaper articles. As a result, this will provide much-needed context

to demonstrate how implicatures (implied meanings beyond words) speak to the underlying functions, inadvertent or not, of such legislation (Searle 1979). The functional study of discourse builds upon a body of work that focuses on what is implied or suggested by the use of language (Grice 1989; Budd & Raber 1996). Given that language has explicit as well as implicit meanings, by analyzing rhetoric that coincides with legislation for this study, this research aids in understanding how attempts of many felony offenders to reintegrate into society have faltered. Although widely used, discourse analysis has many approaches that can be utilized during the commission of research (Grice 1989; Searle 1979; Budd & Raber 1996). For this research, a functional approach to discourse is undertaken.

#### *Functional Discourse Analysis (FDA)*

Functional approaches to discourse gained momentum as a research methodology because of work completed by Austin and Grice even though discourse was utilized as a research method for decades prior (Budd Raber 1996, 219-20). The primary concern of the functionalist approach is to identify, in a practical way of speaking, the focus or intentioned meanings of the language used. This is often referred to as implying meaning beyond what is said (Searle 1979; Budd and Raber 1996). These aspects of functional discourse allow for language to be analyzed within social, cultural, and political context. Further, Van Dijk clarifies by stating, “FDA has a linguistic component, which deals with grammatical and other functional relations of textual structures or strategies, and a broader, interdisciplinary component, which analyzes the functional relations between these textual structures and various structures of the context, such as those of cognition, interaction, and even the structures of the societal or cultural macro-level” (1990, 27).

Therefore, FDA can be used as a point of convergence in many different disciplines for what is spoken, written, or meant on a large or small scale within a social or cultural context.

Specifically, by employing a functional approach to how language is applied, the social implications of intended meanings, such as implicatures, demonstrates how communication has the ability to shape and be shaped socially. As such, language with implied meanings can define or confine aspects of society. Therefore, this aspect of how language functions is regarded as the theoretical basis of this research (Searle 1979).

Although discourse analysis has proven to be very useful in multiple disciplines, no one-research method is regarded as absolute (Van Dijk 1990, 28). Discourse analysis, as with any qualitative method of research, is subject to the interpretations and the personal bias of the researcher. Data that is sampled, most often, is based upon small numbers, directly focused, and is selected with an intended purpose rather than objectively (Tuckett 2004, 48). This means that the use of data, in this instance written speech, may be observed or comprehended differently contingent upon the researcher. Therefore, the results are normally considered for their validity rather than their reliability. As such, generally, most qualitative research studies are specific to an issue, population, phenomenon, or group, and the conclusions cannot be considered irrefutable (Leung 2015, 326).

Due, in part, to the subjective nature of discourse analysis, it is of the utmost importance that impartiality and objectiveness be maintained throughout the process of research. It is necessary as well to disclose any prior information that could be considered as a source of bias or conflict of interest (Rahman 2017, 107-8). As such, for this thesis, it

should be stated that as the researcher having been indirectly affected by the effects of legislation that this may distort the evaluation and/or the interpretation of the text.

Though at the same time, the indirect experience of dealing with the effects of legislation upon a loved one has allowed for greater insight into the attempts that have been taken to mitigate the stipulations set forth by legislative enactments as well as the rhetoric employed. The indirect association functions as a motivation to question the legitimacy of the complaints and the actions of the felony offender. Thus, the factor of bias that otherwise may be seen as a limitation renders other conditions to maintain balance in this research.

Another criticism of discourse analysis and qualitative research for that matter is that it is more effective when incorporated with another form of analysis, or mixed method. Qualitative research lacks the ability for its findings to be applied broadly due to its specific nature (Rahman 2017, 104). The incorporation of another method helps to demonstrate the reliability and generalizability of the findings that is lacking when qualitative methods are undertaken alone. However, discourse analysis provides thick descriptive results that demonstrate the results of a particular situation that are designed to answer a specific research question in a specific circumstance (Rahman 2017, 104). As such, the use of discourse analysis allows for the use of smaller amounts of data and provides an avenue for a more exact analysis based on the specifics that have the capabilities of rendering findings that present greater relevance in the study it is employed. Content analysis, which is a statistical method, is generally more concerned with larger amounts of data, and the quantifying of results based on set parameters such as textual features (Rahman 2017, 105). Though discourse analysis depends on more

focused themes and guidelines, it yields more concentrated results accordingly. Therefore, the use of discourse analysis helps to specifically achieve an understanding of the research question proposed, due to the ability of texts to be used in totality or in samples (excerpts as used for this research) concerning elucidating the implications of legislation through contextual meanings/interpretations of rhetoric.

### *Data*

This study aims to analyze how rhetoric used by politicians positioned felony offenders against non-offenders in discourse allows for a better understanding of how the use of language has affected them. This research seeks to illustrate how the function(s), a key element of discourse, is useful in society as a facilitator of a social phenomenon (Searle 1979; Van Dijk 1990; Budd and Raber 1996). Discourse analysis will be applied to speeches given by politicians as well as the additional newspaper coverage that coincided with them. Newspapers became a highly efficient way to reach constituents and to convey political attitudes by politicians (Brown 2010, 321). Therefore, it is common practice to use the words of politicians associated with legislation (speeches), and their continued elaboration of these political perspectives in newspapers. As such, speeches and newspapers were used here for their ability to transmit detailed messages that can be analyzed textually with attention paid particularly to content. Media related content such as television news is often condensed due to time constraints and is often conveyed in a less in-depth fashion that leads to a lesser ability to focus on textual content (Newhagen and Nass 1989, 277). Therefore, broadcast news is not utilized for this research.



