

Felons: democracy and equal protection clause

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Coleman Wahlborg Richard English IV, 1A 9 September 2011 Felons and Voting This year 5. 3 million people will be unable to vote not because they are mentally unable, not because they are underage, but because they are felons and ex-felons (Holding, 2006). Ex-felons are people who committed a felony and have served their punishment, dictated by the judiciary system, and are living in the community. When previous convicts are released from prison they are considered citizens again. Being a citizen, one is promised certain rights and responsibilities.

As an ex felon one is a free citizen who can exercises the rights and responsibilities granted by the Constitution of the United States of America. Since former felons have earned their rights back shouldn't this include voting? Whether ex-felons should be able to vote or not is a very popular issue among people. The two sides in the issue can be fairly biased. Some people might know felons that they think should be able to vote and others are on the other side of the argument. However, research says that there are several reasons why ex-felons should and shouldn't be able to vote.

The Fourteenth Amendment states, " no state shall make or enforce any law which shall abridge the privileges or the immunities of citizens in the United States. " This law sets forth that citizens have privileges and no one has the right to deprive citizens of these privileges. Current felons are not members of society, but previous felons' civic rights are restored when they complete their sentence. Denying ex-felons the right to vote abolishes their rights (Krajick, 2004). Only two states allow current felons to vote, and ten states permanently prohibit former felons from voting (Zotti, 2000).

This means that people who used poor judgment in the past, paid their debt to society, and were released from jail, are still being punished and shunned from being normal everyday citizens. Prohibiting ex-felon voting is not only a punishment to them, but also to society (Should felons be allowed to vote, 2008). The people of United States will be fortunate if 40% of eligible voters cast a ballot for the next presidential election (Holding, 2006). “ Instead of prohibiting felon voting, we should require it” (Holding, 2006).

We should be finding ways to get people to the polls, not keeping them away. Ex-felons who are going to return to their ways are not going to be interested in having a voice in the government. Individuals who are not already deterred from crime by the threat of confinement are not likely to be swayed by the prospect of losing their right to vote (Mauer, 2004).

Individuals who have changed are the ones that want to vote, and the ones who have not changed will most likely wind up in the criminal justice system again “ Voting is not a privilege; it is the basic right that defines a citizen.

Those denied it are, in effect, stateless -- people without a country” (Krajick, 2004). Voting is a right that defines a citizen in the since of when a person votes they are considered responsible and knowledgeable for not just complaining about the government but casting a vote to try to change things. When one does not vote, and is disconnected from the government in which they live, and they are stateless because they have no control over decisions that are made.

The efforts to block ex-felons from voting makes those individuals feel more detached from society, which increases the chance that they will continue to

break the law (Williams, 2010). Past felons feel they cannot get involved in their government because they are turned away, which essentially leads so many ex-felons to resort to their old ways. In 2000, the *Alexander v. Mineta* Supreme court case that dealt with the Equal Protection Clause came to the conclusion; “ The Equal Protection Clause does not protect the right of all citizens to vote, but rather the right of all qualified citizens to vote. However, the Eighth Amendment prohibits excessive sanctions, and demands that punishment for crimes should be graduated and proportioned to the offense (Karlán, 2004). Therefore, felons who are released from jail have been punished for their crime; more punishment on their part is inhumane of society. The states that continue to exclude all felons permanently are outliers, within the United States and the world (Karlán, 2004). People who argue that ex felons should not have the right to vote believe that they have presented poor judgment and it is absurd to let them help in the choosing of our representatives (Carlson, 2006). This is agreeable to a certain extent, but when one takes a deeper look, the harsh answer is former convicts are stereotyped by most people. While these previous felons have presented poor judgment in the past, who is to say they will never change (Chapman, 2006)? The government lets ex-convicts marry, have children, drive and have the freedom of religion. In many places, the assumption is that ex-felons cannot be trusted to help choose our leader.

If we thought criminals could never be reformed, we would never let them out in the first place (Chapman, 2006). There are many reasons why felons should be able to take place in the voting system; however there are reasons why they shouldn't be able to. Felons become felons by presenting an act of

poor judgment in most cases. Felons cannot vote for similar reasons that children can't vote. " We don't let children vote, for instance, or noncitizens, or the mentally incompetent. Why? Because we don't trust them and their judgment.

We have different reasons for not trusting them, but it seems to me that that is their common denominator" (Clegg, 2004). People who have committed crimes in their life have already shown us that they are not trustworthy people (Clegg, 2004). " And, as to equity, if you're not willing to follow the rules yourself, you shouldn't be able to make the rules for everyone else" (Clegg, 2004). Because voting determines in the long run who will make the rules for our country, there is no reason why the country should allow people who can't follow the rules, vote on the rules. Now, I will freely concede that there are felons who ought to have their right to vote restored, but that should be done on a case-by-case basis, weighing (a) how serious the crime was, (b) how recently it was committed, (c) whether there has been a series/pattern of crimes, and (d) whether the individual has otherwise shown that he or she has turned his or her life around" (Clegg, 2004). Clegg states that not all felons are in the same category. It is understandable that murderers should not be allowed to vote. On the other hand, some people really have gone through a long process to change their life around for the better. The right to vote is not granted to those under the age of eighteen. That age limitation demonstrates that voting rights may be restricted when there is reason to doubt the potential voter's good judgment" (Latham, 2006). Latham shares similar ideas to Clegg on how the age limitation on voting and whether felons should be able to vote are connected due to prior

judgment or lack thereof. The interests of convicted felons might also differ from the primary interest of the American citizen body who want to be protected from criminals (Latham, 2006).

A primary issue for the convicted felons as a whole is that 2/3 of felons released commit crimes within the next three years; not counting the ones that were not caught. Holding, Reynolds. " Why Can't Felons Vote? - TIME. " Breaking News, Analysis, Politics, Blogs, News Photos, Video, Tech Reviews – TIME. com. 1 Nov. 2006. Web. 19 Oct. 2011. Krajick, Kevin. " Why Can't Ex-Felons Vote? (washingtonpost. com). " Wahlborg 2 The Washington Post: National, World & D. C. Area News and Headlines - The Washington Post. 18 Aug. 2004. Web. 19 Oct. 2011. <http://www.washingtonpost.com/wp-dyn/articles/A9785-2004Aug17.html>