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A Jury of One's "Peers": The Racial Impact of Felon Jury Exclusion in Georgia*

Darren Wheelock

African-Americans are overrepresented in felony convictions and, thus, more likely to be excluded from jury service. This study examines the potential impact of felon jury exclusion on the proportion of African-Americans that remain eligible for jury service. Results indicate that felon jury exclusion dramatically reduces the pool of eligible African-Americans statewide by nearly one-third. Furthermore, the level of exclusion for all groups is concentrated in areas with higher African-American populations. When limiting the analysis to African-Americans, however, counties with low African-American populations tend to have the highest levels of African-American exclusion. OLS regression models support the notion that the concentration of African-Americans at the county level is a significant factor in all three model specifications. The nature of this relationship, however, changes dramatically across the models.

> When any large and identifiable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience, the range of which is unknown and perhaps unknowable.
> Supreme Court Justice Marshall in *Peters v. Kiff* (1972).

African-Americans continue to be underrepresented as jurors over a century after the Supreme Court's ruling in *Strauder v. West Virginia* (1879), which prohibited juror disqualifications based on race (Abramson, 1994; Kennedy, 1997; Kalt, 2003; Jonakait, 2003). In spite of this seminal court decision, there has been little headway in increasing the representation of African-American jurors. Attempts to explain the persistence of underrepresentation of black jurors has focused primarily on courtroom factors such as preemptory challenges[1] (Kennedy 1997) and change of venue (Fukurai and Krooth, 2003; Fukurai, Butler, and Krooth, 1993, 1991). To be sure, legal procedures play an important role in the continued under-representation of African-American jurors (Fukurai and Krooth, 2003; Fukurai, Butler, and Krooth, 1993). Another potential source of racial inequality in the jury system has received far less attention. This study highlights the potential impact of felon jury exclusion laws on the continued underrepresentation of African-American jurors.

Most jurisdictions exclude individuals with felon status from jury service. At the federal level, this ban can only be lifted when ex-felons take steps to restore their civil rights—a process that does not guarantee their rights will be restored (28 U.S.C. §

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[1] Preemptory challenges refer to a legal practice whereby both prosecutors and the defense are able to remove jurors without cause. However, both sides are afforded a limited number of such challenges, and the Supreme Court disallowed the use of preemptory challenges based solely on race in *Batson v. Kentucky* (1986).

1865 (b)(5)). At the state level, the majority of states ban current felons from serving on juries (forty-eight out of fifty states and the District of Columbia); thirty-one states ban individuals with felon status from serving on a jury for life. Four have conditional lifetime bans, and the remaining fifteen states exclude individuals with felon status during sentencing, supervision, or some specified period (Kalt, 2003). Maine and Colorado are currently the only states that do not exclude individuals with felon status from serving as petit jurors (although Colorado does not permit this group to serve as grand jurors). This study demonstrates how felon jury exclusion can amplify persistent racial gaps in juries. It is my contention that felon jury exclusion serves to amplify persistent racial gaps in juries.

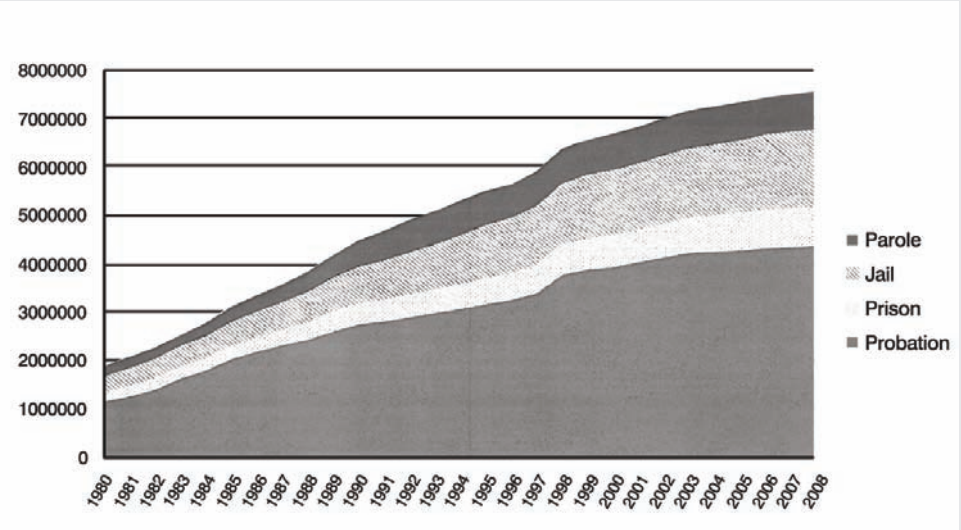
Assessing the impact of these laws is a difficult task because the racial composition of juries is the function of numerous organizational and legal decisions. The choice of venue, composition of jury pools, and preemptory challenges all contribute to the racial composition of juries. Furthermore, while laws that exclude individuals with felon status from serving jury duty, by definition, limit the eligible pool of jury members, there is no guarantee that even if selected for duty, a particular individual would advance to a grand or trial jury. However, given the sheer magnitude of the estimated number of individuals with felony convictions (especially among African-Americans), it is difficult to imagine that felon jury exclusion has no impact on the persistent underrepresentation of African-American jurors. The criminal justice expansion over the past thirty years has created a large "criminal class" that is disproportionately African-American, and more often than not, ineligible for jury service.

Currently, even the most rudimentary estimations of felon jury exclusion's impact are absent from legal and criminological scholarship. Analyzing U.S. Census and Georgia Department of Corrections (GDOC) data, I seek to fill this empirical blind spot. This study analyzes these data to estimate the proportion of individuals excluded from jury service across Georgia counties (see Appendix A for a discussion of juror qualification in Georgia). I also investigate how levels of exclusion vary by county-level characteristics, such as rates of poverty and percent African-American. Finally, I estimate a series of regression models to determine which of these relationships hold in the context of multivariate analysis. The following section discusses the expansion of crime control over the past thirty years and its importance to understand how an entire class of Americans has been completely shut out of civic life, including the right to serve as a juror.

THE EXPANSION OF THE PENAL STATE AND ITS CONSEQUENCES

It is well-documented that the United States is in the midst of an era of penal policy many scholars have termed "massive incarceration" (see chapter 1 of Bushway, Stoll, and Weiman, 2007, for a lengthy discussion on this point). Imprisonment rates have risen dramatically since the late 1970s and early 1980s, and racial disparities in these elevated rates have persisted. At year end 2008, the incarceration rate for African-American men was 3,161 per 100,000 (U.S. Department of Justice, 2009b). This

Figure 1
Total Correctional Population in the United States (1980-2008)



stands in stark contrast to the non-Hispanic white-male incarceration rate of 487 per 100,000. In short, African-American men are incarcerated approximately six-and-one-half times more than non-Hispanic white men. The incarceration rate for African-American women is three times greater than the incarceration rate for white women.

Incarceration rates alone, however, only provide a partial picture of just how wide the net of crime control has been cast during this penal regime. Individuals who have been convicted of a felony but were not sentenced to prison or jail (which constitute the largest proportion of the population under correctional supervision; U.S. Department of Justice, 2009a) also have their rights and privileges curtailed. Figure 1 shows that the population of individuals sentenced to probation has grown concurrently with incarceration rates.

These increases were fueled in part by increases in the number of state felony convictions, which increased 24 percent between 1994 (872,000) and 2004 (1,079,000) (U.S. Department of Justice, 2007).[2] Similar to incarceration data, African-Americans are overrepresented in the population of individuals with a felony conviction (38 percent); whites comprised 59 percent and "other races" constitute 3 percent. These estimates do not include the millions more who have completed their sentence but for whom felon jury exclusion still applies.

[2] State felony convictions comprise the vast majority of total convictions. Clear (2007) posits that the increase in the incarceration rate also stems from longer sentences.

