

# **THE COLOR OF SUFFRAGE: Voter Disenfranchisement, Power Threat Hypotheses and Modern Democracy**

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Predating the Reconstruction Era in the United States, the practice of criminal disenfranchisement, has existed throughout history in European and early Roman law as a retributive consequence of offending as well as a deterrent to future offending. Shortly following the writing of the Declaration of Independence, North American British colonies enacted restrictive provisions that disenfranchised criminals from political participation. In the United States however, criminal disenfranchisement and limits on voter participation, is the only aspect of suffrage that continues to expand instead of contract. Ratified in 1870, the fifteenth amendment of the United States Constitution extended to right to vote to liberated black citizens. Women gained the right to vote in 1920 with the ratification of the nineteenth amendment and the minimum voting age for state and federal electoral participation was decreased to eighteen years when the twenty-sixth amendment was ratified in 1971. Nevertheless, voting restrictions for individuals presently or formerly subject to criminal justice system supervision persists and literature to date reveals that the motivations stimulating the present legislation is grafted from a historically discriminatory agenda.

Political, sociological and philosophical arguments challenging the permanent political exile experienced by disenfranchised felons and ex-felons, posit that of all of the collateral consequences endured, voter disenfranchisement is the most institutionally alienating and unjustified.<sup>1</sup> Exclusion from the civic process not only counters democratic ideals by denying citizens the opportunity to contribute to policy agenda design but also systematically disempowers discrete social groups, resulting in the palpably destructive isolation of these individuals and their communities. Civil death, or the denial of human rights inflicted on individuals faced with felony conviction, hugely impacts American exceptionalism as this

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<sup>1</sup> Brewer and Heitzig, 2008; Davis, 2005; Hull, 2006; Manza and Uggen, 2006; Ochs, 2006; Shapiro, 1997; Uggen et al., 2006; Walton, 2001.

country's high incarceration rate grossly surpasses the dimension of criminal justice activity exhibited by any other country.<sup>2</sup>

Furthermore, the incarceration rate that exists on American soil is disproportionately comprised of racial minorities which consequently informs our socio-political landscape. Racial tensions, community disorganization, viable labor market access, familial structures, voter participation and criminal justice policy are endemically compromised for social groups experiencing disproportionate social isolation.<sup>3</sup> More importantly, because voting restrictions for individuals presently or formerly subjected to criminal justice supervision were implemented as a feature of a historically discriminatory agenda, this research aims to identify whether current legislation seeks to further the agenda of an elite population at the expense of the disadvantaged and socially disabled.

In concert with questions concerning the larger social justice implications of felony disenfranchisement, this paper endeavors to uncover the relationship between a potentially racist retributive penal system, the outcomes from which fall short of rehabilitative, and the nature and degree of social and political stigmatization experienced by the system's casualties. The principal challenges raised in this research venture to reveal not only the historicity and motivation animating felon disenfranchisement legislation but to examine the racialization of punishment and the consequent demographic composition of our prison population and politically disenfranchised citizens. Additional aims include the disclosure of recent disenfranchisement techniques employed by the state in relation to power and racial threat hypotheses as well as an assessment of resultant minority electoral participation necessarily shaped by structural roadblocks to voter participation. Lastly, the conclusions offered beg readers to consider the implications of these practices for the advancement of social justice and redress the issues by offering solutions and plans for a more inclusive sociopolitical framework.

## **POWER THREAT HYPOTHESES**

Initially introduced as an explanation for exhibited tension trends and shifts unfolding between socially disparate groups, power threat hypotheses evolved as a means through which social scientists could identify where thresholds for tolerance began, diminished and would ultimately remerge. As the hypotheses stand, the exercise of bridging historically separate social groups will initially worsen

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<sup>2</sup> The 2007 United States' rate of incarceration of 762 inmates per 100,000 population is the highest reported rate in the world," *Prison Inmates at Midyear – 2008*" Report, United States Department of Justice: Bureau of Justice Statistics; Manza et al., 2004; Walker, 2006.

