Felon Disenfranchisement as an Economic Threat

Class Warfare Revisited

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1. Introduction

Felon disenfranchisement has regularly been cited as racially discriminatory in nearly all of the literature regarding the practice. While the numbers of African American males disenfranchised, as compared to other racial groups in the US, is unquestionably staggering, disenfranchisement advocates have failed to make the case to end the practice before both state and federal courts. Additionally, the Supreme Court has upheld the practice as non-discriminatory on the basis of lack of causal data regarding race and disenfranchisement. Criminal activity and convictions, that is, are disproportionately persistent in African American communities and therefore the actual loss of voting power is a result of their activities and not of their racial features.

Exploding numbers of felony convictions have been observed as results of ‘get tough on crime’ initiatives, in particular the War on Drugs campaign during the last 30 years. As no direct link to race and criminal activity has been made, and links do exist between poverty, inequality and criminal activity, I postulate that what American policy towards the disenfranchisement of (ex)felons represents is a de facto barrier to class in modern American society.

Racism has served as an inflated, de facto reason for disparity between African Americans, other minorities and White Americans, while broader class warfare has largely vanished from policy discussion. Blacks in America represent a considerable group of voters who, vis-à-vis their historical economic and social exclusion, tend to strongly support redistribution and government intervention to reduce inequality, as do many working class and lower-income segments of society. This paper intends to explore the relationship of political exclusion through the lens of entrenched class-warfare which unfortunately affects a disproportionate number of African American and other minority citizens.
1.1 Overview of Issue

Those convicted of felony offenses in the United States, as with other nations, are subject to the loss of certain civil liberties including the ability to serve on a jury, restriction from possession of firearms, holding public office, disqualification from particular employment and/or licenses necessary for employment, and the right to participate in elections (Kuzma 1996). These policies are often the results of state policies mandating particular punishment of felony convictions, even for Federal offenses (Kuzma 1996). In contrast to more sensational issues concerning electoral dynamics in the US, voting rights, specifically the removal of those rights, has remained sidelined in the public agenda, both by the public at large and policy makers alike (Uggen and Manza 2002). According to the Sentencing Project, a leading sentencing reform group, more than 5.3 million persons across the United States are currently prohibited

In contrast to the various other forms of punishment imposed on citizens following conviction of a felony, the loss of voting rights has been cited as precariously contrary to the purposes of rehabilitation, which much of the criminal justice literature on the subject cites as paramount to the successful transition of felons into their communities (Lotke, Stromberg et al. 2004). The laws which govern both the imposition of sanctions on felons and the reinstatement of those rights are governed by each state separately of each other; such is the particular trait of the US support of state’s rights as befits federal governments. This characteristic in regards to felon disenfranchisement has produced, as Susan Kuzma so succinctly states, a ‘crazy quilt’ of legislation throughout the nation. This ‘crazy quilt’ has complicated challenges to disenfranchisement policies as it has decentralized the center of the beast – a legislative hydra, with many heads for one threat. Indeed, there is no federal standard by which states are required to adhere to when formulating their disenfranchisement policies.

Before the 2000 elections in the US, the debate over (ex)felon disenfranchisement policies remained for the most a topic of concern only for those in
the criminal justice field or groups with a direct interest in removing the disability. In the 2000 US presidential elections, George w. Bush succeeded against then vice-president/candidate Al Gore by a mere 536 votes in the state of Florida. Florida, as it turns out, is one of the 4 states in the US which disenfranchises persons convicted of felony offenses for life. That is, even after sentences are completed, citizens in the community are not allowed to participate. Estimates by the Sentencing Project suggest that in the absence of these policies the 2000 election would have gone to the Democratic candidate Al Gore by roughly 60,000 votes¹ (Manza and Uggen 2004).

The state was the subject of a scathing investigative project, on the part of Greg Pallast of the New York Times, because of the highly controversial method and timing used by the state to remove ineligible voters, persons convicted of felony offenses, from the voting rolls.² The result was the accidental disqualifications of many eligible voters from the rolls and various conspiracy theories regarding the contentious presidential election results. The implications of this are widely used by advocates of voting rights restoration to (ex)felons, not least of which are Democratic Party supporters or Republican Party opponents who see the prospect of increasing their share of the popular vote by including those who are likely to vote democratic.³ While the advantages of increasing the share of potential supporters might seem to some as ample incentive for liberal Democratic beneficiaries, political actors have as yet failed to provide a comprehensive, vote maximizing strategy to include former and current offenders suffering disenfranchisement. This merits particular questions:

(1) Who suffers from disenfranchisement laws once race is removed as a defining variable?
(2) Are the disenfranchised representative of their communities?
(3) Overt racist reasons aside, do disenfranchisement policies serve any particular interests?
(4) What are the ramifications for public policy?

¹ At the time of the 2000 elections Florida had over 600,000 otherwise eligible voters.
² DBT, the company charged with compiling a ‘scrub’ list of ineligible citizens was told by election officials that reliance on vital statistics for the list would be sufficient for the purposes of expungement.
³ The reader should be reminded that in the United States the popular vote does not necessarily guarantee the victory of a candidate since the establishment of the electoral college remains a central mechanism for election. Each state is allotted a certain number of electoral votes based on population which are then used to calculate election victory.
Section 1 explores the brief historical roots of disenfranchisement, the racial implications throughout the history of the United States, an overview of the current state of disenfranchisement throughout the nation, followed by a concise overview of legal decisions and their impact on the debate of (ex)felon disenfranchisement. Section 2 elaborates on the growth of the criminal population in the US and oft cited driving factors, then moves the discussion to the electoral effects of America’s growing disenfranchised populations. Section 3 takes a look at the unique distribution of felon populations, which I take to represent crudely the population distribution of disenfranchised citizens based on the evident connection with criminal conviction and loss of voting rights. For this purpose I evaluate federal, state, and county level data for the city of Chicago, Illinois.

Section 4 debates the connections between poverty and disenfranchisement. The section moves the discussion through literature connecting poverty and criminal activity, and hence disenfranchisement, and more specifically in how this has possibly affected the development of redistributive politics in the United States. That is, I propose that the disenfranchisement laws have marginalized, and continue to reduce the political power of vulnerable, poor urban communities and contribute to and are a product of an institutionalized bias against liberal welfare state political ideology. The aim of this section is to disconnect race from disenfranchisement policies in so much as the past and present arguments against these laws have continuously failed to convince lawmakers and the courts of the necessity of truly universal enfranchisement.

Section 5 looks at the various characteristics and likely preferences which disenfranchised person should exhibit if their vote was restored and utilized based on what can be assumed given their shared characteristics of those in the electorate. Section 6 follows with historical records and analysis of franchise extension and how these extensions have affected government and society. Encouragingly, I find that franchise extension has coincided with increased public spending, as political actors use non-targeted, public goods. Although it is impossible to predict the effect of enfranchisement of most or all citizens convicted of criminal offenses on public
spending, I believe that future research may give a clearer understanding of the interaction between (ex)felon disenfranchisement policies and welfare state opposition in the US and elsewhere.

1.2 Historical Roots

Disenfranchisement policies are not unique to the United States, or to modern legal policies. The concept has its classical roots in ancient Greece, where upon conviction of a crime against the state, the polis, citizens forfeited their rights to participate in matters of the state, including freedoms to give public speeches or cast votes (Brooks 2005). The concept spread through most of the early democratic world as states sought formal means to preserve the ideals of the community through the exclusion of ‘infamous’ persons, those who had broken the social contract. The ideas of ‘outlawry’ and forfeiture in England are extensions of this belief that once a person broken the contract made with society, her actions nullify any of the benefits which they were otherwise entitled to (Ewald 2003). In the United States, prior to 1870, the right to cast a ballot was generally limited to “free, literate, property owning, adult males of fixed residence and means to pay taxes” (Kleinig and Murtagh 2005). Ewald (2003) notes that prior to the US civil war, states regularly disallowed seven classes of persons from participating in the franchise: women, men without extended residency, blacks, soldiers, students, the mentally ill, and criminals (Ewald 2003). All but two of these classes has been enfranchised over the course of American democratic evolution, that of the mentally ill and criminals.

Following the end of the Civil War in the United States, congress passed the 14th amendment to the constitution (1868), granting citizenship to all persons born or naturalized in the United States, and subject to the jurisdiction thereof. Section 2 of the amendment has been a central point of contention in challenges to disenfranchisement. The previous year, the Military Reconstruction Act of 1867 permitted former confederate

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4 Locke and other included means to legitimately exclude individuals who posed a threat to the security of the community.
5 Emphasis added
states to be readmitted into the Union conditional on the adoption of universal male suffrage, which essentially mandated the defeated states to implement this policy. In 1870, the 15th amendment extended the franchise to all male citizens regardless of race, color, or previous condition of servitude. Supplementing this amendment was the Enforcement Act of 1870 and the Force Act of 1870, with the intent of ensuring the enfranchisement of former slaves by disallowing obstacles to the ballot and creating oversight for election procedures in the southern states. Combined, the acts were designed to move integration of former slaves in the southern states which were either unable and/or unwilling to stifle the violence against newly enfranchised blacks and/or their white supporters – commonly known as the ‘Ku Klux Klan’ Acts, referring to the infamous supremacist group.

Under these acts, the federal government was granted the powers to send federal troops into states of concern and suspend the writ of habeas corpus, enabling the use of martial law and military force to disperse Klan power in southern trouble spots. These acts, however, were only effective to degree until the removal of federal troops in 1877, whereupon new laws began to appear with the aim of disenfranchising former slaves. The language of the laws where not explicitly targeted at racial or economically deprived groups, but rather had the effect of isolating and removing those groups who just so happened to be poor blacks and whites – poll taxes, literacy tests, and character qualifications are some of the well-documented policies instituted to achieve these ends. These policies, it should be noted, had the aesthetics of being racially and economically neutral, as the language implied universal targeting – any citizen lacking the qualifications set forth was ineligible, in theory.

