



**Statement of the DC Reentry Action Network and Voices for a Second Chance  
before the Committee on the Judiciary and Public Safety  
of the Council of the District of Columbia**

**Public Hearing on Bill 23-0324, the “Restore the Vote Amendment Act of 2019”**

**October 10, 2019**

**Introduction**

Good morning, Chairman Allen and members of the committee. My name is Paula Thompson, I am a Co-Chair for the DC Reentry Action Network (RAN) as well as the Executive Director for Voices for a Second Chance (VSC). RAN is a coalition of nonprofit organizations that provide direct reentry-specific services to justice-involved District residents. RAN strives to ensure that all justice-involved people in DC have access to high quality reentry services to support their successful reintegration and promotes community-based alternatives to end DC’s over-reliance on the criminal justice system. VSC empowers justice-involved individuals with the opportunity to reengage in their communities and ultimately build better futures for themselves and their loved ones. I am grateful for the opportunity to testify today on behalf of RAN in support of the Restore the Vote Amendment Act of 2019.

As you know, RAN connects effective, local, client-centered reentry service providers to exchange knowledge, strengthen services and give voice to a historically underserved population in our city—people returning home from incarceration. We are a collective voice of reentry service providers to communicate the needs of returning citizens and work closely with city agencies. It is our belief that this legislation is crucial to helping promote a safer and more successful reentry process. Our laws and officials impact DC residents in the criminal justice system the same way they do the rest of us, yet our incarcerated citizens are denied a voice. This



measure only works to further alienate these citizens from society and disconnect them from the communities to which they will eventually return, while also fostering anger and frustration that may jeopardize positive reentry outcomes. Recidivism reduction is a foundational focus of RAN's long-term goals, and we strongly maintain that all legislative efforts to support this objective should be seriously considered, including the Restore the Vote Amendment Act.

## **Facts**

There are few studies that attempt to estimate the effect of re-enfranchisement on recidivism, but those that exist show that restoring the right to vote decreases recidivism. A study in Berkley's *La Raza Law Journal* found that permanent voting rights loss increased recidivism rates among people with felonies by 46.8%.<sup>1</sup> In another, the Florida Parole Commission found that individuals granted their civil rights re-offended at a rate of 11.1% in 2009 and 2010,<sup>2</sup> relative to the average re-offense rate in Florida over the same period of time of 26.95%.<sup>3</sup> These studies highlight how civic reintegration, or the process of making people who have been incarcerated feel like they are members of a community again, improves reentry outcomes.<sup>4</sup>

The question that this legislation poses is whether the positive benefits of voting outweigh the costs of removing a retributive burden placed on those convicted of felony crimes. One set of arguments against enfranchisement asserts that there could be material, crime-related

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<sup>1</sup> Hamilton-Smith, Guy Padraic, and Matt Vogel. "The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism." *Berkeley La Raza Law Journal* 22, no. 3 (2012).

<sup>2</sup> "Status Update: Restoration of Civil Rights' (RCR) Cases Granted 2009 and 2010." Florida parole Commission, July 1, 2019. <https://www.fcor.state.fl.us/docs/reports/2009-2010ClemencyReport.pdf>.

<sup>3</sup> "Florida Prison Recidivism Report: Releases from 2010 to 2016." Florida Department of Corrections, August 2018. <http://www.dc.state.fl.us/pub/recidivism/RecidivismReport2018.pdf>.

<sup>4</sup> Bazemore, Gordon, and Jeanne Stinchcomb. "A Civic Engagement Model of Reentry: Involving." *Federal Probation* 68, no. 2 (2004).



impacts associated with giving people with felony convictions the right to vote. To RAN's knowledge, there has never been a study that indicates that attaching felony disenfranchisement to legislation actually deters crime, and so this claim should be viewed skeptically.

Alternatively, some argue that removing the right to vote is a good way to signal the importance of the norms that people with felonies have violated. It presumes that denying the right to vote is a useful medium for the community to send a message to individuals who break laws that their behavior is unacceptable.<sup>5</sup> Those who believe that these signals are important premise their argument on the assumption that denying the right to vote is an important message about the District's values. If it is true that the purpose of disenfranchisement is to send such a signal, we should think carefully what message we are really sending. As the nation's capital, DC should strive to be a leader in criminal justice reform, and should ensure the messages we send pushes us closer to this goal.

