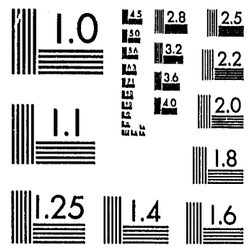

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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This Issue in Brief

Disclosure of Presentence Reports in the United States District Courts.—This article is a summary by Philip L. Dubois of a report prepared by Stephen A. Fennell and William N. Hall under contract with the Federal Judicial Center. The author states that, on the one hand, it does appear that a large proportion of Federal districts have achieved disclosure of presentence report in a large proportion of their criminal cases. On the other hand, he adds, although the high rate of disclosure is a positive step, many districts utilize practices that limit the effectiveness of such disclosure.

Prosecutive Trends and Their Impact on the Presentence Report.—With Federal prosecutors launching aggressive prosecutions against white-collar criminals, narcotics trafficers, corrupt public servants, and organized crime racketeers, probation officers find they need significant enhancement of their investigation and reporting skills, assert Harry Joe Jaffe and Calvin Cunningham, U.S. probation officers in Memphis, Tenn. For these offenders, a presentence writer can prepare a useful presentencing document by concentrating chiefly upon three significant areas: the official version section, the financial section, and the evaluative summary.

The Right To Vote as Applied to Ex-Felons.—While rights are intimately connected to duties, laws disenfranchising ex-felons show that correlations between the two are often drawn imprecisely, writes Professor John R. Vile. While voting is a fundamental right, the Supreme Court has refused to void felony disenfranchising legislation, he reports. The Court's action is normatively questionable, he maintains, especially when applied to those whose incarceration has ended.

Action Methods for the Criminal Justice System.—Dale Richard Buchanan, chief of the Psychodrama Section at Saint Elizabeths Hospital in Washington, D.C., tells us that while role training, role playing, and psychodrama have been extensively used in the criminal justice system, there has been a lack of coordination among these terms and in the ways in which they were used. Action methods will probably continue to gain greater use within the criminal justice field, he asserts, because of their direct applicability to the jobs that are needed to be performed by criminal justice personnel.

Administrators' Perception of the Impact of Probation and Parole Employee Unionization.—This article by Professor Charles L. Johnson and Barry D. Smith presents information from a recent survey on the incidence of parole/probation unionization

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and administrators' perceptions of the impact of unionization on the quality, cost, and difficulty of administering services. Some of the critical issues emanating from the increased parole/probation unionization are delineated and discussed as they are reflected in the literature and as a result of the survey.

Highlights, Problems, and Accomplishments of Corrections in the Asian and Pacific Region.—The Australian Institute of Criminology recently organized the First Conference of Correctional Administrators for Asia and the Pacific, which was well attended and prepared the ground for joint action. Already this has resulted in the collection of data on imprisonment, some of which are provided in this article by W. Clifford, director of the Institute. In this very broad survey, some of the problems of corrections in the region—and some of the approaches which are different from those in the West—are highlighted.

The Demise of Wisconsin's Contract Parole Program.— This article discusses the elimination of an innovative method of paroling criminal offenders in Wisconsin. The State abolished its creative Mutual Agreement Program because budget analysts deemed the program to be an ineffective method of paroling offenders when compared to the traditional method of parole decision-making. Although this program has been eliminated, Wisconsin Parole Board Member Oscar D. Shade says it is conceivable that contract parole is workable and could prove to be a most effective means of managing an offender's parolability.

Juvenile Detention Administration: Managing a Political Time Bomb.—Administering a juvenile detention center is one of the most difficult and frustrating jobs in the juvenile justice field, asserts Youth Services Consultant Robert C. Kihm. Although it is clearly stipulated in idealistic terms how children ought to be cared for while in state custody, the detention administrator must deal with the reality of providing care with very limited resources and little control over who is admitted and discharged from the facility, he states. This article examines how these contradictions proved the demise of four detention administrators' careers, and what lessons can be gained by current administrators facing similar problems.

Parent Orientation Program.—Juveniles paroled from a correctional institution are faced with readjustment problems. Community resources are limited and families poorly equipped to offer assistance. To increase the effectiveness of families as resource people, the author, Serge W. Gremmo, has developed the Parent Orientation Program (POP) which orients families toward potential problems in the parole adjustment of their children, acquaints them with the mechanics of parole, disseminates information to assist juveniles during reintegration, and lends support during a difficult period.