<sup>3</sup> Brewer and Heitzig, 2008; Davis, 2005; Miller, 1996; Preuhs, 2001; Shapiro, 1997; Wilson, 1987.

relations between the groups due to competition over scarce resources.<sup>4</sup> With respect to Reconstruction Era race relations, the hypotheses proffer that as white majorities grow increasingly threatened by the influx of minority group members who threaten their monopoly on employment positions, housing markets, economic advantage and political power, the threshold for tolerance will decline and tension will spark violence and coercive control.<sup>5</sup> There exists in the United States a positive relationship between minority presence and coercive social control that historically, the political hegemony has hesitated to relinquish.<sup>6</sup>

Racial Threat hypotheses in particular suggest that the smaller the initial ratio of blacks and black power to the white majority, the more intense and severe the newly implemented measures of social control – they will ultimately decelerate as black populations grow and sociopolitical structures shift, but they will also endure nonetheless.<sup>7</sup> Following the 1968 enactment of the twelfth amendment which officially abolished slavery and servitude, access to paid labor markets and land ownership resulted in the swelling of black economic and political power as well as looming redistribution and reoccupation of space and status that white Americans were not ready or willing to surrender. Collectively, whites began to implement varied mechanisms of social control, including the burning and pillaging of Black-owned property, public lynching and criminal imprisonment.<sup>8</sup>

### **RACIALIZATION OF PUNISHMENT**

It is important to recall that prior to the 1868 ratification of the fourteenth amendment, black men and women were not legally recognized or protected as citizens – they were regarded as property. The Constitution was written during an era that espoused very narrow definitions of citizenship. Citizenship was limited to white, property-holding men for whom as it was, the pulse and structure of their social, economic and political welfare was tethered to the subordination of Blacks. Following abolition, southern states in particular needed to quickly devise a new vehicle through which they could legally restrict access to freedom, social membership and political agency of newly freed slaves.<sup>9</sup> By 1870, states were obliged to reconcile three constitutional enactments before making strides toward implementable limitations on the black political voice. Passed in 1865, the thirteenth amendment abolished slavery with the exception of punishment for

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<sup>4</sup> Blalock, 1967; Orr, Marion and Darrell M. West. *Power and Race in Cross-Group Coalitions*, in Persons, 2007.

<sup>5</sup> Jackson, 1986.

<sup>6</sup> Beck and Tolnay, 1990; Behrens et al., 2003; Blalock, 1967.

<sup>7</sup> Liska and Chamlin, 1984.

<sup>8</sup> Liska, 1992; Myers, 1990.

<sup>9</sup> Davis, 2005; Jackson, 1986.

crimes committed against the state. The fourteenth amendment was enacted in 1868 as a measure to equally protect basic rights for American citizens, revocable only insofar as an individual was guilty of participating in acts of rebellion and the fifteenth amendment ratified in 1870 asserted that citizens' suffrage rights could not be restricted on the basis of race. Slavery and servitude could not exist in this country unless as punishment for a crime committed against the state.<sup>10</sup>

The most straightforward means through which states could restrict a mounting black political voice was simply to criminalize their behavior. The revocation of a citizen's voting rights is constitutional under state discretion insofar as the individual is guilty of participating in acts of rebellion or other crimes.<sup>11</sup> Article VIII, §182 in the 1901 drafting of the Alabama Constitution expanded the list of enumerated crimes under which voting rights were retracted and several other states quickly followed suit.<sup>12</sup> For Alabama, after which other states later modeled their constitutions, the list of crimes punishable by imprisonment in a penitentiary and consequent disenfranchisement included:

treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature...[and] any crime involving moral turpitude.<sup>13</sup>

The concluding catchall provision was interpreted and employed at the Alabama Supreme Court's discretion and was understood as an act that is "immoral in itself, regardless of the fact whether it is punishable by law."<sup>14</sup> Effectively, via a restructuring of legislation and guidelines for imprisonment, circuit courts could and did reclaim voting rights from black citizens. In addition, the incentive to criminalize black behavior allowed southern states to implement convict leasing and debt peonage systems that placed blacks back in plantations from which they were recently emancipated. Similar initiatives unfolded in northern states where factories were built within the prison walls and fueled by black inmate labor. Both methods of control covertly spelled the exploitation of black labor and bodies, expunged federal government from its constitutional obligations to equally protect

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<sup>10</sup> *United States Constitution*: 13<sup>th</sup> Amendment, Section 1.

