

FELON DISENFRANCHISEMENT AND ITS ACTORS

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Incarcerated felons should never lose their right to vote, because disenfranchisement is rooted in outdated criterion and arbitrary stereotypes which do not satisfy the intent of rehabilitation. In the last election, an estimated six million voters were lost due to felony disenfranchisement¹. The policy has a history in America that perpetuates racism at the polls. It's intention is rooted in keeping African Americans from using their voice², and this continues to happen today: one out of every thirteen African Americans is disenfranchised nationally³. It is time for voting rights to be restored to all convicted persons in Oklahoma and the rest of the country. There are many actors involved in this issue on either side of the topic. They interact with each other in order to push their agenda forward. There are four main barriers that prevents voter restoration policy from moving forward on to the agenda: politicians, current voters, prisons, and the media. On the other hand, there are many sides advocating for a reform: convicted felons, disenfranchised groups, activists, the ACLU and other lawyers, scholars, and the media.

Politicians are one of the more prominent barriers in the continuation of felon disenfranchisement. It is difficult for them to get reform on the agenda because the constituency backing the problem is so small, and it would take too much time to pursue it without the chance of getting re-elected by the constituency who pushed it. Additionally, they are in a place of power which, possibly not knowingly, relies on the existence of a lower voting class in order to maintain power. This builds off of the core belief that not all people can be good or prosperous,

¹ 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016." *The Sentencing Project* (Accessed October 01, 2018).

² Andrew Dilts, *Punishment and Inclusion* (New York: Fordham University Press, 2014), 9.

³ "Felony Disenfranchisement: A Primer," *The Sentencing Project* (accessed October 01, 2018).

and that there is a set caste system in society. Philosopher Michel Foucault labels this as the socially constructed identity of the biographical delinquent—a person born to be a troublemaker⁴.

The delinquent establishes its identity in the prison system, which is a separate actor from the politicians. Private prisons run on prisoners, so if less people are in prison, they are not making as much money. This is a reason that prisons are unwilling to find a plan to return voting rights to prisoners, because if a felon does not gain citizenship after being released, they are more likely to feel disconnected⁵ and this might motivate them to commit crimes again. However, the biographical delinquent lives and breathes in the prison system, because it was created to maintain the power relationship between citizen and the ruling class⁶.

Current voters and citizens apply construed impressions to the problem. They have been fearmongered by the media into thinking that bad guys are always bad. Andrew Dilts discusses this lasting impression of the bad guy versus the good in his book, “Punishment and Inclusion” which is a prominent in analyzing the philosophy behind felon disenfranchisement. He describes the idea of a thief as always being a thief, as if they will never be able to change⁷. While these ideas are reaffirmed by aforementioned prison systems and politicians, the publics’ inability to declassify their idea of a felon contributes to the problem.

Convicted felons and the activist groups that support them are the first and most obvious actor supporting reform policies. They have the most first-hand understanding of how difficult it is to apply for voter registration and the multiple hoops required to jump through in most states to register to vote with a felony on your record. The NAACP as well as The Sentencing Project

⁴ Andrew Dilts, *Punishment and Inclusion* (New York: Fordham University Press, 2014), 32.

⁵ Andrew Dilts, *Punishment and Inclusion* (New York: Fordham University Press, 2014), 45.

⁶ Philosophy Tube. *Foucault: Crime, Police, & Power* | *Philosophy Tube* (Youtube, 2017), 04:11.

⁷ Andrew Dilts, *Punishment and Inclusion* (New York: Fordham University Press, 2014), 38.

have had the most headway in educating the public. The NAACP has spoken out, calling it the modern day poll tax⁸, while The Sentencing Project has conducted numerous studies analyzing the injustice of felon disenfranchisement. They advocate to defend human rights, sympathize with those who have lost their rights, and educate the public.

Other disenfranchised groups such as migrants and racial groups contribute to the case against disenfranchisement as a whole. Because non-citizens cannot vote, even if they live in the United States, it provides a strong argument to defend the rights of convicts, because it is stripping the rights that they already constitutionally had. This puts them on par with people who have not ever had citizenship. Advocates for immigrant voting contribute to the conversation by analyzing the constitution and defending voting rights as a whole.

From a legal standpoint, the ACLU has taken the position against felon disenfranchisement in the case of Florida⁹. Lawyers help to defend felons restore their voting rights and create literature that explains each situation in terms of the constitution. This is contributing to public knowledge of the issue and giving legal reason for more people to agree to reform.

Sociologists and psychologists who analyze rehabilitation give input to the situation. If the true intention of prison is to rehabilitate prisoners rather than punish them and push them deeper from the norms of society, then social scientists would agree it isn't doing a great job. Incarceration doesn't help the citizen fit in, it removes the felon further from the norms of

⁸ Andrew Dilts, *Punishment and Inclusion* (New York: Fordham University Press, 2014), 3.

⁹ Dale White. "Making a case for felons | Lawyer and ACLU official pitch path to restore voting rights". *Sarasota Herald Tribune (Florida)*. November 10, 2015 Tuesday. <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5HBN-SKB1-DY37-415P-00000-00&context=1516831>. (Accessed October 16, 2018)

society and reimagines them as a different kind of citizen¹⁰. Likewise, taking away their voting rights only reminds them of this different citizenship¹¹, which cannot be productive in their rehabilitation process. By viewing the situation from a broader point of view, social scientists allow the public to rethink their perception of the issue.

Lastly, the media plays a key role on both sides of the issue. News media has highlighted the personal distress that has come from an inability to vote. In Oklahoma, the stories of the disenfranchised public has been documented by newspapers, but they also explain what the public can do to help the situation¹². However, the media has also perpetuated the fearmongering of the bad guy through entertainment media.

¹⁰ Andrew Dilts, *Punishment and Inclusion* (New York: Fordham University Press, 2014), 44.

¹¹ Andrew Dilts, *Punishment and Inclusion* (New York: Fordham University Press, 2014), 45.

¹² Penny Cockerell, "Felons can vote again; many don't know the rules," *The Oklahoman*, August 21, 2006, Monday; <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:4KPN-MFF0TWD7-X3DJ-00000-00&context=1516831> (accessed October 1, 2018)

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