Crisis Intervention in a Community-Based Correctional Setting.—Despite their widespread use in other practice settings, crisis-intervention theory and techniques have been woefully underutilized in community-based correctional agencies. This article by New York City Probation Officer Margaret R. Savarese is an attempt to help remedy that situation by presenting an overview of crisis theory and techniques and then illustrating their application at a particular crisis point in the criminal justice system—the point of sentencing—via two actual case situations.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought but their publication is not to be taken as an endorsement by the editors or the federal probation office of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

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The Right To Vote as Applied to Ex-Felons

BY JOHN R. VILE

Assistant Professor of Political Science,
McNeese State University, Lake Charles, La.

WHILE most proponents of modern democratic governments tend to focus on rights, there are numerous theorists who caution that the concept of rights must be balanced by a corresponding emphasis on duties. Especially is this true when one leaves the field of abstract theorizing about natural rights, the rights of man, to enter the realm of civil and political rights, the rights of citizens. Such rights are more obviously correlative with citizen duties because they would not indeed exist were it not for citizens associated together with common goals and responsibilities. Hence, it is easy to recognize the discrepancy involved in claiming government services without making oneself available for government service, in claiming free speech while denying free speech to others, or in seeking the protection of the laws while showing a corresponding disrespect for the legal system. Yet, while this notion of the correlativity of rights and duties is commonplace, specific correlations are not always easily drawn. Moreover, those correlations that are drawn are not always justified and may in fact work against responsible citizenship. Such I will argue in this article is the case with regard to current state laws which disenfranchise ex-felons.

The right to vote is, of course, one of the most cherished rights in a representative democracy. It is akin to freedom of speech and other first amendment rights in that, without such rights, citizen wishes could not be legitimately conveyed to the seat of government.[1] It is little wonder, then, that the courts have in recent years classified the right to vote as a "fundamental right" deserving of

[1] For comments on the nexus between the right to vote and first amendment freedoms, see Gary L. Reback, "Disenfranchisement of Ex-Felons: A Reassessment," 25 *Stanford Law Review* (June 1973), 862.

special scrutiny and protection. As the Supreme Court stated in *Wesberry* v. *Sanders,* "Other rights, even the most basic, are illusory if the right to vote is undermined."[2] Similarly, in *Reynolds* v. *Sims,* the justices, having referred to suffrage as "a fundamental matter," went on to say that, "especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the rights of citizens to vote must be carefully and meticulously scrutinized."[3] Such scrutiny has proceeded in recent years primarily under the banner of the equal protection of the laws.

The most cursory look at American history suggests that the current understanding of voting as a fundamental right has been in a continual process of evolution and was preceded by a long period in which the franchise was treated not so much as a right but as the "privilege" of an elite.[4] For the most part, barriers to voting by nonproperty holders did not topple until the state constitutional conventions of the 1820's and 1830's.[5] Blacks were not granted the legal right to vote until the passage of the 15th amendment, and, for most, even this amendment would be meaningless until the mid-1960's.[6] Women were not enfranchised until 1920, and 18-year-olds were not granted the right to vote until 1971 with the passage of the 26th amendment. Although each extension of the franchise was preceded by vigorous debates over the "right" of the new group so to exercise its freedom, in retrospect it is difficult to see how these extensions could have been subject to queston in a government based on the rationality of adults in expressing their wishes and choosing their leaders. Even those who are today most cynical about voter rationality are unlikely to argue that disenfranchisement is the appropriate cure.

Individuals belonging to certain groups are, of course, still denied the right to vote. Among these are aliens, children, the insane, and those convicted of felonies and other such "infamous" crimes. Assuming that suitable and relatively persuasive justifications may be offered for the first three exclusions, I shall argue that the last justification is subject to greater difficulties and has, in fact, been carried too far in modern American practice.[7]

Surveys of the practice of disenfranchising felons indicate that its roots are firmly fixed in antiquity; it was established by Greek precedent, furthered by the Roman concepts of "infamia" and "civil death," and continued by the German practice of "outlawry" and the English tradition of "attainder."[8] While the United States Constitution placed limits on the corollary English practices of "forfeiture" and "corruption of the blood,"[9] the franchise had been already withheld from convicted felons ". . . as early as 1776, when Virginia adopted a disenfranchising provision in its state constitution."[10] By 1869, 29 states had such provisions, and the number has been as high as 42 states in this century.[11]

