

Coalition For Prisoners' Rights Newsletter

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August 2010

COMING CHANGES IN DENIAL OF RIGHT TO VOTE

At least two cases are working their way through the federal courts regarding the constitutionality of denying those imprisoned the right to vote. The argument of the prisoner plaintiffs in these cases is that such denial is a violation of the 1965 Voting Rights Act.

In April, the federal Ninth Circuit Court of Appeals ordered a rehearing in the case of *Farrakhan v. Gregoire*, a Washington State case first filed in 1996. In an earlier ruling, a three-judge panel found "compelling evidence" that Washington State had failed to "protect minorities from being denied the rights to vote upon a conviction by a criminal justice system that Plaintiffs have demonstrated is materially tainted by discrimination and bias." In September, a panel of 11 judges will reconsider this important civil rights case.

Section 2 of the Voting Rights Act of 1965, enacted to stamp out racial discrimination in voting, prohibits states from using *any voting qualification* that results in a denial of the right to vote on account of race or color. A 1982 congressional amendment to the Act clarifies that it does not require proof of intentional discrimination if it "results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color." Thus, the Voting Rights Act prohibits Washington from conditioning the right to vote on the results of a discriminatory criminal justice system.

The plaintiffs demonstrated that people of color in Washington are stopped, arrested and ultimately convicted in, thus making the bar against those incarcerated with felony convictions inherently discriminatory.

Nationally, more than 5.3 million citizens are denied the fundamental right of voting. An estimated 2 million of the disenfranchised, roughly 38%, are African Americans. In Washington State,

24% of all Black men--although they are only 3.4% of the population; and of the entire Black population have been denied voting rights. This makes African Americans nine times more likely to be incarcerated than whites in Washington State. In the U.S. as a whole, of all African American men, 13% (or 1 in 7) are disenfranchised; in some states, up to one-third of the entire African American male population is denied the right to vote.

In Virginia, felony convictions have deprived 20% of African Americans of the right to vote, compared to a 6.8% disenfranchisement rate for Virginia residents as a whole. In Texas, the disenfranchisement rate for Blacks is 9.3%, compared with 3.35% for Texans as a whole. In New York, 80% of those who have lost the right to vote are Black or Hispanic.

Another case to watch is *Simmons v. Galvin* out of Massachusetts. A year ago, the federal appeals court in Boston ruled that congress never intended the Voting Rights Act to apply in prison. The plaintiffs are now going to the U.S. Supreme Court. Of course, there is no guarantee that those justices will decide to even hear the *Simmons* case.

Currently, only Maine and Vermont permit people in prison to vote.

Resources

The Sentencing Project, 1705 DeSales St NW - 8th Floor, Washington DC 20036.

The NAACP Legal Defense & Educational Fund, 99 Hudson St, Suite 1600, New York NY 10013.

All of Us or None, c/o Legal Services for Prisoners with Children, 1540 Market St, Room 490, San Francisco CA 94102 (for more on Ban the Box):

BAN THE BOX

The "Ban the Box" laws recently passed by both Minnesota and New Mexico removes the box on job applications requiring criminal history information.

We have been concerned and dismayed by the low rate of donations received in response to our June fundraising letter--less than half of our usual return. page 1 of 2 * August 2010

CRIME OF THE MONTH aka Crimetoppers

In July, Israeli security forces, with the participation of high school student volunteers, wiped the ethnically Arab Bedouin village of Al-Arakib off the map. There were 45 homes bulldozed, along with storage facilities containing recently harvested crops. More than 300 people, including 200 children, all Israeli citizens, were left homeless with no means of subsistence. Of course, no compensation will be paid to these families, despite the fact that they have lived on this land for generations and hold title to the property.

The village, like dozens of others in the Negev, was established before the state of Israel was. But the Bedouins don't have building permits, which are almost never granted to non-Jews. So good-bye village. See ya later!

Over 100,000 Bedouin citizens of Israel live in communities in the Negev classified as "unrecognized" villages. They are denied water and electrical services and all civilian infrastructure. Needless to say, such services are provided at state expense to Jews-only communities in the same area. No racism here, just policies which ensure the "Jewish character" of the state. So much for the Middle East's "only democracy."

To provide the "most moral military in the world" with a little encouragement while they worked, 200 Jewish "settlers" were bussed in to cheer them on. No kidding.

Our Crime of the Month is the world's toleration of this racist Zionism, which has poisoned the hearts and minds of a vast majority of Israeli Jews.

This two page paper version of the CPR monthly newsletter will be included in all correspondence we send out. Others who would like to receive it must send us a stamped, self-addressed envelope (up to 12 at one time) for every issue they would like to receive.

Please continue to send us address change updates and renewal requests in order to stay on our mailing list and to receive the year-end holiday card/new calendar.

Please note: the ONLY address to use to be sure to reach us continues to be: PO Box 1911, Santa Fe NM 87504.

Many thanks to the Real Cost of Prisons Project for making the newsletter available on-line at: <http://www.realcostofprisons.org/coalition.html> Download it and mail it to comrades and loved ones locked up!

La ley de Arizona sigue en disputa

El mismo día que la jueza federal Bolton bloqueó ciertas medidas de la ley SB1070, la Gob. Brewer presentó una apelación. Para los activistas pro-inmigrantes, es importante ser visibles y hacer que la gente siga analizando en la inmigración y en una posible reforma migratoria. El 29 de julio, las calles de la zona central de Phoenix fueron un hervidero de activismo contra la SB1070.

La Administración del presidente Obama ha continuado y aumentado la detención y deportación de los indocumentados. Los activistas pro-inmigrantes dicen que el objetivo de las protestas es conseguir la anulación de la ley, si es posible a través de un boicot económico y del voto en noviembre próximo.

La ley SB1070 entró en vigor el jueves, aunque diluida después de que la jueza federal Bolton bloqueara un día antes sus elementos más polémicos. La gobernadora republicana de Arizona, Brewer, presentó el jueves mismo una apelación ante el IX tribunal en Calif.

La ley ha sido repudiada por grupos cívicos, sindicales, religiosos y pro reforma, además de México, otros países latinoamericanos y diversas

organizaciones internacionales.

MORE FEDERAL IMMIGRATION REPRESSION:

On August 12, the Senate, urged to do so by president Obama, passed by voice vote in special session with only two senators present, a bill that provides \$600 million to put more agents and equipment along the Mexican border.

This legislation will pay for 1,000 Border Patrol agents and add 250 more Immigration and Customs Enforcement agents and 250 more Customs and Border Protection officers.

VOICES FROM INSIDE

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June 29, 2010

This is being written on behalf of 56 women prisoners here serving Life Without the Possibility of Parole or Life Sentences. We have been here 15 years or more being rehabilitated. The CDCOR has been running programs to help us. We ask that you judge us as inmates who are rehabilitated and changed who ask for the opportunity to show our country that the justice and corrections system does work and has taught us how to become law abiding citizens.