Online databases were used because of their ease of access and availability, although this method of data retrieval presented limitations as well. Transcripts of floor communications are available through the Congressional Record Archived Services. The online database includes a vast amount of the speeches, but it does not include the communications in their entirety. Some of the transcribed communications that are unavailable through the online archives are available through interactions with the assistance of the virtual law librarian upon request. The Archived Congressional Record consists of three categories of remarks offered in transcripts: House, Senate, and Extension. House and Senate remarks are verbatim communications from members on the floor, while Extension remarks are additional thoughts and commentary. This material is added upon request of members to provide further context or understandings from the House and Senate communication.

The data for this study included documents that pertained to the VCCLE. Although, this study focuses on how divisive language used during the enactment of legislation prohibits access to some fundamental rights and services while incarcerated-- in achieving enactment of legislation to prevent felony offenders from receiving forms of government aid such as education assistance, employment training, and job placement assistance the language used created cleavages in society thereby, resulting in the subjugation of felony offenders-- the primary focuses of this research is placed upon rhetoric that pertains to education. Employment training and job placement assistance were met with opposition similar to that of education, but government assistance for education is viewed much more favorably as opposed to these other forms of assistance. So, rather than muddy the investigation by focusing upon assistance considered by many

as entitlements (employment training and job placement) (Daguerre 2008, 367-8), this research placed focus on educational aid that is a **fundamental human interest** (Wilkins 2005; San Antonio Independent School District v. Rodriguez .411 U. S. (1972)), but it is arguably a fundamental right. Thus, the rhetoric that focused on education was deemed more suitable for this research. The section that follows outlines how documents were selected and how excerpts from them were chosen.

### *Procedure*

This thesis analyzes the use of language by members of the House of Representatives and the Senate as they debated the Violent Crime Control and Law Enforcement Act of 1994. The use of speeches from both the House and the Senate served as a method of gathering enough relevant material to undertake this research. Specifically, this will be accomplished by addressing amendments that were introduced to deny felony offenders from receiving Pell grants during their time of incarceration. The process by which felony offenders were prohibited from receiving government aid while incarcerated took place over a span of years. Therefore, the rhetoric that preceded the enactment of the VCCLE was examined in this research for language that was used functionally as a method of evidence. Transcripts are available through the Congressional Record Archives that contain communications from the floor of the U.S. House, Senate, and the Extension of Remarks. Members of both the House and the Senate that wish to add information or commentary utilize the Extensions category to do so. Complete transcripts are available online through Congress.gov from present to 1995. An archived version is available for transcripts of Congressional Record proceedings prior to 1995.

This functional discourse analysis consisted of a series of steps. First, speeches relating to felony offenders and legislation had to be identified. When using the archived services, the actions taken to find this information is different than the steps used with the contemporary Congressional Record due to the archived services having limited search capabilities. To overcome these search limitations, the Library of Congress search engine was used. The search engine has the capability of refining searches based on Congressional sessions that consist of two-year periods, by selecting multiple sessions, or many other options. The searches here were confined to single sessions that began with the 102<sup>nd</sup> session of Congress that contained information for the years of 1991 and 1992. The 103<sup>rd</sup> Congressional session was searched as well to allow for an adequate time frame for data location.

I began by entering search terms such as “prisoner,” “education,” “Pell grant,” or combinations of words such as these. The search engine for the Library of Congress allowed for many possibilities. The results yielded information that contained the search terms in any portion of the description despite their arrangement. As such, results from respective years were discarded if they were irrelevant to the research. Once unrelated information had been discarded, relevant information that consisted of dates, the name of legislation, the names of contributing politicians (House or Senate), and a summary of the legislation were organized. Names and dates were cross-referenced with coinciding days from the Congressional Record Archives. This process allowed for the retrieval of actual remarks from the House and Senate floor. These remarks (data) were then selected and separated by the Congressional session of origin. A total of three debates were chosen over the course of three years that yielded a little less than fifteen thousand words. These

remarks were then placed into a word document that was separated by headings that denoted the topic of each debate, day and month, and the year. This process allowed for the storage of relevant information, and it also provided a way to track the number of words (text) that would be available for this analysis. The page numbers from the Congressional Records Archives were used for the citation of the speeches to provide accurate reference information.

After the information had been gathered, it was then carefully read and organized based on three themes: implied language (suggesting prisoners are different morally or ethically), deliberational language (language that indicates that choices must be made regarding felony offenders or non-offenders), and lastly corrective language (language that suggests changes should be made based on the prior categories). Specifically, this analysis considers the usage of remarks made by politicians that give rise to the separation of groups in society based on elements utilized from class structure theory and distributive justice theory that functioned within the messages of politicians (Page 2004, 361). The usage of terms such as felony offender, prisoner, and law-abiding, within the context of this research, were used to denote the categorizations of individuals based on manufactured status. The usage of terms such as undeserving and phrases to engender either/or conflicts were used to demonstrate a need for deliberation regarding the correction of unbalanced distributions of public benefits once classification had taken place for specific individuals. Lastly, the language used to suggest that there must be an end or a consequence to specified wrongdoings is used to demonstrate the advancement of political outcomes. To initiate the analysis of the language, speeches that were given by the cosponsors of legislation were used as the starting point for this research. Then, an

equal number of statements given by Democrats and Republicans were randomly selected for analysis.