Based on the analysis of demographic life tables, Uggen, Thompson, and Manza (2006) estimate the size of this population and describe its general composition. After accounting for reincarceration, recidivism, and attrition, they estimate, "a 'felon class' of more than 16 million felons and ex-felons, representing 7.5 percent of the adult population, 23.3 percent of the black adult population, and an astounding 33.4 percent of the black adult male population" (p. 288). These estimates indicate that the expansion of criminal punishment has led to a continually growing criminal class that is disproportionately African-American. Hence, laws that restrict individuals with felon status from participating in the jury process have the greatest potential impact for African-American jurors. However, individuals with felon status are not just restricted from serving as jurors.

Individuals with felon status are prohibited from a wide range of activities, rights, and privileges that other individuals enjoy. For individuals convicted of a felony offense, the process of reintegration and reentry is often rife with legal barriers that include regaining parental custody (Schneider, 2002), securing housing (Landau, 2002; Rubinstein and Mukamal, 2002), finding employment (Wheelock, Uggen, and Hlavka, 2011), and voting (Uggen and Manza, 2002; see Wheelock, 2005 for a full discussion of the legal restrictions individuals with felon status face). The broader class of individuals who are currently serving their sentences must also meet the conditions of their probation or parole (Petersilia, 2003) and cope with stigmas that accompany a criminal record (Pager, 2003). The impact of felon-restriction laws, however, is often overlooked despite their significance in offender reentry and reintegration. Legal barriers pose unique questions for social scientists because they are institutionalized as legal practice rather than embedded in informal conduct. Otherwise stated, collateral consequences do not simply make engaging and participating in legitimate social institutions unlikely for individuals with felon status; they make doing so a crime.

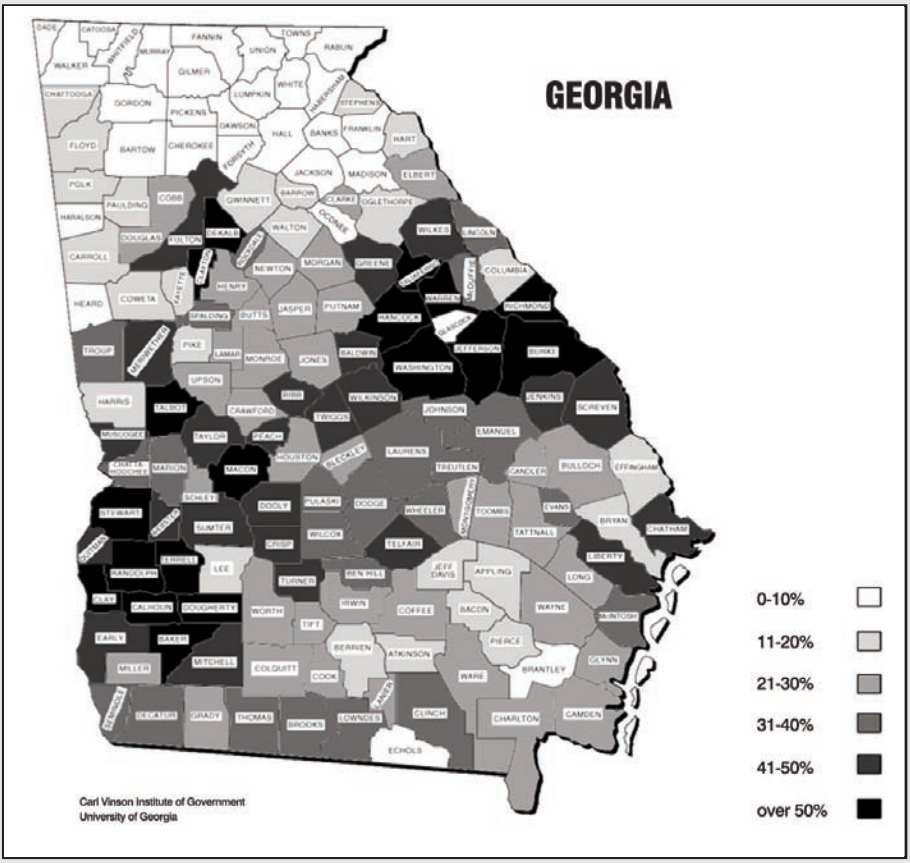
THE GEORGIA CASE

Georgia is an interesting case for investigation because of its unique history of criminal punishment that has been largely characterized by punitive policies and racial inequality. For example, execution data in the United States (Espy and Smykla, 2004) indicate that since 1800, Georgia has executed 958 individuals, which is second only to Texas during that period. Over three-fourths of the individuals executed in Georgia during this period have been African-Americans (76.5 percent).[3] Georgia's rate of incarceration also continues to outpace most states. Currently, it ranks ninth nationwide—in 2008 it was 540 per 100,000 in the population (the national average is 504

[3] Many of the key legal struggles over the (mis)use of the death penalty took place in Georgia, such as *Furman v. Georgia* (1972) and *Jackson v. Georgia* (1972), and brought the arbitrariness of the death penalty to the forefront of the capital-punishment debate. The Supreme Court held that current capital-punishment statutes constituted "cruel and unusual" punishment violating the Eighth Amendment. This decision led to 40 voided death-penalty statutes and the commutation of 629 death-row sentences around the country. After states revised their capital-punishment guidelines, the Supreme Court lifted its moratorium in 1976 in *Gregg v. Georgia*.

Figure 2

Map of Georgia Counties with Proportion African-American



per 100,000), but it actually ranks lower than the average incarceration rate for southern states (556 per 100,000 residents; U.S Department of Justice, 2009b).[4] Further complicating this picture is that the black-to-white incarceration ratio in Georgia remains one of the lowest in the United States. The black incarceration rate is 3.3 times higher than the white incarceration rate, which is second lowest only to Hawaii (Mauer and King, 2007). In sum, Georgia is more punitive than most other states but in line with other southern states.

[4] The incarceration rates for midwestern and northern states are typically much lower than those for southern states. The states with the three lowest incarceration rates are Maine (151 per 100,000), Minnesota (179 per 100,000), and Massachusetts (218 per 100,000), while the states with the three highest rates are Louisiana (853 per 100,000), Mississippi (735 per 100,000) and Oklahoma (661 per 100,000) (U.S. Department of Justice, 2009b). These trends have been fairly consistent over time, leading researchers to explore the punitiveness of the South (Giles and Buckner, 1993) and penal practices (Jackson, 1989; Myers, 1990; Tolnay and Beck, 1991).

Georgia's demographic composition is also similar to other southern states. It has a relatively large and geographically dispersed African-American population. According to the U.S. Census, in 2004 the total population of Georgia is 8,829,383. Sixty-six percent are white, almost 30 percent (29.6 percent) African-American, nearly 7 percent Hispanic (6.7 percent), and less than 3 percent are Asian (2.6 percent). Georgia's African-American population totals almost three million and is surpassed only by the African-American populations in Texas (2,720,123), New York (3,529,241), and Florida (2,823,769) (U.S. Census, 2004). Figure 2 shows the racial composition of Georgia's counties.

The entire northern section of Georgia has very low proportions of African-Americans relative to the rest of the state. The highest concentrations of African-Americans are clustered in three primary areas: in the eastern region between Augusta and Macon, the southern section near Columbus along the Alabama border, and the central area surrounding Fulton County, which houses Atlanta.

Finally, Georgia offers a unique opportunity to examine the impact of collateral sanctions because the GDOC collects information on both individuals currently under sentence and individuals who have completed their sentence. While many states track individuals when they are "on paper," far fewer keep records of individuals who have completed their sentence. Data on all individuals with felon status allow for a more accurate assessment of the role collateral sanctions play in maintaining and worsening current patterns of racial and ethnic stratification. In addition, Georgia's racial diversity (with respect to African-Americans) affords the opportunity to observe the impact of these laws in varying contexts, compared to other states where African-Americans reside almost exclusively in large urban communities.