<sup>11</sup> *United States Constitution*, 14<sup>th</sup> Amendment, Section 2.

<sup>12</sup> Behrens et al., 2003; Myers, 1990.

<sup>13</sup> *Alabama Constitution*, Article VIII, Section 182, drafted in 1901.

<sup>14</sup> Behrens et al., 2003.

its citizens and spelled large racial disparities in criminal involvement and incarceration, much of which persists today.

Arguably, the evolution of the American prison system directly correlates with a swelling minority political presence or the perceived threat of an intimidating minority influence.<sup>15</sup> Through the racial typification of crime, the prison-industrial complex operates in part as a mechanism of social control whereby latent white supremacy paradigms socially, economically, politically and culturally advance.<sup>16</sup> Through the physical and political imprisonment of blacks, states are able to redress the mounting issue of America's black voter population without violating the Constitution's thirteenth, fourteenth, fifteenth or twenty-fourth amendments. Despite challenges to these practices, the Supreme Court holds that racism is individual and not institutional and that incarceration rates and the collateral consequences disproportionately suffered by blacks are not unconstitutional.<sup>17</sup>

The historicity of racial privilege makes racism and resultant oppression a feature of our cultural landscape and an energy sprung from ideals and beliefs that endure to date. In 2002 Senator Mitch McConnell (R-KY) vehemently opposed felon enfranchisement and admitted, "States have a significant interest in reserving the vote for those who have abided by the social contract... Those who break our laws, should not dilute the vote of law-abiding citizens."<sup>18</sup> McConnell however, fails to recognize the arbitrary definitions surrounding unlawful behavior and the direction of the skew to which social contract benefits often lean. The racialization of crime and incarceration and the political disenfranchisement of racial minorities function to preserve the "purity of the ballot box" as well as obscure and assuage hegemonic fears of diluted strength and influence.

### **DEFINING VOTER AND FELON DISENFRANCHISEMENT**

The effort to safeguard an elite monopoly over policy and governance arose as early as 1870 with the implementation of varied voter disenfranchisements tactics, all of which were grafted from an agenda working against blacks' social mobility. The series of social control mechanisms included poll taxes demanding wage garnishing that far exceeded what many blacks could forfeit, literacy tests were mandated following an era during which it was illegal for blacks to read or write, grandfather clauses were drafted limiting electoral participation to those with a family legacy of registered voters and widespread lynching and social terrorism frequently took place. All of these practices were statutes and behaviors sprung

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<sup>15</sup> Davis, 2005.

<sup>16</sup> Brewer and Heitzeg, 2008.

<sup>17</sup> *Richardson v. Ramirez*, 418 U.S. 24 (1974); *McCleskey v. Kemp*, 481 U.S. 279 (1987).

<sup>18</sup> Behrens et al., 2003, p.571.

from an agenda that sought to informally disenfranchise black voters prior to the drafting of constitutions resembling Alabama's. As they stand today, felon disenfranchisement laws are constitutional or statutory restrictions on the right to vote after one has been convicted of a felony and are applied to felons residing in a particular state regardless of the state in which they were convicted.<sup>19</sup> The implications of this guideline weighs heavily on the black population which has not only lost many of its members to federal prison facilities, but for whom parolees exiting these institutions are released and establish themselves in those very states with stringent disenfranchisement laws.<sup>20</sup>