In addition to speeches from both the House and the Senate, newspapers were considered as a source for further textual analysis. Like legislative speeches, an initial search was conducted using US Newsstream/ProQuest (an online database) for articles before the passage of the VCCLE of 1994. This search was structured to include articles from 1991 to 1994. A search was conducted using keywords, such as felony offender and government assistance to identify news articles. This search produced a high number of relevant articles as well, so to keep this aspect of the research within manageable parameters the previously mentioned criterion was applied, but with an added dynamic. The newspaper articles were selected if they contained commentary about Pell grants for prisoners provided by any of the same politicians who had a speech chosen previously, thus more context is added. Politicians often use the press as a means of furthering political sentiment, which can be used as a weapon to advance a particular goal of the ruling class (Brown 2010, 323-4). Once satisfied, this search criterion yielded a series of documents. Two articles were selected based on the added requirement of being an extension of a politician chosen already. This process produced approximately nine hundred additional words to be analyzed. These articles were then examined using the same thematic categories used for the political speeches and categorized in the same fashion.

Lastly, as discussed, a functional approach to discourse is used to interpret the data. Close attention is paid to how language is used rhetorically (to imply meanings, elicit deliberation, or to motivate political outcomes), in conjunction to the VCCLE

regarding social and/or political outcomes particularly (Budd and Raber 1996; Searle 1979). The analysis of the selected texts that follows adheres to functional discourse methods previously mentioned, while attempting to remain unbiased and critical of the text. An attempt to stay free of assumption is also made during the duration of this research as well.

## CHAPTER V – ANALYSIS AND INTERPRETATION

This chapter describes the research findings based on the selected texts as referenced in the proceeding section. The research question is addressed insofar that quotes are structured to illustrate how rhetoric was used as a means of separation amongst individuals in society. The rhetoric of politicians will be viewed for its ability to imply circumstances beyond what is spoken as well as for its ability to elicit deliberation based on the information that is implied (Burke 2016, 3). The interpretation of discursive practices such as implicatures (when language is used to imply meaning) and deliberative rhetoric (when language is used to facilitate deliberation) will be utilized to demonstrate how rhetoric was used to communicate to audiences/readers in a way to manufacture an image or reality of felony offenders. The image created was premised upon levels of class and degrees of deservingness for felony offenders, which led to their overall subjugation.

It has been demonstrated using implicatures that disseminators of information, here politicians, can provide information that can be processed as is or in a way that implied meaning could be drawn from it (Budd and Raber 1996, 219). Also, the deliberation aspect of speech that is used by politicians employs the use of language that influences the hearer to partake in an active assessment that is facilitated by contrasting more than one hypothetical outcome (Burke 2016, 3). The consequences of these actions by politicians often promote subjectivity in the logic of the hearer, the insertion of an otherwise unaffected individual into debate or conflict, and subsequent judgments (moral and immoral) that result from unwitting coercion (Gorsevski 2015, 723-24). Though most politicians use implicatures and deliberative rhetoric, the way that they use them often vary, but for this research Democrats and Republicans use them similarly. The way that

rhetoric was employed over the course of time that it took to enact the VCCLE suggests that speech acts were artfully utilized to categorize felony offenders and non-felony offenders with minimal resistance.

*From Implications Divisions Arise*

Politicians framed arguments regarding felony offenders negatively in accordance with the VCCLE that made clear distinctions that would affect how society mostly viewed felony offenders. Rhetoric was positioned as a decision between classes in society, felony offenders or hard-working citizens. Making implicatures based on emotions or fears, politicians were able to establish a baseline from which their rhetoric stemmed to achieve the social goal of categorizing citizens and the political goal of enacting the VCCLE (Searle 1979; Grice 1989; Budd and Raber 1996). Consistent with this concept, negative words or phrases with implicit negative connotations were used to refer to felony offenders, while an endearing term or phrases to draw empathy were used to refer to “normal citizens.” These techniques are easily recognized methods to individuate groups or classes of citizenry based on the presence of shared logic between the speaker and the hearer (Searle 1979; Budd and Raber 1996). These features, used here to imply certain conditions of separation, are commonly practiced across all the selected texts. It is at this point that manufacturing of divisions began.

The predominance of implicatures in political communication is indicative of a functionalist approach that sees the politician using a condition of emotion (pathos) predicated by a feeling of superiority, pride, or in this case empathy (Grice 1989; Budd and Raber 1996; Burke 2016). To demonstrate this form of implicature, on March 26, 1992, during a debate in the House Representative Bart Gordon (D-TN) stated:



Every time that a prisoner gets a Pell grant that means a traditional student does not get a Pell grant...since prisoners have no income, they are first in line...nobody else gets a Pell grant until all of the prisoners, with no income, get what they want. A policeman in my hometown of Murfreesboro was talking to me about trying to help his son get some financial aid to go to school...policeman are not overly paid, but he made too much money to be able to get in any kind of a Pell grant program...That policeman's son could not get a Pell grant. But if he arrested someone for breaking into your house tonight and put them in jail, then they could get a Pell grant. (US Congress, 1992 2nd: H1893).

The tone taken by the Gordon in the preceding excerpt is used to signify that a mutual understanding, based on emotional appeals, has taken place to acknowledge the hardships experienced by individuals that fall within the categorization of low to middle class. The term traditional is used here as a contrast or a move. Contrast is a method used to differentiate individuals based on some implicit or explicit condition (Van Dijk 1990, 36). In this situation, working law-abiding individuals are separated from others based on some different characterization, such as felony offender status. By highlighting the fact that felony offenders have no immediate means of income, this is used to imply that they receive preferential treatment since the Pell grant is allocated based on economic need. This was reinforced further by stating that the policeman who is not paid well, exists in a complicated medium. To clarify, the policeman failed to qualify for assistance because he earned too much yet did not earn enough to be free of economic need for the cost of schooling his son. The phrase “nobody gets Pell grant until they get what that want” demonstrated manufactured categorizations premised upon implied need. The low to middle-class earner is understood to be “nobody,” versus felony offenders. Offenders are implied to have access to endless amounts of aid while incarcerated, while the taxpaying/law-abiding public is unable to meet the requirements to receive assistance. The use of phrases such as these explicitly demonstrated the presence of separations in

American society based upon some method of qualification that was normally related to socio-economic status, though these separations are facilitated regarding morality as well.