The Grandfather Clause allowed for a person to be deemed eligible to vote if he was descendent from a pre-war enfranchised person. This clause created a direct racial link to qualifications for the franchise as slaves had no right to vote. As blacks were more often than not descendent from former slaves, they were automatically barred from the vote. Thus, whites in the United States were given a ‘free pass’ to political representation regardless of their educational, moral, or economic characteristics.
The Supreme Court later ruled against the clause in *Guinn vs. United States*, which held the policy in violation of the 15th amendment. Though the Supreme Court would later nullify the remaining restrictions on the right to vote under the 15th amendment with subsequent rulings, furthering the ability of citizens to participate in the franchise, real reform was only achieved with the passage of the voting Rights Act of 1965. The act was very much a product a despondent American public, weary of a conflict in Vietnam, disillusioned with political leadership, and prepared for institutional change. Following an assault on a group of peaceful protesters in Selma, Alabama by state troopers, President Johnson pushed through the act, initiating another era of political reform in the United States.

1.3 Racist Roots in Focus

In general, the voting rights act of 1965 was instrumental in securing the right to vote for minorities, but it left in tact state powers to draft and implement laws that would and could disenfranchise minorities, even with lack of direct intent. The most apparent case of disenfranchisement today is that of felons and ex-felons. The historically racial dimension of US disenfranchisement practices have dominated the agenda in challenges to the policy and societal trends including, but not limited to, racist practices, societal stigmas and unequal socio-economic status. It is no wonder why claims of racism have flavored the dialogue in favor of racially motivated practices as concerns felon disenfranchisement, i.e. that modern disenfranchisement policies are still at the core, racially motivated, a theory of which I argue fails to take into account other underlying factors not related intrinsically to race. This is not to say that racist practices and profiling do not occur, far from it. Indeed, some, if not all, leading researchers of (ex)felon disenfranchisement policies highlight that these laws are rooted in racially motivated policies designed to limit the ability of African American’s to influence the political arena of US politics (Goldman 2004.).

Post-reconstruction states tailored their disenfranchisement policies to exclude freed slaves. This was accomplished by criminalizing deviant behavior more common in

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6 Racial profiling in the United States criminal justice system is well researched and publicized in contemporary literature.
minority communities (Brooks 2005). Since felony convictions carried to the punishment of ‘political death’, communities experiencing higher rates of criminal behavior lost more of their political voice.

In the state of Mississippi, state policies declared that disenfranchisement was not permissible in the instance of murder or rape, but was acceptable for persons convicted of inter-racial marriage. Mississippi also mandated criminal convictions for “bribery, burglary, theft, arson, obtaining money or goods under false pretenses, forgery, embezzlement, or bigamy”; laws which, as it happens, targeted displaced blacks during reconstruction (Ewald 2003). Interestingly, the majority of enumerated crimes concern property crimes, or activities which were considered common not only among blacks, but among many impoverished communities; such that murder, a crime not highly correlated with income, was not a crime in which a Mississippian would lose the right to vote, though clearly a much more reprehensible act than burglary (Hull 2002). Similarly, South Carolina did not remove the vote from murderers or those convicted of fighting, but did do so in convictions of theft, spousal abuse, and attempted rape (Brooks 2005).

A now infamous quote by former US Senator Carter Glass of Virginia (1901) exemplifies the reality of institutional racism, in which he was recorded proclaiming:

“Discrimination! Why that is precisely what we propose. That, exactly is what this convention was elected for – to discriminate to the very extremity of permissible action under the limits of the Federal Constitution, with a view to the elimination of every Negro voter who can be gotten rid of legally, without materially impairing the numerical strength of the white electorate”

In Florida, the constitution provided for not only the disenfranchisement of felons, but also those convicted of larceny, in anticipation of offenses that newly freed slaves were likely to commit. These cases were indeed over a century ago and American politics and

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7 It is not totally clear why these practices should be viewed with more racist intent than of economic anxiety, as being black or white does not inherently predict modern property crime, other than that the discretion of local officials could then filter out their preferences.
political institutions have evolved far beyond their early beginnings. The overt hurdles to political inclusion (literacy tests, poll taxes, etc.) have since been ‘successfully’ dismantled with contemporary citizens enjoying far more political participation than in previous eras in US history.

Elite class actions concerted with racist attitudes and prejudices, like the Grandfather Clause, fine tuned an essentially economic class divider; using racial tensions, economic competition and traditional intolerances to remove political power from a particular group of the poor (minorities) and align racially and culturally related groups of the lower class with their interests. How should we view these questions as regards (ex)felon disenfranchisement policies? Do these laws constitute an obstacle to minority participation, or a larger issue of dissolution of a particular class of citizen, of which a particular group is over represented?

1.4 The Disenfranchised Today

At present, it is estimated that roughly 5.3 million Americans are disenfranchised as a result of felony convictions, some for the rest of their lives. This equates to about 1 in 41 adults without access to the political system via the ballot (SentencingProject 2006).

According to the Sentencing Project:

- Almost one and a half million African American men (13% of the overall population) are currently disenfranchised; with one in four African American men permanently barred from voting in states which disenfranchise ex-felons
- Over two million white Americans have lost the vote
- 676,730 women are ineligible to vote due to felony convictions
- Over 560,000 veterans, as of 2003, were disenfranchised
- 2.1 million disenfranchised persons who have completed their sentences and have returned to their communities
1.5 Laws Governing Disenfranchisement

As has been noted earlier, states have the power to decide which crimes will carry the penalty of disenfranchisement. This power is expressly stated in the Constitution of the United States:

Aside from prohibiting disenfranchisement on grounds such as age, gender, and race, U.S. Const. amend. XV, XIX, XXVI, provides that qualifications for voting in federal elections are determined by state law. U.S. Const. art. I, ' 2, cl. 1; art. I, ' 4; art. II, ' 1, cl. 2; amend. XVII. (For the District of Columbia, see U.S. Const. amend. XXIII; D.C. Code Ann. ' 1-1301.) See also the Voting Rights Act and related statutes, 42 U.S.C. " 1971 - 1973gg-10.

The power of the states to deny the right to vote because of participation in a crime is expressly recognized in the Fourteenth Amendment. U.S. Const. amend. XIV, ' 2. See generally Richardson v. Ramirez, 418 U.S. 24 (1974). Therefore, the effect of a federal felony conviction upon the right to vote is determined by the law of the state in which the felon seeks to vote, and thus varies from state to state (DOJ 2002).

This leaves an array of practices which vary throughout the country, from Maine which does not restrict the right to vote following convictions, to three states which disenfranchise all ex-felons. As the following table illustrates, states follow four schemes for regulating the franchise following a felony conviction:

- Disenfranchisement while incarcerated
- Disenfranchisement while incarcerated or on parole
- Disenfranchisement while under any criminal justice supervision
- Disenfranchisement during and after criminal justice supervision

It should be noted here that some states do disenfranchise some classifications of misdemeanors as well as persons under the legal voting age (18). This fact entails that statistics of actual disenfranchised numbers may be higher than noted.
## Categories of Felons Disenfranchised Under State Law

<table>
<thead>
<tr>
<th>STATE</th>
<th>PRISON</th>
<th>PROBATION</th>
<th>PAROLE</th>
<th>EX-FELONS</th>
<th>Partial</th>
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<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>(certain offenses)</td>
</tr>
<tr>
<td>Alaska</td>
<td>X</td>
<td>X</td>
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<td></td>
<td></td>
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<tr>
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<td></td>
<td>X</td>
<td>(2nd felony)</td>
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<td>X</td>
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<tr>
<td>Delaware</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>(5 years)</td>
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<td>(2nd felony, 3 years)</td>
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<tr>
<td>Mississippi</td>
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<td>(certain offenses)</td>
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<td>(2 years)</td>
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<td>(except first-time nonviolent)</td>
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<td>31</td>
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<td>3</td>
<td>9</td>
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Source: Sentencing Project; (SentencingProject 2006)

Table 1: State disenfranchisement laws
In addition to initial removal of voting rights, there are differential treatments for the re-enfranchisement for (ex)felons, varying also by state. Persons have their rights restored 1) immediately and automatically following release from incarceration; 2) automatically following completion of their sentences, via certificate of discharge, or after a state specified time limit; 3) via proof of rehabilitation and/or demonstration of socially acceptable temperament; 4) by obtaining a pardon (typically involving a lengthy process by which the Governor of the state must personally pardon the ex-felon); 5) a few states do not reinstate the right to vote (DOJ 1996).

The bureaucratic hurdles to reinstatement of civil rights have been cited as considerably problematic for returning offenders, with unknown numbers most likely thoroughly discouraged from attempting to undergo extensive procedures and opportunity costs to re-enfranchisement. Clearly administrative disincentives may play more than a minor role in keeping citizens from pursuing reinstatement of such a core right of democratic personhood. Future research may wish to examine the relation between the effects of re-instatement red tape and community re-instatement take up, however this is beyond the scope of this paper.

### 1.5.1 Manifest rationalization of disenfranchisement laws

Without proceeding into the larger arena of political philosophy, though extremely interesting, it is worth examining some common arguments cited as the rationales for promoting and maintaining disenfranchisement laws, as well as arguments against. As Ewald (2003) notes of historical comparisons of the early American democracy and that of Europe: “In Europe ‘a criminal is an unhappy man who is struggling for his life against the agents of power,’ whereas in the young U.S., ‘he is looked on as an enemy of the human race, and the whole of mankind is against him’ (Ewald 2003).