DATA

Data for these analyses stem from two sources. The first is from the county-level demographic 2004 census estimates obtained in the *County Population Estimates by Age, Sex, Race and Hispanic Origin* data file for Georgia. This study focuses on whites and blacks because, historically, the greatest disparities with regards to criminal punishment have been between these two groups. Only population estimates for the "Whites only" and "Blacks alone or in combination" categories were disaggregated and analyzed.[5]

GDOC data comprise the second source of information. These data are a count of individuals who have either served a prison sentence or were sentenced to proba-

[5] Disaggregating the population estimates by age, or more specifically by individuals over 17 years of age, required interpolating from the existing data. The census reports ages in ranges—none of which include a category for individuals over 17, the age group eligible for jury service in Georgia. The age categories present in these data are 0 to 4; 5 to 9; 10 to 14; 15 to 19; 20 to 24; etc. To calculate the number of individuals over 17 years per county, I multiplied the number of individuals in the 15-19 age category by .4 or two-fifths and then added that figure to the estimate of individuals over 20. While this requires assuming that the number of people in this category are equally distributed across all ages, given that I only do this for one age category it should not significantly bias these estimates.

tion for a felony conviction since 1971, including all individuals under sentence that year. They are derived from the Offender Tracking Information System (OTIS), the mainframe database maintained jointly by GDOC and the Georgia Board of Pardons and Paroles.

These data are suitable for the analyses for three reasons. First, they avoid double counting, which would be highly problematic. Counts of offenses rather than individuals would bias estimates of the population of individuals with a felony conviction upward and lead to overestimating the impact of felon-based jury exclusion.

Second, these data provide the most complete estimates available of individuals with felon status in Georgia. The OTIS does not just track individuals currently under sentence but also people who have served a sentence since 1971, which is vital to estimate the population of individuals who are excluded from juror service.

Third, these data provide detailed information regarding the respondents' current place of residence—not just the residence at the time of conviction or at the time that his or her sentence was completed.[6] It is crucial to have information on the offender's residence (or at least the closest approximation of residence) to calculate the county-level impact of felon-based jury exclusion. The county unit is particularly fitting because jury pools are drawn from county-based sampling frames. Hence, I can estimate the potential impact of felon-based jury exclusion at the same geographic unit from which jury pools are drawn and jurors selected. However, I do not rely on county-level estimates of felon jury exclusion uncritically.

Georgia has long struggled with the role of counties in the political system. In the Georgia County-Unit system, counties represented the primary unit of political power where larger urban areas had far less influence over state politics than rural counties (Buchanan, 1997). This system of state governance was important for rural Southern Democrats to maintain policies such as legal segregation. While the Supreme Court ruled the Georgia County-Unit system unconstitutional in *Gray v. Sanders* (1963), the vital role of Georgia counties in state politics highlights the concerns with relying on county-level estimates of felon jury exclusion's impact on jury pools. The crucial matter at hand is how the role of counties in Georgia state politics might impact the county-level estimates used throughout this study. Even if county boundaries are a function of state politics, the jury-exclusion estimates would remain unchanged. The goal of this study is to determine how felon jury exclusion shifts the racial composition of jury pools given Georgia's sociohistorical development of county delineation.

If this study attempted to make casual claims about racial demographics and levels of exclusion, then the history of county delineation and its connection to state politics becomes problematic. Regression models that did not include state politics and time would be vulnerable to mis-specification and biased regression coefficients. Furthermore, any relationship between racial composition and level of exclusion could

[6] The GDOC gleans information to determine place of residence from one of three sources; actual place of residence, last place of residence, and nearest-of-kin place of residence.

ultimately be spurious due to the influence of state politics and time (statistically controlling for pre- and post-Georgia County-Unit system) on county delineation. However, estimating models to infer causality is not an objective of this study precisely because of these data limitations. Rather, I demonstrate the ways in which levels of felon jury exclusion vary across different contexts net of other potentially relevant factors. Since jury pools themselves are drawn and managed at the county level, counties are not only the most preferred unit of the analysis but also the most appropriate.

There are 459,511 total cases in the GDOC data, 403,906 (87.90 percent) of which are valid (people living in Georgia counties in 2004). Almost 10 percent (9.6 percent) of the individuals in these data are currently inmates, nearly 4 percent (4.8 percent) are currently on parole, and slightly more than 11 percent (11.3 percent) are currently on probation, totaling approximately 26 percent currently under some form of supervision. The majority of individuals with felon status are African-American. In fact, almost two-thirds of felons and ex-felons in these data are African-American (61.7 percent), which is more than twice the proportion of African-Americans in the general Georgia population (29.6 percent). Whites comprise 38 percent, Native Americans comprise a tenth of a percent (.1 percent), and an "other" category also comprises a tenth of a percent. Hispanics comprise less than 1 percent (.8 percent) and women less than 9 percent (8.8 percent) of cases.

Extant evidence indicates that levels of exclusion could be tied to the relative African-American population. The direction of this relationship is unclear, however, because studies have shown areas with both large and small African-American populations have large racial disparities in criminal punishment. For example, incarceration data indicates that states with relatively low African-American populations often have high rates of racial disparities.[7] However, some jurisdictions, such as the District of Columbia, have both large populations of African-Americans and high racial disparities in incarceration (Mauer and King, 2007). Thus, one of the objectives of this study is to determine whether the level of felon jury exclusion is tied to the relative African-American population and the direction of this relationship.

ANALYTIC STRATEGY

Estimations of the proportion of individuals with a felony conviction for each Georgia County lie at the center of this study's analysis. Notable works show that African-American men have the highest rates of incarceration and conviction (Western and Pettit, 2000; Western 2002, 2006). Therefore, this study estimates the proportion of black adults that are disqualified from juror service and then calculates similar propor-

[7] Iowa, Vermont, Connecticut, Wisconsin, North Dakota, South Dakota, and Rhode Island all rank among the top ten in terms of racial disparities in incarceration rates between whites and African-Americans. Not coincidentally, none of these states rank high in terms of incarcerated populations or incarceration rates; rather, they rank either in the middle of the pack or near the bottom in comparison with other states.

tion for black adult males across Georgia counties.[8] I examine a number of bivariate relationships between exclusion estimates and county-level characteristics, such as rates of poverty and percent African-American. These levels of jury exclusion are then specified as the dependent variable in a series of multivariate OLS regression models.

The regression models all contain the same set of independent variables. The first two variables, percent African-American at the county level and county poverty rate, allow me to observe how levels of exclusion vary by the relative population of racial minorities and county-level disadvantage. The third covariate measures whether a county is a U.S. Census-defined Metropolitan Statistical Area (MSA): 1 = yes, 0 = no. The U.S. Census defines an MSA as an "urbanized area of 50,000 or more population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties" (U.S. Census Bureau, 2009:2). The last variables measure the location of a given county in Georgia. I divided Georgia into five primary regions: the northern section, the greater Atlanta area and its surrounding counties, the central section including Macon, the eastern portion that houses Savannah, and the southern region that includes Albany.[9] I then transformed the region into a series of five dummy variables (the southern-area dummy variable is the excluded reference category in the regression models).

RESULTS OF THE UNIVARIATE AND BIVARIATE ANALYSIS

Statewide, on average, 5.76 percent of adults per county are excluded from jury service due to felon status (see Table 1).[10] Rates of exclusion range from 1.2 percent (Fayette County) to 12.1 percent (Crisp County).

Of the 159 total counties in Georgia, the vast majority have levels of exclusion under 10 percent. Only thirteen counties (8.2 percent) have levels of jury exclusion that exceed 10 percent. These thirteen counties are scattered throughout the midsection and bottom portion of the state. Interestingly, none of the northern (and predominantly white) counties are included in the thirteen counties with at least 10 percent of the population excluded from jury pools due to felon status.

[8] Estimates of the proportion of individuals excluded from jury pools due to a felony conviction are not without potential sources of error. First, 12 percent of the cases in the GDOC data do not have identified residences. Lack of permanent residence is not uncommon for released prisoners since they typically face unstable and uncertain living arrangements upon release (Petersilia, 2003). Missing information about place of residence in any case was treated as missing data and excluded from all calculations. The estimates also assume that individuals would have been qualified for juror service, if not for their felon status, which is tenuous. Numerous extraneous factors diminishes the likelihood that racial and ethnic minorities, the poor, and individuals with felon status serve as jurors but this study focuses on the racial composition of jury pools—not juries themselves. Character requirements would likely be resolved during jury voir dire since county jury commissioners only remove names that have a felony conviction or that have been declared mentally incompetent from jury lists (Judicial Council of Georgia, 2005).