To further widen the gap between felony offenders and law-abiding citizens, politicians relied on pleas that pitted the moral against the immoral. By referencing felony offenders in a manner that emphasized their lack of ethics when compared to non-offenders in society, this allowed for a removal of their humanistic characteristics. In doing this, politicians were able to push felony offenders further out to the fringes of society. To demonstrate this continued push toward separation in society on March 26, 1992, Representative Thomas Coleman (R-MO) stated:

Pell grants are not an entitlement. That means for every prisoner who has a Pell grant there are dollars denied to others who are non-prisoners, our constituents. We estimate that over \$160 million in Pell grants go to prisoners every year and deny access to those who are on the outside, hard-working men and women who want to go to school who should receive moneys under the Pell grant formula who are denied because of the \$160 million going to prisoners. (U.S. Congress, 1992 2nd: H1893).

The use of the word entitlement, for many, has negative connotations that are the result of long-term use to describe abuse of government assistance and resources (Daguerre 2008, 366). Politicians utilized this language to communicate that Pell grant should be viewed as a way for prisoners, who failed to be productive, to continually cheat the system. This language use also suggests that non-prisoners are treated less favorably due to the denial of benefits that would more readily be given to individuals that have broken the law. Comparisons made concerning those on the inside as opposed to those on the outside demonstrates that there is a separation that should be very apparent. As a result, politicians that were opposed to how the argument was communicated regarding

separations in society tried to counter these arguments. However, in countering these arguments, these politicians utilized some of the same terminologies that were being used to cast negative sentiments upon felony offenders. To demonstrate on March 26, 1992, Representative John Conyers (D-MI) stated:

I rise today to express my strong opposition to Mr. Gordon's amendment. The issue of eliminating inmate access to Pell grants is not new. The premise for the argument is a valid and thought provoking one. Why should the American taxpayer reward incarcerated individuals with the privilege of education when the pool of funding is depleting rapidly for the rest of society? The answer is simple and well documented: By providing the tools of learning and self-improvement, society can reap the benefits of creative, productive citizens, as well as break the cycle of crime and prison (U.S. Congress 1992 2nd: H1895).

In expressing his opposition to the denial of Pell grants to felony offenders, Conyers advanced the message of separation unwittingly. The use of the same monikers and verbiage by Democrats inadvertently continued an onslaught of separation based on felony offender classification. In a miscalculation, he stated his response concerning a proposed reward as a result of incarceration rather than merely saying that education was a means to promote an end to a cycle of crime. To add to this miscalculation, he stated that the American taxpayer would be the indirect provider of this seemingly undeserved reward. So, rather than the creation of a valid argument to counter the assertion made in favor of denying Pell grants to felony offenders he helped to reinforce the argument. Using language that indirectly reinforced the divide between law-abiding taxpayers and lawless individuals helped to accentuate separations in society.

Delivering a consistent message to listeners that there were classes of individuals in society that consisted of either of two groups, felony offenders or the working class, led to the creation of cleavages in society. As a result of these divisions in society, a

downgrading of felony offenders' status was achieved, and this helped to diminish their value in the eyes of other individuals (Page 2004, 369). The speaker then addresses the fears of the middle class as being genuine while providing relevant information to support those fears. Then politicians seize this opportunity to gain favor, generated from emotions that stem from economic fears, to position themselves with the middle class. This usage of rhetoric during discourse provides insight as to how classifications in society occur based on the power of words used by the politician as well as the implied meanings that listeners gather from them (Burke 2016, 4). These separations ensured that distinctions could be made based on social constructs: worthy law-abiding citizens or dishonored felony offenders. To demonstrate further on November 10, 1993, Senator Kay Bailey Hutchison (R-TX) stated:

Pell Grants, as we all know, were created to help children from families of modest means...This is a question of preserving opportunities for those who are children of low income working people and have not committed crimes, and who by dint of their attentiveness to school have already hoisted themselves up towards a better life (U.S. Congress, 1993 1st: S15586).

Here a more direct approach is taken by the speaker to demonstrate that there are distinctions to be made based on notions of class. The use of phrases, by politicians, such as "modest means" and "low income" denoted further acknowledgments of categorizations that are related to socioeconomic status. The use of terms such as "working" as well as the phrase "dint of attentiveness" is also used as contrasts (Van Dijk 1990, 36). Here these terms are utilized to distinguish individuals that work physically as well as concerning effort. These terms are meant to directly relate to success in school by non-offenders, as opposed to felony offenders that a commit crime who are implied not to

possess comparable work ethics. It is from the use of language with implied meanings, such as these by politicians, that felony offenders experienced a virtual downward move from one level of social status in society to another (Gorsevski 2015, 720-721). This move in societal condition was due in part to their, implied, insufficient effort and a breach of accepted moral standards. Thus, there was a conceptual placing of felony offenders into a lower categorization because of these actions. Based on this new position of social status, deliberations by non-offending citizens were influenced and ultimately led to the reinforcing of this new positioning in society.

