

Should Prisoners and Ex-Felons Be Disenfranchised?

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Introduction

In the U.S., the right to vote has become an integral part of becoming an adult. As soon as a person turns 18, they immediately get online to sign up to vote. In the past few years, the emphasis on voting has become much stronger, and people are sometimes looked down on when they tell others that they have not voted. There is a belief that everyone in the United States can vote, and so if they want to have an opinion on something, then they first need to vote. Contrary to popular belief, however, the right to vote is not given to every person. For many prisoners and ex-felons, the right to vote is either taken away for a set period of time, or it is taken for the rest of their lives. By taking away this right from specific groups of people, such as prisoners and ex-felons, there may be more consequences to society than benefits.

This article will discuss the pros and cons of prisoner disenfranchisement, the retributivist and rehabilitative views towards prisoner and ex-felon voting rights as they are explained by Dhimi (2005), as well as the ethics that go into the disenfranchisement of certain groups of people in the U.S, such as prisoners and ex-felons. The research conducted for this article discusses young peoples' views on prisoner and ex-felon disenfranchisement and helps to give an idea of how we may see disenfranchisement in the future.

Literature Review

The literature discussed in this review comes from both academic and non-academic sources. One is not any better than the other, and both have been useful in the writing of this paper. The main difference between the two is that an academic source has been heavily peer

edited while the non-academic source is more for the general public and has not been edited with the same intensity as the academic sources.

The patterns found throughout these sources showed three sections that ask important questions: who is disenfranchised, should specific groups, such as prisoners and ex-felons, of people be disenfranchised, and what are the consequences of disenfranchising these groups of people? These questions are imperative when it comes to the discussion of whether to continue or end disenfranchisement in the U.S. and beyond.

Who is disenfranchised?

What is disenfranchisement? The Miriam-Webster dictionary states that disenfranchisement is to “deprive of a franchise, of a legal right, or of some privilege or immunity especially: to deprive of the right to vote”. This group of people can be anyone deemed “unworthy” or inaccessible to attend polling booths. In order to truly understand disenfranchisement, the sources found and discussed in the following address disenfranchisement both worldwide and within the United States, which gives readers a broader sense of how disenfranchisement works on people everywhere.

The disenfranchisement of prisoners and ex-felons is not exclusive to the United States. In fact, many countries disenfranchise prisoners for certain amounts of time, but in each country, there are different stipulations. Dothan discusses countries all over Europe and their differing disenfranchisement laws. In Romania, for example, prisoners are not allowed to vote if they were sentenced to two years in prison, or if they were specifically disenfranchised. Other countries, such as Luxembourg have laws stating that those with 10+ year sentences lose their right to vote permanently (2016, p. 6). In Canada, the government views disenfranchisement as an enhancer

of civic responsibility and respect of the law, and believes that it provides additional punishment (Dhami, 2005, p. 237).

The United States also disenfranchises their prisoners and ex-felons. In 1974, through *Richardson v. Ramirez*, the court ruled that prisoners could be barred from voting without any issues of violating the fourteenth amendment (Dhami, Mandeep K., 2005, p. 237). Dhami (2005) references a previous study that estimates that, “around 4 million Americans are disenfranchised, and over 1 million of these individuals have completed their sentences” (Fellner and Mauer, 1998). In fact, the NCSL provides that, in 21 states, prisoners lose their right to vote while incarcerated as well as during probation and parole. After that time voting rights are restored, though ex-felons may have to pay fines before their rights are returned. In 14 states and in D.C., prisoners lose their voting rights only while they are incarcerated and get them restored once

Should prisoners and ex-felons be disenfranchised?

Is the right to vote a human right? Dothan (2016) discusses in depth about the right to vote being seen as an inalienable right. In the August Case in South Africa, the Constitutional Court stressed that universal suffrage is uniquely fundamental (p.10). However, most countries see the right to vote as something that can be given and taken away according to people's actions.

The arguments for and against disenfranchisement have very distinct claims. Found in two non-academic articles, these articles, one from a blog and the other a popular news outlet, have strong, opposing opinions about the disenfranchisement of prisoners and ex-felons, and about whether or not they should have the right to vote. Right away, Clegg and Spakovksy (2018), authors of the blog post, throw out the popular opinion for why prisoners should not be allowed to vote, "If you're not willing to follow the law, then you should not have a role in making the law for everyone else, which is what you do when you vote — either directly (in the case of a referendum or ballot initiative) or indirectly (by choosing lawmakers and law enforcers)," (para. 1). On the other end of the spectrum, Timm (2018), a writer for NBC news, discusses Joseph Jackson, a man who was incarcerated in Maine, one of the two states in the U.S. where prisoners do not ever lose their right to vote. They discuss how important it is that we allow prisoners to vote, and Jackson talks about how being able to vote from prison has put him on a better path for rehabilitation, saying that, "having some sense of community and being part of the society is really necessary," (para. 8). Both of these views are important as we need both in order to understand how disenfranchisement is seen. On one hand, disenfranchisement is a punishment to those who have broken the law. On the other, disenfranchisement helps to deepen

actually stop crime but increase it. That is because by taking away a prisoner or ex-felon's right to vote, the individual becomes separated from society in many ways. This nation is very politically involved. By taking away what many in our society believe is a crucial part of being American, there is no doubt that the individual would feel ostracized and after being separated may have difficulty with trying to re-immense themselves back into society politically. Likewise, by revoking their right

felons are not allowed to vote, we may never really know, as their voice in the matter had been revoked once they were imprisoned.