Disenfranchisement policies are exclusionary in the most apparent possible meaning. That is, the goal of the justice system in the United States takes on the role of lifetime punisher than of deviant rehabilitator. Removing persons from political life, especially
once they are meant to re-integrate directly into their communities, constitutes the most basic form of diminished personhood in the eyes of the community.

The purpose for many of disenfranchisement is to maintain the purity of the voting process, which has been explicitly defined at the highest state courts (Brenner and Caste 2003). This may indeed may have been necessary in former times when voting techniques and technology had yet evolved the security of contemporary practices, however there is still little rational evidence that property crime debilitates logical expression of preference. The idea, then, is that convicted felons lack the moral capacity to make informed decisions regarding which candidates should stand to represent their interests. Indeed, to deliberately sacrifice the political voice of an individual on the basis of how she may or may not vote runs completely counter-intuitive to the democratic process. This is not a new idea; in fact it has its roots as far back as the founding of the early American democracy, as exemplified in James Madison’s words:

“Who are the electors of the Federal representatives? Not the rich more than the poor; not the learned more than the ignorant; not the haughty heirs of distinguished names more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States”(Kleinig and Murtagh 2005)

1.6 Legal Challenges to Disenfranchisement Policies

The following are a few select cases concerning litigation as pertains to felon disenfranchisement which provide the reader with some useful background into the barriers faced by opponents. The majority of the cases cite racial discrimination as the central argument against disenfranchisement policy, however, as the reader will notice, some cases avoid, successfully, at least as the main argument, this difficulty – most notably Hirst v UK as well as Madison v Washington. Where as Hirst v UK successfully maneuvers the realm of proportionate punishment, I believe it is in Madison v Washington that US disenfranchisement challenges may find innovative momentum.
• Johnson v. Bush
• Hayden v Pitaki
• Richardson v Ramirez
• Hirst v United Kingdom (EU Court of Human Rights)
• Madison v. Washington

**Johnson v Bush:**

In Johnson V Bush, a class action suit was brought against the state following the disputed 2000 elections on behalf of 8 plaintiffs representing more than 600,000 disenfranchised persons in the state of Florida. They argued that the state's disenfranchisement policies and clemency provisions violated the First, Fourteenth, Fifteenth and Twenty-Fourth Amendments of the United States Constitution, as well as Sections 2 and 10 of the Voting Rights Act of 1965. The court sided against the plaintiffs in favor of the state, citing that the plaintiffs failed to show sufficient evidence of violation of the First Amendment because of failure to produce evidence that the Amendment disallows the disenfranchisement of (ex)felons and that, in fact, interpreting the amendment as thus would be inconsistent with the interpretation of the constitution itself; violation of the Fourteenth Amendment for failure to prove that the case was distinctive from the rulings of the Supreme Court in Richardson v Ramirez or the rulings of the Beacham Court which held that a state may constitutionally exclude from the franchise persons otherwise qualified to vote who have been convicted of a felony; violation of section 2 of the VRA-1965 or the Fifteenth Amendment since the source of the loss of voting rights was not traceable to racially discriminatory practices on the part of the policy of disenfranchisement; violation of section 10 of VRA1965, the Fourteenth Amendment, or the Twenty-Fourth Amendment since the state's constitution had long since been refurbished to comply with the relevant acts and amendments and that the

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9 Johnson v Bush court filing
10 The court cited the ruling of Farrakhan v Locke which held that the discrepancies in the criminal justice system were issues of the criminal justice system (as pertains to prosecution, law enforcement trends, etc) and not the disenfranchisement provision itself.
11 The plaintiffs argued that denial of clemency on account of outstanding public debts amounted to invocation of 'poll-taxes' which have been long since help in violation to the constitution under the relevant amendments and act.
requirement of payment before restoration of voting rights did not present itself as a ‘special’ fee in the spirit of a poll-tax.

**Hayden v Pitaki:**

Seeking to annul Article II of the New York constitution and a relevant election law under violation of the Voting Rights Act of 1965, a class action suit was brought against the Governor of New York under the premise that disenfranchisement of felons amounted to a violation of the VRA1965, the US Constitution, and international law. The plaintiffs sought to overturn the policy of disenfranchisement of felons on the basis that the laws disproportionately affect New York’s minority communities. The plaintiffs also argued that the state’s policy of disenfranchisement unequally affected classes of felons, since those serving probationary sentences, as opposed to those incarcerated or on parole, retained the franchise. The court dismissed the arguments for racial discrimination due to the lack of evidence that the policy was purposely discriminatory in nature. Furthermore, the policy did not violate the Equal Protection Clause in that it was ‘rational’ for the state to treat differing levels of convictions with corresponding punishments, thus the punishments were not arbitrary in nature. The court’s remaining decisions ruling against the plaintiffs’ arguments mirrored that of the ruling of **Johnson v Bush.**

**Richardson v Ramirez:**

Perhaps the most widely cited case in the disenfranchisement debate is that of Richardson v Ramirez (1974). The case was brought before the Supreme Court of the United States held that in disenfranchising felons who had completed their sentences and paroles, does not violate the Equal Protection Clause of the Fourteenth Amendment, since the Amendment allows for the exclusion of citizens from the franchise who participate ‘rebellion or other crime’. The interpretation of ‘other crime’ in this case has not been

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12 i.e. there existed no causal relationship between race and disenfranchisement despite disproportionate affect on those communities.
been the focal point of much of the litigation against disenfranchisement policies in the United States, as states are, individually, responsible for the interpretation of it. Furthermore, the court’s ruling upheld the ability of states to individually disqualify citizens based on state law, a fact that has proved to be a considerable barrier to disenfranchisement opponents.

**Hirst v United Kingdom (EU Court of Human Rights)**

In other international challenges to disenfranchisement, the European Court of Human Rights set a milestone in European disenfranchisement litigation. Hirst, having plead guilty to manslaughter, pleaded that his disenfranchisement was in violation of Article 3 Protocol No. 1 of the European Convention on Human Rights. Challenged in the UK, his case was rejected by a Divisional Court and refused appeal. Hirst then successfully appealed to the ECHR successfully, which, in its ruling, held:

“that prisoners retain their Convention rights and any restrictions on their rights must be justified. The old idea of civil death, which lies behind the voting ban on convicted prisoners, is no longer acceptable” (Easton 2006)

The ruling is a promising step for advocates who favor the oft fought battle of human rights and electoral exclusion, in that it at the very least recognizes the invalidity of blanket bans on prisoners as disproportionate and arbitrary, not fitting with any justifiable and clear ends. The court went on to state that “the fact that rescinding the disqualification might offend public opinion would not be a good ground to limit the right“of voting (Easton 2006).

**Madison v Washington:**

Madison illustrates a potentially constructive path to disenfranchisement dissolution, based on the successful challenge to Washington State’s disenfranchisement policy. The plaintiffs in Madison v the state of Washington disputed the state’s
disenfranchisement policy on grounds that its requirements for repayment of imputed fines resulting from the conviction of a felony offense were unconstitutional as the requirement discriminated against citizens on the basis of wealth\textsuperscript{13}, and therefore violated the Equal Protection Clause of the Fourteenth Amendment as well as Article I of the state constitution. The court, in its Summary Judgment, held the state’s law governing disenfranchisement of felons following a felony conviction was invalid as to all felons who have satisfied the terms of their sentences except for paying legal financial obligations, and who, due to their financial status, are unable to pay their legal financial obligations;\textsuperscript{14} thereby exposing a prospective kink in the armor of national disenfranchisement policies. That is, if it is unconstitutional to deny the right to enfranchisement on the basis of ability to pay on an individual basis, it should be equally conceivable to argue against disenfranchisement policies because of a community wide inability to pay. Disenfranchisement affects primarily lower-income communities with exceptional financial and social burdens and therefore represents a barrier to group participation with links to social policies.

Future challenges to the disenfranchisement regimes may find some footing in the connection of loss of voting power and incapacitation along lines of reduced ability to elect or effect the economic environments which they are mandated to return to. However the legal intricacies of this are beyond my competency or that of this paper. I only wish to advance the idea of the interaction between political power and economic well-being.

2. The Growing Disenfranchised Population

2.1 Felony Conviction Growth

Disenfranchisement provides a unique natural experiment as it blatantly lies at the intersection of two, historically discriminatory, systems – electoral policy and criminal

\textsuperscript{13} Plaintiff Dubois exampled the effect of the policy in her situation wherein her court ordered fines exceeded her financial ability to remedy her debt, due to disability.

\textsuperscript{14} Emphasis added.
Thus, any debate into disenfranchisement must necessarily include the trends and developments in the criminal justice system.

The United State is one of the leading ‘incarcerators’ in the industrialized world, imprisoning citizens at a rate 5 to 8 times greater than Canada or Western Europe (Mauer 2003). This has devastating effects in light of its use of automatic, blanket disenfranchisement policies.

![Global Incarceration Rates](image)

**Figure 1 – Global Incarceration Rates**

According to Bureau of Justice Statistics, the total number of persons under some form of correctional supervision was over 7 million in 2005, compared with only 1.8 million in 1980. As of 2002, state courts, accounting for just under 95 percent of the national sum, convicted approximately 1,051,000 adults, while federal courts convicted 62,370 adults – totaling 6% of the nation’s sum. 69% of those sentenced were placed into facilities of some form, leaving 31% to be released on probation back into their communities with an average probationary length of 3 years. (Durose and Langan 2004) Indeed, probationary sentences have been increasing at a much greater rate than other types of sentencing, perhaps as a function of policy decisions to decrease the exploding population of prison facilities.
However, victimization in the US does not seem to match the rate of incarceration (Mauer 2003). The reasons for this are that the rapid increase in felony convictions in the US has more to do with changes in public policy than actual crime rates. In fact, the main drivers of criminal incarceration in the United States during the years 1980 – 1996 had less to do with crime as much as it had to with policy changes in the ‘get tough on crime’ era.