In order to be a leader, DC has to acknowledge that its legacy of civil rights leadership has not always been an equitable and just one. Racially restrictive deed covenants and neighborhood association petitions prevented African Americans from living in several neighborhoods throughout the District since the early twentieth century. These covenants prevented African American access to wealthy neighborhoods, and crammed them into poorer ones.<sup>6</sup> Children in DC were educated in separate schools on the basis of their race until the 1960s. Black police officers could not arrest white suspects.<sup>7</sup> A 1947 commission described

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<sup>5</sup> Sigler, Mary. "Defensible Disenfranchisement." *Iowa Law Review* 99 (2014).

<sup>6</sup> Shoenfeld, Sarah, and Mara Cherkasky. "The Rise and Demise of Racially Restrictive Covenants in Bloomingdale," 2019. <https://www.depolicycenter.org/publications/racially-restrictive-covenants-bloomingdale/>.

<sup>7</sup> Forman, James. *Locking up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus and Giroux, 2017.



segregation in the District as a system of, “countless daily humiliations.” African Americans could not attend movies or plays downtown, work jobs appropriate to their abilities, send their children to decent schools, receive adequate medical, or stay in most hotels.<sup>8</sup> Felony disenfranchisement is merely another form of this racial inequality that has impacted the District.

Interestingly enough, in 1862, DC became the first place in the nation to abolish slavery, nine months prior to the Emancipation Proclamation. It is also the first place where African American men were permitted to vote, as a consequence of an 1867 law that preceded the 1870 passage of the 15<sup>th</sup> amendment. Yet today, African Americans in our city are experiencing civic inequity. We at RAN believe that both sides of DC’s civil rights history provide important context when considering the how important this legislation is regarding the rights of DC residents.

To be clear, felony disenfranchisement overwhelmingly affects African Americans. Although African Americans in DC account for less than half the total population, they account for 96% of people convicted of felonies.<sup>9</sup> Nationally, African Americans are four times as likely to be disenfranchised by a felony conviction as non-African Americans.<sup>10</sup> In 1998, there were 8,700 people convicted of felonies in the District of Columbia who were disenfranchised.<sup>11</sup> 99% of those individuals were African American, resulting in the disenfranchisement of 7.2% of all

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<sup>8</sup> “To Secure These Rights: The Report of the President’s Committee on Civil Rights.” Government Printing Office, 1947.

<sup>9</sup> Duane, M., Reimal, E., & Lynch, M. (2017, July). *Criminal Background Checks and Access to Jobs: A Case Study of Washington, DC*. Retrieved from [https://www.urban.org/sites/default/files/publication/91456/2001377-criminal-background-checks-and-access-to-jobs\\_2.pdf](https://www.urban.org/sites/default/files/publication/91456/2001377-criminal-background-checks-and-access-to-jobs_2.pdf)

<sup>10</sup> Uggem, Christopher, Ryan Larson, and Sarah Shannon. “6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016,” 2016. <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

<sup>11</sup> Fellner, Jamie. “Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States.” The Sentencing Project, 1998. <https://www.sentencingproject.org/wp-content/uploads/2016/01/Losing-the-Vote-The-Impact-of-Felony-Disenfranchisement-Laws-in-the-United-States.pdf>.



African American men in the District of Columbia, in comparison to only two percent of the total adult population in 1998.<sup>12</sup> This racial inequality has not gotten better in the last 11 years, and the passing this legislation is a step in the right direction for improving racial justice in DC.

### **Conclusion**

RAN would like to extend our gratitude to the Council once again for the chance to voice our support for the “Restore the Vote Amendment Act of 2019.” This bill is a small but very important step toward reducing the disparate access to civic rights in the District, and will provide a meaningful opportunity for individuals convicted of felonies to begin the process of civic reintegration. This concludes our testimony; thank you for your time, and we welcome any further questions you may have.

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<sup>12</sup> *Ibid*