#### *From Divisions to Deliberation*

The deliberational aspect of rhetoric used by politicians is not as apparent as the use of implicatures to suggest differences, but with the aid of conventions from distributive justice theory, expressly deservingness (need), examples were identified. Further demonstrating how rhetoric manufactured divisions that segmented felony offenders, after an initial push to delineate felony offenders based on emotional links to morality and the economic decline of low to middle class, politicians from both sides of the aisle converged in discourse that emphasized how criminals contributed to economic decline.

According to White and van der Velden, “economic exploitation and class struggle over the distribution of the social surplus are central features of class society” (1995, 52). In rendering felony offenders to lower levels of class stratification and creating competition for resources, this facilitated a confrontation between marginalized groups in society. Working class individuals were juxtaposed felony offenders, which allowed for an atmosphere that was conducive to change. This change would be based on

deliberation that was facilitated by implied characteristics of how the felony offender sub-group functioned in comparison to other subgroups, low to middle class.

Individually, by exploiting the established economic hardships and needs of low and middle-class citizens, politicians placed low and middle-class citizens in direct opposition to undeserving felony offenders regarding Pell grant assistance (Page 2004, 363). This, in turn, elicited deliberations from audiences based on right or wrong or need. On

November 10, 1993, Senator Kay Bailey Hutchison (R-TX) stated:

Something is wrong with the system when federal Pell Grants, which were intended to help low-and middle-income students to go to college, are being used to pay for higher education of criminals in prison...Pell Grants ought to be awarded on the basis of common sense (US Congress, 1993 1st: S15586).

In another effort to demonstrate that deliberations should be made based on felony offender classification by non-offenders, Representative Bart Gordon (D-TN) writing an editorial for the USA Today stated:

Pell grants were created to help, low-and middle-income students get the education they need to improve their lives...those students must be the first priority. Unfortunately, that's not the case...Law-abiding citizens have every right to be... outraged when a Pell grant for a policeman's child in their community is cut, but a criminal the officer sends to prison can still get a big check. (Gordon, 14A)

By framing an argument based on two groups, felony offenders and non-offending working citizens, rhetoric is utilized further as a discursive method (Van Dijk 1990, 35-6). Here through deliberative rhetoric, separations are widened, and an attempt is made to capture the devotion of low and middle-class citizens. The politicians exploited a possible loss of benefit by the listener by using relevant issues to facilitate an involuntary competition for goods premised on rational or irrational choices (Burke 2016,

3). To do so the speaker takes a direct approach to demonstrate that there are rational decisions to be made based upon the morals and needs of two respective groups. The use of words such as “wrong,” “intended,” and “ought” infer that some error has been made based on the distribution of assistance being afforded to criminals in lieu of a more desirable group. The use of contrast is utilized again to discern that deserving citizens that struggled to pay college tuition and followed the rules of society were spurned in favor of the undeserving others (felony offenders) that failed to meet their obligations to society (Van Dijk 1990, 36). On November 17, 1993, to counter this narrative Senator Claiborne Pell (D-RI) stated:

The Pell grant program functions as a quasi-entitlement in which a student qualifies for a grant, and the size of the grant depends on the availability of sufficient appropriations. Thus, a student is not cut out of the program because a prisoner qualifies for a grant. If they are both eligible, they both receive a grant and there is little relationship between the two (U.S. Congress, 1993 1st: S15967).

By offering this argument, Pell clarifies that there is no competition for assistance. The issue of availability of aid is dependent solely upon sufficient funding having been set aside, yet there is no clarification given as to who gets assistance in the event of diminished appropriations. In doing this, he fails to emphasize the significance of demonstrating that felony offenders are people too, and that they deserve assistance as well despite having had legal troubles. Also, Pell makes an indirect comparison by stating that if both felony offenders and students, which are the same, both qualify for assistance then they both will receive it. By highlighting the differences between the two groups rather than their similarities, Pell invited further contrasts. These deliberations were based upon the premise that felony offenders that qualified for Pell grant and students shared

little to no similarities. Essentially this is the argument that was conveyed by those who opposed allowing Pell grants to be given to felony offenders. The insistence that the two individuals vying for assistance shared few characteristics is counter to the actual message that the opposition was trying to convey.

On March 26, 1992, Representative William Lewis Owens (D-NY) utilized similar methods to articulate the message that there were benefits to allowing felony offenders continued access to Pell grants. Owens stated:

What better crime prevention method is there than education? Other than jobs, I can think of none. And the first often leads to the second... Pell grants are the cheapest form of Federal student aid that we have... Evidence shows that prisoners who get an education or are trained for a job can and do become productive members of our society. They hold jobs, they help to provide for their families and they do not commit crimes and they do not return to prison. Society not only saves \$20,000 to \$30,000 by not having to send them to prison, but they pay their share of taxes and help to support the community instead of taking from it. Money spent on Pell grants for prisoners is money well spent (U.S. Congress, 1992 2nd: H1896).

Similar to the methods utilized by other Democrats, on March 26, 1992, Representative David Price (D-NY) tried to present an argument that used similar language cues that differentiated prisoners from non-offending citizens, but he offered data to bolster his stance for allowing offenders to receive Pell grants. Representative Price stated:

We have evidence that this program passes the test. In my home State of North Carolina, prisoners that have received associate or bachelor degrees because of the Pell Grant Program have a zero recidivism rate. This is in contrast to a 33-percent-recidivism rate in North Carolina as a whole. This means savings every day for our State because of the contribution these people make to our society, and we have fewer people returning to our prison system. Massachusetts has reported similar results, with prison men earning degrees having a 10-percent-



recidivism rate compared to an overall recidivism rate statewide of 50 percent (U.S. Congress, 1992 2nd: H1894).