Mauer (2003) finds that only 12% of the increase in prison stays could be accounted for as a function of crime increases, whereas the actual change in policies concerning criminal punishment accounted for the remaining 88% of increases in prison rates. More crimes weren’t committed as much as those that were arrested were more likely to be convicted and sentenced, and for lengthier sentences than had been the case (Mauer 2003).

The main increases in arrests and convictions during the last 30 years, in terms of crime type, have been property and drug related charges, crimes normally associated with income inequality and poverty, with tougher anti-drug policies disproportionately affecting minority and low-income communities. Ironically, the costs of the War on Drugs has been borne primarily by those with incomes above median while the penalties are borne by the poorer segments of society (Caulkins, Reuter et al. 2005). Drugs offenders and property offenders accounted for an estimated 32 and 31 percent of those convicted in state courts in 2002, with violent offenders accounting

15 Though depends on what is termed as a crime, which again is a dimension of public policy and not actual crime, since it is the definition of crime that defines crime rates and this in turn is ultimately developed by political considerations.
At least 25% of those convicted in 2002 were also subject to ‘other’ forms of punishment including fines and/or treatment to complete their sentences. In 2001, nearly 64% of prison inmates were racial or ethnic minorities, with African American males making up the largest percentage of incarcerated at 16.6% compared with 7.7% and 2.6% for Hispanic and Whites respectively. African American females lead as well with 1.7% in 2001 compared to .7% and .3% for Hispanic and Whites respectively in 2001. Looking at the numbers thus indicates the clear racial disparities in the criminal justice system, greatly impacting minority communities, especially African Americans, with 1 in 3 black males born in the last 2 years expected to become incarcerated at some point in their lives (King and Mauer 2004). These numbers, however, are for incarcerated individuals and do not express the numbers of citizens on felony probation.

Ex-felons will compromise nearly 3 percent of the voting age population within the next two decades if current trends persist, with that population consisting disproportionately of African American men (Hull 2002).

This is, at any rate a rather small proportion of the total population of the United States. However, convicted populations do not come uniformly across the nation, and hence disenfranchisement does not occur evenly across the spectrum, but rather in specific communities – urban, lower-income neighborhoods. Furthermore, defendants rarely take their cases to trial16, opting instead for guilty pleas (Durose and Langan 2004). Court fees are expensive, and plea bargaining may be the only alternative for those already struggling to make ends meet. Impoverished defendants are less likely to pursue costly litigation as much as wealthier members of society will (Goldman 2004.).

2.2 Local Effects

Research into the local/community effects of disenfranchisement, in Atlanta, Ga., reveal 1 in 8 black males in Georgia were disenfranchised because of felony convictions, increasing to 1 in 7 in the capital city of Atlanta. The study also found that half of the

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16 Durose and Langan (2004) find that 95 percent of convictions in state courts resulted from guilty pleas and only 5 percent from trials.
registration gap between black males and non-black males in the state of Georgia is a function of disenfranchisement; in Atlanta, more than two-thirds of the gap is accounted for by this practice (King and Mauer 2004).

African American males in Atlanta are 11 times more likely to be disenfranchised than other racial groups. Not only does disenfranchisement negatively impact political turnout, in the context of removing citizens from ballot access, it also impacts the desire to vote, as registration at least provides an indicator of the concerned public interest in political participation. In fact, registration rates are lower for persons convicted of felonies before and after sentencing (Burch 2007). Whereas it might be anticipated that deviants would be expected to have less interest in institutional/civic participation, felony convictions, according to Burch (2007) depress registration rates even further following completion of sentences.17

In New Mexico, Latinos make up 40 percent of the state’s population but 60 percent of the prison populations, putting the group at a considerable disadvantage on election day (Ewald 2003). It is not difficult or irrational to presume that disenfranchisement laws are racist in nature, however these arguments, I contend, will continue to find it difficult to form a causal connection between race and suppression of voting rights. Advocates of prisoner rights are waging war against economic interests which have a vested interest in mass imprisonment (McCormick 2000).

Looking at felony conviction rates as a function of race, it is clear that African Americans are much more likely to encounter the criminal justice system and thus more likely to become disenfranchised. As a matter of association within communities, and given that racial and economic segregation persists throughout the nation, individuals in continuous contact with disenfranchised individuals/groups are also less likely to vote. The “behavioral contagion” of these associations contributes to deviant activity, activity weighted with potential disenfranchisement. Structural and resource deficiencies within the communities further weaken communities, creating what could be considered a

17 In an analysis of North Carolina registration rates and felony convictions, Burch(2007) finds that registration among felons decreases from 29% to 14% after completion of a sentence.
Proponents of criminal disenfranchisement policies fail to take into account the very real social dynamics of the criminal justice system. They contend that the issue at hand is not the existence of such policies, but rather that individuals consciously adopt criminal behavior and freely elect to lose their political rights. That, in fact, the issue is not racial but rather more a matter of behavioral tendency to become involved and convicted of offenses deemed criminal by the law, thus disenfranchisement is not a function of race.

Opponents of disenfranchisement policies should concert their efforts towards the criminal justice system, of law enforcement and prosecution, rather than sentencing guidelines (Brooks 2005). That said, it need not be the end of challenges against disenfranchisement policy, and in fact the basis for an alternate, more holistic approach. Certainly practices in local and state law enforcement contribute the most to rates of arrests, conviction and disenfranchisement. Racial profiling, community stigmatization and other issues all contribute to higher rates of arrests among racially homogenous communities.

However, those who hold the view that the blame need not lie with disenfranchisement as a sentencing tool, likewise fail to incorporate the larger picture of which vulnerable communities are subject to. That is, they neglect to integrate those affects of racial profiling by street level officials, incongruent prosecution of criminals, and the imbalance of sufficient counsel as a function of class, especially in the context of policies which make up the major increase in felony convictions over the last decades - that of the ‘war on drugs’. These contributory effects are not isolated, as mentioned earlier, solely to criminals but contains a spill-over effect.

### 2.3 Electoral Impact

Because the vast majority of convicted felons in the U.S., black or white, are from the lower classes, disenfranchisement works simultaneously to dilute electoral representation of blacks and of poor people... The same ethnic and economic factors
that make one a more likely subject of criminal justice sanctions make one more likely to vote Democratic (Reiman 2005).

The most important event in recent years to catapult the issue of felon disenfranchisement has no doubt been the high profile US election of 2000, where then Governor George W. Bush defeated Vice-President Al Gore by a sheer 537 votes in the battleground state of Florida. Several reports emerged after the dramatic election which all state that had disenfranchised voters been allowed to vote, indeed if there was no law restricting the vote at all, Al Gore would have carried the state of Florida, and the presidency by thousands of votes. Manza and Uggen (2004) estimate, that even if only half of their projected voters turned out, given economic, social, and other statistics, Gore would have still carried the state by over 30,000 votes.

Indeed, it would be hard to argue that depriving nearly 2.5 million people to vote must have election ramifications. Florida, though the most pronounced race in the 200 election, was alone. In eleven swing states, states which are neither Republican nor Democratic strongholds, disenfranchised populations made up larger numbers than the margins of victory. New Mexico and Iowa had disenfranchised populations 214 and 24 times the number of winning votes respectively (Lotke, Stromberg et al. 2004). The margin of victory in the 17 swing states during the 2000 election was decided by 186,000 votes, compared with the 1.7 million disenfranchised predicted by Lotke, Stromberg et al. in the 2004 election. Additionally, Democrats would have won six of the Senate races which went to Republican candidates had disenfranchised voters been allowed to participate, though these estimate are speculative for obvious reasons.

What then does this mean in practical terms? That is, does enfranchisement have an effect on provision of public spending? Historically, yes. Professor Robert Fleck of Montana State University finds that disenfranchisement has had real and measurable effects on American redistribution of wealth. Fleck analyzed spending and voting records of the New Deal era, a time marked by an expansive increase in federal action to reduce

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18 In the bigger picture, it is possible that political hopefuls would alter their campaign strategies and promises in line with particular voter preferences, however historically the groups of disenfranchised are staunch Democrat supporters by and large.
poverty and create employment. He finds, concerning the passage of Fair Labor Standards Act of 1938:

“If southern turnout rates had been as high as those in the rest of the country, the fraction of southern representatives voting to pass the FLSA might have been quite similar to that of representatives from the rest of the country. In addition, the results suggest that in states where manufacturing-oriented counties had higher turnout than did other counties, support for passing the FLSA tended to be greater, and that southern districts with larger African American populations were more likely to oppose the FLSA” (Fleck 2002)

The reason that the presence of African Americans had a positive effect on opposition to the FLSA was due to the fact that African Americans had no voice, and further more were exactly the persons for which the Fair Labor Standards were aimed at protecting. Southern representatives simply voted in their interests and that of those they represented, which were ultimately not disenfranchised voters – low-income, black workers. What's more is that this case focuses on intra-party relationships, thus there was no situation of difference in party affiliation present.

There is good reason to believe that enfranchised felons and ex-felons would indeed draw political attention from hopeful candidates. For instance, a relatively recent case in Canada illustrates how even incarcerated citizens with the right to vote may draw attention during election years:

“During the 1998 provincial election campaign, Parti Quebecois candidate Raoul Duguay visited Cowansville Penitentiary, a federal prison which houses many long-term inmates. Under Quebec law which provides that inmates' votes are counted in their place of domicile, ninety-two inmates had designated the prison as their place of domicile. For Duguay, who was running in that district, those ninety-two votes were significant enough to warrant meeting with inmates to discuss their concerns” (Parkes 2003).