Designations of felons and felony offenses differ amongst the fifty states and cover a spectrum of activities, the punitive sanctions against which are particularly varied as well. Albeit broad, a felony offense is a crime punishable by a prison sentence of one year or greater.<sup>21</sup> Additionally, felons are divided into four classifications. The first and most limited in their political access are incarcerated felons who are prohibited from voting polls in forty-eight states – Maine and Vermont do not exclude incarcerated inmates from their voter population. Non-incarcerated felons are grouped in the second classification comprised of parolees who remain under fairly rigid criminal justice supervision and the third category consists of individuals serving probationary terms nearing the expiration of their sentence. The fourth classification is comprised of ex-felons who still bear the weight of a stigmatizing criminal record. Since the 1865 ratification of the thirteenth amendment abolishing and prohibiting slavery and involuntary servitude, states have found avenues through which the black political voice would be quieted. Furthermore, no matter the state under scrutiny, there exist a greater proportion of disenfranchised blacks than whites and this is a product of the United States' skewed prison populations.

### **PRISON DEMOGRAPHICS AND IMPLICATIONS FOR BLACKS IN AMERICA**

Incarceration is the most frequently used nonviolent form of coercive social control.<sup>22</sup> In the United States, the existence of laws and penalties that disproportionately target minority groups will obviously produce a dramatic overrepresentation of blacks in every phase of the criminal justice system and as long as a collective fear of crime and the black-menace-caricature persists, these numbers will not subside.<sup>23</sup> Additionally, when discussing racially charged felon

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<sup>19</sup> United States Sentencing Commission; Preuhs, 2001.

<sup>20</sup> California, Kentucky, Louisiana and Texas. <http://www.sentencingproject.org>, retrieved 11/16/2008.

<sup>21</sup> *2008 Federal Sentencing Guidelines Manual*, United States Sentencing Commission.

<sup>22</sup> Myers, 1990.

<sup>23</sup> Davis, 2005; Jackson, 1986; Walker, 2006.

disenfranchisement laws, readers must pay close attention to definitions of felony offenses and how their consequent convictions unfold. More blacks than whites under criminal justice supervision have suffered the consequences of felony convictions because their offenses are exacerbated by a greater number of prior arrest and conviction records as well as inadequate defense counsel and pretrial detainment status.<sup>24</sup> Felony conviction exists largely in part as a reflection of racially disparate judicial conclusions at every stage of the criminal justice system, many of which begin in our educational systems and juvenile courts.<sup>25</sup>

The Department of Justice reports a staggering racial disparity in incarceration rates for minority offenders, particularly black men, as compared to their white counterparts.<sup>26</sup> In 2007, one in ten black males aged 25-29 was in prison or jail, as were one in twenty-eight Latino males compared to one in fifty-nine white males in the same age group. In 2006, 40% of the prison and jail population was black while blacks constituted only 12% of the American population.<sup>27</sup> For the year 2000, state and federal cases subject to mandatory minimum sentences and mandated convictions of twenty years or greater, 60% of these rulings were handed down to black defendants while white defendants were only sentenced to incarceration terms exceeding twenty years 17% of the time.<sup>28</sup> Lastly, black males risk a 32% chance of prison incarceration at some point during their life course, Latino males have a 17% chance and white males risk a 6% chance of serving a prison sentence.<sup>29</sup> If residing in states other than Maine and Vermont, all of these men and women will experience some aspect of voter disenfranchisement.

In print today, felony incarceration and subsequent disenfranchisement may not be animated by the same white supremacist rhetoric exhibited in Alabama's 1901 constitutional drafts but their effects are dangerously similar to those of a latter era.<sup>30</sup> Criminal justice system expansion not only triggers markedly adverse consequences for the incarcerated and the communities from which they are drawn, but also undermines tenets of the Voting Rights Act passed by Congress in 1964 as felons now constitute largest group of disenfranchised Americans.<sup>31</sup> Penal expansion for blacks – arrests, convictions, incarceration, and parole – and subsequent voter disenfranchisement severs social bonds and membership and undercuts individual offenders' capacity to (re)connect with their political system.

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<sup>24</sup> Miller, 1996.

<sup>25</sup> Miller, 1996.

