



Rights fight of ex-felons highlighted in 2 Southern cases

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The man at the center of a Mississippi case aimed at restoring the voting rights of felons said last week that he was fighting on behalf of everyone like him who “made a mistake in life.”

Arguments in his case was heard last week before judges at the 5th Circuit Court of Appeals in New Orleans as a Florida city blocked a newly election council member from taking his seat because of a conviction 33 years earlier.

In a federal lawsuit, Dennis Hopkins is among six plaintiffs who are challenging Mississippi over a law that has permanently taken away their voting rights for committing certain felonies. The case has been certified as a class action, meaning it could affect thousands of people.

“I am fighting, standing up for the right, for the people in Mississippi, just like me, that made a mistake in life,” Hopkins said.

Hopkins said he was convicted more than two decades ago of grand larceny, but says he’s now an active part of his community, serving as a foster parent and a Little League coach.

“Now I’m ready ... to vote and restore my rights as a human being, as a man,” he said, while surrounded by supporters.

Under the Mississippi Constitution, people convicted of 10 specific felonies — including murder, forgery and bigamy — lose the right to vote. The state’s attorney general expanded the list to 22 crimes, including timber larceny and carjacking.

To have their voting rights restored, people convicted of any of the crimes must get a pardon from the governor or persuade lawmakers to pass individual bills just for them with two-thirds approval.

The plaintiffs, represented by the firm Simpson Thacher & Bartlett LLP and the Southern Poverty Law Center, argue the lifetime voting ban is cruel and unusual punishment — a violation of the 8th Amendment. They also argue that the restoration process violates the U.S. Constitution’s Equal Protection Clause because when it was adopted in 1890 it was intended to keep African Americans from voting and still disproportionately affects Black people.

After a district court judge ruled mostly — but not entirely — in the state’s favor in August, the six felons and the state both appealed.

A lawyer for the plaintiffs, Jonathan K. Youngwood, said in court Tuesday that he was there on behalf of “29,000 Mississippians” who have finished their sentences and their parole and probation. But, he said: “Their punishment continues.

The plaintiffs say anyone who’s committed one of these felonies but completed their punishment including parole or probation should automatically have their voting rights restored.

In August, U.S. District Judge Daniel P. Jordan III threw out most of the challenges but left alive one challenge to how Mississippi allows people to regain their voting rights.

“There is no question that the U.S. Constitution expressly approves of the right of a State to disenfranchise felons — including permanently,” the state argued in briefs filed ahead of Tuesday’s hearing.

A coalition of disparate groups supports reinstating voting rights to felons, including the libertarian Cato Institute, the American Probation and Parole Association, and the ACLU and Mississippi branch of the NAACP.

The Cato Institute argued that Mississippi’s disenfranchisement law went far beyond what the Constitution intended when it allowed states to restrict voting rights and decied what it called an arbitrary way of choosing which crimes could result in disenfranchisement.

Lawyers for the plaintiffs say Mississippi is one of only three states that permanently bars felons from voting. The others are Kentucky and Iowa.

In Ocala, Florida, the city attorney interrupted the proceedings Tuesday as Tyrone Oliver, 63, prepared to take the oath of office to eventually become the lone Black on the City Council.

“The constitutional prohibition still applies here,” Patrick Gilligan told the council in what is thought to be the first time a Florida politician has been disqualified after an election because of serious crimes.

Oliver, a chaplain of Deliverance Outreach Ministries of Ocala, defeated Ire Bethea 52% to 48% – by only 124 votes – in a Nov. 19 runoff election for the District 2 seat, previously held by retiring Council President Mary Sue Rich, who is also African American.

Oliver was convicted in September 1986 and served time in jail on charges of selling and possessing cocaine, according to a letter from the city attorney, who concluded that the councilman-elect could not serve under Florida law.

Under Florida’s Constitution, ex-felons are unable to hold public office until receiving a pardon or successfully appealing to the state’s clemency board to have their rights restored — with

Oliver submitting his latest application for the latter in 2018. More than 1,000 clemency applications are pending before the state board.

Gilligan said the city's charter technically would allow the council to accept Oliver on the panel, even as the state constitution declares ex-felons unqualified to hold public office unless they obtain approval from a clemency board or are pardoned.

The council said the mayor could decide at its next meeting on Dec. 17 whether to conduct another special election or hold the council seat vacant until the next round of normally scheduled elections in the spring.