The Supreme Court, deferential to state regulation of the franchise well into the 20th century, appears to have first given sanction to developing state practices in *Murphy* v. *Ramsey* in 1885 and *Davis* v. *Beason* in 1890. Here the Court confronted a territorial and state law respectively that restricted the voting rights of those involved in bigamist or polygamist relationships. Both cases relied heavily on the need to preserve the family which Justice Matthews described in *Murphy* v. *Ramsey* as ". . . the sure foundation of all that is stable and noble in our civilization . . ." and as ". . . the best guaranty of that reverent morality which is the source of all beneficient progress in social and political improvement."[12] Justice Matthews further argued that ". . . no means are more directly and immediately suitable [to the end of preserving the family] than those provided by this act, which endeavors to withdraw all political influence from those who are practically hostile to its attainment."[13] Continuing this kind of analysis in *Davis* v. *Beason,* Justice Field argued that polygamy tended ". . . to destroy the purity of the marriage relation, to disturb the peace of families, to degrade woman, and to debase man."[14] Hence, he argued, "Few crimes are more pernicious to the best interests of society, and receive more general and deserved punishment."[15]

From 1890 to 1974 the Supreme Court issued no written opinions on the disenfranchisement of felons. It did on at least two occasions, however, summarily affirm lower court decisions upholding

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2 376 U.S. 1, 17 (1964).
3 377 U.S. 533, 561 (1964).
4 Walter M. Grant, *et al.,* "The Collateral Consequences of a Criminal Conviction," 23 *Vanderbilt Law Review* (October 1970), 974.
5 For the convention debates, see *Democracy, Liberty, and Property,* ed. Merrill D. Peterson (Indianapolis: The Bobbs-Merrill Company, Inc., 1966).
6 David J. Garrow, *Protest at Selma.* New Haven: Yale University Press, 1978.
7 The United States is not, however, the only modern nation to follow this practice. See Mirjan R. Damaska, "Adverse Legal Consequences of Conviction and Their Removal: A Comparative Study," 59 *The Journal of Criminal Law, Criminology and Police Science* (1968), 347.
8 Howard Itzkowitz and Laurin Oldak, "Restoring the Ex-Offender's Right to Vote: Background and Developments," 11 *The American Criminal Law Review* (1973), 721-725.
9 *Ibid.,* 725.
10 Douglas R. Tims, "The Disenfranchisement of Ex-Felons: A Cruelly Excessive Punishment," 7 *Southwestern University Law Review* (Spring 1975), 124.
11 *Ibid.,* 123. For a survey of "Offender Disenfranchisement Legislation" as of 1973, see the chart in the *Compendium of Model Correctional Legislation and Standards* (2nd ed.; U.S. Department of Justice: 1976), X164—X166.
12 5 S. Ct. 747, 764.
13 *Ibid.*
14 10 S. Ct. 299, 300.
15 *Ibid.*

such disenfranchisement,[16] and, in several other decisions, the Court dropped hints that the disenfranchisement of felons fits within a special category composed of legitimate exceptions to the right to vote. For example, in *Trop* v. *Dulles* (1958), the Court cited the law taking the right to vote from bank robbers as "... a nonpenal exercise of the power to regulate the franchise" designed "... to designate a reasonable ground of eligibility for voting...."[17] Similarly, in *Lassiter* v. *Northhampton County Board of Elections*, decided the following year, the Court cited "... residence requirements, age, [and] previous criminal record ..." as "obvious examples" of "... factors which a State may take into consideration in determining the qualifications of voters."[18]