<sup>26</sup> United States Department of Justice: *Bureau of Justice Statistics*.

<sup>27</sup> United States Census Bureau.

<sup>28</sup> Mauer and King, 2007.

<sup>29</sup> Mauer and King, 2007.

<sup>30</sup> Shapiro, 1997.

<sup>31</sup> Manza and Uggen, 2006.

Exacerbating sociopolitical alienation, fourteen states currently permanently disenfranchise ex-felons and in thirty-one states even non-incarcerated convicted felons serving probation sentences also lose their right to vote in state and federal elections. Blacks have suffered the greatest loss of voting rights where one in six men cannot vote because of current and prior felony convictions and/or they lack the knowledge and motivation to reclaim their rights.<sup>32</sup> Reportedly, state officials are ignorant with respect to voter registration guidelines as ex-felons who *can* vote have in the past been misinformed concerning their voter participation eligibility.<sup>33</sup> Additionally, the strength and validity of Power Threat hypotheses persist, as the positive relationship between states' minority racial composition and the severity of felon disenfranchisement laws adopted is statistically significant.<sup>34</sup> Given the racial composition of our prison population, felon disenfranchisement laws necessarily homogenize the voting public, skew the partisan makeup of our political bodies and influence the construction and design of policy agendas.

#### **ELECTORAL PARTICIPATION: 2000, 2004, 2008 AND BEYOND**

Despite the 1964 Voting Rights Act, the denial of state-level political involvement for disenfranchised felons and ex-felons also spells the denial of federal and presidential electorate participation and tainted electoral outcomes. Due to felon disenfranchisement statutes, an estimated 4.7 million people did not vote in the 2000 presidential election of which over 2 million are black (these figures do not include jail inmates and pretrial detainees who could not vote on November 4, 2000).<sup>35</sup> Census Bureau data indicate that the majority of nonwhite voters identify with a Democratic Party affiliation and reportedly voted for Democratic candidates in state and federal elections.<sup>36</sup>

In Florida alone, 613,514 people were denied the opportunity to vote in the 2000 election and some political theorists argue that their vote would have swayed the election outcome.<sup>37</sup> Additionally many black voters in Florida reported cases of terrorism and technical disenfranchisement which included state trooper road blocks in predominately black counties, needless driver's license and vehicle registration checks, incomplete voter registration rosters and early closing of polling centers to which black registrants were designated. An estimated 2,085 votes were lost that day and the Republican victory in Florida emerged only from a

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<sup>32</sup> King, 2007.

<sup>33</sup> Behrens et al., 2003.

<sup>34</sup> Preuhs, 2001.

<sup>35</sup> Manza and Uggen, 2006.

<sup>36</sup> Manza and Uggen, 2004; United States Census Bureau.

<sup>37</sup> Manza and Uggen, 2004; Smith and Seltzer, "The Deck and the Sea: The African American Vote in the Presidential Elections of 2000 and 2004," in *Persons* 2007; Walton, 2001.

537 popular vote margin.<sup>38</sup> Additionally, for three states exhibiting high percentages of Latino registered voters (Arizona: 25.3%, Nevada: 19.7% and New Mexico: 42.1%) each claim an average of 1,144 complaints concerning technical voter disenfranchisement – this figure neither includes the number of complaints actually reported nor the number of unreported disenfranchisement instances sustained.<sup>39</sup> Despite the unanimous Supreme Court ruling that no registered voter can be denied the opportunity to vote, these events took place and remain unchallenged.<sup>40</sup> These twenty-first century practices mimic the hegemonic terrorism suffered by blacks during the Reconstruction Era and reflect a pervasive and persistent racial threat response that continues to surface as minority political influence or its potential at the very least, begins to mount.

