



Felons In Prison Should Be Able To Vote In Washington State, Federal Judges Rule

RACHEL LA CORTE | 01/5/10 11:36 PM | 



WHAT'S YOUR REACTION?

Google™ Custom Search

Search HuffPost

Important Funny Typical Scary Outrageous Amazing Innovative Finally

Read More: [9th Circuit](#), [Court Of Appeals](#), [Federal Prison](#), [Felons, Jail](#), [Minorities](#), [Muhammad Shabazz Farrakhan](#), [Politics](#), [Prison](#), [Race](#), [Racial Bias](#), [Right To Vote](#), [State Prison](#), [The Sentencing Project](#), [Vote](#), [Voting Rights Act](#), [Politics News](#)



OLYMPIA, Wash. — Incarcerated felons should be allowed to vote in Washington to ensure that racial minorities are protected under the Voting Rights Act, a federal appeals court ruled Tuesday.

The 2-1 ruling by a three-judge panel of the 9th U.S. Circuit Court of Appeals means the more than 18,000 felons behind bars in the state could get back their right to vote — without having to wait until they are released from prison and are no longer on probation or parole. The ruling also could open the door to similar lawsuits in the 9th Circuit's eight other states and two territories.

The issues it raises about racial bias in the justice system are not unique to Washington, said Marc Mauer, executive director of The Sentencing Project, a Washington, D.C., group promoting sentencing reform.

"They are issues that permeate the justice system and are relevant in every state," he said, adding that

an estimated 5.3 million people nationwide are ineligible to vote because of felony convictions.

The panel's ruling overturned a 2000 decision by a district judge in Spokane. That judge had found that Washington's felon disenfranchisement law didn't violate the Voting Rights Act, and had dismissed a lawsuit filed by a former prison inmate from Bellevue.

The two appellate judges ruled that disparities in the state's justice system "cannot be explained in race-neutral ways."

Of the more than 18,000 felons in state custody in Washington who could get back their right to vote, 37.1 percent are minorities. Of that group, blacks make up the largest percentage, at 19.2 percent.

Tuesday's ruling affects only Washington state but could be the basis for litigation in any area covered by the 9th Circuit — Oregon, Idaho, Montana, California, Nevada, Arizona, Alaska, Hawaii, Guam and the Northern Marianas, said Janelle Guthrie, spokeswoman for Attorney General Rob McKenna.

Story continues below ↓

Guthrie said McKenna is weighing the state's next step. It could either ask a larger group of judges from the 9th Circuit to reconsider the ruling or go straight to the U.S. Supreme Court, she said. If it appeals, the state likely would seek a stay on inmates' ability to vote until the case is resolved.

A policy director with a conservative think tank in Washington state called the ruling "an embarrassment."

 Share  Print  Comments

"It flies in the face of precedent," said Trent England of the Evergreen Freedom Foundation. "Not only is felon disenfranchisement constitutional, but it's good policy. People who commit the most heinous crimes should be deprived of their voice in our system of government at least for a time."

The lawsuit was filed in 1996 by Muhammad Shabazz Farrakhan, who was serving a three-year sentence at the Washington State Penitentiary in Walla Walla for a series of felony-theft convictions at the time.

Ultimately, five other inmates, all members of racial minority groups, joined as plaintiffs.

The lawsuit contended that because nonwhites make up a large percentage of the prison population, a state law prohibiting inmates and parolees from voting is illegal because it dilutes the electoral clout of minorities. That violates the U.S. Voting Rights Act of 1965, the lawsuit said.

Farrakhan's lead attorney, Gonzaga University School of Law professor Larry Weiser, equated some disenfranchisement laws to poll taxes and literacy tests of the past. He said Washington state's criminal justice system "is biased against African-Americans, and the impact has been a violation of their voting rights."

The state argued the lawsuit should be dismissed because the law was not intended to discriminate against minorities.

Washington's head elections official, Secretary of State Sam Reed, supports minority rights but believes it is a "rational and reasonable sanction for society to demand that felons lose their voting rights while in prison or under community supervision," spokesman David Ammons said.

