



Experts say Bernie Sanders' call to allow people in prisons to vote would cause a monumental shift in the US prison system

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April 27, 2019

Sen. Bernie Sanders of Vermont sparked an impassioned discussion this week on voting rights for prisoners that experts say could have huge implications for the future of the US criminal justice system and the country's democratic institutions.

In a CNN town hall Monday, Sanders said even "terrible people" should have the right to vote after he was asked if rapists or people such as the Boston marathon bomber should be enfranchised. The senator said disenfranchising any group of Americans is a "slippery slope" when it comes to upholding democracy.

The senator's stance drew serious condemnation from Republicans and divided Democrats, with many suggesting Sanders had pushed too far.

Despite the reaction, a number of experts told INSIDER the idea of prisoners voting is a conversation worth having, and it could help address some of the issues plaguing the US prison system. Others weren't as sold on the idea.

Opponents called Sanders' proposal 'beyond extreme'

Sanders' suggestion was not warmly received by many Republicans and conservative criminal justice experts.

"I got news for you Bernie: Not on our watch. Violent convicted felons, murderers and terrorists should never be given the right to vote in prison," Vice President Mike Pence said on Friday.

Jason Snead, a senior policy analyst at the conservative Heritage Foundation, similarly thought the Democratic overstepped.

"I don't think there's any reason to be considering the notion that inmates should be voting from their prison cells," Snead told INSIDER. He said violent offenders, in particular, shouldn't be allowed to vote during incarceration.

Given the US's high recidivism rates, or the amount that previous offenders relapse into criminal behavior, Snead also said there's "good reason" to continue to disenfranchise people after they've been released from prison until they can "adequately demonstrate" they've been rehabilitated.

In the US, which has the highest incarceration rate and the largest number of prisoners in the world, the recidivism rate is close to 68%.

Vermont and Maine are the only two states that allow current inmates to vote. When asked whether he'd seen evidence that suggests these states have higher recidivism because they enfranchise prisoners, Snead said he didn't know of "any studies or any data that indicates there's any kind of a causal link like that."

But Snead said there's a "broader question from a policy perspective" of whether the US should enfranchise people to have a say in the laws on the books when they've "demonstrated that they can't abide by those laws."

Snead said voting rights shouldn't be given a "unique" status in conversations surrounding the civil liberties prisoners lose both during and after incarceration. He added that there should be a "mechanism in place" for people who've returned from incarceration to have their voting rights restored, but contended this should vary depending on factors such as the severity of the crimes they've committed.

"I do believe in second chances, but I don't believe it should be an automatic sort of a thing," Snead said.

'We are a country that believes in forgiveness'

Udi Ofer, the deputy national political director for the American Civil Liberties Union and director of the organization's Smart Justice campaign, fervently disagrees with Sanders' critics.

"People should not lose their right to vote while in prison, regardless of the crime they were convicted of," Ofer told INSIDER. "Voting is a fundamental right and the cornerstone of our democracy, and should never be taken away as a form of punishment."

Ofer said the concerns about enfranchising prisoners ignores the fact it's already a reality many countries.

Last year, Ofer visited prisons in Norway and Germany. One of the German officials he spoke to was so shocked by felony disenfranchisement laws in the US that he "almost fell out of his chair."

"Both Germany and Norway have recidivism rates that are a lot lower than the US," Ofer said, which he attributed to a completely different "mentality" on incarceration that includes encouraging prisoners to vote.

Ofer also argued the idea is tied to racial justice.

There are roughly 4.5 million people unable to vote in the US because of felony disenfranchisement laws, and black Americans are four times as likely to lose their voting rights due to a felony conviction as the average American.

"That's not an accident," Ofer added, and argued many of the laws on the books date back to the Jim Crow era with the intent to "bar black people from voting."

'Giving them the right to vote back is a good idea'

Sean Morales-Doyle, a counsel in the democracy program at the Brennan Center for Justice, suggested that enfranchising inmates could actually lower recidivism in the US.

"There's really no sense to sending folks a message that actually they're not welcome back, that their voices don't matter, that they don't have a stake in the decisions that are being made about their lives," Morales-Doyle told INSIDER. "We should all look at restoring voting rights as something that is good for the entire community."

Correspondingly, a 2004 study published in the Columbia Human Rights Law Review found "consistent differences between voters and non-voters in rates of subsequent arrests, incarceration, and self-reported criminal behavior." The study showed that among people who'd been arrested in the past, about 27% of non-voters were rearrested, compared to 12% of voters.

'Reasonable' disagreements

Clark Neily, the vice president for criminal justice at the libertarian Cato Institute, told INSIDER "reasonable people" could disagree about whether people who've committed certain crimes should be enfranchised or not.

"Putting someone in a cage is obviously the ultimate deprivation of their civil rights. If we're going to allow the state to do that, to take away their physical freedom, then taking away their freedom to participate in the politics of the country is maybe not that huge a step conceptually," Neily said.

But Neily also said there's "something deeply problematic" about disenfranchising people who have the most direct personal knowledge of the "profoundly broken" criminal justice system.

There are still states in the US where people with felony records are banned from voting for life, even after release from prison. Neily said that perhaps people who've committed serious crimes like domestic terrorism with an "antisocial mindset" should lose voting rights for life, but dismissed blanket bans as "preposterous, ludicrous, and immoral."

To Morales-Doyle, the pushback to any prisoner enfranchisement comes largely because people focus on the extremes rather than the core of the American identity.

"Like a lot of criminal justice issues, people zero in on the people they find the most offensive, the people who have done the most terrible things, and then use that as a way to justify just about anything. And that's really unfortunate," Morales-Doyle said.

"We are a country that believes in forgiveness and second chances," he added.