Since the 2004 presidential election the Bush administration has participated in the passing of laws and provisions limiting the political reach of black voters. In 2005, Georgia Governor Sonny Perdue signed House Bill 244 reducing the number of valid identifications that render an adult eligible to vote in Georgia. Currently, in order to register to vote, Georgia citizens must provide valid state-issued photograph identification. This is problematic for poorer residents without passports and drivers licenses. Also in 2005, Florida legislators passed House Bill 1567, similar to Governor Perdue's mandate but also expanded the buffer around polling stations to one hundred feet as the area within which voter assistance is prohibited. This mandate poses a particular string of challenges for Latino voters who require assistance due to language and literacy barriers. Data illustrate that affidavits, provisional ballots and voter assistance at the polls are used disproportionately by minority voters, the majority of whom tend to vote for Democrat candidates.<sup>41</sup> Partisan composition has seen significantly higher expected levels of Democratic support from racial minorities and disenfranchised felons in particular from 1792 onwards, which is precisely when Republicans gained control of government's executive and legislative branches and their subsequent lawmaking agendas. President-elect Obama's victory hid not emerge solely as a result of increased voter protection but also as a consequence of an existing political voice that pushed itself to materialize beyond the reaches of a racially discriminatory legislation.

Racial Threat hypothesisists contend that as minority populations increase, so will their political presence and power and in response, society's white hegemony may continue to implement other institutional mechanisms of social control. If

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<sup>38</sup> Manza and Uggen, 2004; Walton, 2001.

<sup>39</sup> Walters, "Federal Enforcement of Voting Rights: Party Competition, Disenfranchisement, and Remedial Measures," in Persons, 2007.

<sup>40</sup> *Carrington v. Rash*, 380 U.S. 89 (1965).

<sup>41</sup> Walters, in Persons, 2007.

increases in black voter participation resulted in the unchecked technical disenfranchisement experienced by Florida's Duval County voters, then conceivably, incarcerated and non-incarcerated felons are guaranteed an increase in disenfranchisement severity. Racial Threat hypothesisists also assert that the efforts exhibited by the monopolizing elite in response to perceived social threat at the hands of a growing minority population never manifest a decrease in social control implementation, only a deceleration and the adoption of a more innovative means of control and terrorism.<sup>42</sup>

For example, the end of parole in Pennsylvania will see a huge surge in its disenfranchised felon population as the current composition of Pennsylvania voting registrants includes every other individual with a criminal record with the exception of current inmates. Despite his Democratic Party affiliation, if Governor Rendell successfully eradicates the option of parole for serious offenders he will effectively revoke the right to vote for nearly 13,000 prospective parolees.<sup>43</sup> These policies thwart the efforts of the Civil Rights movement and challenge the mandates of the fifteenth amendment. As disenfranchisement laws increase in severity, blacks disproportionately suffer a greater extent of political exclusion because the ability for blacks to claim gains towards social membership diminishes as fewer and fewer black people qualify for voter registration.<sup>44</sup>

### **IMPLICATIONS FOR SOCIAL JUSTICE**

The systems and procedures outlining felon disenfranchisement challenge the advancement of social justice on a number of levels. The role of government is to structure our institutions such that its least advantaged members have access to the best of possible outcomes and to ensure that the installation of these institutions drives individuals to regard one another not as means to ends but instead know an individual as end in and of itself.<sup>45</sup> If this is indeed its objective, then government must not relinquish its obligations to the tenets of the Constitution, the promise of justice or steer us dangerously towards the feudal system that societies have long abandoned. Secondly, the cancellation of any aspect of full citizenship for non-incarcerated ex-felons who have served their sentences and repaid their debt to society not only challenges the Constitution's fourteenth amendment which protects American citizenship and all of its benefits<sup>46</sup> but also challenges the eighth amendment which prohibits the state from imposing excessive fines and cruel and unusual punishment against offenders.

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<sup>42</sup> Behrens et al., 2003; Blalock, 1967; Preuhs, 2001.

<sup>43</sup> *The Pennsylvania Board of Probation and Parole*.

<sup>44</sup> Ochs, 2006.

<sup>45</sup> Rawls, 1971.

<sup>46</sup> *Trop v. Dulles*, 356 U.S. 86 (1958).