Last year, lawmakers passed a law that allows convicted felons to reregister to vote once they're no longer on parole or probation. Previously, felons who were no longer in Washington state custody but owed court-ordered fines and restitution were barred from voting. The new law that took effect in July removes the requirement that felons must pay off all their debts before their rights are restored. However, felons' voting rights could be revoked if they fail to make regular payments on their legal obligations.

Other states and the District of Columbia have varying restrictions on restoring felons' voting rights. Washington's neighbor, Oregon, automatically returns voting rights to felons once they're released from prison.

Maine and Vermont are the only states that allow those behind bars to cast ballots.

In her dissent, 9th Circuit Judge Margaret McKeown wrote that the majority "has charted territory that none of our sister circuits has dared to explore." She noted that three other appellate courts – the 1st Circuit in a Massachusetts case, the 2nd Circuit in a New York case, and the 11th Circuit in a Florida case – "have all determined that vote denial challenges to felon disenfranchisement laws are not cognizable under the Voting Rights Act."

Felon voters were central to a Republican court challenge to the results of Washington state's 2004 gubernatorial race. The challenge focused heavily on votes cast by felons who hadn't had their rights restored. Gov. Chris Gregoire beat Republican Dino Rossi by 133 votes after two recounts and the unsuccessful court challenge.

—
The case is Farrakhan v. Gregoire.

—
On the Net:

Ruling: <http://www.ca9.uscourts.gov/datastore/opinions/2010/01/05/06-35669.pdf>

The Sentencing Project: <http://www.sentencingproject.org>

Attorney General Rob McKenna: <http://www.atg.wa.gov>

Related News On Huffington Post:

Read more from Huffington Post bloggers:



Robert Creamer: What I Learned When I Spent Five Months at the Federal Prison Camp at Terre Haute

Like many low points in life, I learned a lot from my stay at Terre Haute that I would never have fully understood if I hadn't spent time there.



Kenneth Hartman: Reading In Prison: Ten Books; No Hard Covers

In an atmosphere as poisoned as the criminal justice world, the restrictions that made any sense at all ran out fast. Somewhere along the way, hardcover books were deemed potentially dangerous.



Norm Stamper: First Lieberman, Now Huckabee?

We should candidly look at whether Mike Huckabee is getting a raw deal for granting clemency to the man who murdered four Lakewood, Washington cops this Thanksgiving weekend.



Steve Cobble: July 17, 1984: Carrying the Baton from King to Obama

It takes nothing away from the absolutely brilliant campaign that Obama and Axelrod and Plouffe ran last year to point out that because of Jackson's two incredible campaigns, they started closer to the finish line.

Around the Web:

-  [State Felon Voting Laws - Felon Voting - ProCon.org](#)
-  [Voting Rights | American Civil Liberties Union](#)
-  [Ruling: Washington state felons can vote in prison](#)
-  [More than 100 felons voted in recent Knox Co. elections](#)

[Report Corrections](#)

WHAT'S YOUR REACTION?

- Important
- Funny
- Typical
- Scary
- Outrageous
- Amazing
- Innovative
- Finally

More in Politics...

- Pay-to-Stay Program Redefines Jail Time in Beverly...
- Harold Ford, Step Out of Senator Gillibrand's...
- Lieberman's Approval Ratings Tank In Connecticut
- Glenn Beck: 'African-American Is A Bogus, PC...

Comments 307 Pending Comments 0

[FAQ: Comments & Moderation](#) [FAQ: HuffPost Accounts](#)

[Post a Comment](#)   [Get the HuffPost iPhone App.](#)

Want to reply to a comment? Hint: Click "Reply" at the bottom of the comment; after being approved your comment will appear directly underneath the comment you replied to

View Comments:

Page: [1](#) [2](#) [3](#) [4](#) [5](#) [Next](#) [Last](#) » (5 pages total)

 [Yellowbird](#) *I'm a Fan of Yellowbird* 8 fans [permalink](#)

I have always felt that if a citizen is to be incarcerated, he is told by the state authority he "owes time" to recompense for breaking the law.

Once the time is served he is to re gain his freedom to go about the land.

If a prison is to be completely disenfranchised from his right to participate as a citizen, then why is it supposed that he be locked up? Wouldn't it be more truthful to strip this person of their citizenship and set them afloat on the high seas, a "Man without a Country"???