[9] The U.S. Census classifies Georgia counties by MSA and region. I relied on these classifications to construct the region variable.

[10] A full list of percent African-American and exclusion estimates by county is available upon request.

Table 1
Descriptive Statistics (N=159)

Variables	Range	Mean (Standard Deviation)
Statewide Jury Exclusion		
Total population	1.19-12.10	5.76 (2.56)
Total African-American	.87-34.29	14.12 (6.44)
African-American men	1.42-63.76	27.67 (13.55)
County level Characteristics		
Poverty	5.20-24.70	16.04 (4.51)
MSA	0-1	.44 (.50)
Percent African-American	.47-74.24	26.48 (16.47)
Region		
North	0-1	.16 (.37)
Atlanta	0-1	.20 (.40)
Central	0-1	.21 (.41)
East	0-1	.18 (.38)
South	0-1	.25 (.43)

Bivariate analysis indicate that percent African-American and the level of exclusion share a statistically significant relationship. More specifically, as percent African-American increases, there is a corresponding increase in the level of exclusion for the total population ($r = .55$; $p < .001$). Figure 3 shows data for the two variables on a scatter plot.

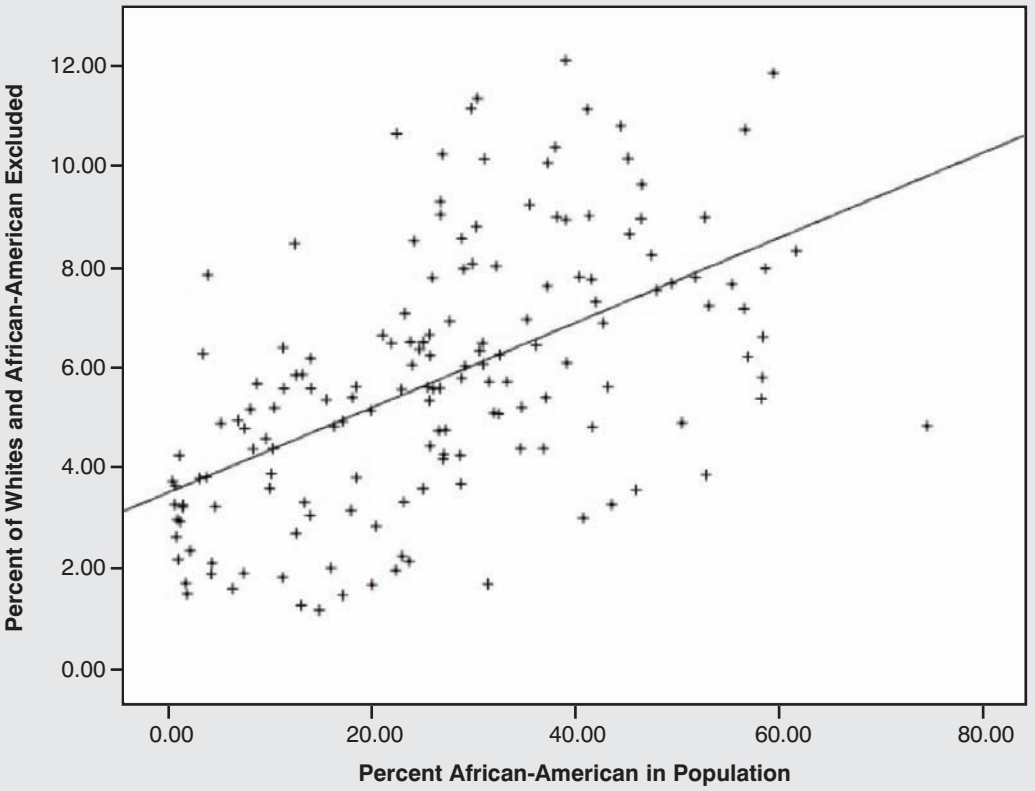
The scatter plot confirms the notion that counties with high levels of felon-jury exclusion also tend to have large African-American populations. Furthermore, the fourteen counties with the highest levels of exclusion are primarily concentrated in areas with relatively large black populations. None of the African-American populations in these fourteen counties fall below 20 percent.

These findings are neither surprising nor inconsistent with the literature concerning patterns of criminal punishment. Since African-Americans are more likely to have a felony conviction, then areas with greater proportions of African-Americans should also have greater proportions of excluded individuals due to felon status. This finding is also consistent with work that examines the link between incarceration rates and percent African-American at the state level. Several studies have found that the percent African-American fuels incarceration rates (Meyers, 1990; Greenberg and West, 2001; Jacobs and Carmichael, 2001).[11] Even though observing this link at the

[11] The link between percent African-American and various forms of social control is well established, such as arrest (Liska, Chamblin, and Reed, 1985; Eitle, D'Alessio, and Stolzenberg, 2002), police mobilization (Earl,

Figure 3

Scatter Plot of Percent Excluded by Percent African-American for Georgia Counties



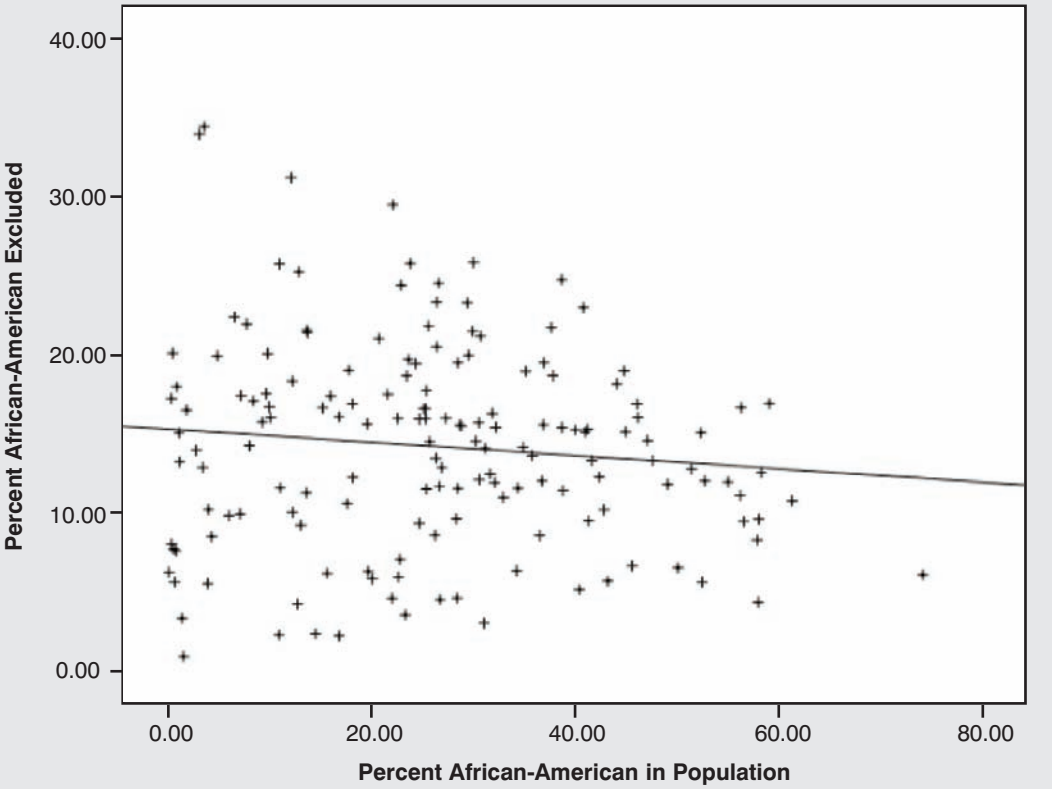
county level is less common, this finding remains in line with existing work on the role of percent African-American and social control.

Related research concerning incarceration and communities shows that certain neighborhoods have greater concentrations of individuals with felon status and, thus, would contain higher levels of felon jury exclusion (Lynch and Sabol, 2004). For example, Clear (2007) argues that a majority of prisoners are taken from and released into a small number of urban communities that are marked by concentrated disadvantage. The specific communities that house released prisoners typically struggle with problems that accompany concentrated spatial inequality such as poverty, social disorganization, and high crime rates, compounding the difficulties and challenges associated with successful prisoner reentry.

