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The Honorable Russ Feingold
United States Senate
506 Hart Office Building
Washington, DC 20510

Dear Senator Feingold:

I write on behalf of the American Bar Association to applaud your leadership for introducing the Democracy Restoration Act of 2009, legislation to restore voting rights in federal elections to people who are out of prison and living in the community. We strongly support your legislation, joining civil rights, social and criminal justice, and other legal and advocacy organizations that believe it is time to remedy this problem. The current patchwork of laws that disenfranchise people with criminal records has created an inconsistent and unfair federal electoral process, perpetuating entrenched racial discrimination. After release from confinement, persons convicted of a criminal offense should have their right to vote restored as a key step in their return to the community and as a fundamental right of citizenship.

Currently, 5.3 million American citizens are denied the right to vote because they have a criminal conviction in their past. Four million of these individuals are out of prison, living in the community, paying taxes and raising families, yet they remain disenfranchised for years, often decades, and sometimes for life. The United States is one of the few western democratic nations that exclude such large numbers of people from the democratic process. Congressional action is needed to restore voting rights in federal elections to the millions of Americans who have been released from incarceration, but continue to be denied their ability to fully participate fully in civic life.

Felony disenfranchisement laws are rooted in the Jim Crow era. They were enacted alongside poll taxes and literacy tests and were intended to keep African Americans from voting. By 1900, 38 states denied voting rights to people with criminal convictions, most of these laws disenfranchised people until they received a pardon. The intended effects of these laws continue to this day. Nationwide, 13% of African-American men have lost the right to vote. If current incarceration rates continue, three in ten of the next generation of African-American men will lose the right to vote at some point in their lifetimes. This racial disparity also impacts the families of those who are disenfranchised and the communities in which they reside by diminishing their collective political voice.

In this country voting is a national symbol of political equality and full citizenship. When citizens are denied this right and responsibility, their standing as full and equal members of our society is called into question. The responsibilities of citizenship – working, paying taxes and contributing to one’s community – are duties imposed upon those reentering society. Continuing to punish individuals who are in the community by denying them a right of citizenship counters the expectation that citizens rehabilitate themselves after a conviction. The United States should not be a country where the effects of past mistakes have countless adverse consequences with no opportunity for renewal.

Passage of the Democracy Restoration Act of 2009 will expand the opportunities for Americans living in the community to participate in our electoral process. A strong, vibrant democracy requires the broadest possible base of voter participation and allowing all persons who have completed their prison time to vote is an important step toward encouraging rehabilitation by enabling the formerly disenfranchised to partake in our most meaningful democratic process.

We look forward to working with you to enact the Democracy Restoration Act of 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman