

## **LESSON 5: SHOULD FORMER FELONS BE ALLOWED TO VOTE?**

### **Lesson Overview:**

Students will analyze whether former felons should be allowed to vote. Students will examine the implications of allowing former felons to vote. They will look at how race factors into this topic.

### **Teaching Procedures:**

#### *Activity 1:*

Felons in some states can lose their right to vote. However, whether a felony conviction results in disenfranchisement, for how long, and what one must do (if anything) to regain voting rights varies by state. The implications for allowing those who have been convicted could have a large impact on elections. Read the special report published in *The Washington Times* on July 14, 2002. (Student Handout Number 7)

**Note to teachers:** Because of the length of this handout, you may want to use this section as an optional assignment for extra credit. One extra credit activity that would allow all students to understand what this reporter is saying would be to have the students assume the role of a television reporter. Ask each student to prepare a sound byte about the article. Each section should be given to a different student to prepare. Ask students to share their sound byte with the class.

### **“Right to vote?”**

Margie Hyslop  
The Washington Times  
Published 7/14/2002

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### **Special Report**

**“BALTIMORE** — In a parking lot behind a tattered strip mall, dozens of felons milled about — fast-food bags and drinks in hand — waiting in 92 degree heat to rally.

The day was symbolic, Marvin "Doc" Cheatham told the crowd of roughly 100, mostly black former drug abusers gathered behind the storefront meeting rooms of a rehabilitation and job training program.

It was June 19, or Juneteenth: On that date in 1865, slaves in Texas learned President Lincoln had freed them two years earlier.

Felons are now mobilizing to reclaim liberties, particularly that fundamental element of political participation — the right to vote, said Mr. Cheatham, the president of the Baltimore City Board of Elections and an advocate for restoring the vote to felons.

"It's time for us to get up and stop waiting for people to give us something we can get ourselves," rally organizer Israel Cason told the crowd, which cheered in agreement.

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If efforts like theirs across the nation succeed, more of the 4 million felons would regain the right to vote.

"There's no question there's a good deal of national momentum toward reconsidering it," said Marc Maurer, a former social worker and assistant director of the Sentencing Project, a District-based national organization that advocates sentencing reform and researches criminal justice issues.

Since January 2000, six states — through legislatures or courts — have liberalized their restrictions on felon voting rights, and at least three others have moved toward it.

A panel led by former Presidents Gerald R. Ford and Jimmy Carter recommended last year that voting rights be restored to ex-convicts.

With black men making up more than a third of the 4 million disenfranchised felons, NAACP President Kweisi Mfume has said restoring felons' voting rights is one of his top five priorities. In January, the National Association for the Advancement of Colored People chartered a chapter at Ohio's Richland Correctional Institute to serve as a pilot for prison branches that will focus on promoting restoring the vote and helping inmates re-enter society.

Locally and nationally, broad coalitions that include religious groups, the American Civil Liberties Union, the Center for Voting and Democracy, the League of Women Voters and the Southern Christian Leadership Conference are backing the push to restore voting rights.

In Maryland, a law that went in effect this month will allow people convicted of more than one felony to vote next year, if their second or subsequent crime were not violent and if three years have elapsed since they completed their sentence. An estimated 136,000 Marylanders cannot vote because of felony convictions.

Repealing that three-year waiting period is the Maryland Voting Rights Coalition's goal when the General Assembly reconvenes in January, said Mr. Cheatham, a coalition founder.

"Then we're going for more," Hassan Allen-Giordano, political director of the addiction-recovery program I Can't, We Can, told the Baltimore crowd when they reassembled indoors for a pep talk and marching orders on how to reach their goal of regaining the vote.

In Virginia, where roughly 270,000 convicts are disenfranchised, officials are considering whether to loosen a lifetime voting ban on felons.

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Only the governor can restore a Virginia felon's vote, but lawmakers widened the road in 2000 when they gave circuit courts power to grant preliminary approval to nonviolent felons who ask to regain that right, to begin the review process, and make a recommendation.

And Virginia's crime commission has recommended changing the state's constitution to let the legislature pass laws governing the civil rights of nonviolent felons.

The Virginia General Assembly would have to vote in 2003 and 2004 to grant itself the authority and voters in the 2005 election would have to agree to give lawmakers that power.

"We recognize that politically we're on thin ice — critics will argue that it's a soft-on-crime measure," said delegate Brian J. Moran, Alexandria Democrat. "But there's bipartisan recognition that a lifetime ban is too severe [for] people who have been rehabilitated."