Soule, and McCarthy, 2003), criminal justice expenditures (Jacobs and Helms, 1999), felon-disenfranchisement legislation (Behrens, Uggen, and Manza, 2003), and punitive attitudes (Baumer, Messner, and Rosenfeld, 2003). Many scholars have interpreted this empirical connection as evidence of the group-threat thesis, but this point is beyond the scope of this study.

Figure 4

Scatter Plot of Percent African-Americans Excluded by Percent African-American in the Population for the Georgia Counties



To assess whether levels of felon jury exclusion are higher in urban areas, this study compares the mean level of exclusion for counties defined as an MSA by the U.S. Census (X exclusion level = 4.89) and counties not considered an MSA (X exclusion level = 6.45).[12] When the analysis includes exclusion estimates for the entire population, percent African-American and "urban-ness" emerge as important correlates. With regards to the latter finding, however, on average, higher levels of exclusion tend to be found in rural counties as opposed to urban ones. While this finding may seem counterintuitive, census data indicate that there are still sizable African-American populations across many southern rural counties, including rural Georgia counties (McKinnon, 2001).[13] Disaggregating these estimates by race, however, provides contrasting insight about the impact of these laws on the racial composition of jury pools.

[12] $t = -3.99$; $p<.001$.

[13] Otherwise known as the "Black Belt" (Hodges and Tippins, 2009).

Felon Jury Exclusion Among African-Americans. As previously discussed, African-Americans face elevated risks of felony convictions relative to other racial groups. Therefore, this stage of analysis focuses on the potential impact of felon jury exclusion for African-Americans. County-level estimates of jury exclusion are disaggregated by race to observe the extent to which felon jury exclusion impacts African-Americans. Statewide, approximately 14 percent of African-American adults are excluded from juries due to their felon status. Values range from a minimum value of .87 percent (Forsyth County) to a maximum value of 34.3 percent (Whitfield County). The counties with high levels of exclusion lie in three primary geographic clusters: one in the northern section of the state, one in the southwestern section of the state, and one in the southeastern section, just west of Savannah.

Interesting patterns emerge when limiting the analysis to African-Americans. Results now indicate that some of the highest levels of exclusions for African-Americans can be found in counties with *relatively low* African-American populations. Bivariate analysis shows that the correlation between percent African-American and level of exclusion for African-Americans is no longer statistically significant and the direction of the relationship changes ($r = -.11$). Close examination of the scatter plot in Figure 4 sheds light on this relationship.

While Figure 3 shows a clear positive linear relationship, Figure 4 shows an entirely different picture where the high levels of African-American exclusion are present across all types of demographic compositions. The scatter plot reveals that areas with low African-American and high African-American populations both have high levels of African-American exclusion.

In nine counties, over 31 percent of African-American residents are excluded from juror service due to a prior felony conviction. Three of these nine counties lie in the northern section of the state and have African-American populations that comprise less than 10 percent of the total population.[14] While none of the predominantly white counties in northern Georgia had high levels exclusion when including the entire population, they now constitute one-third of such counties when limiting the analysis to African-American adults. The findings show that the northern section of the state has the highest levels of exclusion for African-American adults.

Restricting the analysis to African-Americans also continues to support the notion that, on average, higher levels of exclusion tend to found in rural counties. The results show that rural areas (exclusion level = 15.55) have significantly higher mean scores for African-American exclusion than areas with less population density ($\bar{x} =$ 12.30 percent).[15] It is not clear what factors lead to higher levels of exclusion in rural counties relative to urban ones, but there could be a number of organizational courtroom factors or contextual correlates of felony conviction that are shaping jury-selection pools in these areas. It is also possible that this is a spurious relationship that can be more clearly fleshed out in the multivariate regression models.

[14] These three counties are Hall, Whitfield, and Gordon.

[15] $t = -3.17$; $p < .01$.

Since the prevalence of felony conviction and criminal punishment is intensely concentrated among African-American men, it is likely that many of these trends are even more pronounced when disaggregating estimates of jury exclusion by race and gender. Focusing the analysis on African-American men yields results that are simply alarming. On average, 27.7 percent of black men are excluded from juror service across Georgia counties, ranging from 1.42 percent to 63.7 percent. Over one-fourth of all adult African-American men in Georgia are out of prison but with felon status. In nine counties, more than half of all African-American men are excluded from jury service due to a felony conviction. These estimates might seem unreasonably high but they are wholly consistent with research, which claims incarceration has become a common life event for many young African-American men, especially those with low levels of educational attainment and bleak employment prospects (Western, 2006). Western estimates that approximately 60 percent of African-American men born in the late 1960s who did not complete high school spent time in prison. Furthermore, his estimates represent the percent of African-American men who have served a prison stint, while this work examines individuals who have a felony conviction and completed their sentence—a much larger population of individuals.

Additional analysis shows that consistent with the previous findings limited to African-American adults, levels of exclusion for African-American men are not significantly related to the relative African-American population in the bivariate analysis. However, communities with low proportions of African-Americans but high levels of exclusion for African-American men seem at particular risk of an underrepresentation of African-American men in the jury pools. It would seem unlikely that counties, with low absolute numbers of African-American men to begin with, can exclude more than half of this subgroup without any discernible impact on the proportion of jury-eligible African-American men.

Also paralleling the previous results, the level of exclusion for African-American men is significantly correlated with whether a county is classified as an MSA. On average, rural counties (30.42 percent) have higher levels of exclusion than urban areas (24.16 percent).[16] To summarize the findings for the bivariate analysis, higher levels of exclusion for all adults tend to occur in counties with higher proportions of African-Americans. Once total population estimates are disaggregated by race and gender, high levels of black exclusion are found in counties with low and high proportions of African-Americans. This particular finding suggests that high levels of jury exclusion among African-American adults may stem from multiple sources. In communities with low African-American populations, such as the northern, predominantly white sections of Georgia, exclusion seems to be fueled by relatively small numbers of African-Americans rather than large absolute numbers of excluded individuals. Whitfield, for example, has the highest proportion of excluded African-American men (63.7 percent) and a relatively small population of African-American men (1.3 percent). Racial

[16] $t = -2.96$; $p < .01$.

Table 2

OLS Regression Models for Exclusion Levels of the Total Adult Population, African Americans Adults, and African-American Men

	Model 1 (Total Exclusion)		**Model 2** (Total Black Exclusion)		**Model 3** (Black Men Exclusion)	
	B	Std. Error	B	Std. Error	B	Std. Error
(Constant)	-1.170	1.034	3.799	3.128	7.383	6.801
Percent Black	.035*	.014	-.184***	.043	-.327***	.094
Poverty	.356***	.060	.941***	.180	1.826***	.392
Dummy for MSA	-.285	.393	-1.065	1.188	-1.955	2.582
Region						
Atlanta	1.322*	.610	2.115	1.844	3.646	4.010
North	.918	.570	1.758	1.724	.955	3.747
Central	.483	.488	.509	1.476	1.139	3.210
East	-.518	.472	-1.561	1.429	-3.452	3.106
	N=159		N=159		N=159	
	R^2=.476		R^2=.245		R^2=.194	

** p<.05 ** p<.01 *** p<.001*

disparities in incarceration rates show similar patterns in regions with low absolute and relative numbers of African-Americans. As previously discussed, states with low relative numbers of African-Americans, such as Iowa, Connecticut, Vermont, and Wisconsin, typically have the largest white-to-black incarceration disparities (Mauer and King, 2007).

Results fueled largely by small denominators, however, are not the case in the many counties with high levels of exclusion and large African-American populations. For example, Fulton County, which has one of the largest population of black men (112,799 total, or 18.6 percent of the total Fulton County adult population), still excludes nearly half of its black male residents due to their felon status (46.2 percent). The findings indicate that high levels of exclusion for African-Americans stem both from alarming absolute numbers of African-American men with felony convictions, as well as from small African-American populations that are sensitive to any shift in the population.

