A. Second Chances: A Generic Opportunity

A young man in upstate New York drinks too much and gets a little rowdy, picks a fight, smashes up the bar, and is arrested. When he gets into trouble again a short time later, the judge sends him to jail for a week. After his release, he gets fired and cannot find a new job because he has a record. The local newspaper carries a story about his misconduct. The merchants on Main Street refuse to sell him anything on credit. The young women gossip about him and refuse to date him. One day, he has had enough. He packs his meager belongings, leaves without a good-bye, and moves to a small town in Oregon. Here, he gains a new start. Nobody knows about his rowdy past, and he has learned his lesson. He drinks less, avoids fights, works in a lumberyard, and soon marries a nice local woman, has three kids, and lives happily ever after. Cue the choir of angels singing in the background.

The idea that people deserve a second chance is an important American value. Perhaps it grows out of America’s history as a nation of immigrants who moved to the United States to start new lives. And as the American West was settled, many Easterners and Midwesterners found a place there for a second beginning. More profoundly, the belief in a new beginning is a tenet of Christianity, which allows sinners to repent and be fully redeemed, to be reborn. In a similar vein, the secular, progressive, optimistic, therapeutic culture of today’s America rejects the notion that there are inherently bad people. As individuals, Americans seek insights into their failings so they can learn to overcome them and achieve a new start. From a sociological perspective, people are thrown off course by their social conditions—because they are poor, for instance, and subject to discrimination. But these conditions can be altered, and then these people will be able to lead good lives. Under the right conditions, criminals can pay their debt to society and be rehabilitated, sex offenders can be reformed, and others who have flunked out can pass another test. Just give them a second chance.

A. Etzioni, Privacy in a Cyber Age
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Today, a wide variety of public figures call for giving everyone a second chance. Texas governor and former presidential candidate Rick Perry said, “The idea that we lock people up, throw them away, and never give them a chance of redemption is not what America is about [. . .] Being able to give someone a second chance is very important.” New York Representative Charles Rangel is “a firm believer that upon release, ex-offenders should be afforded a second chance to become productive citizens by providing rehabilitation and education that will help them join the workforce.” Former Secretary of State Hillary Clinton frequently asserts that “everyone deserves a second chance, a third chance to keep going and to make something of themselves [. . .] That was one of the most important lessons of my life.” Famous singer and former drug addict El DeBarge called for “the world to know that everybody deserves a second chance.”

Rabbi Bernard Barsky asked, “How could a Jewish community not be committed to giving ex-felons a second chance? Our entire faith is based on stories of second chances.” And even church leader the Reverend Glenn Grayson, whose eighteen-year-old son was shot and killed, said that “if [God] can give us a second chance, [. . .] there are things you have to atone for, but you deserve a second chance.”

The Internet poses a great technological challenge to social forgiveness. By indexing digital versions of local public records, the Internet acts as a bright light that casts people’s shadows much further than ever before: criminal or otherwise debilitating records now follow people wherever they go. True, arrest records, criminal sentences, bankruptcy filings, and even divorce records were accessible to the public long before being digitized. Some were listed in blotters kept in police stations, others in courthouses; anyone who wished to take the trouble could go there and read them. But most people did not. Above all, there was no way for people in distant communities to find these damning facts without going to inordinate lengths.

Following the advent of the cyber age, online databases have dramatically increased the size of the audience that has access to public information and the ease with which it can be examined. Several companies have started compiling criminal records and making them available to everyone in the country and, indeed, the world. For instance, PeopleFinders, a company based in Sacramento, California, recently introduced CriminalSearches.com, a free service to access public criminal records, which draws data from local courthouses. Similar services provide access to many other types of public records that range from birth records to divorces. According to the National Association of Criminal Defense Lawyers, this “growing obsession with background checking and commercial exploitation of arrest and conviction records makes it all but impossible for someone with a criminal record to leave the past behind.” This is particularly apparent in the United