Despite these passing comments, there were those who thought that the Court's classification of voting as a "fundamental right" might prompt it to alter its stand on the status of convicted felons. The case of *Richardson* v. *Ramirez* was to prove otherwise. In this case three California ex-felons petitioned under the equal protection clause against their state's law denying the franchise to those convicted of "infamous crimes." The United States Supreme Court overturned the California Supreme Court decision in favor of the ex-felons. In interpreting the 14th amendment, Justice Rehnquist pointed out that 29 states had laws on their books disenfranchising felons at the time the 14th amendment was passed, and, when the Southern states were readmitted to the Union, they too were permitted a similar privilege.[19] Moreover, Justice Rehnquist chose to downplay the developing concept of fundamental rights and to focus instead on section 2 of the 14th amendment with its provision that the vote could not be denied to males in a state "... *except for participation in rebellion, or other crime.*"[20] The Court majority interpreted this provision as "an affirmative sanction" of "... controlling significance in distinguishing such laws from those other state limitations on the franchise which have been held invalid under the Equal Protection Clause by this Court."[21] At the same time, however, Rehnquist acknowledged that the Court's decision conflicted with "... the more modern view ... that it is essential to the process of rehabilitating the ex-felon that he be returned to his role in society as a fully participating citizen when he has completed the serving of his term."[22] Such a view, he argued, was an appropriate consideration for state legislatures rather than the Supreme Court.

Justices Marshall and Brennan dissented; they found it ironic that the Court could use an amendment concerned with guaranteeing rights to blacks as a justification for other inequities which were present in 1868. Noting the subsequent development of the doctrine of "compelling state interest," they found the laws disenfranchising ex-felons to be in violation of the concept of equal protection. In their words, "There is certainly no basis for asserting that ex-felons have any less interest in the democratic process than any other citizen. Like everyone else, their daily lives are deeply affected and changed by the decisions of government."[23] As to the arguments which had been advanced by California to show that the disenfranchisement of felons worked to protect the integrity of the ballot-box, the dissenting justices pointed out that the California law was overly broad since it was "... not limited to those who have demonstrated a marked propensity for abusing the ballot by violating election laws."[24]

For the moment, the majority opinion in *Richardson* v. *Ramirez* appears to have settled the constitutional issue.[25] Given the High Court's admission that the provisions of the 14th amendment upon which the decision is based run counter to some modern notions of criminal rehabilitation, however, the normative wisdom of the state laws sanctioned by *Richardson* is still open to question. Such wisdom is further called into question by a host of recent recommendations that, at least in the case of those who have served their terms, disenfranchisement should be ended.[26] Moreover, the rationale for disenfranchising ex-felons is itself indicative of the complex interplay of rights and duties so often involved in criminal law.

To begin with, the exclusion of ex-felons from the voting booth may fall under a penal or nonpenal heading; its primary purpose may be "punishment" or the accomplishment of "... some other legitimate government purpose."[27] Under the first of these headings, it seems in line with the connection between rights and duties that a person who is incarcerated or on parole might lose his liberty to

16 *Beacham* v. *Braterman* 396 U.S. 12 (1969), and *Fincher* v. *Scott*, 411 U.S. 961 (1973).
17 78 S. Ct. 590, 596.
18 360 U.S. 45, 51.
19 418 U.S. 24, 48-9.
20 *Ibid.*, 42.
21 *Ibid.*, 54.
22 *Ibid.*, 55.
23 *Ibid.*, 78.
24 *Ibid.*, 79.
25 See, for example, the Maryland District Court decision in *Thiess* v. *State Administrative Board*, 367 F. Supp. 1038 (1974). Since the Supreme Court only decided the equal protection issue in *Richardson* v. *Ramirez*, it may be possible that the disenfranchisement of ex-felons could later be overturned on other grounds—i.e., cruel and unusual punishment, due process, or other. In the *Thiess* decision, the lower court refused to accept such arguments.
26 See, for example, the Democratic Party Platform of 1972, *National Party Platforms*, compiled by Donald B. Johnson, II (2 vols.; Urbana: University of Illinois Press, 1978), p. 809. The proposed Uniform Act on the Status of Convicted Persons and the Model Penal Code make similar proposals for restoration of the franchise. See Grant *et al.*, 977-978.
27 *Trop* v. *Dulles*, 78 S. Ct. 590, 595 (1958).

vote just as he loses freedom of travel, movement, and free association. There seems to be little corresponding justification for continued punishment once incarceration has ended. This is especially true given the tangential nexus between disenfranchisement and the traditional goals of punishment—rehabilitation, deterrence, and retribution.[28]