RESULTS FOR MULTIVARIATE ANALYSIS

To unpack the results of the univariate and bivariate analyses, the final stage of this study employs a series of multivariate OLS regression models(see Table 2). I reiterate that the purpose of these regression models is not to infer causal relationships between the independent and dependent variables. Casual inferences are tenuous when analyzing cross-sectional data, and I employ the regression models to identify the county-level characteristics that share significant relationships with the level of exclusion net of the other factors examined. There are three models with three different dependent variables: level of exclusion for the total population, for all African-Americans, and for just African-American men. There are concerns with collinearity since some of the independent variables are derivations of population estimates; thus, there was special attention paid to VIF values in all models. All of the VIF values range between 1 and 3, indicating no significant multi-collinearity among the independent variables.[17]

The results for model 1 indicate that the variables included in the model explain 47.6 percent (R2 = .476) of the variation in exclusion levels for the total population. It is surprising that just a select number of county-level characteristics account for over 47 percent of variation in exclusion for all groups. The results of model 1 are partially consistent with the bivariate analysis. Counties with higher rates of poverty (.356; p<001) and higher concentrations of African-Americans (.035; p<.05) tend to have higher levels of exclusion. Otherwise stated, each standard deviation change in jury exclusion, statistically controlling for the other covariates, corresponds with, on average, a .628 standard deviation change in a county's poverty level and a .224 standard deviation change in a county's relative African-American population.

Noteworthy is that in the bivariate analysis, on average, rural counties tended to have higher levels of exclusion than urban ones. The results of additional regression models not included here indicate that the MSA variable goes to statistical nonsignificance only in models that include the poverty variable. Thus, analysis of these data suggests that, on average, rural counties score higher on the dependent variable because they are poorer than urban counties, not because of a unique "rural effect" per se.[18] In addition, after statistically accounting for the MSA variable, there is a unique relationship between exclusion level and the Atlanta area (1.322; p<.05) above and beyond the census defining it as an MSA and its large African-American population. It is uncertain what factors make the Atlanta region susceptible to high levels of exclusion. Atlanta and its surrounding areas constitute the largest urban area in the South, ranking as one of the top-ten-largest metropolitan areas in the United States with respect to population.[19] According to census data, it has both a large absolute number

[17] Additional diagnostics indicate that the dependent variable is normally distributed with homoscedastic errors suggesting that OLS is an appropriate estimator for these data. The results of the diagnostic tests are available upon request.

[18] Supplementary analyses are available upon request.

[19] I tested for possible curvilinear effects of percent African-American and for a number of interaction terms between percent African-American, poverty, and MSA. Neither the curvilinear variable nor the interaction terms were statistically significant in any models.

of African-Americans and a large relative African-American population (approximately 61 percent). It could be the case that individuals with felon status are more likely to reside in Atlanta due to a variety of factors like economic opportunities or social ties.

The results in model 2 shift rather dramatically. Analysis of these data when focusing on the level of excluded African-Americans indicates that, again, county poverty rates (.941; p<.001) and the relative African-American population (-.184; p<001) are statistically significant. However, there are some substantial differences between model 2 and model 1. First, the variation explained by the covariates included in the model drops dramatically by over 48 percent. The variables in the model explain much less of the variation in the exclusion levels for African-Americans than exclusion levels for the entire population. Second, the dummy variable for the Atlanta area is no longer significantly correlated with levels of exclusion for African-Americans. Third, the sign of the percent African-American variable is now negative, showing that, on average, counties with lower concentrations of African-Americans have higher levels of African-American jury exclusion.

The results of model 1 support the supposition that exclusion tends to be highest in areas with higher concentrations of African-Americans. When limiting the analysis to African-Americans, however, the areas that score highest are now counties with low concentrations of African-Americans that are ostensibly susceptible to the "small denominator" problem. To reiterate, small absolute numbers of African-Americans facing felony jury exclusion due to felon status can translate to large levels of exclusion and racial disparities in counties with small proportions of African-Americans.

As would be expected, the results for jury exclusion for African-American men mirror the results for total African-American exclusion. County poverty rates (1.826; p<.001) and percent African-American (-.327; p<.001) are the only statistically significant variables but the coefficient sizes are considerably larger. This is attributable to the larger exclusion values for African-American men. One noticeable difference is that the variance explained by the independent variables in the model dips even further (R2 = .194). In model 1, the covariates explained almost one-half the variation in the dependent variable; they now fail to explain even 20 percent of the exclusion levels for African-American men.

CONCLUSION

Social scientists and legal scholars have only recently turned their attention to the potential impact of collateral consequences across different social institutions. These recent efforts have found that these laws prohibit access to education (U.S. Government Accountability Office, 2005), the labor market (Dietrich, 2002), voting (Uggen and Manza, 2002), family life (Schneider, 2002), and juror service (Kalt, 2003) for a large and growing criminal class. Despite the emergence of this work, even the most basic estimates of the impact of collateral consequences are often unavailable.

This study provides important preliminary information concerning the distribution of individuals with felon status across Georgia counties. In doing so, I demonstrate how felon jury exclusion can affect the jury-selection process by removing large numbers of African-American men from the criminal justice process. Ironically, it is precisely this group that is most likely to have their lives altered by contact with the criminal justice system.

It is difficult to assess the practical impact of felon jury exclusion, and additional research is certainly needed in this regard. However, this study uncovered some important findings. For example, it was found that in some counties, over *half* of African-American men in certain counties are disqualified from jury service solely due to their felon status. Large counties with significant African-American populations, such as Fulton County, might be able to withstand excluding large proportions of a specific subgroup without a significant impact on the racial composition of jury lists. There remains a large pool of eligible African-American men that can replace the ones that find themselves disqualified due to their felon status. However, the ability of counties with relatively small African-American populations and high levels of exclusion, such as Whitfield County, which excludes nearly 64 percent of its approximate 1,300 African-American male residents, to field a representative jury list would seem to be severely hindered by felon jury exclusion.

Even a cursory examination of the potential impact of felon jury exclusion on juries can shed valuable insight. Supplementary analysis (Appendix B describes the calculations for these findings)[20] finds that statewide, there are 1.61 African-American male jurors expected per jury. Felon jury exclusion reduces the expected number of African-American men to 1.17 per jury. One is an important benchmark because research indicates that in mock capital cases, juries with one African-American male juror are less likely to sentence convicted defendants to death (as much as 30 percent) than juries without any African-American men (Bowers, Sandys, and Brewer, 2004). While the expected number of African-American men per jury statewide does not drop below one, in many counties it does. In 27 counties felon jury exclusion reduces the expected number of jurors from more than one African-American adult male per jury to less than one. In many of the counties that experience the largest drop in the number of expected African-American men per jury, such as Floyd (60.88 percent drop), Gordon (61.16 percent drop), and Whitfield (63.76 percent drop), however, the expected number was fairly small even before accounting for felon jury exclusion. The results of the supplementary analysis are admittedly inconclusive. However, given the sheer magnitude of individuals with felony convictions, it is plausible that shifts in jury pools could ultimately change the racial composition of juries.

[20] These supplementary analyses set out to show the possible impact of felon jury exclusion on the expected number of black male jurors with the assumption that aside from felon-jury-exclusion laws, jury-selection is a stochastic process. While this assumption is admittedly tenuous, this step is intended to merely demonstrate how felon exclusion might shift the racial composition of actual juries. However, I report these findings with great caution since I do not include the impact of other factors that contribute to the probability of receiving a jury summons, which were discussed at length earlier.

Questions about whether felon jury exclusion has shifted juries outside of Georgia are salient and warrant attention. Certainly, the results of this study are likely restricted to southern states with relatively large African-American populations and incarceration rates above the national average.[21] In the absence of additional evidence, it is difficult to determine how felon jury exclusion might shape juries outside of Georgia. Complicating this task is that there is considerable state variation in felon jury exclusion, and while individuals face life-time bans in Georgia, 17 jurisdictions eventually allow individuals with felon status to serve as jurors (Kalt, 2003). Legal challenges provide anecdotal evidence that courts in other states have considered the broader implications of excluding individuals with felon status but have upheld this practice. (*United States v. Foxworth,* 1979:599). Despite focusing on the Georgia jury system, this study can shield some light on the types of areas most vulnerable to significant shifts in jury composition with respect to demographic composition. I emphasize that such efforts are crucial in light of the complete lack of empirical evidence that currently characterizes the literature on juries and collateral consequences.