Additionally, the revocation of citizenship rights for individuals who commit crimes against the state is not an unreasonable means of punishment but if the majority of the prison population is of a racial or ethnic minority then the Supreme Court is obliged to address the consequences of legislation that is arbitrary and racially inequitable.<sup>47</sup> States with the highest percentages of black residents frequently have the harshest disenfranchisement laws and those with the smallest relative black populations are less inclined to exclude felons from their voting polls.<sup>48</sup> Lastly, the authority of law and the integrity of law makers are judged against the knowledge of whether policy implications are endemically discriminatory and exclude allegedly expendable groups. Voter disenfranchisement, be it technical or felony-related, erodes the likelihood that the government can realistically anticipate civil cooperation from marginalized groups who are systematically denied the opportunity to participate in the making of laws to which they are ultimately expected to adhere. Due to the social alienation and disorganization that ensues, with increased disenfranchisement stringency, antisocial behavior, deviance and criminal participation are likely to increase. Felons and ex-felons, the majority of whom are black men, face disadvantages arising from incomplete citizenship<sup>49</sup> – the reality of which impedes social justice advancement on a larger scale.

The justifications for felon disenfranchisement policies as are outlined in state law and eloquently defended by Congressman McConnell, are very telling with regard to how Americans are to interpret their Constitution's correctional objectives and understandings of full democratic participation. Our strong Get Tough anti-crime consensus allows for racially motivated laws to operate under the guise of retributive punishment rather than reveal the implications that result for minority suffrage, political mobility and social inclusion. The suspension of voting rights experienced by felons and ex-felons necessarily damages not only the community to which they belong but leaves all of society with a deficient democratic model.

### CONCLUSION

The state ought not to exact further retribution against ex-felons who have already served their sentences. Felon disenfranchisement serves only to increase social distance and blights individuals' capacity for self-determination in a larger society. If there remain viable hopes for meaningful civic reintegration, felon disenfranchisement policy does all restorative justice efforts a gross disservice.

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<sup>47</sup> *Furman v. Georgia*, 408 U.S. 38 (1972).

<sup>48</sup> Manza and Uggen, 2006.

<sup>49</sup> Uggen et al., 2006.

Those who participate in democratic processes have a greater investment in resulting decisions, preserving the process and espousing the law.<sup>50</sup> True democracy requires full political participation of all members subject to institutional controls.

The relationship between social alienation and the criminal behavior and recidivism that it breeds is not irreparable. A legislative endorsement of political (re)enfranchisement will promote rehabilitation and social reintegration. Additionally, the political inclusion of socially marginalized felons and ex-felons may also redress injustices suffered prior to conviction that could have potentially motivated criminal involvement in the first place. Racial disparity, particularly as a proxy for class and power, has an enduring influence on the pulse of our social institutions and affects reverberating outcomes for society, the depths of which merit further analysis. As scholars we need to examine the role of Power Threat hypotheses in the evolution of American political development as well as what will unfold over time between incarceration rates and disenfranchisement restriction severity. Since each of the two mechanisms operate in the other's absence to maintain a hegemonic stronghold on politics, structure, culture and society, then advocates for justice and democracy have much ahead of them in the way of dispelling latently discriminatory social control. More importantly, society is charged with the task of considering how we wish to consider one another and how important it is that our political agenda speak to a larger percentage of society.

Voting rights are a political as well as philosophical issue. When government attempts to draw lines around voting participants it also outlines a macro national identity. American exceptionalism, systematic exclusion and the delineation of an aggregate identity results in a national profile that many Americans do not identify with and may never even come to recognize. Surveying less punitive countries and their support for enfranchisement further enunciates the exceptional character of the United States' commitment to limiting the political rights of so large a population. Of the varied rudimentary elements of our democratic model, political diversity and strides toward parity of influence are paramount and affect a national identity that a greater number of citizens will *want* to internalize and subsequently protect. American society is faced with the future of a growing minority population and needs to reconsider how understandings of citizenship are defined and bolstered as well as the version of democracy to which we may too hastily consent.

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<sup>50</sup> Hull, 2006.

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