To look for a moment at the goal of rehabilitation, continued disenfranchisement seems to work against this objective by lowering "the self-esteem of the offender," by weakening his ties to the community,[29] and by diminishing his "... desire to keep abreast of current political affairs."[30] Disenfranchisement may also be "... an additional source of embarrassment for the offender, particularly in a small town where voting disqualifications often become a matter of common knowledge."[31] On the plus side, the act of voting serves as "... one positive act in the rehabilitative process."[32] The felon is assured "... that society recognizes the prisoner's existence—a missing ingredient in the correctional atmosphere of today."[33]

As to the goal of deterrence, there are several reasons which suggest that continued disenfranchisement does not accomplish such an end. In the first place, such a sanction pales into insignificance when compared with the possibility of a jail term or death sentence.[34] Second, there is little indication that many criminals are aware of the voting disability prior to committing their crimes.[35] Third, there is no evidence suggesting that states with continued disenfranchisement provisions have any lower crime rates than those that do.[36]

The goal of retribution is even more problematic. Many question the very legitimacy of this goal, and it is certain that it can do little to "... correct the original injury."[37] Even more than this, lifelong disenfranchisement appears to violate the principle of proportionality. This is especially true "... when one realizes that the vast majority of first time felons are in their early twenties and that the average age for all felons is considerably under 30."[38]

Given that the traditional penal rationales are not sufficient to justify life-long disenfranchisement, one has to consider justifications which appear primarily nonpenal in nature. Among the most frequently quoted such justification is one advanced by Judge Friendly, a circuit judge of apparent philosophic bent:

> The early exclusion of felons from the franchise by many states could well have rested on Locke's concept ... that by entering into society every man "authorizes the society, or which is all one, the legislature thereof, to make laws for him as the public good of society shall require, to the execution whereof his own assistance (as to his own decrees) is due." A man who breaks the laws he has authorized his agent to make for his governance could fairly be thought to have abandoned the right to participate in further administering the compact.[39]

More than any other justification which appears to have been advanced, Judge Friendly's argument sets the connection between rights and duties in relief. Moreover, Friendly continues his argument on what he calls "a less theoretical plane" but which in fact seems similar to Locke's principle that no man should be the judge in his own case:

> ... it can scarcely be deemed unreasonable for a state to decide that perpetrators of serious crimes shall not take part in electing the legislators who make the laws, the executives who enforce these, the prosecutors who must try them for further violations, or the judges who are to consider their cases.[40]

Friendly went on to say that, "The contention that the equal protection clause requires New York to allow convicted mafiosi to vote for district attorneys or judges would not only be without merit but as obviously so as anything can be."[41]

Friendly's arguments are similar to a host of justifications designed to protect the "... purity of the ballot box."[42] Hence, in 1971 a district court judge wrote that: "A State has an interest in preserving the integrity of her electoral process by removing from the process those persons with proven anti-social behavior whose behavior can be said to be destructive of society's aims."[43] Another judge (in a much earlier case) alluded to "... the 'invasion of corruption' and the 'evil infection' that might result if those 'rendered infamous by conviction for a felony, or other base offense indicative of great moral turpitude' were allowed to vote."[44]

The analogy likening a felon's vote to a kind of "proverbial bad apple" which can somehow con-

28 Itkowitz and Oldak, 731-736. I have omitted the fourth justification—"Incapacitation"—because I will deal with it under nonpenal justifications for restricting voting rights.
29 *Ibid.*, 732.
30 Grant, *et al.*, 1224.
31 *Ibid.*, 1174.
32 Richard C. Pierce, "Prisoners' Voting Rights in Massachusetts," 3 *New England Journal of Prison Law* (Fall 1976), 259. Pierce uses this argument to justify voting during incarceration, but surely his argument need not be limited to this period.
33 Grant, et al., 1175.
34 Time, 157.
35 Itzkowitz and Oldak, 735.
36 *Ibid.*, 734.
37 *Ibid.*, 746.
38 Elizabeth and William DuFresne, "The Case for Allowing 'Convicted Mafiosi to Vote for Judges': Beyond Green v. Board of Elections of New York City," 19 *DePaul Law Review* (Autumn 1969), 129.
39 *Green* v. *Board of Elections*, 380 F. 2d 445, 451 (1967).
40 *Ibid.*
41 *Ibid.*, 451-452.
42 DuFresne, 122.
43 *Kronlund* v. *Honstein*, 327 F. Supp. 71, 73.
44 Itzkowitz and Oldak, 737. The authors cite 75 Ala. 582, 585, 51 Am Rep. 479, 481 (1884) as the source of this quotation.

