

The Strength of a Nation

Exordium

The destiny of a nation rests in one man's hands: policies, values, ideals¹. Every decision made is the product of this one man's opinion; every step, guided by his choice. He wields the power to turn the nation from disaster or lead her to doom.² Who is this man? A strange dictator? Some overbearing tyrant, bent on reaching his goals, heedless of the needs of the people? No. This is everyman. This is the power of one man's vote: the power that America has acknowledged and protected from its earliest days.³

At its founding, America created a radical government: it had the most inclusive franchise of any nation of its day. Up through the Civil Rights and women's rights movements, America continued to encourage the franchise, broadening its horizons to include previously unheard of sectors of society, taking a radical step in welcoming them to government. But today, many complain that we allow too few to vote, especially given our heritage of expansion. Progress has come to an abrupt halt and refuses to take the next step to carry our country to further inclusion. We won't let felons vote. Other countries allow them to vote. We have even included blacks and women in our voting process, two of the most historically restricted groups. Why stop there? Why not continue to expand? Is it from oversight or neglect? No, the true answer is simple, though not easy. Felons should not be allowed to vote.

Narration

Up until the last few decades, felon disenfranchisement, removing a felon's opportunity to vote after conviction, was conventional. It was considered an implicit truth that if someone had broken the law in such a serious way as to be called a felon, they were no longer allowed to vote. As

¹ Climax

² Amplification

³ Conduplectio

Richard Singer explains, the whole notion of disenfranchisement stems from the Greek and Roman concept of civil death and the early English practice of “attainment”, completely removing a criminal’s civil rights (Singer). However, this consequence is sanctioned in only one place in the Constitution: section 2 of the 14th amendment. “But when the right to vote at any election . . . is denied to any of the male inhabitants . . . except for participation in rebellion, or other crime, the basis of representation therein shall be reduced . . .” (“Constitution”). Although the particulars of representation discussed here aren’t specific to the question of felon voting, it is significant to note that this disenfranchisement was so ingrained in the authors’ worldview that it is only by the barest of margins that it was mentioned at all. Also, the specific wording of the phrase, “except for *participation in* rebellion or other crime,” reveals the authors’ understanding that disenfranchisement was to be permanent, regardless of the felon’s status on parole, probation, or even on the path to full repentance and active encouragement and support of their community. If we propose to challenge these foundational suppositions, we must do so with careful thought and deliberation. Such deeply held beliefs were held for a reason, and that reason must be carefully considered before it is disregarded.

Some of the more contemporary, practical struggles of this issue are consistency and communication. Because felon disenfranchisement is left to individual state legislatures, “this leads to an unfair disparity and unequal participation in Federal elections, based solely on where an individual lives” (“Cardin”). Not only is there this political inconsistency, but as journalist Elizabeth Hull reports, what constitutes a felony varies from state to state, leading to Pandorian⁴ confusion when a more fundamental discussion based on definition is breached (Hull). Not to mention the fact that unclear communication both before and after incarceration results in countless felons’ complete unawareness of their voting eligibility status (“Reports”). One former felon, Reggie Mitchell, has

⁴ Mythological Allusion

formed a group to raise felon awareness of voting eligibility and to put those who are newly enfranchised back on the voting rolls (K. Thompson). Why bother? “For our democracy to function properly, everyone who has the right to vote should be given the chance to cast a ballot” (“Reports”). Although the issue of whether or not felons should be allowed to vote is still in question, if we are to uphold justice, we cannot continue to indirectly inhibit eligible voters from casting a ballot, simply because we cannot be troubled to communicate clearly.

⁵What compels us to consider whether felons ought to be allowed to vote? What makes this issue significant in the first place? Granting the ability to vote indicates a certain respect for human opinion. It recognizes citizens’ dignity as human beings whose life has value that should be respected and considered under government, rather than ground under the heel of tyranny. The founders’ concern for “no taxation without representation” and for government “by consent of the governed” defended this human right of respect. Voting enables individuals to influence their government, to form the laws that they will then be compelled to uphold. David S. Reid, North Carolina governor of 1850, stated that “elective franchise is the dearest right of an American citizen” (Stephenson 68). Today, nearly 5.3 million Americans are unable to vote because of past felonies (“Felon Disenfranchisement”). But despite this deficit, automatically reinstating their ability to vote would be injudicious. As Chancellor James Kent expresses it, “the principle of universal suffrage ... is an awful power, which, like gunpowder or the steam engine, or the press itself, may be rendered mighty in mischief as well as in blessings” (Stephenson 72). This power must be wisely handled, or it will be mishandled and, like Phaethon’s pride, end in disaster.⁶As the Civil Rights and women’s rights movements did before it, felon disenfranchisement forces us to consider the very essence of this power and its bestowal.

