



The Ex Factor

Prison-reform groups work to educate former felons on their voting rights. *By Dan Frosch*

THE RED-FACED MAN SLOWS HIS SHOPPING CART of empty beer cans and stares in disbelief at the white form just thrust into his hand.

"I can't," he mutters, shaking a head of unkempt, yellowish hair. "They told me I can't."

Caylor Roling, a tall, bespectacled young woman, who chased down her new friend through a crowded Food 4 Less parking lot, shakes her head back.

"That's not true," she almost shouts. "In Oregon, even if you have a past felony conviction, you can!"

Roling—an organizer with the Western Prison Project (WPP), a prison reform group in the midst of a voter registration drive aimed at convicted felons—smiles as the man trots away, curiously eyeing the registration form she's handed him.

Since the 2000 election, a wellspring of attention has focused on felony disenfranchisement. Currently, nearly 4 million Americans cannot vote because

they're incarcerated or live in a state that strips felons of their voting rights even after they've been released, according to The Sentencing Project, a Washington D.C.-based prison reform organization.

But what of the millions of felons in the United States who can vote? Aside from Maine, Vermont and the District of Columbia, which allow all residents to vote even if they're locked up, 34 states let felons go to the polls at some point after their release. According to experts, however, the majority of these ex-felons probably don't, thanks to complex suffrage laws that differ by state, coupled with a dearth of information about those laws.

In New York, for example, parolees can't vote but those on probation can; in Oregon anyone can vote once they're out of prison; and in Washington, only ex-felons convicted after 1984 can vote, and they have to complete parole, probation and pay any outstanding fines first.

Ex-felons oftentimes have no idea that they've been re-enfranchised, and when they do try and vote, clueless election officials in some cases have refused to let them.

This election year, no one's taking any chances. Prison reform groups like WPP, along with voting rights organizations, are working in unprecedented numbers across the country to educate and register ex-felons and to ensure that election officials get it right. Particularly in swing states like Oregon that grant unconditional suffrage to ex-felons—Al Gore squeezed out a victory here by just 6,700 votes in 2000—the effort conceivably could impact the election.

Christopher Uggen, a sociologist at the University of Minnesota, says there are probably close to 9 million ex-felons in the United States. “Many are still unaware that their rights have been restored or are hesitant to vote because they would not like to risk being turned away at the polls,” he told *In These Times*.

While it's difficult to predict the voting patterns of a population that hasn't yet flexed its political muscle, Uggen estimates that, based on sex, age, race, marital status and income, some 70 percent to 80 percent of all ex-felons (and felons) in the United States would vote Democratic. This is in large part because a tremendous percentage of those who are or have been incarcerated are black (See page 8, “Prison in the Cards”), 90 percent of African American voters cast their ballots for Gore in 2000.

WPP's campaign, called the VOICE Project, is focusing on Oregon, Montana, Utah and Nevada. Since 2002, organizers have been registering voters at halfway houses, canvassing areas identified as having a high percentage of ex-felons, and disseminating information through probation and parole officers—not to mention calling elections and corrections officials to make sure they don't screw it all up.

In Oregon alone, WPP Executive Director Brigitte Sarabi says there are about 30,000 men and women on parole, probation or under some sort of post-release supervision, and thousands more with felony convictions, most of whom have no idea they can vote.

“Felons are always told what they can't do when they leave prison,” says Cassandra Villanueva, an organizer for WPP and herself an ex-felon who was unaware of her rights until she contacted the group. “But they've never been told what they can do.”

According to Jessie Allen, associate

counsel for the Brennan Center for Justice at the New York University School of Law, often there's also “ignorance and stereotyping” on the part of election officials when ex-felons try to vote. In 2002, the Brennan Center discovered that during local elections in New York about half of the county election boards were asking ex-felons to present fictitious documents proving they'd completed their sentences. According to Allen, lawyers from Brennan met with state election officials in an effort to inform them of their own rules.

Two years later, Allen says she's concerned that some election officials in New York and elsewhere across the country are still in the dark.

“It's safe to say that many election officials still don't know the rules of the states where they work,” Allen notes. “People are very confused right now.”

Late last year, Connections, a Montana prison reform group that's participating in WPP's registration drive, sent surveys to 10 county election officials and 10 parole and probation officers, asking whether ex-felons in the state of Montana are allowed to vote.

The majority answered that ex-felons couldn't—a stupefying revelation, considering that for the past 34 years state law has granted suffrage to all convicted felons from the day they're released.

“They failed miserably,” says Casey Rudd, Connections' executive director. According to Rudd, 385 ex-felons also were surveyed, and the overwhelming majority was convinced they'd lost their voting rights as well.