The stance taken by Representative Price demonstrated that there were benefits to allowing prisoners to receive aid. By citing drops in recidivism in his home state and contrasting them to the recidivism rate of offenders overall, he emphasized that this decrease was a result of offenders getting educated while incarcerated. Although, he points this out as a benefit he still employs the same way of categorizing this as savings to the State (taxpayers) because these individuals are not reoffending. The opportunity to gain an education while in prison was recognized as a means of reforming otherwise undeserving social outcasts by those who opposed the denial of Pell grants. As somewhat of a consolation to the taxpayer, it is assumed by the politician that when all offenders return to the society that they will put tax dollars back into their communities rather than taking from them.

Though some Democrats used education as a way to demonstrate how felony offenders could benefit, as a result of benevolence from society, this was not a tactic that was used by them exclusively. This, for lack of a better-proven strategy, was a way that the opposition to denying Pell grants to prisoners sought to defend the use of taxpayer funds for felony offenders in a beneficial way. Some Republicans described education as a way, also, to demonstrate to taxpayers that their tax dollars would be used in either of two ways as a strategy. Tax-payer money could be used for housing or education. First, it could be seen as providing an individual with the potential for a return to prison because nothing would be gained regarding social capital during their time of incarceration as well as a taxpayer expense. Or Secondly, it could be a way to benefit offenders by

offering them useful skills while incarcerated that would afford them more opportunities post-release thus, reducing their likelihood for return. To demonstrate that this was not solely the agenda for any particular party, on March 26, 1992, Representative William F. Goodling (R-PA) stated:

When we think that it costs \$30,000 per year to reincarcerate someone or to send them to prison in the first place, that is a big bite for the taxpayer to pay. If, they are not on death row and they are not there for life, it seems to me what we should be trying to do is bring them back into society as well educated as we possibly can so that as a matter of fact they have an opportunity to get a job and be productive citizens and not cost the taxpayers \$30,000 a year (U.S. Congress 1992, 2nd: H1893).

Though a shared tactic, the language used to describe the argument for felony offenders to receive Pell grant was articulated so that there were potential losses and needs for concern to be experienced by law-abiding citizens by either position taken. As such, the proponents for precluding Pell grants to felony offenders furthered their messages facilitated by notions of deservingness rather than need. Senator Kay Bailey Hutchison (R-TX) advances this more in an excerpt from the Houston Chronicle:

Pell grant funding for prisoners has exploded recently, from \$1 million in 1980 to an estimated \$200 million last year. The \$200 million could have provided education assistance to at least 100,000 more law-abiding students...it's not an issue of preserving opportunities for young people who have worked and studied to go to college. It is also a matter of standing up for those who...make sacrifices so their children will have a better education than the parents were able to have (Hutchison, 1994).

On March 26, 1992, Representative George Allen (R-VA) concurring with this stance advanced this more by stating:

According to the Department of Education, the Federal Department of Education, every year our taxpayers are handing over \$160 million in Pell grants for prisoners. The \$160 million spent on prisoners this year could have provided, for example, \$2,400 for over 65,000 deserving students from struggling middle-class families. Because the prisoners have no income, prisoners are receiving full Pell

grant benefits, which are rarely given to qualifying students (U.S. Congress, 1992 2nd: H1895)

Politicians presented this rhetoric further by stating that felony offenders benefited from unfair practices while honest individuals were denied due to these exceptions. In making these assertions, politicians maintained moral stances compounded by emotional pleas that stemmed from separations created by implied categorizations of felony offenders as pointed out previously. By providing verbal accounts that centered on felony offenders benefiting at the economic expense of the low to middle class invited citizens that felt aggrieved to question these actions. Who should benefit and who should suffer? By refocusing the argument in terms of an allocation of tangible goods and services that centered on us” or “them” politicians were able to facilitate a way to connect with the frustrations and fears of members of society who were not felony offenders by continuing to widen the fractions in society aided by logos or rationalized persuasion (Burke 2016, 3). By leveraging the argument in these terms enabled elites to institute their interest, views, or policies that pertained to the status of felony offenders (Page 2004, 360). By making an alternative reality viable that would see low and middle-class individual’s recipients of resources, the question of how this could be made possible was contemplated. Consequently, politicians were able to capitalize on this manufactured discord and suggest that a different course of action could be taken. The proposed actions of politicians would insulate the middle class from future situations such as this. Also, there would be an informal way of ordering the needs of low and middle-class law-abiding citizens above members of society that broke the law and did not work.

### *Political Outcomes*

Once rhetoric manufactured divisions that relegated felony offenders premised on their social status, and emotional links were drawn based on economic hardships for low and middle-class citizens this led to deliberations. These deliberations made by politicians (Democrats and Republicans) and non-offenders resulted in a proposed way to order the needs of society that would allow for the creation of legislation. As a result, both conservative and progressives insisted on increased penalties for criminal offenses, and this served as an opportunity to gain political capital in the “tough” on crime era of the 1980’s - mid - 1990’s (Page 2004, 369-70). Politicians insisted that the implementation of legislation would effectively end unfair practices and ease the effects of economic decline for low to middle-income citizens, while enabling their future generations to acquire more preparedness. On September 12, 1991, Senator Jesse Helms (R-NC) stated:

The amendment proposed...end this anomaly by making...criminals ineligible for Pell grants...should not receive Pell grants to pay their college tuition...as part of the Anti-Drug Abuse Act of 1988, denied Pell grants and numerous...Federal benefits to individuals...convicted of possessing or trafficking in drugs. That act denies any grant, contract, loan, professional license, or commercial license to convicted...criminals. I see no reason why other criminals, including murderers, should be treated any better (U.S. Congress, 1991 1st: S12879).