Division

⁵ Hypophora

⁶ Mythological Allusion

Felons should be disenfranchised because, through their crime, they have rebelled against their government and ought not to be allowed to participate in it. Further, they have challenged law, the very foundation of community and in so doing have broken the workings of a functioning society. Allowing them to vote would only empower them to further influence their community to possible harm. Although this may seem extreme, when considered carefully, disenfranchisement is an appropriate consequence in both magnitude and nature. Finally, by committing a felony, a felon has abused his citizenship, forfeiting his opportunity to vote.

Refutation/Confirmation

A gaunt man strides through the now open door, free again, and in a deeper and truer way than many of us will ever understand. The prison lies far behind him, an empty cage, impotent in the face of freedom.⁷ And yet he is still bound in another cell, bars closing in on him, restricting his liberty. He is not truly free: he can never vote again. Those who hold that felons should be allowed to vote question the justice of punishing felons twice for a single crime; once through incarceration, twice through disenfranchisement. Senator Mandy Dawson-White objects that “the penal system is for punishment. How long should this punishment last?” (Gahr) Why do we perpetuate punishment past the explicit legal term of incarceration by seeking to disenfranchise those who have already served their time? As Carolina University law professor, George Fletcher puts it, “the idea that you would pay the debt and be treated as a debtor forever verges on the macabre” (Hull). If, as Mississippi governor Haley Barbour contends, our communities are truly “based on our Christian belief in repentance, forgiveness, and redemption – a second chance for those who are rehabilitated and who redeem themselves” (Barbour), then what drives us to continue this practice? Felon advocate Reggie Mitchell comments, “It kind of offended my notion of justice. You can serve your

⁷ Personification

time and still have your rights taken away” (K. Thompson). Why do we allow this form of legal double jeopardy, a double punishment for a single crime?

Advocates of this position overlook the importance of one significant fact. The victim of this supposed “double jeopardy” is a felon, demanding justice to excuse his behavior despite the fact that he, through crime, has already blatantly rejected that system. The victim calls on the aggressor; the felon, on his government.

They also fail to make the appropriate distinction between a punishment and a consequence. A punishment is “any pain, suffering, loss, confinement, or other penalty inflicted on a person for a crime or offense, by the authority to which the offender is subject; a penalty imposed in the enforcement or application of a law” (“Punishment,” def. 2). A consequence, however, is “that which follows from any act, cause, principle, or series of actions; an event or effect produced by some preceding act or cause; a result” (“Consequence,” def. 1). The difference is in the cause of the effect. A punishment is the instated penalty for misconduct. A consequence is merely what follows from that misconduct, a more natural outworking of that action, independent of the legal precedent. Consider a disobedient child. If his parents have told him not to touch the fireplace, and yet he chooses to anyway, there will be both a punishment and a consequence; a punishment for disobedience in the form of parental discipline, a consequence for touching the fireplace in the form of pain. Take this concept to the legal arena and consider a driver pulled over for drunk driving. We don’t think of a fine and license suspension as a double jeopardy. The fine classifies as a punishment, a penalty instated by the government for breaking the law. A fine, unlike license suspension, has no natural connection to the offense, merely a legal one. Suspending the license, however, is more of a natural consequence, prompted by the driver having broken trust with the government, a natural outworking of having disregarded that particular statute.⁸ So too, prison time

⁸ Analogy

for a felony is the punishment, a legal imposition instated by the government for violating the law. Disenfranchisement is the natural consequence for this level of offense.

A felony is an offense against the government, a blatant disregard for the laws enacted. What right does the felon have to, through voting, direct this government he has so clearly disrespected? “Through voting, ‘the governed’ confer (or withdraw) authority on (or from) those who govern as the governed grant (or withhold) their consent” (Stephenson 2). By committing a felony, these offenders have voted: they have voted with their actions against the current leaders and laws.⁹ Despite the seeming contradiction between the founders’ calls for no “taxation without representation” and government “by the consent of the governed” and felon disenfranchisement, felons are quite accurately represented. They represent themselves, standing against the government, representing their disdain. Perhaps that was not the message they intended to send. Their intent, some may argue, was not rebellious. However, that is impossible. Because they have broken the law, they have, by definition, rebelled against the government. Their actions showed a disdain for the government and the binding authority of its statutes. Roger Clegg, president of the Center for Equal Opportunity, puts it this way. “We don’t let everyone vote. We require that people meet a minimum level of trustworthiness and loyalty to our system of government” (Twohey). Conscious or subconscious, direct or indirect,¹⁰ they have cast off government authority in favor of their own discretion. What right do they then have to use the very system they have rejected to call for justice on their behalf? What is the purpose of laws or standards if they can be twisted at every turn to suit the purposes of any offender?

However, antagonists object, saying that “if we truly want to break the cycle of recidivism, we need to reintegrate former prisoners back into society. When prisoners are released, they are expected to obey the law, get a job, and pay taxes as they are rehabilitated and reintegrated into their

⁹ Anadiplosis

¹⁰ Antithesis

community. With these responsibilities and obligations of citizenship should also come the rights of citizenship, including the right to vote” (Cardin). How can we expect felons to become a functioning part of society again if we persist in treating them like outcasts? As felon Alex Friedman puts it, “If society doesn’t care enough about former prisoners to treat them as citizens, with voting rights of citizens, then why should former prisoners care enough about society to act like law abiding citizens?” (N. Thompson) Disenfranchising this group further estranges them, leading to higher recidivism rates, but to what end? What can we possibly hope to gain from restricting these citizens? Chuck Colson, ex-prisoner and BreakPoint founder, argues that “allowing ex-prisoners to vote costs the taxpayer nothing. But being able to walk into a voting booth, and to re-join the body politic, means a lot to ex-prisoners” (Colson). Ex-felons are forced to forever carry the mark of crime, like Hester Prynne¹¹, hounded in every step and action. Journalist Megan Twohey writes of one such ex-prisoner, Thomas Johnson, who, despite his active, positive involvement as the director of a program to help newly released prisoners back into society, is unable to vote (Twohey). Why are we so heartless to turn deaf ears on those who have truly repented and who, like ex-prisoner Thomas Johnson, are giving back to their community, clearly showing that they have turned from a lifestyle of crime?

It is heartless indeed to require a felon to carry the weight of his crime through every walk of life. If our goal is to protect and grow the community into functioning individuals and organizations, then estranging the repentant felon is needlessly vindictive and only further drives the divisive wedge of inconsideration into a society already fragmented by crime. It is therefore in our best interests to help felons back on their feet and into the community if at all possible. However that doesn’t necessarily mean that we should allow them to vote. There are many other ways we permanently estrange felons that have no connection to justice, seeming to be little more than additional

¹¹ Eponym

punishment, a double jeopardy. For instance, restricting employment or housing opportunities, such as those Hans A. Von Spakovsky, John Park, and Richard Singer report, does little more than estrange the felon, since there is no just ground to continue these restrictions if the felon has shown himself truly repentant.

However, if we are truly seeking to establish a functioning society, we cannot compromise on voting. Voting is the power by which individuals are able to establish regulations and laws. Laws are the tools of the government to protect the life, liberty, and pursuit of happiness of its citizens. When a felon chooses to disregard these laws, he tears at the fabric of community, destroying the foundation of all stability and order, leaving nothing but a tattered remnant of what was once secure. He has spooked community trust, an unstable and insecure creature, who, once startled, is not easily reassured.¹² Why do we require that sex offenders register with the police when they move to a new neighborhood unless we are distrustful of what of their past action may carry into the future?¹³ Their actions speak louder than any words promising good behavior:¹⁴ they do not fundamentally care about the community. The community will then be reluctant to allow this offender into a position as influential as voting. So will the government, if it is truly seeking to fulfill its role. The government's responsibility is to guard the life, liberty, and pursuit of happiness of its citizens, restricting these only where to refrain would endanger their lives. Is it responsible then for the government to refrain from restricting one who has so clearly shown that he does not have the best interest of the community at heart and empower him with the tools to influence and infiltrate the security of the people? Community is established through government, government, through law, and all through voting. To grant someone such influence when they have so blatantly attacked the foundation of societal order and governmental purpose would be courting disaster.

¹² Metaphor

¹³ Rhetorical Question

¹⁴ Maxim

But doesn't permanent disenfranchisement seem a bit extreme? Perhaps, but because of the nature of voting and felony, disenfranchisement is an appropriate consequence in both magnitude and nature. A felony, according to Black's Law Dictionary, is "a crime of graver or more atrocious nature than those designated as 'misdemeanors'" ("Felony"). Although this definition isn't very specific, it's descriptive enough to convey the gravity of a felony. This isn't a minor mistake made in a lapse of judgment; it's a major misconduct that cannot be taken lightly in the face of the solemnity and gravity of law. As a serious offence, it ought to have a consequence just as serious. Because of the power of voting, disenfranchisement is a significantly serious restriction, a reality that parties on both sides would readily agree to. The question then becomes, not whether it is serious enough, but whether it is too serious, too crippling, too severe¹⁵ to be an appropriate consequence. However, felons have shown their total disregard for law, the cornerstone of society, threatening to upset any possibility of societal stability. How can we possibly trust those who have so blatantly threatened society, with the single most potent influence in that society? To do so would be in utter opposition to the defense of life, liberty, and the pursuit of happiness.