This point is especially pertinent for areas in the US where many prisoners are housed outside of their communities of origin. Termed a “Phantom Population”, the situation involved sometimes thousands of prisoners, as in New York State, who are housed in prisons in northern rural towns. Should they be allowed to vote, and depending on their claimed residence, once powerless groups of citizens could find an attentive ear from
politicians and policy makers alike. I shall return to this case later, for now the discussion turns an understated point in disenfranchisement thus far, the spatial exclusiveness of disenfranchised communities.

3. Concentration of Electoral Disqualification

Because of the special nature of disenfranchised populations, focusing primarily on federal and state level data most likely undervalue Those who are most affected by the effects of the criminal justice system, those convicted of felony offenses and therefore subject to disenfranchisement policies, do not originate uniformly across the nation, the state, county units or even cities. Across the US, approximately 50% of criminals return to only 5 states. Within counties, offenders originate predominantly from inner-city, urban environments. Inside these cities, the disenfranchised originate from only a few specific communities. For example, Brooklyn, New York accounts for approximately 20% of the city population yet contains 50% of parolees (Burch, 2007). This situation mirrors others presenting the conversation of disenfranchisement with a particularly salient issue; primarily these communities tend to be the worst off communities in the city economically and in a range of other areas.

In Illinois, of the 97% of released

Source: (La Vigne and Mamalian 2003)
Figure 3 – Statewide distribution of returning felons
offenders whom returned to the state, 75% returned to only six counties. 62% of those released returned to Cook County which is home to the state’s largest city, Chicago.

“The majority of inmates released to Cook County were male (90 percent) and black (80 percent). Forty-nine percent had been serving time for drug-related crimes, 25 percent for property crimes, 21 percent for crimes against a person, and 5 percent for sex-related crimes. Released inmates ranged in age from 17 to 80 years, with an average (mean) age of 32 years. Just over half of these released inmates had completed some high school (54 percent), with only 23 percent being high school graduates. Over three-quarters reported being single at the time of entry to prison (77 percent), while only 13 percent reported being married. Approximately 40 percent of released prisoners returning to Cook County had been incarcerated in Illinois at least once before.” (La Vigne and Mamalian 2003)
In the case of Chicago, felons originate particularly from only 6 of the 77 communities in the city.

Figure 5 - Hot spots of returning felons

Table 2: Ex-offenders by zip code with selected data

<table>
<thead>
<tr>
<th>ZIP</th>
<th>Ex-Offenders</th>
<th>2001 Unemployment</th>
<th>Households Below Poverty</th>
<th>Household Heads</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All</td>
<td>Drug</td>
<td>Unemployed Rate</td>
<td>Married Couples</td>
</tr>
<tr>
<td>60624</td>
<td>5,916</td>
<td>4,065</td>
<td>3047</td>
<td>18.6%</td>
</tr>
<tr>
<td>60651</td>
<td>5,801</td>
<td>3,637</td>
<td>3486</td>
<td>10.8%</td>
</tr>
<tr>
<td>60644</td>
<td>5,401</td>
<td>3,449</td>
<td>3184</td>
<td>14.4%</td>
</tr>
<tr>
<td>60612</td>
<td>5,151</td>
<td>2,451</td>
<td>2068</td>
<td>15.1%</td>
</tr>
<tr>
<td>60623</td>
<td>3,991</td>
<td>2,647</td>
<td>4748</td>
<td>11.3%</td>
</tr>
<tr>
<td>60608</td>
<td>3,375</td>
<td>1,961</td>
<td>2899</td>
<td>8.6%</td>
</tr>
<tr>
<td>60601</td>
<td>85</td>
<td>27</td>
<td>35</td>
<td>1.0%</td>
</tr>
<tr>
<td>60655</td>
<td>79</td>
<td>25</td>
<td>379</td>
<td>2.5%</td>
</tr>
<tr>
<td>60602</td>
<td>70</td>
<td>21</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>60631</td>
<td>67</td>
<td>20</td>
<td>334</td>
<td>2.4%</td>
</tr>
<tr>
<td>60646</td>
<td>50</td>
<td>15</td>
<td>309</td>
<td>1.9%</td>
</tr>
<tr>
<td>60611</td>
<td>44</td>
<td>17</td>
<td>232</td>
<td>1.5%</td>
</tr>
</tbody>
</table>

(Source: The Chicago Reporter & U.S. Census)
The above table shows the general differences for communities hit hardest by crime (highlighted in yellow) compared to that of those least affected by criminal convictions (highlighted in grey).

The question then becomes – what does this mean for the interests of the communities adversely affected by the loss of political power? One would expect that areas of decreased political feedback would exhibit some of measurable characteristics which would indicate lack of public funding attention in certain areas. This, however, proved more difficult to assess given the literature at hand. What was possible to appraise is the disparate spending patterns on infrastructure in the city of Chicago, specifically the implications of Capital Investment Projects (CIP).

During the 1990’s, city authorities embarked on an ambitious plan of infrastructure investments - roads, sidewalks, sewers, industrial infrastructure projects, etc.. To these aims, $7 billion was allocated for the period 1990 to 2002. A report delivered by the Neighborhood Capital Budget Group in 1999 was undertaken to evaluate the amount and location of spending and found striking difference in rates of investment in wards.¹⁹

Spending on infrastructure in the areas with the most concentrated felon returns are not those with the least amount devoted to spending.²⁰ Quite the opposite, wards 28 and 24, two of three highly impacted areas, are each in the top 10 wards by expenditure (ranking 8 and 10 respectively), with allocations of $102,669,050 & $97,356,992 respectively; where as ward 29, with the highest concentration of returning offenders, ranks 29 with just over 68 million dollars for infrastructure allocation. The lowest allocated to a ward was $52,324,475 and the highest was $546,743,733 - this unusually high amount was devoted to ward 42 which encompasses the downtown district (Schwartz 1999).

¹⁹ Chicago is divided into 50 administrative wards.
²⁰ However, the study group finds that greatly disproportionate amounts are allocated via special tax incentive programs to one ward in particular, 42nd ward.
Source: (La Vigne and Mamalian 2003) & (Schwartz 1999)

**Figure 6**

The top 5 wards by infrastructure allocations surround the city’s center, while lowest 5 wards are situated in the most north east section of the city.

What is perhaps most troubling is the use of special investment strategies to augment areas which have no drastic need for such intervention, possibly representing a combination of political actors and special interests which exploit these mechanisms for specific interests. Although allocations to Chicago’s wards, as relates to yearly allotment
of funds for basic infrastructure, are relatively equal across wards, use of Tax Increment Financing schemes are “widening gap between the have’s and have-not’s” (Schwartz 1999).

TIF’s are programs intended to stimulate growth in blighted or at-risk areas. The strategy if to ‘freeze’ property tax revenue, which would generally be used in the general budget revenue, and reinvest that money into the TIF areas. What this means is that money from property taxes which could be used to fund other public works and projects throughout the city are not being received and therefore can not be redistributed to needy areas. That is, when TIFs are used in areas where they are not needed they “divert money back into already-healthy areas and away from neighborhoods that need an infusion of public funds” (Schwartz 1999). The NCB Group report finds:

The bulk of the City’s TIF dollars are going to the very same parts of the City that already receive the highest levels of traditional public investment. Far from reducing the disparities between the richer and poorer parts of the City, TIFs are actually widening the gap between the Central City and Chicago’s neighborhoods.(Schwartz 1999)

Looking at comparable characteristics of the 42nd ward, as compared with the areas within the 29th 24th, and 28th wards, we notice the striking differences between the have’s and the have-not’s. Those needing the least amount of help are receiving the greatest amount of attention, leaving poorer disadvantaged communities worse off than they ought to be.

<table>
<thead>
<tr>
<th>ZIP</th>
<th>Ex-Offenders</th>
<th>Unemployment</th>
<th>Households Below Poverty</th>
<th>Household Heads Married Couples</th>
<th>Household Heads Single Women</th>
<th>Per Capita Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>60601</td>
<td>85</td>
<td>Drug 27</td>
<td>Unemployed 35 1.0%</td>
<td>Rate 2.7%</td>
<td>73.2%</td>
<td>20.7%</td>
</tr>
<tr>
<td>60602</td>
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<td>60661</td>
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<td>42 2.4%</td>
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Source: US Census Bureau
Table 3: 42nd Ward socio-economic characteristics

What is important in the Chicago case is a) the blatant differences in capabilities regarding economic well-being and social structure (i.e. a substantially large number of single women headed households), b) the radically contrasting rates of criminal activity.
in the ‘good’ and ‘bad’ neighborhoods, and c) the widening gap between communities in need and those with greater commercial value. As the picture of Chicago illustrates, felons, and thus disenfranchised, originate from small, compact areas of cities, which are themselves isolated from other parts of the state, and in turn specific to certain parts of the nation – i.e., the disenfranchised are not generally the general population, but specific communities with special needs and most likely special preferences.

What the case of infrastructure allocations and programs in the city illustrates is the structural and institutionalized barriers these communities may face in policy decisions. I can not link the effect that the franchise has or would have on affected communities with the simple data at hand, though I suggest that given the opportunity and capability (i.e. enabling the right to vote) of voicing their preferences to political agents and policy makers, making the full weight of their needs known through the ballot or referendum, these communities might stand a far better chance of securing public funds for their chosen purposes through the election of candidates which represent the actual public choice, and not only those who have avoided the pitfalls of the criminal justice system. Disenfranchising voters from vulnerable areas of urban areas, for example, distorts the process by which public resources are distributed by artificially controlling the input factor into the policy process.

