

[ACROSS TOP OF ALL THREE PANELS:]

# SOCIAL AND RACIAL/ETHNIC JUSTICE: ENFRANCHISING PRISONERS, PAROLEES & PROBATIONERS

[CENTER PANEL, TWICE AS LARGE]

## DID YOU KNOW?

- The national and international picture:
  - Approximately 6.1 million Americans nationwide cannot vote because of their felony convictions<sup>1</sup>
  - Four states (Florida<sup>2</sup>, Iowa, Kentucky, and Virginia) impose a lifetime voting ban on all felons, although there's a process in place where, on a case-by-case basis, civil rights may be restored
  - Two states (Maine & Vermont) plus Puerto Rico never take away the vote from any felon, not even prisoners
  - The U.S. stands out from the community of democratic nations for systematically disenfranchising felons who are not incarcerated
  - Canada and almost half of European countries permit all incarcerated persons to vote

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<sup>1</sup> Danny Hakim & Michael Wines, "In Midterms, the Right to Vote Is Still at Issue as Partisan Hurdles Pile Up," NY Times, 11-4-2018, p. 22.

<sup>2</sup> On November 6, 2018, Florida voters approved Amendment 4 providing the restoration of voting rights "upon completion of all terms of sentence including parole probation," except for anyone "convicted of murder or a felony sexual offense," effective January 9, 2019.

- South Africa's Constitutional Court has ruled, "The vote of each and every citizen is a badge of dignity and of personhood."
- Facts about disenfranchisement in New Jersey:
  - New Jersey prohibits everyone convicted of a 1<sup>st</sup>-4<sup>th</sup> degree crime from voting while incarcerated, on parole, or on probation, but permits them to vote after the term of state supervision ends, resulting in the following numbers of persons so disenfranchised:
    - 19,453 prisoners
    - 15,602 parolees
    - 61, 112 probationers
- New Jersey compared to nearby states:
  - Delaware is the only other state in the region with the same degree of voter disenfranchisement as New Jersey
  - New Jersey is an outlier from almost all other states in the region:
    - Parolees and probationers may vote in Maryland, Massachusetts, New York (partial for parolees), and Pennsylvania
    - Probationers may vote in Connecticut
    - New Jersey disenfranchises more people living in the community on parole or probation than any other state in the Northeast
- Disproportionate impact of felony disenfranchisement on communities of color:
  - Blacks constitute 12.5% of America's population, but 50% of all prisoners
  - One in seven Black men (and one in thirteen Black adults) in the USA is denied the right to vote
  - Blacks constitute about 15% of New Jersey's overall population, but they represent slightly over 50% of persons who have lost their voting rights

- New Jersey has the highest disparity in Black/white incarceration rates in the United States for both adults and youth—12:1 and more than 30:1, respectively
- New Jersey has an ugly history of racism that provides a context for the racist dimensions of felon disenfranchisement:
  - New Jersey was the first state in the north to limit voting to white male citizens who were 21 years old or older (1807)
  - New Jersey first disenfranchised persons with criminal convictions in 1844, the same year the right to vote was restricted to white men
  - New Jersey opposed the Emancipation Proclamation
  - New Jersey was the last northern state to abolish slavery
  - New Jersey refused to ratify the Reconstruction Amendments after the Civil War

[LEFT PANEL]

## WHAT DIFFERENCE DOES FELON DISENFRANCHISEMENT MAKE?

- It is fundamentally unjust and unfair because it:
  - Imposes a collateral punishment unrelated to the crime, adding an unnecessary punitive impact on offenders;
  - Denies tax-paying citizens (at least parolees and probationers) the opportunity to have a say (taxation without representation) and renders them politically powerless in matters important to them and their families such as school policy, taxes, employment, housing, healthcare, and policing;
  - Has a grossly disproportionate effect disenfranchising African Americans thereby diluting minority voting power;
  - Perpetuates and compounds the harm caused by discrimination in the New Jersey criminal justice system
- It is counterproductive to the good of the social order because it:
  - Removes an important incentive for incarcerated offenders to rebuild their lives and for all offenders to be contributing citizens;
  - Contributes to offenders feeling disconnected from society and that they are not full-fledged members of their communities;
  - Is a factor resulting in higher rates of recidivism and erosion of trust in government and the justice system;
  - Has the side effect in states with more punitive disenfranchisement laws of lowering electoral participation even among legally eligible voters; and
  - Compounds the isolation of formerly incarcerated individuals from their communities and is counterproductive to effective reentry.

[RIGHT PANEL]

## LEGAL & THEOLOGICAL PERSPECTIVES

- “A man without a vote is a man without protection.” Attributed to President Lyndon B. Johnson
- “Too many people fought too hard to make sure all citizens of all colors, races, ethnicities, genders, and abilities can vote to think that not voting somehow sends a message.” Luis Gutiérrez
- “The first step toward liberation of *any* group is to use the power in hand.... And the power in hand is the vote.” Helen Gahagan Douglas
- “The man who can right himself by a vote will seldom resort to a musket.” James Fenimore Cooper
- “Democracy thrives when it is practiced not prevented.” John Payton
- “If we wish to be regarded as the world’s leading democracy, the role of government must be to encourage greater political participation.” John Payton
- Democracy is incomplete until every voice is heard at the ballot box
- “You know, in less corrupt democracies, everyone over the age of 18 is automatically registered to vote for life. The concept of having to jump through hoops to vote or that you could be prevented from voting are uniquely American concepts.” Robert Brown
- “With government depending on the consent of the governed, we gave the right to expect our voices to be heard, our views to be respected, and our votes to truly count.” FairVote
- “The state cannot show a compelling interest in disfranchising persons on parole and probation. The state interest in rehabilitation of offenders codified in N.J.S.A. 2C:1-2(b) negates

any claim that that disfranchisement of persons on parole and probation serves a legitimate government interest.” Frank Askin

- This lingering remnant of slavery is a challenge to democracy and decency.
- “We believe that God has revealed himself as the one who wishes to bring about justice and true peace among people; ...that the church must therefore stand by people in any form of suffering and need, which implies, among other things, that the church must witness against and strive against any form of injustice and with the wronged....” Belhar Confession, §4
- “Let the groans of the prisoners come before you; according to your great power preserve those doomed to die.” Ps. 79:11
- “The spirit of the Lord God is upon me, because the Lord has anointed me; he has sent me to bring good news to the oppressed, to bind up the brokenhearted, to proclaim liberty to the captives, and release to the prisoners.” Is. 61:1
- “Speak out for those who cannot speak, for the rights of all the destitute. Speak out, judge righteous, defend the rights of the poor and needy.” Prov. 31:8-9
- “He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?” Micah 6:8
- “Then the king will say to those at his right hand, ‘Come, you that are blessed by my Father, inherit the kingdom prepared for you from the foundation of the world; for I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me, I was naked and you gave me clothing, I was sick and you took care of me, I was in prison and you visited me.’ Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me.” Matt. 25:34-36, 40
- “Judaism teaches that all human beings are created in the image of God. Even when we make big mistakes, such as committing a felony, the spark of the Holy One within us helps us change. As rabbis, our Jewish faith and culture compel us to recognize the

power of atonement. We are a faith and a people who believe everyone deserves a second chance. Moreover, our history has taught us how dangerous it is when the government silences citizens and prohibits them from fully participating in civic society.” Rabbis Michael Torop and Jason Rosenberg

- “God has created the peoples of the earth to be one universal family. In his reconciling love, God overcomes the barriers between sisters and brothers and breaks down every form of discrimination based on racial or ethnic difference, real or imaginary. The church is called to bring all people to receive and uphold one another as persons in all relationships of life: in employment, housing, education, leisure, marriage, family, church, and the exercise of political rights. Therefore, the church labors for the abolition of all racial discrimination and ministers to those injured by it.” The Confession of 1967, §4.1
- “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and general elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” Universal Declaration of Human Rights, Article 21, §3
- “The right to vote speaks to our country’s expression of morals and values more than the practical application of political power. Christian and other faith leaders should join together in restoring the right to vote to all.” Craig DeRoche, Prison Fellowship
- “RESOLVED, that the Evangelical Lutheran Church in America call upon local, state, and federal governments to guarantee the right of vote to all citizens and to discourage or eliminate all laws, ordinances or regulations that would have the effect of racial and ethnic discrimination in the exercise of that right; and be it further RESOLVED, that the Presiding Bishop and synodical bishops of this church be urged to support publically [sic] and stand as an advocate to proposed local, state, or federal legislation and regulations that, consistent with this church’s social teaching, seek to guarantee to all citizens the right to vote; ... and be it further

RESOLVED, that members, congregations, and synods of this church be encouraged to ‘promote public life worthy of the name’ by speaking out as an advocate and engaging in local efforts such as voter registration and supporting legislation to guarantee the right to vote to all citizens...” Social Policy Resolution CA 13.06.29, 2013

“To deny anyone a fair vote is a sin.” 218<sup>th</sup> General Assembly, *Lift Every Voice*, p. 5

- “9. We affirm the right of citizens to participate in the democratic process. Fundamental to that process is the right to vote. The Presbyterian Church (U.S.A.) in affirming its commitment to honest patriotism and responsible citizenship, therefore opposes any efforts to restrict participation in elections, including, but not limited to, voter suppression initiatives and racially based and/or partisan gerrymandering.” *Honest Patriotism*, resolution approved by the 223<sup>rd</sup> General Assembly (2018) of the Presbyterian Church (U.S.A.)

Compiled by Robert Joe Lee, November 2018, in preparation for the Mission Fair at the Stated Meeting of the Monmouth Presbytery on November 17, 2018 in Toms River, New Jersey