Echoing the prior sentiment on November 10, 1993, Senator Kay Bailey

Hutchison (R-TX) vehemently states:

Honest and the hardworking are being elbowed out of the way by the criminals. This blatant misuse of the grants needs to be stopped...Mr. President, I offer an amendment to prohibit Pell Grants to those who are behind bars for committing crimes against their fellow Americans (US Congress, 1993 1st: S15586).

Here is a culmination of the rhetoric employed by politicians to make way for legislation. The politicians present in these excerpts both emotional appeals (based on implicatures) (Grice 1969; Budd and Raber 1996), as well as appeals based on rational choices to elicit deliberation (Burke 1996, 3-4). The emotional appeals are based on deciding between honest and hardworking citizens or individuals that are not. The rational appeals are premised on deciding between continuing the misuse of funds on individuals that commit crimes against their fellow Americans that choose to work, or on the individuals that seemingly forfeit benefits for being honest and hardworking. As a result, the proposed measures in the form of the VCCLE were enacted with majority support from Democrats and Republicans.

What can be inferred from the use of implicatures by politicians? What can be inferred from the use of deliberative rhetoric from politicians? Van der Velden suggests that by making groups at the margins of society, in this case low to middle-class citizens and felony offenders, focus on the perspective mobility of other groups enables the enactment of policy to maintain social structures (1995, 53). To clarify, societal structures that were used to demonstrate how felony offenders impeded the mobility of the low to middle-class citizens were essentially used to lower felony offenders regarding their social status. Simultaneously, this ensured that low to middle-class individuals would continue to exist at the same stratification that they were initially in. As a result of this rebranding of marginal citizens, to felony offenders, this did nothing to facilitate upward mobility in society for the low and middle class. In theory, it provided low to middle-class citizens with a possible boost in society, but it effectively placed felony offenders at a lower level of stratification.

Consequently, the rhetoric used to enact the VCCLE, effectively reclassified and reconfigured felony offenders as a sub-group at the margins of society with fewer rights as opposed to non-felons. It also served as means of ingraining aspects of demarcation to separate individuals based on status and a way to differentiate who should have (deserve) access to Pell grant. It also would affect how offenders would be viewed in the future regarding other forms of assistance. Implementation of the VCCLE helped to reinforce aspects of social structure by way of articulated divisions. While low class, middle class, and felony offenders often share the same socioeconomic status, by facilitating separations in the society based on some manufactured quality or condition ensures that one group will benefit at the expense of another and aids in the reproduction of class society (Wright 2003). Therefore, the analysis of the language utilized by politicians reflects how rhetoric used during the enactment of legislation has downgraded felony offenders, broadly, concerning society.

## CHAPTER VI –DISCUSSION

The objective of this thesis was to analyze the use of rhetoric by politicians through speeches and newspaper articles within the context of the promulgation of the VCCLE. The purpose was to identify language usage and discursive practices to understand how rhetoric, when used functionally by politicians, has both implicit meanings as well as consequences. An attempt was made to elucidate a way to interpret politicians' prose in speeches and newspaper articles when trying to connect with citizens and other constituents. The final chapter of the thesis summarizes the research, offers limitations of the study, and offers possible avenues for future research.

### *Summary*

In this research, politicians implied that felony offenders were different than ordinary law-abiding citizens, and that distinction could and should be made based upon these inherent differences. Taking a functional approach to discourse, it is apparent that implicatures within the context of speeches and newspaper articles created separations in society. These speech acts were used by politicians, being primary speakers or disseminators of information, to set a baseline of logic to be used by audiences to make decisions based upon shared logic about the status and the worth of felony offenders (Grice 1989; Budd and Raber, 1996). Informing hearers of transgressions committed by felony offenders, based on pleas of morality and by presenting hypothetical rational choices, this allowed politicians to suggest that classifications in society could be imparted because of the actions of felony offenders. The resulting subgroup, with lowered standings, lead to the overall downgrading of felony offenders in society. This downgrading of status does not end once offenders are released. This process is evident

in the recent literature in the field that states that a multitude of interventions for offenders have failed. Though this conclusion can be drawn through interpretive means, it is difficult to definitively conclude through implicatures that politicians sought to reproduce elements of a class-based society using rhetoric. However, this is consistent with previous theories of rhetoric when used functionally (Searle 1979; Grice 1989; Van Dijk 1996). It can be argued that due to the overwhelming use of implicatures by politicians in discourse that the purveyance of such discursive practices is integral in accomplishing political and societal goals.

Politicians maintain a different status and position than their audience. As a result, listeners' takeaways are often based on the interests of the speaker more so than how it relates individually (Searle 1979). By illuminating deliberative rhetoric utilized by politicians, it is possible to demonstrate the prevalence of distributive justice theory in this research. Consistent with deliberative rhetoric, quotes demonstrated that politicians wanted to coerce citizens to deliberate and to determine who should benefit from the availability of resources. By offering valid information to citizens, based on rational decisions, this aided them in making choices based on elite interest rather individual interest (Burke 2016, 3-4). Situational choices were consistently used to compel working class individuals to evaluate their interests juxtaposed felony offenders rather than those of individuals who were ordered above them regarding stratification. As such, politicians proposed that separations/classifications of classes of people, based on undesirable characteristics, could be accomplished through the passage of legislation. Thus, the results of deliberation yielded legislative means that effectively ordered participants voluntarily or involuntarily in a class-based society (Lehning 2007; Bareli and Cohen



2008). Resulting legislative enactments included stipulations to relegate felony offenders concerning status within a societal context. As such, accessibilities to critical assistance for resources such as employment training, employment placement, and education were precluded from felony offenders while incarcerated. As a result, offenders reintegrating society returned with virtually less value than they had before entering the penal system in addition to felony offender status. Essentially, this added another mechanism to push the new felony offender subgroup farther out on the margins of society. As such, this allowed for the continuation of a social system that benefited individuals with higher-class stratifications as opposed to marginalized individuals such as felony offenders (Bareli and Cohen 2008, 261).