4. Color of Money: Disconnecting Disenfranchisement Policies and Race

“The traditional hatred for democracy amongst privileged elites, which is after all not very surprising, since democracy would threaten privilege,... this is not just hatred of democracy, but it is passionate hatred of democracy. If the mob, the rabble, ever begins to become involved in something like requesting that their representatives do something...civilization is coming to an end...it is a catastrophe. That represents a true hatred of democracy...” Noam Chomsky (unknown interview)

That racism and disparate criminal justice practices and trends existed and persist in American society is not to be underestimated or devalued, however, for a review of how these policies have affect communities of particularly distinctive socio-economic status requires that we remove from the dialogue any segregation of this group (economically and socially disadvantaged communities) in regards to their racial or ethnic background.
Indeed, the greatest irony in class warfare in American society is the belief that it does not exist. As Kevin Spacey’s character in the film “The Usual Suspects” so aptly puts it, “the greatest trick the devil ever played on man was convincing him he didn’t exist”.

Class warfare in American society, for all intents and purposes in modern debate, does not exist, and this lack of debate is regrettable. I begin separating race, crime and income inequality by focusing on the historically salient past of politics and race in America and then move into emphasizing the link between poverty and crime.21 Indeed, many studies draw strong correlations between concentrations of black and minority communities and criminal activity. However, the presence of adverse conditions in terms of social and economic ability in these communities seems to be sidelined by overstating the racial characteristics. I propose that communities, unfortunately African American and minority communities in particular, which have presented an identifiable threat to elite economic power structures, have suffered disproportionately from policies which incarcerate, weaken, and finally politically incapacitate. Felon disenfranchisement, in this view, entails that rival political-economic groups who were able to be identified and targeted were and continue to be marginalized through a complex series of legal and political decisions. This system, I suppose, is not the result of an incorporated and targeted strategy on the part of any one group, but rather the unfortunate product of the consolidation of resistance to social and political change.

In her recent book, “Savage Peace”, Anne Hagendorn reveals how early 20th century America, following the first World War to ‘fight for Democracy’, directly impacted the lives of identifiable groups believed to present risks to American ideals. Hagendorn tells how internal intelligence communities in America, notably the Negro Subversion Unit, infiltrated many groups in order to root out communism. One of the earliest groups to be targeted was that of African Americans, ironically most likely due to their solidarity and growing integration within society as equals. Indeed, many notable authorities, including J. Edgar Hoover, openly stated that “the trouble in black communities was Bolshevism” (NPR 2007). In fact, the problems in the black community were later found not to be communism so much as economic, social and political suppression. The

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21 The term poverty, in the context of America, refers to relative poverty and hence income inequality.
schisms of early America regarding the ideological struggle between capitalism versus communism are well documented, epitomized by McCarthyism and the witch hunts of Communist agents in America. Surprisingly, none of the literature reviewed has explored the possible links between the activities to suppress socialist and communist ideology in the United States and the evolution of legal practices which directly remove the ability of those most supportive of these theories of economics from the political spectrum.

4.1 Why Target Blacks?

Essentially, it is easier to label and target groups with apparent distinguishing features, such as color of skin, than it is to root out ideological beliefs. One requires evidence where as the other only sight. But why African Americans? For an answer to this an examination of history is necessary. Slavery, detached from morality, was essentially an economic activity. Slaves were production inputs into the Southern economy, without which these states would have had very little trade or industry as their products relied heavily, if not exclusively, on unpaid manual labor. After emancipation, these factors of input, now men and women workers, were suddenly injected into the political and economic institutions - or rather were meant to be.

The problem with Democracy is its reliance on self-government as a raison d'etre. That is, suddenly, the elites had to share power with those they had internalized as less than human, factors of production, harkening back to Noam Chomsky's assertion that elites do not take kindly to sharing power - I extend this to the reasonable assumption that the elites did and do not favor sharing economic wealth either. Thus the newly freed population of worker class met with considerable opposition, to say the least, from the elite. Furthermore, these new ‘free-agents’ posed a direct threat to their European counterparts, which had largely internalized the justifications used by elites to validate their exploitation of Africans for economic gain. This identification by poor whites with the elite instead of with their black counterparts, I believe, has led to considerable historical barriers to integration, of which I shall only briefly touch on.
The particularly interesting character of the early movements in America as regards Communist/Socialist ambitions is that contrary to entrenched elite leadership ("white America"), the leadership of the Black communities was openly and actively supporting change at the most fundamental levels of government. Prominent leaders such as W.E.B. DuBois (founder of the NAACP and leading member of the Haarlem Renaissance), Richard Nathaniel Wright (author of Native Son), and Cyril Briggs (founder of the African Blood Brotherhood and Crusader magazine22) all figured prominently in the advocacy of socialism in America. In African Americans, Communists found allies in the ideological wars of the early and late 20th century. African Americans represented an overt proletariat typology (Wald 2000). In his letter to the Communist Party of America, W.E.B. DuBois states:

I was early convinced that Socialism was an excellent way of life, but I thought it might be reached by various methods. For Russia, I was convinced she had chosen the only path open to her at the time. I saw Scandinavia choosing a different method, half-way between Socialism and Capitalism. In the United States I saw Consumers Cooperation as a path from Capitalism to Socialism, while England, France, and Germany developed in the same direction in their own way. After the depression and the Second World War, I was disillusioned. The Progressive movement in the United States failed. The Cold War started. Capitalism called Communism a crime.

Today I have reached a firm conclusion:
Capitalism cannot reform itself; it is doomed to self-destruction. No universal selfishness can bring social good to all.

The Communist party in America made an active effort to align itself with the African American community and to unite blacks and whites in their campaign to bring about social and economic change, to end what they believed was the exploitation of the worker by the privileged upper classes. Communist party members supported civil rights for African Americans at a time of broad infringement and denial of these rights, as well as openly aligning their interests with those African Americans who worked towards universal human rights in the United States (Wald 2000). During the Scottsboro Trials of the 1930s, Communist party agents “appropriated the event and frame it as a struggle against class exploitation and the need for interracial solidarity among workers” (Harris 2006). This appropriation of the event by socialist supporters failed to materialize into a

22 The Crusader was one of the first Black owned magazines in the United States and openly supported communist ideologies.
long-term advantage for either communist ambitions or African Americans, leaving a scar on both sets of interests which more than likely served to hamper socialist ambition than aid it.

During the aggressive campaigns of the McCarthy era, those seeking to rid the country of the communist threat utilized the crudest of techniques to differentiate between loyal Americans and communist traitors.

*Because the Communist party had been strongly committed to racial equality, many loyalty investigators believed that party members could be identified by their support for civil rights and participation in interracial activities* (Schrecker 2004).

The all-inclusive ideological fervor of anti-communism permeated the American landscape, “most of the men and women affected by the McCarthy era political repression were, like Lawrence Parker, ordinary workers who found themselves unemployed and often blacklisted because they had associated with the Communist party or the many so-called “front groups” within its penumbra”(Schrecker 2004).

The political *radicals* of the 1930s and 40s were effectively hunted down, imprisoned and vanquished by dominant capitalist, post-colonialist elites. Alesina, Glaeser, et al (2001) have stated that the fact that the United States differs so much from it’s European counterparts in welfare state policies is due in part to the lack of a strong socialist party, which fits with the evidence of aggressive suppression of those voices early in the nation’s history (Alesina, Glaeser et al. 2001).

The early connections with socialist movements and a greater world-wide disintegration of colonialism no doubt helped enable the later ‘Black Power’ movements of the 1960’s. Indeed, African American militarism, separatism, and political activism included many of the principles of socialism – redistribution of resources to alleviate poverty, universal rights, workers rights, etc. (Zinn 1998). This is evident from economic policies advocated Malcolm X and other leaders.
The most militant of those falling in line with the ideas of massive political and economic reform were most notably minorities historically undereducated, unemployed, proud of their race, and concentrated in urban areas (Zinn 1998). It seems appropriate that the institutionalized regulations to deprive a citizen of their right to vote happen to coincide with the crimes most perpetrated by those who stand to benefit the most by institutional reform at the most basic level, government. As Kleinig and Murtagh (2005) state, “Disenfranchisement continues ... disempowerment in ways that are unnecessary except for the fact that additional social voices might be upsetting to entrenched practices and hegemonies” (Kleinig and Murtagh 2005).

“...blacks remain strongly group oriented and concerned about what happens to blacks as a group. This group orientation explains much of the liberal orientation of black voters and, by extension, their identification with the Democratic Party and, by definition, their suspicion of Republican candidates, black or white.”(Kidd, Diggs et al. 2007)

Loyalty to the Democratic Party is not so much a factor of race, but rather of consolidated memory of discrimination and the historical classism of conservative ideology traditionally opposed to changes in the status quo. African Americans internalized their class identification more than whites of the same class, regardless of wealth attainment.

The failure of socialist ideals to take root in America, and the prevailing elite ideologies meant that the poor no longer had a viable political party exclusively calling for economic reform. Black America, disparately impoverished and excluded, solidified their ranks and fell outside interracial ideologies, notably Black Nationalism – also an idea originating from early communist experiences. Opponents of disenfranchisement however well armed with the statistical evidence of disparate effects on racial minorities will continue to present an ambiguous case against the practice until a more comprehensive approach to these policies is undertaken.
4.2 Connecting Disenfranchisement and Poverty

Felon disenfranchisement is a function of, obviously, criminal activity and conviction. Crimes meriting disenfranchisement are in turn linked with policy decisions made by those who control policy. Therefore, the question turns directly to whom is committing the crimes which policy dictates deserving of disenfranchisement. If disenfranchisement policies are not racial in substance, and if crime is not causally linked with race, than is disenfranchisement a function of poverty?

The mass of increases in criminal convictions rests with crimes linked with poverty and inequality. The risks of imprisonment are highly correlated with capability, such as educational attainment, which is made possible with the supply of the means of attainment. The risks of going to prison are highly “associated with low income, unemployment, family instability, recidivism” and political and social restrictions (Pettit and Western 2004).

Class inequality in higher education, and thus capability, correlates positively with prevalence of becoming incarcerated, but simply supplying education is hardly the means to reducing the instances of deviant behavior in society. Institutional capability and public resource redistribution also affect the abilities of communities to avoid collapsing into a cycle of poverty-crime (Wallace 1991). Addressing this crime trap is important to avoiding what appears to become a peripheral disenfranchisement trap, whereupon large segments of communities have their political power diminished by virtue of higher criminal activity and thus lose their ability to affect, even if only symbolically, agenda setting.

This poverty-crime-disenfranchisement trap extends throughout communities it infects, finding footing in various facets of routine life courses. It manifests itself in greater vulnerability of lower-income housing prices to micro-shocks (criminal activity), which can impede ability to borrow against one’s home, for instance.
One additional violent crime per thousand (level) are on average 1.1 percent lower. The average housing price in low-income neighborhoods is $88,170, so this represents a loss in value of $970. Controlling for the same factors, a house in a low-income neighborhood with an increase (change) of one more crime per thousand has on average 3.6% lower housing prices. This represents a loss in value of $3,174. The total loss due to one addition crime per 1,000 is $4,144 in these neighborhoods. These results are certainly substantively significant. In contrast, housing prices in a high-income neighborhood with an additional violent crime per thousand (level) has on average 0.1 percent lower housing prices and an increase (change) of one more violent crime per thousand has on average 0.05 percent lower housing prices. The average housing price is $193,311 in high-income neighborhoods, so these translate into losses of $193 and $97, respectively, for a total loss of $290. (Tita and Petras 2006)

Compounding the adversities these communities face, spatial relocation and increased crime prevention resources on the part of wealthier segments of society increasingly constrain criminal activity to poor communities. This has commonly been referred to white flight, owing to the movement of higher income whites moving outside of central cities in favor of sprawling sub-urban areas. That is, those who in the upper classes of society self-segregate themselves from poverty and associated crime by, very simply, paying for protection. This has particularly troubling implications, since it represents an attitude of avoidance, circumventing actually addressing the issue of class inequality. Spatial relocation and increased consumption of protective measures only leads to crime being forced onto poor communities (Levitt 1999).

Communities with higher concentrations of criminality also face adverse conditions in resolving their situations via administrative and bureaucratic barriers. For instance, those convicted of drug related crimes after a certain date (August 22, 1996) becomes ineligible to receive food stamps or other aid through the Temporary Assistance to Needy Families (TANF), and those families with offenders are subject to reduced amounts. These individuals also become ineligible for other public programs such as work-training schemes and educational grants (DOJ 2002). This is most regrettable for communities suffering already from the condition which breed criminal activity since they are acutely vulnerable to the loss of public funding meant to facilitate their ability to sustain and progress economically and socially.

The reduction of benefits are counterproductive to preventing crime and have helped to “escalate the severity of [crime]” (Brown-Dean 2003). These policies seem to be
misguided in their assumption that further economic and administrative punishments dependent on criminal conviction are prudent methods of curtailing infringements on laws which they seek to enforce. That is, the motivations of drug dealers, for instance, are more akin to that of other low paid workers taking on a second job to supplement their legitimate income sources (Reiman 2005). Reducing safety nets to enable the vulnerable to escape poverty reinforces conditions which spawn criminal activity, with increased duration leading to increased probability that community residents will engage in criminal activity (Jarjoura, Triplett et al. 2002).

Turning back to the issue of depriving these same communities of political influence, I question whether the policies imposed are truly representative of the interests of those who are subject to adherence in the face of extenuating circumstances. As Reimen (2005) states:

The criminal justice system tends to label as crimes the ways in which lower-class people harm others, while the ways in which the members of the upper classes harm others are generally treated as regulatory matters, or if as crimes, not as grave ones. For example, preventable occupational diseases kill far more Americans each year than ordinary homicide. Nonetheless, the intentional acts that leave workers prey to deadly occupational diseases are rarely treated as crimes, and, even when they are, those responsible are almost never treated as murderers. (Reiman 2005)

Thus the same laws which felons are obliged to adhere to are increasingly policies which may not align with their preferences.23

5. So What? – How Might Disenfranchised Persons Use Their Vote?

The question that has to be answered in the case of disenfranchisement is - so what? There is probable cause to believe that enforcing policy on populations lacking the ability or will to weigh in on policy formation has some rather unpleasant effects - i.e. that those most affected by stringent anti-drug policies are de facto those least likely to have their views transformed into policy considerations. However, what types of policies would lower income, disenfranchised citizens likely support should the vote be restored?

23 We can not simplify the reasons for which all deviants perpetrate crimes, and thus it should be assumed that the in fact some proportion of felons agree in principle with the laws they have broken.
Judging from historical accounts of franchise extension, and demographic characteristics, there is a significant likelihood that these voters would be highly receptive to policies which favored the typical Democratic liberal ideals of increased government spending. It is important to note that in light of an increased pressure, Republican candidates might be seen to alter any hardnosed stances against state intervention as new windows of opportunities open up.

First it is worth questioning if political actors even consider felon voters a threat. After all, there would only be a logical reason for suppressing a group’s political voice if that voice would have an undesirable affect. The ‘subversive vote’ theory. As Brenner and Caste (2003) point out:

“The concern with felons’ utilizing their ballots to pursue goals that are contrary to the common good assumes (1) that felons are conscious of belonging to an identifiable group, (2) that this group has goals that can be achieved or furthered through the use of the ballot, (3) that this group desires to employ the ballot for this purpose, (4) that the group goals will be contrary to the common good” (Brenner and Caste 2003)

In this regard, felons would either need to form a group identity or already have a group identity. To be sure a ‘felon identity’ is a dangerous, or rather subversive, one to have as regards any community. The subversive voting paradox has been taken up by many other authors and I will not delve in depth into the issue here. It is worth considering, however, that political interests which stand to lose, real or perceived, political support due to the presence of a hostile group of voters might find ways to remedy the threat by other means than compromise, where it is feasible to accomplish. For instance, in 1998, Republican Lieutenant Governor Paul Celluci (Massachusetts) began, and successfully executed a campaign to disenfranchise incarcerated felons in 2000.

The Governor candidate’s zest for change came “in response to the formation of a Political Action Committee (PAC) at a state prison” (Kalogeras and Mauer 2003). Massachusetts, until then, had a long history, dating back to the American Revolution, of allowing inmates to vote. The rationale for this was that felons were incapable of making responsible personal decisions and therefore were as well incapable of making responsible group decisions. This seems at least somewhat duplicitous as these same felons were charged and convicted as responsible individuals and therefore obliged to
serve out punishment (Kleinig and Murtagh 2005). It seems peculiar to convict a person for being responsible and then remove them from the community for being irresponsible. Considering the timing of the decision, in response to an organized group decision to become politically involved in the policy process, it seems vaguely possible that the act was less based on legal rationale so much as political convenience.

Once these groups of citizens begin to identify and organize as a specific group, not based on race, but on common socio-economic characteristics, they stand a favorable chance to affect policy in ways which ‘law-abiding’ citizens could or would not do. Because these persons represent a group which has extensive, first-hand knowledge of situations which many politically active members of society can only speculate about. (Kleinig and Murtagh 2005) Those affected by policies aimed at specific goals necessarily, in protection of their own self-interest, have possibly the most right to weigh in on how that policy should be shaped. That is, it is self-defeating, I believe, that those communities suffering the worst affects of poverty and crime should be legally removed from the process which aims to resolve it.

So what do these communities want? Or more precisely, what policies might the class of disenfranchised be likely to support if their votes were cast?24 For this I turn to opinion polls conducted by the American National Election Studies (ANES), which compiles extensive data on public opinion and trends. Looking at selected data, I find that indeed, lower income groups have preferences for increased government intervention in matters of public welfare as compared to their wealthier counterparts. For instance, support for government spending on public goods such as health care is negatively correlated to income level.

24 Since there is no available data on how felons tend to vote, or would vote, it is only pragmatic to assume that they would vote along similar lines, and hold similar attitudes as those of their socio-economic class.
Government Should Provide Health Insurance

Source: American National Election Survey
Figure 7 - Public Opinion of Selected Issues

Also, higher income classes tend to identify more commonly with Republican Party ideals than their poorer counterparts.

Identify with Republican Party

Source: American National Election Survey
Figure 8 - Public Opinion of Selected Issues
This has significant political ramifications considering that voting increases with income. That is, those who not only do the preferences of poorer communities differ from those of wealthier communities, the poor do not go to the polls at the same rates as the rich.

Source: U.S. Census Bureau
Figure 9 – Voter turnout by income class

Source: U.S. Census Bureau
Figure 10 – voter turnout as percentage of income class
This remains trend remains true across racial groups as well.

\[\text{Percentage of Demographic Groups Voting By Income Level}\]

Source: U.S. Census Bureau

**Figure 11 - Percentage of voter turnout by income class and race**

These facts are due to a variety of reasons, some quite logical. For instance, the money lost from absence from work and time spent to stand in line at the polls for elections may be higher in terms of opportunity costs than for wealthier segments of the population, especially if polling stations are ill equipped and not accessible. Furthermore, the poor likely have more obligatory barriers, i.e. family responsibilities and such, which may prevent or depress their ability to cast a ballot. The marginal costs of a low wage worker sacrificing one, two or three hours to vote, that is, is much greater than that of a wealthier voter who may supplant paid services for personal responsibilities (childcare, gardening, home repairs, etc).