But some lawmakers say people convicted of crimes such as murder and rape have broken their contract with society and should not regain some rights.

"Certain people should never stop paying for their sins, even if between them and their Maker the slate is clean," said Sen. Timothy R. Ferguson, a Maryland Republican who represents Carroll and Frederick counties.

Virginia State Sen. Kenneth Stolle said punishment should— but does not always— fit the crime in Virginia, where any felony conviction permanently revokes a person's right to vote. But Mr. Stolle, a Virginia Beach Republican and chairman of the Courts of Justice Committee, said taking civil rights from convicts is justified, if their crimes denied victims' basic civil rights.

### **High stakes**

Seldom have the social and political stakes surrounding ex-prisoners been higher.

In 2002, a record 630,000 prisoners are expected to be released, a surge generated partly by the get-tough criminal policies that started overcrowding prisons in the 1980s.

Few understand that better than Maryland Secretary of State John Willis. In engineering a redistricting plan for Maryland, the Baltimore Democrat tried unsuccessfully to preserve the city's legislative clout, despite its loss of residents — and voters — to drugs and crime.

"We're talking about another 50,000 to 60,000 people in the city that could help hold on to the city's political power," Mr. Willis told activists at the parking lot rally in Baltimore.

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Delegate Salima Siler Marriott told the crowd they must press gubernatorial candidates to extend felon voting rights and push them to pay for more drug treatment and transitional housing. They should also work against candidates who oppose those goals, Mrs. Marriott, a Baltimore Democrat, told the crowd near the end of a two-hour meeting.

Modeling their strategy after efforts that won the vote for felons on probation in Connecticut last year, Maryland advocates said they also will mount aggressive voter-registration drives. They also plan to visit Maryland prisons to urge inmates to enlist their families and friends to vote for candidates who support restoring the vote to felons.

"They are coming home sooner or later, whether you like it or not — and how they come home matters," Mr. Maurer said.

### **Potential boon for Democrats**

Voting rights of felons are governed by state law and vary widely. The District's policy of letting felons vote if they have finished their sentences or are on probation or parole places it with more than a dozen states that allow convicts to vote unless they are in prison. About 9,000 inmates in the city are barred from voting.

Former D.C. Mayor Marion Barry used that city law when he sought re-election in 1993 after his misdemeanor cocaine-possession conviction — he courted the ex-con vote and won another term.

Restoring the vote to felons would help Democrats get elected, studies indicate. In an analysis completed before the 2000 election, sociologists Christopher Uggen of the University of Minnesota and Jeff Manza of Northwestern University concluded that increased disenfranchisement — largely of poor people and particularly minorities — has helped Republican candidates since the mid-1980s.

Mr. Uggen and Mr. Manza used data from the National Election Study and the Current Population Survey to estimate how many felons would vote and for whom.

They estimated that 31 percent of felons would cast ballots in presidential and 17 percent in nonpresidential election years, rates lower than the general population. They also found that about 70 percent of felons would back Democrats.

If felons had been allowed to vote in Virginia, Texas, Florida, and Georgia since 1978, Democrats would have won enough seats to put their party in control of the U.S. Senate in 1986 and keep it there, according to the Uggen-Manza study.

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Like Virginia, Florida is among eight states where conviction of one felony forfeits a person's right to vote forever, unless it is restored by an official act such as a pardon.

In an upcoming book, Mr. Uggen and Mr. Manza report that if the 200,000 Florida ex-convicts who finished their sentences had been allowed to vote, Democrat Al Gore would have snagged 18,000 more ballots — enough to win Florida's 25 electoral votes and the presidency in 2000.

### **Casting votes anyway**

However felons have voted in many states, including Florida during the 2000 election, because there is no reliable way to check their status and stop them.

Maryland state elections administrator Linda H. Lamone said election officials in her state and elsewhere have to rely on statements voters sign under penalties of perjury because they have no sure, swift way to verify that persons do not have disqualifying convictions.

Virginia's more centralized information systems and simple, one-felony disenfranchisement policy make verification easier, if not foolproof, said Larry Wood, a consultant for that state's elections board.

Still, in states where ex-convicts are allowed to vote, many do not — probably because a confusing patchwork of policies across states has led them to believe they are ineligible.

In February, however, the U.S. Senate rejected a proposal that would have overridden state laws to let ex-convicts nationwide vote in federal elections.

