

Second-Class Citizens: The Case Against Felon Disenfranchisement

At the age of 16, Angel Sanchez was sentenced to thirty years in prison. Sanchez, a first-generation immigrant, was pressured to join a gang and looped into crime early on. Only a teenager, he soon found himself forced to choose between being killed or going to prison, deciding with the latter. Once there, however, Sanchez turned his life around, learned he could appeal his sentence, and made plans to go to law school after being released. But it was at his job in the prison library that Sanchez first learned about felon disenfranchisement (Jaafari). In Florida with some of the harshest felon voting restrictions, his actions as a teenager would label him as a second-class citizen for the rest of his life. He had lost his right to vote before he even had it. Since then, Sanchez has been advocating for Florida Amendment 4 which restores voting rights to most felons after completing their sentence, passed in November of 2018 (Florida State). In fact, recently many states have been revising their felon disenfranchisement laws, leaving Iowa as the only state with no means of voting rights restoration (Uggen *et al.*). Clearly, most Americans believe that felons ought to regain the right to vote as part of their reintegration into society. On the other hand, only two states, Maine and Vermont, allow felons to vote while in prison. The question is, why are states so hesitant to extend the right to vote to those still serving their sentence? As citizens of the United States who are counted toward the population and who disproportionately represent minority groups, prisoners should be allowed a voice in our elections. Barring them from voting systematically misrepresents minority populations and violates American democratic principles.

Although they lack the right to vote in elections of any level, inmates are counted towards the population of their city, county, and state, giving undue representation to those areas. The

Minnesota Correctional Facility in Stillwater has a population of 1,564 inmates (Minnesota). Although many of these prisoners' homes are far removed from the facility and would not consider the prison their "residence," the U.S. Census Bureau still considers them to be residents of the prison location (Bureau). Stillwater itself only has a population of about 19,500, meaning prisoners account for one-eighth of the total population (U.S. Census). A voiceless one eighth, Washington County and the state of Minnesota receive additional representatives in government for a group of people without a say in their elections. Unfortunately, there is no simple solution to this modern-day three-fifths clause. A prisoner's residence could be determined a number of ways: where the prisoner lived at the time of arrest, where their family members currently reside, or even where they want to live upon release. Determination on this case by case basis would be excessively tedious while simply not counting inmates at all would reduce them to something less than human. And yet, the city of Stillwater should not be allowed to reap the benefits of increased representation without also giving their prisoners the right to vote. Giving a voice to the silent eighth is the only way to restore accurate representation in government.

Additionally, felon disenfranchisement disproportionately affects people of color, further detracting from groups already underrepresented and discriminated against. Today's prisons are a majority Caucasian, but still contain 38% African Americans, representing only 13% of the total U.S. population (Pearl). This means that, of the 6.1 million Americans who cannot vote due to felony disenfranchisement, 2.2 million of them are black. As of 2016, as many as 1 in 5 black adults lack the right to vote in states like Kentucky and Tennessee (Uggen *et al.*). Historically, felon disenfranchisement laws gained popularity after the Civil War and the ratification of the 14th and 15th Amendments. From the beginning, disenfranchisement laws worked to limit the

number of eligible black voters by targeting crimes thought to be more frequently committed by black people like burglary, but not murder (Holloway). Today we see the war on crime and the war on drugs as a more indirect method of minority disenfranchisement. Currently, drug-related offenses account for the incarceration of around half a million people and once again disproportionately represent the black community. In fact, African Americans are four times more likely to be arrested for marijuana possession than their white counterparts (Pearl). Thus, we see that stripping felons of their right to vote has an amplified effect on minorities who already suffer from underrepresentation in government. In reality, who better to advocate for the decriminalization of marijuana than the very people who have suffered most in our prejudiced system.

Above all else, prisoners remain citizens of the United States despite having broken the law and should, therefore, retain their core citizenship rights. Granted, prison is a form of punishment in which prisoners lose many of their rights such as the right to move freely. However, prisoners retain all of their core citizenship rights laid out in the first amendment, the right to a fair trial, and the right to due process of law. Missing from this list of core values is the right to vote freely, the only of these rights with an effect on the outside world. Although prisons are thought of as a method of removing a threat from the public, there are two problems with using this purpose to justify disenfranchisement. First, a very small percentage of incarcerated people are terrorists and serial killers, while drug and property-related offenses make up the largest percentage (Sawyer & Wagner). Further, all punishments are by nature arbitrary. Like Florida's Amendment 4, it's easy to draw the line at restoring rights to murderers and violent sex offenders (Florida). Additionally, granting inmates voting rights would look very different than,

say, the right to bear arms, and pose an exponentially smaller threat to the public. But if we fear our prison populations are so high that felon votes would have a substantial effect on our elections, it indicates some major flaws in our justice system. The right to vote remains a core citizenship right that defines our democracy and poses little threat to the public.

With the highest incarceration rate in the world, U.S. prisons matter. Those 6.1 million American citizens who lack the right to vote matter. People like Angel Sanchez, stripped of his right before he could even exercise it, matter. Students in this country, particularly minorities, face the overwhelming threat of the school-to-prison pipeline, and by extension, the threat of life as a second-class citizen. Counting inmates towards populations but giving them no say in elections, disproportionately incarcerating minorities, and revoking core citizenship rights from citizens are all unacceptable consequences of felon disenfranchisement. In a country where a vote is a voice, we cannot allow 6.1 million people to remain silent.

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