Disturbed by the results, Connections has met with local corrections officials, doled out information to those who'd botched their survey and dived headfirst into WPP's campaign.

On a recent trip to two transitional houses in Salem, Oregon, in the shadows of the state's capital building, Villanueva and Roling registered six young women fresh out of prison or drug treatment centers in a matter of minutes. One, 27-year-old Misty Frank on probation from a felony narcotics possession charge, had never registered before. She was both shocked and enthused that she could.

Says Sarabi: “Once you've taken their rights away, it's amazing how many ex-felons want to exercise them.” ■

DAN FROSCH, an award-winning journalist, writes on criminal justice issues and the courts for *In These Times*.

Florida: The Next Florida?

Florida has not been doing enough to help felons get their civil rights restored after being released from prison, the Tallahassee Court of Appeals ruled unanimously on July 15.

Florida is among only 12 states that deny felons the right to vote even after they are released from prison; those rights, however, can be restored through a hearing before the Florida Clemency Board. The Court decided that, upon release, inmates must be aided in filling out applications to regain voting rights.

The ruling was applauded by local elections officials, civil libertarians and even Gov. Jeb Bush—who expressed eagerness to comply with federal elections standards this year. But Howard Simon, executive director of the Florida ACLU, insisted on being a party-pooper: “At what point is the governor going to say that this is a cost that's just not worth it?” he asked.

About a week later, it turns out.

On July 23, Bush's office announced that it would discontinue using the form, citing the “strain on personnel resources” that the high volume of paperwork would create. The governor's office argues that the form is unnecessary, because as inmates leave prison a digital application for a re-enfranchisement hearing is made on their behalf. The Clemency Board will review individuals' electronic applications and will notify each one as to whether he or she may get back their voting rights. Soon.

Critics might balk at this solution, given that “computer glitches” in voter rolls aren't new in Florida. Just a week before the court's recent decision, local elections officials were ordered to scrap a faulty state-issued database of 48,000 disenfranchised individuals that was created to correct a previous set of faulty voter rolls in accordance with a federal ruling. Citizens who had never been convicted raised questions when they were notified that their voting rights had been revoked.

“Why don't we simply get rid of this Civil War era Jim Crow law?” says Leon Country Supervisor of Elections Ion Sancho.

—Alix Rule

Prison in the Cards

Many black men face a rough new rite of passage. *By Silja J.A. Talvi*

ACCORDING TO TWO recent research studies, the path that awaits young, undereducated African-American men is more likely to lead them to prison than anywhere else.

In fact, with the expansion of the nation's sprawling prison industrial complex since the 1980s, things have gotten far, far worse for black men everywhere.

Consider that in 1954—the year that the Supreme Court weighed in favor of desegregation with their *Brown v. Board of Education* decision—an estimated 98,000 African-Americans sat behind bars. Today, that figure stands at 884,500, or

nine times the number of black men and women incarcerated at the advent of the Civil Rights movement.

Given current trends, one of every three African-American men born today can expect to go to prison in his lifetime. According to the authors of The Sentencing Project's recent report, "Schools and Prisons: Fifty Years After *Brown v. Board of Education*," the situation is largely attributable to the War on Drugs, particularly the grossly disparate crack and powder cocaine federal sentencing guidelines. Despite a U.S. Sentencing Commission recommendation to fully eliminate

such sentencing differentials, these guidelines have been supported by both the Clinton and Bush administrations.

Imprisonment is now so common for young men of color that it serves as a veritable rite of passage. And no community has been as badly impacted as African-American inner city neighborhoods, leading to a phenomenon that many sociologists have begun to call the "mass incarceration" of young, low-income black men.

"American society loses the contribution of those men going to prison, in their roles as parents, workers, and citizens," says Professor Bruce Western,

professor of sociology at Princeton University.

Along with University of Washington sociology professor Becky Pettit, Western recently co-authored an extensive research study, "Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration," which was first published in the *American Sociological Review*. Their study, conducted over a period of several years, demonstrates conclusively that African-American men are now more likely to end up in prison than to earn a bachelor's degree or even serve in the military.

"I think the findings also indicate an institutional failure," says Western. "The idea of universal rights of citizenship, social membership, is a central part of American political culture, yet mass incarceration has systematically limited the full

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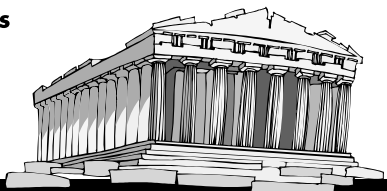
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