Consequentially, the articulation of rhetoric by politicians facilitated that choices be made to determine who were included amongst in-groups or out-groups of society. By constructing a reality that created felony offenders as an out-group in society this affected felony offenders by subjugating them to the lowest levels of society. Thereby, ensuring that a society based on stratifications (class) will continue and that challenges will persist for felony offenders as a result.

### *Limitations*

The preceding examination hypothesizes how the language used during the enactment of the Violent Crime Control and Law Enforcement Act has affected felony offenders broadly, by leading to their relegation in society. This thesis addresses how politicians used rhetoric, by offering interpretations based upon a functional approach to language, to reclassify felony offenders in society. This research proposes that this reclassification was premised on notions of class and offers an explanation as to why

current research dealing with legislation and felony offenders is lacking regarding how felony offenders continue to fail despite many efforts to assist them. This thesis, though comprehensive, does not explain the complex theory in its entirety. It may occur to the reader that the issues pointed out in this study are merely a coincidence or just an error in inductive logic. The use of textual excerpts from legislation in conjunction with class structure theory and distributive justice theory proposes that the language used to implement legislation, such as the VCCE, has further segmented the society. As a result, this thesis insists that language, when used functionally, has also insulated the political elite by manufacturing more levels of class stratification as well as creating ways to produce constant conflict and distracts individuals from other issues.

This thesis does not suggest that the use of implicatures and deliberative rhetoric used by all politicians is employed to manufacture situations of conflict for undisclosed purposes. Although, the use of discursive practices such as these can be positioned in any debate that may occur in the political sphere. It should be noted to the reader that all situations are different. Caution should be used before drawing definitive conclusions from this research. The methods of this research focused primarily on a specific question based on a set of circumstances. Thus, the results of such study should not be considered generalizable from such targeted research. This thesis attempted to demonstrate the usage of rhetoric, and to understand the overall effects that it has had on felony offenders. It is apparent that other methods could be used in accordance with this qualitative research to enrich the approach undertaken here. Hopefully, the approach taken here will predicate future research that is targeted toward common solutions rather than to focus on current

irrespective arguments that only subscribe to single issues covered by the literature review.

### *Future Implications: Going Forward*

This study contributes to the body of research that examines the problems that felony offenders face upon re-entering society. The research intended to draw attention to the overall effects of the language used during the enactment of legislation such as the VCCL that normally are unconsidered for the reformist platform. Reformist groups, typically, are comprised of individuals that align themselves with one proposed theory regarding the effects of legislation. These groups generally focus on issues related to the perceived problems of re-entry, race-related matters, or the unintended consequences of policy rather than the language used to enact them. These problems are often described as being by-products of legislative measures, but many issues persist long after felony offenders are released. This set of circumstances suggests that there is some aspect that has yet to be addressed. Though previously explored explanations address some pertinent issues, their arguments fall short when respective explanations are positioned against other related views in this area of research. This is due to some problems being left unaddressed or because some aspects are omitted entirely, although much of the current research holds merit in the dialogue that pertains to felony offenders. As such, these groups inadvertently manufacture similar subgroups that segment the potential for sustainable change.

This research focused holistically on how minimal investigation has been completed to address how felony offenders, despite conventional wisdom, have been affected across all classifications and have been subjected to the same legislative

impediments. By looking at the rhetoric from speeches and newspaper coverage with overlapping messages, it reveals how class structure and distributive justice have played a role in the misfortunes of felony offenders, and that a collaborative argument is to be had that consists of all relevant research in this area of study. An all-encompassing argument that is predicated upon aspects of class structure theory and distributive justice theory, that are often overlooked, coalesces the pertinent information and provides a method to create a more sustainable voice to be heard. Average individuals and felony offenders share the same voice of change in society since most times they fall within the same stratification of a class-based society.

The findings in of this research suggest that more should be done when trying to find solutions for the problems associated with life post-conviction based on efforts that consider class structure in a sense that bands marginalized groups, rather than categorizations that further segment and order society. This will ensure that society, for felony offenders, will position them at an equal footing as others in society with comparable means. Petersilia observes the bias and stigma arising from having a criminal record limits the opportunities for felony offenders (2009, 145). Therefore, the issue that should be paramount is to ensure that people that enter into the penal system should be equally seen as people upon exiting the penal system regarding social and economic opportunities. To ensure that people maintain their social and economic viability, a dialogue that incorporates notions of class distribution must be had. The way that individuals are perceived and valued alters reality thus, the perception that felony offenders are “them” and not one of “us” should and must be changed.

Release from penal institutions or the end of parole does not end the punishment for felony offenders. The same language that was used to deny Pell grants continues to affect them upon reentering society. Words cannot become unsaid. The divisions that are created because of this language cannot be undone with the unlocking of a prison door. Rather than using terms such as re-entry, recidivism, and justice reinvestment the dialogue should focus on how becoming a felony offender is an act of relegation in the society based upon a newly acquired categorization. This categorization was accomplished using rhetoric before the enactment of legislation such as the VCCLE. Therefore, more scrutiny should be placed on the language that is used, rather than the legislation overall. The language employed in society should not widen the cleavages amongst its members; it should be used to bridge the gaps in humanity. This research has attempted to demonstrate that opportunities to do such should be realized.

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