The literature discussed in this section has shown two main concepts of disenfranchisement: the retributivist concept, and the rehabilitative concept. Both points of view are very different but have good arguments that back up their claims. For example, the retributivist concept asserts that those who are and have been imprisoned have, in many cases, broken the law and deserve punishment. However, as the rehabilitative concept points out, taking away an individual's right to vote may not be the best way to punish or prevent future crime.

Methods

Participants & Sample Selection

For my study, I interviewed other college age students, ages 18 and up. I decided to interview this specific group of people, because I believe it's important to know about how the next generation to be in charge of our country feel about things like prisoner and ex-felon disenfranchisement so that we can gauge how that disenfranchisement will look in the future. As mentioned above, election outcomes may have been very different had enfranchisement laws allowed prisoners to vote (BigThink Editors, 2010 para. 7). Though this an example of enfranchisement possibly changing the past, it's a very good example to mirror into the future as well.

Survey/Interview Questions

When I started my research questions, my main point of creating them was to have them so that they promoted a conversation between myself and my participants. Many of these questions are based off of major points that were made in my different pieces of literature, and many of my sources either repeated these points or included them in their own discussions somehow. As discussed later on, I include questions like ‘do you consider the right to vote a human right?’, and ‘do you think that taking away the right to vote in order to punish is ethical?’ These questions taper off of Dothan’s (2016) questions about the ethics of disenfranchisement and the potential risks of disenfranchisement on democracy. I also include questions that relate to Dhami’s (2005) explanations on the retributivist and rehabilitative ideas. After reexamining my data I found that that question was one of the best at sparking a conversation between myself and my participants.

Data Collection Procedure

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Data Analysis Procedure

In order to thoroughly examine my data, I looked at major themes between my participants to get a real feel about how they feel about prisoner and ex-felon disenfranchisement. When reading through my participant's answers or the listening to the recordings of the interviews, I looked first at the most obvious theme, which was whether or not my participants agreed or disagreed with prisoner and ex-felon disenfranchisement. Once I got that theme, I looked for smaller ones that helped support my participant's original opinion and then saw how those smaller themes differentiated between participants. Because I had so few replies from my participants, I decided to compare them individually, as they are all so vastly different. However, once I started my data analysis, I found some comparable information, such as knowledge on disenfranchisement, views on it, and the like.