Several recent documentaries focusing on recent voting in the United States have uncovered glaring discrepancies in the management and ability of polling stations located in lower-income communities, further disenfranchising communities already susceptible and/or suffering from criminal disenfranchisement laws. It is clear that the poor suffer more than the upper classes of society at the polls. As Fleck (2001) finds, “the expected influence of a citizen on policy depends on whether that citizen is important... For this reason, voters will have more influence than nonvoters”.(Fleck 2001) Because communities greatly impacted by disenfranchisement reside
overwhelmingly in concentrated urban areas, there are potentially considerable ramifications for policies at both the local and state levels concerning allocation of public funds and crime prevention and services which diminish the likelihood of criminal activity.

6. Franchise Extension, Public Spending, and Community Stability

Public spending, and spending allocation, is inextricably linked with politics. Greater voting constrains the power of the elites to concentrate funding on special interests where the election is necessary for control of the purse (Dixit and Londregan 1998). Parties, in theory, will typically focus their electoral promises to match the preferences of the median voter, which is typically considered to be the middle-class. The sheer numbers of the middle class means that voter turnout from this group will be the largest of all the classes, noticeable in the following figure of voter turnout by economic category.

Source: U.S. Census Bureau
Figure 12 – Voter turnout by income class and race

That whites turn out in larger numbers is predictable given their superior population size. However, this advantage may be offset when, as has been increasingly seen in the United States, voters become significantly polarized, producing ‘nose to nose’ election races. It is here where the situation begins to benefit those formerly marginalized
interests which previously had less effect on the outcome of elections. This has interesting potential ramifications for two reasons.

For one, it means that those whom may have been considered irrelevant for courting by political elites now have a greater advantage for election outcomes. Assuming political actors utilize economic incentives to get voters ‘on board’, those segments of the population facing renewed interest will benefit from their new found fame with promises aimed at meeting their preferences. This is especially so if these ‘new kids on the block’ are able to be persuaded by either party, since a group of voters is only worth expending energy on if they will actually vote for the party, otherwise actors risk alienating those already ‘in their pocket’, so to speak. Therefore, “it is the very weakness of the non-elites, both in terms of relative bargaining power and information, which makes them suitable to become an impartial arbiter between the two competing elites” (Ghosal and Proto 2006).

Since a greater voting public decreases the practicality of targeted goods provision, public provision become the weapon of choice, especially public provision of goods and services which everyone will benefit from. Evidence from 19th century England, following the extension of the franchise, supports this claim. After the franchise was extended, public expenditure as a share of GDP grew substantially in the areas of health care, education and infrastructure. Lizzeri and Persico (2004) find that franchise reforms in the late 1800s increased investment in health significantly, with an eightfold increase between the years 1840 to 1890. They also note that education significantly increased as a share of public goods as well as the disestablishment of special interest spending to elites. The extension of the franchise in England came voluntarily to the masses. That is, there was no great concerted upheaval of the masses to enfranchise themselves, but rather that the elite extended the franchise because of a conducive environment to end patronage.

The reasons however for the extension in reform era England are primarily supplementary for the purposes here. What is particularly fascinating is that resistance to public expenditures was substantially weakened in the face of greater accountability
and public preference. Additionally, they find an increase in public infrastructure during this period. Generally, the increases in expenditure led to increased productivity as well as a dramatic decrease in mortality (Lizzeri and Persico 2004). Additionally, in the United States, the extension of the franchise had a “significant and positive effect on welfare spending (or transfers) but little, or negative, impact on other spending categories (including spending on public goods)” (Aidt, Dutta et al. 2004). Fleck (1999) finds, as well, that increased voting has a positive relationship with distribution of funding, noting of FERA spending in the US that “by voting, an individual would have increased his or her county's expected FERA allocation by about $30. The coefficient also indicates that increasing the level of turnout by one standard deviation (.072) in a county would have increased expected FERA spending in that county by about $2; this represents an increase of about 16% for the typical county” (Fleck 1999). These numbers are reliant on the turnout of voters, which is directly affected by voter disenfranchisement. This has a significant meaning for disenfranchised communities as removal from the political process depresses individual and community interest in participation. Thus the situation fits into a vicious cycle.

From what we know about the preferences of those communities disproportionately affected by disenfranchisment, it is reasonable to assume then that their value of the vote is favorably tilted towards greater resource public goods provision, which is likely to come in the form of social safety policies. However, there is a small problem with this hypothesis which must be accounted for, the ‘American Dream’.

The ‘American Dream’ is still deeply entrenched in the American psyche and though many may support the idea of greater social protection policies, especially the disenfranchised, this may only be a temporary love affair. That is, the American dream is well entrenched, and many believe that the future will bring prosperity and greater access to economic rewards. The almost blind optimism, even in the American lower-classes, means that no one really wants to pay the bill. If they do get rich, they don't want to sacrifice their tax money on others, unless of course they are sufficiently risk averse to going back down on the income ladder. The less risk averse voters are and the more they see long-term public redistribution as a risk to the progress of themselves
and/or their kin, the less likely they will be to support higher taxation – even among the poor (Benabou and Ok 2001).

Americans are quite risk averse to being the victims of crimes, one need only look at the amount of money dedicated to self-protection and property protection. An appeal to an increase in social safety net expenditures may find agenda space in the same space as rationales for supporting disenfranchisement laws, democratic extension for the prevention of crime. That it is, the way the argument is presented to those who must be won over, because of material and ideological based opposition to redistribution, is also of considerable importance. It is not simply a matter of telling the upper-classes that redistribution is good for alleviating poverty. The case may need to be presented in such a way to help the medicine go down; i.e. that increased spending on public (x) and (y) reduces undesirable (z), framing (in a way) the provision in terms of distributional good rather than redistributional good (Rudolph and Evans 2005).

Conclusion

(1) Lower socio-economic classes suffer disenfranchisement more than higher classes.

The very policies which have been cited as preferred methods of avoiding, reducing and controlling criminal activity are being held back, I believe, from full potential because a large segment of American society has been and remains disproportionately affected by policies that serve to reduce their political representation and therefore minimize their ability to influence the decisions of law makers and establish policies representative of their interests. That racial minorities are predominantly affected by disenfranchisement is inexcusable, however I believe that if these policies are to be successfully dismantled, a broader, more integrated view is required of the conditions at fault and affected. In this way, this paper aims to enrich the debate against felon disenfranchisement by ‘disconnecting’ race from the debate, if only for a moment, and to address those affected as an entire class of persons instead of a specific subset therein. In choosing to approach the debate as an issue of ‘class warfare’, I hope only to suggest that further research into U.S. public policy not withdraw from an all but forgotten concept; that the
poor have more in common with each other than they do with their wealthier counterparts.

(2) Disenfranchised communities are not uniformly distributed spatially across the US and therefore represent an identifiable population at the community level because of their concentration.

Groups are not evenly distributed throughout the United States by region, state, county or city, but rather by socio-economic status – the implications of disenfranchising unique, spatially concentrated have particular ramifications for public policies in these areas. Furthermore, the forces which limited redistribtutional policy formation in the United States also contribute and exacerbate community stability through criminal justice policy’s definition and application. Criminal sanctions are borne disproportionately heavily by the lower classes, and even more so by distinct groups therein. Incarceration may depress income generation, but it is disenfranchisement that depresses political participation.

(3) Lack of extensive and established social welfare ideals in the political and social arena has aggravated class inequality by obscuring class as a policy issue in the United States.

(4) Greater political relevance (i.e. gaining the attention of political actors, etc) leads to greater provision of public goods. Extension of the franchise should be part of policy to increase community capacity and self-control over public funds.

Evidence supports that franchise extension increases public spending, which I propose may also work on a micro scale at the community level, increasing allocations and characteristics of public funding to these communities. Policies aimed at reducing income inequality and poverty are necessary for effective, long-term crime reduction (Lee; Jarjoura, Triplett et al. 2002). Improving community living standards though allocation of funding to institutional capital investments have been cited as reasonable strategies to reduce criminal activity, however such policies will require real ability to
impress policy decisions, and not simply the acquiescence from a patriarchal elite - but a concrete, immovable political voice on the part of those with little else to exploit. Research has indicated that other countries, even with limited disenfranchisement laws, have lower crime rates as a result of “highly developed social safety nets” (McCormick 2000). Dissolving disenfranchisement policy in the United States would substantially increase public attention to such policies and work in conjunction with other efforts to create stable, peaceful communities.

This paper does not claim that ending felon disenfranchisement will usher in a new era of welfare spending or a booming increase in voting turnouts; or that politicians are inherently self-motivated to the point of only supporting policies which will win an election or remove the threat of undesirables from the electorate.25 It is not the intention to downplay the role that racism, as it has come to be in the United States, which is a real and formidable factor for many. Disenfranchisement policies stand as a barrier to full realization of the original American ideal of the nation as a ‘melting pot’ of cultures and ideas.

Those interested in the formation of an effective, long-term, equalizing welfare system in the United States must take into consideration the peculiar set of characteristics which exist in the American identity, particulars which may impede political progress towards social spending such as political disenfranchisement. Equally so, opponents of disenfranchisement may focus their attention towards a more holistic view of disenfranchisement.

It has been shown that poverty increases the likelihood of criminal activity, that this activity is defined by policy which does not submit itself to collaboration by the very persons it seeks to ‘rehabilitate’. These policies are not exclusive to the United States, and as such, research into the deprivation of other vulnerable groups (for example the aborigine population of Australia) merits further investigation as concerns state sanctioned political exclusion and the effects on economic wellbeing.

25 Although altruism as a concept is hard to defend, and I see no reason why political altruism should be an exception.