Our prison system is archaic. Our legal system is convoluted, corrupted, and archaic. It's time for reform and this is a good step.

Believe it or not you folks out there with snide comments; people in prison usually have a clearer view of the "system" than do football fans at college bowls. They many times are incarcerated beyond their offense to society and many of them are actually innocent. We incarcerate too many people for too small of offenses while we let the big fish eat us alive on Wall Street. The mafia rules the nation and nobody is going to admit it.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) Posted 01:49 PM on 01/06/2010

 [denny8844](#) *I'm a Fan of denny8844* 10 fans [permalink](#)

I dont think prison should mean too many deprivations, I think we should look into an Ipod in every cell and why not take out Latte delivered every day. Dont want the poor dears to feel left out, How is that for restorative justice

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) Posted 12:54 PM on 01/06/2010

 [Trusty72](#) *I'm a Fan of Trusty72* [permalink](#)

Reading this article makes me think of another way someone might have led the 9th circuit to the same conclusion: the nineteenth amendment!

Providing: "The right of citizens of the United States to vote shall not be denied or abridged by the

United States or by any State on account of sex."

Men are massively overrepresented among those in jail -- to the tune of 90% or more. The statistics don't lie. For whatever reason, Washington's criminal justice system is "biased" against men. Would the 9th circuit have overturned the law on the same basis?

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 12:33 PM on 01/06/2010*

 [PoliteEuropean](#) *I'm a Fan of PoliteEuropean* 6 fans [permalink](#)

So they were NOT allowed to vote? I'm a bit shocked, as I've always perceived US as a model example of personal rights, especially when we are speaking about voting (naturally I am aware of the many nonsenses, like the electoral system where a guy with a greater support in the nation can not become a president, but this is offtopic). In my country felons always had the right to vote, UNLESS such right was taken away from them - it happened i.e. in the case of public/government related frauds, where the convicted was banned from being elected, or voting. They could vote in the same manner as i.e. people in hospitals etc. Whether we like or not prisoners are part of our society, and we simply can not hide them behind the bars and throw the key away. Pretending that they do not exists is childish.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 10:22 AM on 01/06/2010*

 [Oubastet](#) *I'm a Fan of Oubastet* 22 fans [permalink](#)

But we can, do and should hide them behind bars. Unless I'm mistaken, that is the whole point of sending them to jail. It is official "time out" for people who couldn't follow the basic rules.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 10:29 AM on 01/06/2010*

 [PoliteEuropean](#) *I'm a Fan of PoliteEuropean* 6 fans [permalink](#)

No, with your logic it is like putting them into a freezer - they will come out the same people as they went in, just older and with new 'skills' earned from their fellow felons. The whole purpose of penitentiary system is not to punish people - it is to resocialize them, an effort which basically mean to return them to the society. I'm in no position to tell the US citizens how their country should look like. I've just presented my opinion, that someone's time in prison should not be for the GP content, but for correcting people. Stripping someone off his rights during his sentence is making these people recluses, proofing them that society gave up on them, so how they can believe that when they will be free they will be able to rejoin other citizens and return to normal life? But again, I'm presenting the POV from the across Atlantic, we do believe in different things here. Maybe not always better, so everyone should have the right for their own opinions.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 10:45 AM on 01/06/2010*

There are More Comments on this Thread. [Click Here To See them All](#)

 [Waltfl](#) *I'm a Fan of Waltfl* 74 fans [permalink](#)

The European justice systems are based on rehabilitation, the US justice system is based on revenge. the European systems aim at locking those up who pose a danger for society, and tries to rehabilitate the rest, to turn them into tax payers again. In this country it's often :once a felon at age 21, always felon, and a liability for the society.

That's why the USA has the biggest per capita prison population, and the highest violent crime rate -by far- of all Western countries. Our prison population has gone up 500% since 1980, as a result of the "tough" conservative Sheriff mentality. "Be tough" always sounds good, and doesn't cost anything, at first, but locking people up for petty-crimes cost a lot in the long run. Now we are at the point where States can't afford their justice systems any more, and start releasing inmates randomly. Now we get the real dangerous criminals back out on the streets.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 11:04 AM on 01/06/2010*

 [KoolAidDrinkersAnonymous](#) *I'm a Fan of KoolAidDrinkersAnonymous* 23 fans [permalink](#)

It seems the only sanity left in Washington State is in Spokane.