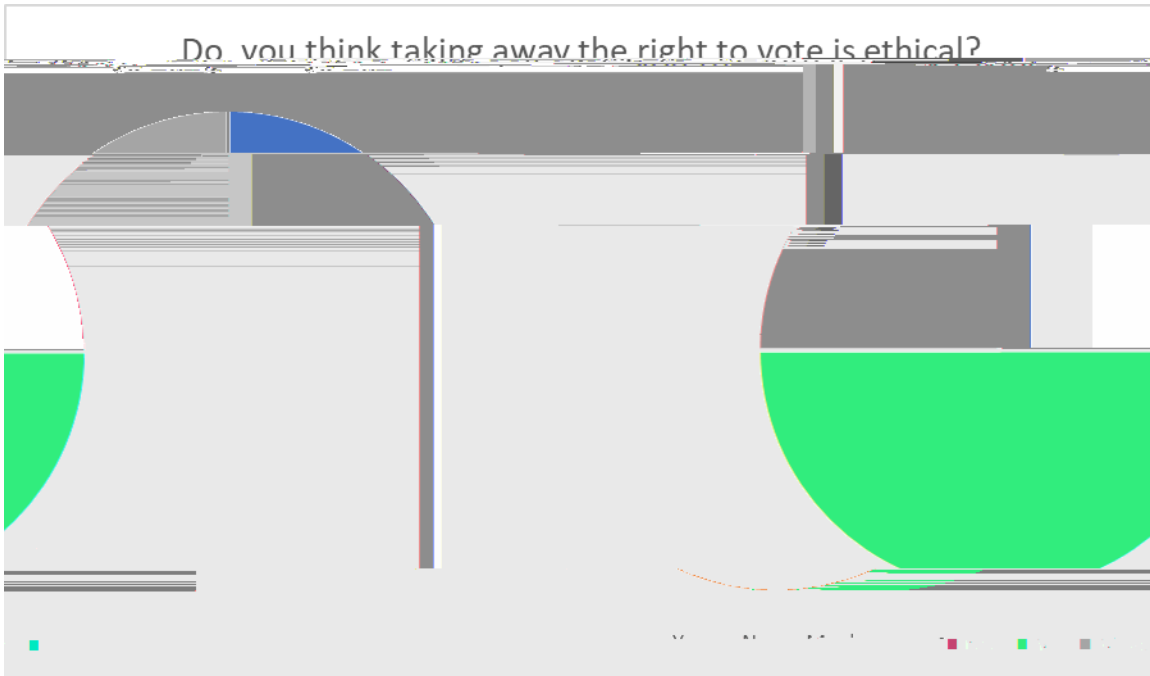
Findings

I found several apparent themes when I looked over my data. Out of the four people I interviewed, the most obvious theme was my participant's views on prisoner and ex-felon disenfranchisement. Interestingly enough, the opinion was split 50/50, with two who agreed with disenfranchisement, and two who did not. This meant that I now had two people who supported the retributivist idea – which means that they believed that prisoners do not deserve the right to vote because laws were broken – “I believe voting is a privilege, one that can be revoked if a crime of sufficient severity is committed”, and two people with the rehabilitative idea – which meant that they wanted to focus more on wanting to rehabilitate prisoners so that they could return to society more successfully, and that giving prisoners and ex-felons the right to vote

would be part of connecting prisoners with society – “I feel with the rehabilitative path, the prisoners and ex-felons would be encouraged to engage civically with society, which would then help break down their stratification”. Though these two views tend to differ greatly, some opinions do overlap later on in the data findings.

One of my participants, who stated that they agree more with the disenfranchisement of prisoners and ex-felons, also mentioned that they had never really given this topic a lot of thought and hadn't really researched it, because they just thought that it was common knowledge that prisoners and ex-felons are disenfranchised. This piece of information was very interesting, because it seems that, for many, the idea of “I thought it was just general knowledge” leads them to not really have the desire to research the topic more. Likewise, my second participant who agreed with disenfranchisement also had very limited knowledge about the disenfranchisement of prisoners and ex-felons in the first place. He said, however, that it makes sense to disenfranchise prisoners and ex-felons because, again, they have broken the law, but there should also be some exceptions to the law. For example, he mentioned that disenfranchisement should depend on the severity of the crime and should not last longer than the prison sentence.

A very shocking finding was the answer my participants gave when I asked them if they believed that the right to vote was a human right or a privilege. Again, two out of my four participants, those who followed more of the retributivist ideal, said that they believed that the right to vote is in fact, more of a privilege, not so much a human right. My first participant for disenfranchisement mentioned, “Since we live in a democratic republic, I do consider the right to vote a privilege. In certain cases, I believe people must be denied the right to vote to protect the majority”. When I asked if she believed that the right to vote was a privilege for a certain few,



My participants, along with whether the right to vote should be revocable, discussed the ethics of taking away prisoner and ex-felon's right to vote. Also touched on in my 'discussions' section, we talked about the ethics around disenfranchisement quite a bit. Two of my participants said that no, taking away the right to vote is not ethical. They stated that, even with exceptions, the main idea of taking away the right to vote from people is unethical. For example, going further than prisoners and ex-felons, they believe that the homeless and Native Americans not being able to vote is a huge issue that needs to be discussed along with prisoner and ex-felon voting rights. Alternatively, another participant said that yes, it is ethical because "if you perform unethical actions, you deserve to be punished and not be able to vote". My last participant was more in the middle, saying that taking away the right to vote during the individual's jail sentence is understandable, but it should not exceed the jail sentence. This discussion was very interesting because, for disenfranchisement, the idea of ethics can be a difficult one. On one hand, prisoners have done something wrong, and are going to prison to be punished. But when it comes to taking away their right to vote, something that Americans see as absolutely fundamental, the lines begin

to get a little blurry. My participants did a very good job with showing all sides of these lines, with one who firmly declared that those who are imprisoned have done something wrong and so taking away the right to vote is not a big issue, to two who said that any form of disenfranchisement is unethical, to lastly, our 'blurred line' participant, who said removing

conditional to the nature and severity of the crime—a murderer should be subject to the stripping of these rights, not a petty thief.”

The fourth participant said no, but also said that there should be exceptions. She like most of the other participants believed that the most severe crimes should be different but maintained that enfranchisement is number one. This conversation shows that my participants, regardless of whether they agree with disenfranchisement or not, believe that disenfranchisement should continue, but the exceptions include both the exclusion of non-violent offenders from the continued disenfranchisement, as well as the belief that disenfranchisement should not be continued except for those who commit major crimes.