taminate the whole ballot box is not compelling.[45] On a generalized plane, however, the argument advanced by Friendly and other judges seems persuasive. If rights are based on duties, those who fail in their duties to society might justifiably have some of their rights taken away from them. Society might judge that they have a certain moral unfitness for determining the direction that a government should take. The difficulty of this argument is evident, however, when it is applied to those who have "served their time," "paid their due," or been "rehabilitated." In these cases, rights which are given by one hand of the government appear to be taken away by another. Moreover, as the earlier arguments about criminal rehabilitation showed, the withdrawal of rights from an ex-felon might make such a citizen less attached to his government, less satisfied with his station, and hence less likely to take his restored duties seriously.

More specific considerations also need to be examined. First, the delineation of felons and those who have committed "infamous crimes" from other criminals does not always appear uniform or reasonable. To cite examples from the state of Florida, it is felonious to report falsely on a bomb threat but only a misdemeanor to give a false fire alarm. It is felonious for unmarried persons to cohabit "lewdly and lasciviously" but only a misdemeanor to commit adultery. It is felonious to kill another person's animal but only a misdemeanor to be negligent so as to deprive a child "... of necessary food, clothing, or shelter...."[46] In the very least, such distinctions seem arbitrary; the fact that crimes so similar result in different punishments (as does the fact that some states may do without them altogether) suggests that the withdrawal of voting rights from ex-felons fails the test of "compelling state interest."[47]

A second particular consideration that requires examination is the specificity of the nexus between criminal actions and withdrawal of the right to vote. There is special need for such scrutiny given the argument, often advanced by the courts, linking continued disenfranchisement not only to the "purity of the ballot box" but also to the need to avoid electoral fraud. As to the nexus between permanent disenfranchisement and most crimes, it seems minimal at best:

> To deny the murderer the right to firearms and to suspend the driving privileges of the hit-and-run driver are logical and reasonable exercises of the police power, as is the denial of a position of public trust to an embezzler. But, disenfranchisement and restitution of job opportunities across the board is illogical....[48]

Such across the board disenfranchisement of ex-felons violates what the authors of one article describe as "The Direct Relationship Test." This test, as they propose it, would require that, "A disability ... should be imposed only when a convict's offenses bear a direct relationship to the functions and responsibilities of the right or privilege."[49] In short, failure to adhere to one duty should not serve to deprive one of all rights—even the person sentenced to death is deserving of certain respect and, by the Constitution, cannot be executed in a "cruel and unusual" fashion.

The argument for prevention of electoral fraud is even more easily dismissed. To begin with, present disenfranchisement laws are far too broad given this restrictive purpose.[50] Moreover, given the degree of political concern needed to commit electoral offenses versus the apathy shown by most felons, "there is no logical basis for connecting ordinary crimes and election offenses."[51] Furthermore, other court decisions suggest that "less drastic means"—tougher laws against electoral fraud, for example—are available to accomplish this same purpose.[52]

In conclusion, then, it seems difficult to justify blanket disenfranchisement of ex-felons. While the Supreme Court has ruled that states have the constitutional right of exclusion, the exercise of this right appears to be unwise and counterproductive. While the exclusion of ex-felons from the voting booths appears to rest on a perceived connection between rights and duties, the connection is, in fact, too tangential to be of any real normative value. A thorough investigation of this connection reveals that it can at best be used to withhold the franchise from felons serving their sentence or, perhaps, from those who, because of past electoral offenses, may be presumed to be subject to future electoral temptations. For the most part, however, withholding the rights of citizenship seems merely to demean the ex-felon and further erodes his perception of public duties.

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45 DuFresne, 127.
46 All these examples are taken from DuFresne, 124.
47 *Ibid.*, 127.
48 "The Loss of Rights Upon Criminal Conviction in Alabama," 27 *Alabama Law Review* (Winter, 1975), 153.
49 Grant, *et al.*, 1235.
50 *Ibid.*, 1173. Also see the dissenting opinion in *Richardson* v. *Ramirez*, 418 U.S. 24, 79.
51 "The Need for Reform of Ex-Felon Disenfranchisement Laws," *The Yale Law Journal* (1974), 590-591.
52 Reback, 855.

END