It is not clear whether excluding African-Americans from social institutions is an intentional outcome of collateral consequences more generally and felon jury exclusion specifically. Few scholars have attempted to investigate the rationale behind collateral restrictions, but one notable study links the origin of felon disenfranchisement laws to racial conflict and animus directed at African-Americans in the Reconstruction Era (Behrens, Uggen, and Manza, 2003). In some jurisdictions, the right to serve as a juror is tied to the right to vote; however, there is no conclusive evidence that felon-jury-exclusion laws also rose out of intergroup conflict and racial threat. Furthermore, the rationale for felon jury exclusion, on its face, has been to maintain the "probity of the jury" (Kalt, 2003). Fruitful areas of future research would be to shed additional light on these three issues—calculate more precise estimates of felon jury exclusion on juries, explore the impact of these laws outside of Georgia, and track the rationale behind these laws both past and present.

This work shows that felon jury exclusion can have implications for broader patterns of racial inequality in civic engagement. Many minority groups continue to be underrepresented across domains of civic engagement, leading to disparities in juries, the electorate, and possibly even elected office. Furthermore, there is little to no resistance to felon-jury-exclusion policies (and collateral consequences more generally) despite strong preliminary evidence that they have an important and significant impact on racial minorities.[22] The ripple effects of felon jury exclusion could act as a

[22] Legal scholar Randall Kennedy (1997:see chapters 5 and 6) touches on this point when he quickly dismisses the notion that individuals with felon status be considered for jury duty. He argues that such individuals have violated the social contract and, thus, demonstrated their lack of sound judgment and integrity necessary for jury service.

[21] To be sure, Georgia could portray a worst-case scenario regarding the impact of felon-exclusion laws. The more plausible scenario is that while Georgia is generally more punitive than non-southern states, it is more or less in step with other southern states. While examining why the South is unique in its social-control practices would yield rich theoretical fruit (see Messner, Zevenbergen, and Baller, 2005, for an example of such a study), it is beyond the scope of this study.

feedback loop back into the criminal justice system, whereby inequalities in the jury-selection system ultimately lead to greater levels of racial inequality throughout the criminal justice system itself.[23] This research does not argue that felon jury exclusion is the sole cause or even the most influential factor in the continuing underrepresentation of African-American jurors. Rather, it advances the idea that felon jury exclusion contributes to existing legal and social barriers to jury service, and these obstacles block access to participatory governance and civic engagement. Even though many people summoned view jury service as a burden they would prefer to avoid (Losh, Wasserman, and Wassermen, 2000; Richert, 1976), juries embody civic participation and they provide the sole means for political empowerment and activism in the criminal justice system (Butler, 1995). **jsj**

REFERENCES

Abramson, J. (1994). *We, the Jury: The Jury System and the Ideal of Democracy.* New York: Basic Books.

Baumer, E. P., S. F. Messner, and R. Rosenfeld (2003). "Explaining Spatial Variation in Support for Capital Punishment: A Multilevel Analysis," 108 *American Journal of Sociology* 844.

Behrens, A., C. Uggen, and J. Manza (2003). "Ballot Manipulation and the 'Menace of Negro Domination': Group Threat and Felon Disenfranchisement in the United States," 109 *American Journal or Sociology* 559.

Bowers, W. J., M. Sandys, and T. W. Brewer (2004). "Crossing Racial Boundaries: A Closer Look at the Roots of Racial Bias in Capital Sentencing when the Defendant Is Black and the Victim Is White," 53 *DePaul Law Review* 1497.

Buchanan, S. E. (1997). "The Effects of the Abolition of the Georgia County-Unit System on the 1962 Gubernatorial Election," 25 *Southeastern Political Review* 687.

Bushway, S., M. A. Stoll, and D. F. Weiman (2007). "Introduction." In S. Bushway, M. A. Stoll, and D. F. Weiman, *Barriers to Reentry: The Labor Market for Released Prisoners in Post-Industrial America.* New York: Russell Sage.

Butler, P. (1995). "Racially Based Jury Nullification: Black Power in the Criminal Justice System," 105 *Yale Law Journal* 677.

Clear, T. (2007). *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse.* New York: Oxford Press.

[22] Legal scholar Randall Kennedy (1997:see chapters 5 and 6) touches on this point when he quickly dismisses the notion that individuals with felon status be considered for jury duty. He argues that such individuals have violated the social contract and, thus, demonstrated their lack of sound judgment and integrity necessary for jury service.

[23] The Georgia Jury Commission undertakes efforts to construct county-level jury pools that reflect the demographic composition of counties based on Census estimates (Georgia Jury Commission, 2005). These results, however, draw attention to the potential problems that could arise from constructing jury pools that are race and gender specific, when over one-half of a substantial demographic subgroup is disqualified. Additional investigation is required to gain a sense of how felon jury exclusion may hinder efforts to create more "representative" juries.

Dietrich, S. M. (2002). "Criminal Records and Employment: Ex-Offenders Thwarted Attempts to Earn a Living for Their Families." In *Every Door Closed: Barriers Facing Parents with Criminal Records,* pp. 13-26. Washington, DC, and Philadelphia, PA: Center for Law and Social Policy and Community Legal Services, Inc.

Earl, J., S. A. Soule, and J. D. McCarthy (2003). "Protest Under Fire? Explaining the Policing of Protest," 68 *American Sociological Review* 581.

Eitle, D., S. J. D'Alessio, and L. Stolzenberg (2002). "Racial Threat and Social Control: A Test of the Political, Economic, and Threat of Black Crime Hypotheses," 81 *Social Forces* 557.

Espy, W. M., and J. O. Smykla (2004). *Executions in the United States, 1608-2002: The ESPY File.* Ann Arbor, MI: Inter-university Consortium for Political and Social Research.

Fellner J., and M. Mauer (2005). *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States.* Washington, DC: Human Rights Watch and the Sentencing Project.

Fukurai, H., E. W. Butler, and R. Krooth (1993). *Race and the Jury: Racial Disenfranchisement and the Search for Justice.* New York: Plenum Press.

— (1991). "Where Did Black Jurors Go? A Theoretical Synthesis of Racial Disenfranchisement in the Jury System and Jury Selection," 22 *Journal of Black Studies* 196.

Fukurai, H., and R. Krooth (2003). *Race in the Jury Box: Affirmative Action in Jury Selection.* New York: SUNY Press.

Giles, M. W., and M. A. Buckner (1993). "David Duke and Black Threat: An Old Hypothesis Revisited," 55 *Journal of Politics* 702.

Greenberg, D., and V. West (2001). "State Prison Populations and their Growth, 1971-1991," 39 *Criminology* 615.

Hodges, G., and D. J. Tippins (2009). "Using an Ecojustice Perspective to Inform Science Teacher Recruitment and Retention in the Rural Black Belt Region of Georgia," 30:3 *Rural Educator* 1.

Jackson, P. (1989). *Minority Group Threat, Crime, and Policing: Social Context and Social Control.* New York: Praeger Press.

Jacobs, D., and J. Carmichael (2001). "The Politics of Punishment Across Time and Space: A Pooled Time-Series Analysis of Imprisonment Rates," 80 *Social Forces* 61.

Jacobs, D., and R. Helms (1999). "Collective Outbursts, Politics, and Punitive Resources: Toward a Political Sociology of Spending on Social Control," 77 *Social Forces* 1497.

Jonakait, R. N. (2003). *The American Jury System.* New Haven, CT: Yale University Press.

Judicial Council of Georgia and Administrative Office of the Courts (2005). "Georgia Jury Commissioner's Handbook." Jury Management, Administrative Office of the Courts, Atlanta.

Kalt, B. C. (2003). "The Exclusion of Felons from Jury Service," 53 *American University Law Review* 65.

Kennedy, R. (1997). *Race, Crime and the Law.* New York: Vintage Press.

Landau, R. (2002). "Criminal Records and Subsidized Housing: Families Losing Opportunity for Decent Shelter." In *Every Door Closed: Barriers Facing Parents with Criminal Records*, pp. 41-52. Washington, DC, and Philadelphia: Center for Law and Social Policy and Community Legal Services, Inc.

Liska, A. E., M. B. Chamlin, and M. D. Reed (1985). "Testing the Economic Production and Conflict Models of Crime Control," 64 *Social Forces* 119.

Losh, S. C., A. W. Wasserman, and M. A. Wassermen (2000). "'Reluctant Jurors': What Summons Responses Reveal About Jury Duty Attitudes," 83 *Judicature* 304.

Lynch, J. P., and W. J. Sabol (2004). "Effects of Incarceration on Informal Social Control in Communities." In M. Patillo, D. Weiman, and B. Western (eds.), *Imprisoning America: The Social Effects of Mass Incarceration,* pp. 135-64. New York: Russell Sage.

McKinnon, J. (2001). "The Black Population 2000: Census 2000 Brief." U.S. Census Bureau, Washington, D.C.

Mauer, M., and R. S. King (2007). "Uneven Justice: State Rates of Incarceration by Race and Ethnicity." Research report, the Sentencing Project, Washington, D.C.

Messner, S. F., M. P. Zevenbergen, and R. D. Baller (2005). "The Legacy of Lynching and Southern Homicide," 70 *American Sociological Review* 633.

Myers, M. A. (1990). "Black Threat and Incarceration in Postbellum Georgia," 29 *Social Forces* 373.

Pager, D. (2003). "The Mark of a Criminal Record," 108 *American Journal of Sociology* 937.

Petersilia, J. (2003). *When Prisoners Come Home: Parole and Prisoner Reentry.* New York: Oxford University Press.

Richert, J. P. (1976). "Jurors' Attitude Toward Jury Service," 2 *Justice System Journal* 233.

Rubinstein, G., and D. Mukamal (2002). "Welfare and Housing—Denial of Benefits to Drug Offenders." In M. Mauer and M. Chesney-Lind (eds.), *Invisible Punishment: The Collateral Consequences of Mass Imprisonment.* New York: New Press.

Schneider, P. D. (2002). "Criminal Convictions, Incarceration, and Child Welfare: Ex-Offenders Lose Their Children." In *Every Door Closed: Barriers Facing Parents with Criminal Records,* pp. 53-84. Washington, D.C., and Philadelphia: Center for Law and Social Policy and Community Legal Services, Inc.

Tolnay, S. E., and E. M. Beck (1995). *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1930.* Urbana: University of Illinois Press.

Uggen, C., and J. Manza (2002). "Democratic Contraction? Political Consequences of Felon Disenfrachisement in the United States," 67 *American Sociological Review* 777.

Uggen, C., J. Manza, and M. Thompson (2006). "Citizenship, Democracy, and the Civic Reintegration of Criminal Offenders," 605 *Annals of the American Academy of Political and Social Science* 281.

U.S. Census Bureau (2009). "OMB Bulletin No. 10-02 Updates to Statistical Areas." Statistical and Science Policy Branch, Office of Management and Budget, Washington, D.C.

U.S. Department of Justice (2009a). *Parole and Probation in the United States, 2008.* Washington, DC: U.S. Government Printing Office.

— (2009b). *Prisoners in 2008.* Washington, DC: U.S. Government Printing Office.

— (2007). *State Court Sentencing of Convicted Felons*. Washington, DC: U.S. Government Printing Office.

— (1999). *Mental Health and Treatment of Inmates and Prisoners.* Washington, DC: U.S. Government Printing Office.

U. S. Government Accountability Office (2005). "Drug Offenders: Various Factors May Limit the Impacts of Federal Laws That Provide for Denial of Selected Benefits." Report to congressional requesters, Washington, D.C.

Western, B. (2006). *Punishment and Inequality in America.* New York: Russell Sage.

— (2002). "The Impact of Incarceration on Wage Mobility and Inequality," 67 *American Sociological Review* 526.

Western, B., and B. Pettit (2000). "Incarceration and Racial Inequality in Men's Employment," 54 *Industrial and Labor Relations Review* 3.

Wheelock, D. (2005). "Collateral Consequences and Racial Inequality: Felon Status Exclusions as a System of Disadvantage," 21 *Journal of Contemporary Criminal Justice* 82.

Wheelock, D., C. Uggen, and H. Hlavka (2011). "Employment Restrictions for Individuals with Felons Status and Racial Inequality in the Labor Market." In I. O. Ekunwe and R. S. Jones (eds.), *Global Perspectives on Re-Entry: Exploring the Challenges Facing Ex-Prisoners,* pp. 278-310. Tampere, Finland: Tampere University Press.

CASES CITED

Batson v. Kentucky, 476 U.S. 79 (1986).

Furman v. Georgia, 408 U.S. 238 (1972).

Gray v. Sanders, 372 U.S. 368 (1963).

Gregg v. Georgia, 428 U.S. 153 (1976).

Jackson v. Georgia, 408 U.S. 238 (1972).

McCleskey v. Kemp, 481 U.S. 279 (1987).

Peters v. Kiff, 407 U.S. 493 (1972).

Smith v. State, 275 Ga. 715 (2002).

Strauder v. West Virginia, 100 U.S. 303 (1879).

Swain v. Alabama, 380 U.S. 202, 225 (1965).

United States v. Foxworth, 599 F.2d 1, 4 1st Cir. (1979).

APPENDIX A
GEORGIA JUROR QUALIFICATION LAWS

Georgia's jury system comprises grand and trial (or petit) juries, which have similar selection procedures but are different sizes and hold different responsibilities. Grand juries in Georgia *comprise 16 to 23 jurors* (Georgia Code Ann. §15-12-61(a) and §15-12-100(b)) and decide whether there is sufficient evidence to indict individuals accused of law violations. Trial juries in criminal cases comprise 12 jurors and determine whether defendants are guilty of the crime they have been charged with beyond a reasonable doubt. Selection for either type of jury adheres to the following eligibility requirements, and exclusion from both could have implications for criminal justice outcomes.

To be considered an eligible juror in Georgia, an individual must be 1) a United States citizen; 2) a citizen of the state of Georgia who has resided in the county at least six months preceding the time of service; 3) eighteen years of age or older; and 4) intelligent and upright citizens of the county (grand jurors must be among the "most experienced," intelligent, and upright). There are factors that result in the immediate disqualification of potential jurors, which include 1) an elected official in the state or local government, or a person who has held such office within two years of the time requested to serve as a grand juror; 2) a person convicted of a felony who has not been pardoned or whose civil rights have not been restored; or 3) incompetent because of mental illness or retardation. To assess who meets these qualifications, the county jury commissioners send questionnaires to all summoned residents. Georgia county commissioners rely on voter registration lists, among other sources, to compose jury lists (Judicial Council of Georgia Administrative Office of the Courts, 2005). Even though individuals with felon status can register to vote once they complete their sentence in Georgia (Fellner and Mauer, 2005), such groups receive lifetime bans from serving as jurors (O.C.G.A § 15-12-60(b)). Due to the possibility that an individual with felon status might make it on the jury list despite his or her disqualification, there are specific and concerted monthly efforts to remove the names of all convicted felons from the voters' registration list.

APPENDIX B

EQUATION FOR ESTIMATING THE EXPECTED NUMBER OF AFRICAN-AMERICAN MEN PER JURY

Estimating the potential impact of felon jury exclusion on the likelihood of juries having an African-American male juror is a two-step calculation. The first step is to determine the probability of jury selection for African-American men without felon status. The equation, $\frac{N_{BM}}{Tabletop}$ N_{BM} , where is the total number of adult African-American men in a given county, and *Totalpop* in the denominator is the total adult population that is not currently in prison, represents the unadjusted probability that an African-American male in a given county is selected for juror service. The total population figure in the denominator was calculated by removing everyone in prison since such individuals do not have a chance to be selected for jury service. I then recalculate this equation exchanging N_{BM} with $N_{BMfelon}$, or the number of African-American adult males eligible for jury service after removing the ones with felon status.