Contenders protest that this very argument used to support disenfranchisement, based as it may be in our nation's concerns, ignores one of our nation's fundamental struggles. For many years, America was bound by racial discrimination, through the Civil War and Civil Rights, tensions ran high and claimed the lives of more American citizens than any other conflict. Yet through it all, we strove for truth, and finally, through the haze of prejudice and hate, we found it. We gave up the childish practice of assuming that personal worth was based on physical appearance and, as a nation, chose to abandon discrimination. But whatever the legal statutes, many citizens continued to grasp at racial superiority: old habits die hard¹⁶. And so, to skirt specific laws and still eliminate blacks from voter rolls, they passed a series of "Jim Crow" laws targeting areas of the population that were

¹⁵ Chiasmus

¹⁶ Maxim

mostly black in an attempt to subtly minimize blacks' voting influence. "As Sen. Carter Glass . . . made clear, these measures were intended 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" (Hull). Justice itself was redefined to exclude blacks from the voting booths. Because proportionally there are so many more blacks incarcerated than there are in the total population, contenders hold that felon disenfranchisement is just one more iteration of this racial blow. When Kentucky's population is 7.7% black, and the percentage of blacks in prison is nearly four times that at 31.7% ("Amend"), it gives us pause to consider whether their felon disenfranchisement policy is truly just, or just manipulative. As *Washington Monthly* journalist, Nicholas Thompson puts it, "As with so much of this country's past, a large part of the history of felon disenfranchisement hangs on the issue of race. It's no coincidence that blacks are harmed the most by felon disenfranchisement; many of the laws seem to have been drawn up for that purpose" (N. Thompson).¹⁷

Were there a viable connection between felons and blacks, the challenge levied would indeed be severe. However, a felony is based on a personal, individual choice and not a pre-determined, uncontrollable physical attribute, such as race. "... At the end of the day, it shouldn't matter what race you are as long as you serve your time" ("Amend"). And although it may be used by some to attempt to weed out blacks from the voter rolls, it is our responsibility to act on conscience, not to attempt to avoid every misuse of a law. God calls us not to hide our light under a basket, but to let it shine before men, boldly proclaiming truth, not cowering in the face of potential evil.

Opponents further propose that we are overly cautious to expand the franchise when there are many examples of countries, such as Canada, Ireland, and Spain, successfully allowing felons to vote. What these critics overlook, however, is what lies behind these nations' decision to allow

¹⁷ Procatalepsis

felons to vote. The values and principles that led them to allow felons to vote may not be values and principles we want to accept, implicitly or explicitly. Similarly, when a Christian sees a wicked man prosper and follows that pattern of behavior, believing he is pursuing a godly goal; he is led into unrighteousness. He has been misled by popular consensus to accept a varnished lie.

Also, what we little realize is that in asking for felon voting rights, we are holding a double standard, taxing the fabric of justice, and muddying the waters of consistent citizenship. Let me explain.¹⁸ When a child is born in the United States, we consider them to be a natural-born citizen. We assume, on the principle of innocent until proven guilty, that they will uphold all the expectations of citizenship. What exactly are those? Well, if we look to the enumeration of these requirements as they appear in regard to naturalized citizenship, we see that citizens are “limited to those who ... are of ‘good moral character’ ” (Rossum). If this “good moral character” is violated, the naturalized citizen is then subject to “cancellation of his certificate of naturalization” (Rossum). If we are to truly uphold justice, then we must hold all citizens to this standard and consistently require “good moral character”. Thus, felons, having disregarded the expectations of “good moral character” by committing a crime of such a serious nature, have relinquished a full claim to citizenship and the right to vote.

Conclusion

They have relinquished the power that comes with that vote, and in taking the responsibility of self-governance on themselves, have forfeited the opportunity for a direct voice in the government. This is undeniably a hard truth, a challenging question requiring careful consideration and extraordinary strength of will to put aside the heart’s rhetoric and use reason to evaluate a highly emotional issue. I am asking you to set aside the ingrained American desire to have universal freedom and voice, and instead to consider a logical resolution to this dilemma. I am asking you to

¹⁸ Distinctio

follow reason, and not emotion. I am asking you to consider a challenging proposition. I am asking you to sanction the disenfranchisement of millions of Americans.¹⁹ I do not propose to make light of this issue. Its gravity and magnitude affect the very foundation of our nation's values. And so I am asking you to ponder, to deliberate, and to reason, reaching the same conclusion I have. Felons should not be allowed to vote.

¹⁹ Anaphora

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