A few states are bucking the trend and making it harder for felons to vote. Inmates won't be casting ballots in New Hampshire this year after that state's highest court overturned a lower court decision that let inmates vote in the 2000 election. Utah and Massachusetts recently repealed laws allowing prisoners to vote.

In 1997, Massachusetts Gov. Paul Cellucci, a Republican, pushed to repeal voting rights for prisoners. After Massachusetts prisoners started organizing a political action committee, Mr. Cellucci issued an executive order that stopped them from raising money for their political efforts. The legislature put the question on the ballot, and Massachusetts voters revoked prisoners' voting rights by amending their state constitution in the 2000 election.

"This was not designed to limit the impact that prisoners have on law-abiding society — but why should they have an impact?" asked Darren Johnson, spokesman for Massachusetts House Minority Leader Francis Marini, a Republican who led the effort in the legislature to stop inmate voting.

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### **'Would like to be involved'**

Critics say disenfranchisement laws in some Southern states, including Virginia and Maryland, are holdovers from Jim Crow-era efforts to keep blacks from voting. Some say laws like Maryland's — which bars offenders from voting for a wide range of so-called "infamous" crimes involving acts of deceit from murder to passing a bad check — are unfair and don't fit the crime.

Some also argue that making offenders pay fines or restitution before letting them vote is an unfair financial bar because it is difficult for offenders to get jobs that pay enough for them to live on.

Archie Hill, a recovering addict and former drug dealer from Baltimore who turned to robbery after a police raid closed down his drug supply, said ex-cons deserve a chance to participate in the democratic process.

He now runs Barnabas Ministries, a program focused on the spiritual and practical lives of felons and addicts.

He takes his sons to Annapolis when he lobbies for felon rights "so they get to see who I am and not who I used to be."

All this has made an impression on his teenage son, who insisted on addressing a committee in the state Capitol this year although organizers had limited speaking time for the hundreds of bill supporters who attended.

Hill's son said things have changed since his father quit drugs and began leading a useful life.

"He teaches me and my friends," Hill recalled his son telling a House committee. "But as soon as he gets his act together you-all start messing up. How is he going to teach me to vote?"

Restriction of voting rights is estimated to disenfranchise about 13 percent of black men nationwide, a proportion about twice that of the general population.

Teresa Williams has five felony drug possession convictions. She is in a job training and drug abuse recovery program.

"I would like to be involved in voting for my children's future," said Miss Williams, who has two children, ages 7 and 9. "I have to pay taxes, why can't I vote?"

Sen. Ulysses Currie, Prince George's County Democrat, said lawmakers need to step up for people such as Miss Williams.

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"There are 50,000 kids whose fathers and mothers are in [Maryland] institutions if any of those guys come out, you'd want them to assume responsibilities for their lives and their kids. Voting is part of that responsibility," Mr. Currie said."

### *Activity 2:*

Organize a mock press conference about a bill in a state legislature that will guarantee the right to vote for a convicted felon who has served his or her sentence. Select one member of your class to be a conservative senator deeply concerned because "The criminals will be electing the judges." Select another to be a liberal Senator concerned about disenfranchising young black males. Select a third to be a history professor invited to speak about historic efforts to keep black voters from the polls. Select a fourth to be a criminal law judge concerned about the percentage of repeat offenders and the apparent failure of rehabilitation efforts. Select another team of students to be the reporters who will grill the experts.

**Note to teachers:** The conservative senator is concerned because making it easier to vote means more votes for Democrats. The liberal senator believes reducing opportunities for fraud is just a desire to reduce opportunities to vote. The history professor has the credibility to speak on efforts to disenfranchise blacks all through history. The criminal law judge is concerned the criminals will get to elect the judges. The number of repeat offenders and the failure to rehabilitate is relevant because by giving felons the right to vote (assuming they have paid their dues) raises the question of whether you are really giving the right to vote to those who are really still criminals.

What research will the reporters do about how this problem is handled in other states? about the pros and cons of the question? about the efforts in your state to enfranchise felons? What questions does the special report from *The Washington Times* raise that you believe require further investigation? How does your state treat former felons on Election Day? Are there bills to restore their right pending in your state legislature?

Invite members of your local media to attend your mock press conference.

What questions will the local media ask? Are they as well informed as the "members of the press?"

Check to see whether your local public access TV station would like to carry your mock press conference on the air. If the public access TV station is willing, assign students to make posters and other promotional materials to distribute in public areas. (Have students get permission to hang up posters or pass out flyers.)