All of these major points help to continue the discussion of disenfranchisement in the United States. My participants gave very useful information that has helped me gauge how we may see disenfranchisement in the future. Even with being originally split on who is or is against the disenfranchisement of prisoners and ex-felons, all of my participants had quite varying views on things like whether the right to vote is a human right, revocable, or how they themselves see prisoner and ex-felon disenfranchisement in the future.

Discussion

Throughout researching for this project, I have found many pieces of literature that discuss prisoner’s rights. Several of my sources are incredibly well written and relevant to today but are also several years old. I think that this topic is still important to research because it is still affecting thousands of people today. Likewise, knowing and understanding what young people think about disenfranchisement today is important when thinking about how disenfranchisement of certain groups of people, such as prisoners and ex-felons, may look in the future.

When discussing prisoners and ex-felons and whether they should have the right to vote, we must first address the ethics of disenfranchisement. Ruth, Matusitz, and Simi discuss the ethical considerations that must be had briefly in their paper Ethics of Disenfranchisement and

retributivist participants immediately said that taking away prisoner's rights can be seen as understandable or ethical, because, as one of the two participants said, "If you perform unethical actions, you deserve to be punished and not be able to vote". They believe that the right to vote is revocable if someone has broken the law.

Following the retributivist idea, we must also address the pros and cons of giving prisoners and ex-felons the right to vote. Dhami (2005), as well as several other sources assert that by disenfranchising prisoners and ex-felons, the rehabilitation process is being disturbed or ignored altogether, and this may be a huge factor into the constant recidivism that occurs within the United States. One of my participants who follow the rehabilitative idea mentioned that they "feel with the rehabilitative path, the prisoners and ex-felons would be encouraged to engage civically with society, which would then help break down their stratification". That means that having the right to vote as a form of rehabilitation would be a large pro for giving prisoners and ex-felons the right to vote, because it would promote their increased engagement with the rest of society – keeping them connected while they are on prison, and then making it so that they are not completely on their own once they leave prison.

article and are incredibly important when discussing voting rights and whether the should be

- Do you agree with it? Why?
- Do you not agree with it? Why?
- If you feel somewhere in the middle, can you explain?
- Why do you think we disenfranchise prisoners and ex-felons?
- Do you think that we should continue to disenfranchise prisoners and ex-felons?
 - Why or why not?
 - In some countries and states here in the U.S., disenfranchisement also depends on certain crimes that are committed. How might you decide which crimes warrant disenfranchisement and which ones may not? For example, murder versus petty thieves.
 - Prisoners are often “othered” and are considered separate from society – that’s often the idea of incarceration. Do you think that the lack of personhood given to prisoners and ex-felons has contributed to their continued disenfranchisement?
- Do you consider the right to vote a human right?
 - Would that include groups like prisoners and ex-felons? What about other groups of people in the U.S., including the homeless, and just recently, Native Americans?
- Do you consider the right to vote a privilege to a certain few?
- Do you consider the right to vote a revocable right?
- Prisoner and ex-felon voting laws vary incredibly from state to state. Should there be one set law for voting rights or should it be up to the states in order to decide on who can and cannot vote?

- Do you think that taking away the right to vote in order to punish is ethical? Why or why not?
- In the U.S., we vote in order to change things, and in many places around the country prison reform is something that is now being discussed. Do you think prisoners should be involved in voting, as well as the discussion about prison reform?
- Should felons have or lose any other rights – such as having a gun, access to housing, access to work, etc?
- The discourse around giving prisoners and ex-felons the right to vote often covers the retributivist and rehabilitative ideals. The retributivist view focuses more on the idea that prisoners and ex-felons have broken the law, and so they no longer deserve the right to vote. On the other end of the spectrum, the rehabilitative view focuses on the idea that by giving prisoners and ex-felons the right to vote, it may hopefully invoke

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Final Reflective Cover Letter

Dear Dr. Stewart,

To be honest, at the beginning of this semester I thought that writing a research paper was way

I'd like to think that my final article has turned out very well. I'm pretty proud of it, though I definitely have some weaknesses that hopefully I can correct more in the future. For example, like I had mentioned in our last D2L small group posts, I'm not the best at introductions or conclusions because I don't like repeating myself or I feel super repetitive. I know that sometimes that's very good in conclusions but I'm trying to figure out how to do it so it's more successful.

Revising my article taught me that making sure to double check your writing is very important. That way everything you're trying to say makes sense. For example, I was writing about several different viewpoints and ideas, so I need to make sure that I'm not getting things mixed up. I've also learned, and I think I've really mentioned this in every single cover letter, but it's important to put the literature into conversation with one another. Even now at the end of the semester, I think that is such a great concept and so hopefully with this final article I've shown that I can do that all right.

Thank you and I hope you have a great winter break!

Sincerely,

Raeann Motacek