

Look for our *Swing Uptown* pull-out inside!

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Free the vote

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Juneteenth represents the ultimate added insult to the injury of slavery in America. According to the Emancipation Proclamation, enslaved Africans were freed on January 1, 1863. However, Blacks in Galveston, Texas, continued to be enslaved under false pretenses and didn't learn of their freedom until over two years later, on June 19, 1865. The day became known

as "Juneteenth," and evolved into an annual celebration for many African Americans.

There were other places around the country where slaves weren't immediately notified about the proclamation. This circumstance stands as a vivid historical reminder that obtaining a legal right does not necessarily result in a change that is recognized in (or by) society.

Juneteenth also marks the time when the newly enfranchised Black population in the North and South met massive resistance – in the form of poll taxes, grandfather clauses, literacy requirements, and other disfranchisement policies – to expressing its political will through the vote.

Today many, but not all, barriers used to prevent Blacks from the effective use of their voting strength are unconstitutional or illegal. However, one vestige of this era endures: felon disfranchisement laws.

These laws are embodied in

state statutes and constitutions that prohibit people with felony convictions from voting. In an attempt to prevent newly freed Blacks from voting after the Civil War, many state legislators tailored their felon disfranchisement laws to require the loss of voting rights only for those offenses they considered to be committed mostly by Blacks.

These crimes included theft, burglary and receiving money under false pretenses – but not, for example, robbery or murder. Under this convoluted logic, one would be disfranchised for stealing a chicken but not for killing the chicken's owner.

Felon disfranchisement laws were not limited to the South. Many states, from New York to Alabama, intentionally utilized felon disfranchisement laws to prevent Blacks and other racial minorities from voting.

States do not enforce felon disfranchisement uniformly throughout the country. Indeed, Maine and Vermont have no such

statutes and permit all people with felony convictions – including those who are currently incarcerated or formerly incarcerated – to vote. Some states restore voting rights to formerly incarcerated persons once they have served their entire prison sentence. But similar to the situation of the slaves in Galveston, many formerly incarcerated persons are not informed that their voting rights have been restored, and although technically free to vote, don't exercise that right. In other states, difficult restoration processes often discourage many eligible voters.

The nation's "War on Drugs" has exacerbated this situation by disproportionately targeting Black and Latino communities and expanding exponentially the number of Blacks and Latinos subject to disfranchisement. Today, nearly 4.65 million Americans nationwide are disfranchised. Nowhere are the effects of this system more devastating than in the Black community, where 1.4 million Black males

have lost their right to vote.

The existence of felon disfranchisement statutes has created many new barriers to voting. During the 2000 presidential election, we witnessed the impact of the overzealous enforcement of felon disfranchisement statutes when thousands of Florida's eligible voters were wrongly purged from the voter rolls because they were incorrectly identified as felons. The NAACP Legal Defense and Educational Fund, Inc. (LDF) joined a coalition of civil rights law firms in filing a class action lawsuit to force the state to correct these and other problems that prevented many Black and Brown Floridians from exercising their fundamental right to vote.

Although Florida settled the lawsuit in 2002 and agreed to correct the problems, today many of its eligible voters who were incorrectly purged still have not been restored to the voter rolls. Florida is one of the states where voting rights are restored only after a for-

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merly incarcerated person serves time and endures a multi-step process that includes a personal presentation to the Governor. For individuals who have overcome

this process, only to have their names purged from voter lists, freedom becomes an illusion.

Felon disfranchisement laws deprive our communities of valuable resources by diminishing our voting power. Even worse, they discourage eligible and future voters from exercising the learned

behavior of voting and thereby create a culture of political non-participation.

Unfortunately, more than a century after the original Juneteenth, and nearly 40 years after the passage of the Voting Rights Act of 1965, many Blacks and Latinos nationwide continue to be

denied the right to vote.

Reform of felon disfranchisement laws is long overdue.

LDF is working to that end through litigation efforts in partnership with other civil rights organizations and as a participant in the national Right to Vote campaign to remove voting barriers

for people with felony convictions.

In recognition of Juneteenth's legacy, and in the interest of experiencing the elusive freedom that it promised, it is time to free the vote for persons with felony convictions so that next Juneteenth we can move a step closer to truly celebrating freedom.