Beautiful City in a beautiful state, no wonder they have the only rational thinking conservative people in the state.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 10:16 AM on 01/06/2010*

  [LeftRight](#) *I'm a Fan of LeftRight* 142 fans [permalink](#)

Course, they also have a ton of irrational "thinking" conservative people in

Spokane and elsewhere in the state....

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 07:54 AM on 01/08/2010

[AtticusinPa](#) *I'm a Fan of AtticusinPa* 17 fans [permalink](#)

Those commenters upset with the idea of "heinous" criminals voting should remember that many states define the term felony pretty loosely. For example, in Texas stealing a piece of pizza is a felony, hence the "three strikes you're out" life sentence for just such a crime a few years back. Does stealing a piece of pizza mean you should lose your right to vote? Possession of a small amount of marijuana? Suppose your son is in the car with someone else and its that person's dope; he gets the felony conviction, too in many states. Poor choice of friends should not equal loss of such a critical right.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:10 AM on 01/06/2010

[Oubastet](#) *I'm a Fan of Oubastet* 22 fans [permalink](#)

If you know that getting caught smoking weed is going to land you in jail where you will lose your right to vote (for however long you're in there)... And yet you make that choice... What does it say about you?

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:55 AM on 01/06/2010

[PostModernPatriot](#) *I'm a Fan of PostModernPatriot* 32 fans [permalink](#)

There's no allowances for youthful indiscretion anymore, unless you are extremely wealthy and/or well-connected and your family can afford the kind of legal representation that will get you off.

The children of the poor or simply working/middle class - are screwed if they step out of line in the same ways that Bill Clinton, Barack Obama, Mike Bloomberg and some of our other political leaders did when THEY were of that age.

There is a serious double standard of "justice" in this country.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 11:54 AM on 01/06/2010

[Palemoon](#) *I'm a Fan of Palemoon* 253 fans [permalink](#)

glockman

"Oh how wrong you are. Read the amendments again. These were all passed to prevent the denial of voting based on race, gender, etc. The constitution itself does not guarantee the right to vote."

Really? Article IV of the US Constitution, which is NOT an amendment, specifically states... "The United States shall guarantee to every State in this Union a Republican Form of Government."

Now then, what is the definition of republican government??? "a government in which supreme power resides in a body of citizens entitled to vote and is exercised by elected officers and representatives responsible to them and governing according to law"

Oh, that's gotta hurt!! Besides, you do realize that the right to vote is recognized in the United States as a "common law" right and, as such, does not need to be enumerated in the Constitution? That's part of the 9th Amendment, by the way. :o) Also, Article 6 of the Constitution makes the Universal Declaration of Human Rights treaty US LAW which also affirms the RIGHT TO VOTE.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:05 AM on 01/06/2010

[McKinley1901](#) *I'm a Fan of McKinley1901* [permalink](#)

You do realize that you have many rights that are taken away when you commit a felony.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:17 AM on 01/06/2010

[Palemoon](#) *I'm a Fan of Palemoon* 253 fans [permalink](#)

Of course, which that could include the right to vote. However, I'm just saying, there is no such thing in the United States as "taxation without representation", that is very, very, VERY illegal. So while those felons are denied the right to vote, which is legal per the 14th Amendment, however the State cannot ever tax them, nor the Federal Govt, and the States have to take them off population rolls in regards to Congressional and Electoral districts.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:19 AM on 01/06/2010

There are More Comments on this Thread. [Click Here To See them All](#)

[Zonie](#) *I'm a Fan of Zonie* 25 fans [permalink](#)

Bravo.....I was going to hit on that bit myself when I saw so many posts asserting

there is no constitutional right to vote....

But you did it so well....I have nothing to add but another bravo....good job with the wrecking ball....

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 10:18 AM on 01/06/2010*

 [legaleagle 45](#) *I'm a Fan of legaleagle 45* 23 fans [permalink](#)

Palemoon wrote: "Now then, what is the definition of republican government???"

A definition that even alluded Madison. However, it is totally irrelevant. The decision is not based in any manner upon the Constitutional Right to vote, it is based upon the Voting Rights

Act , 42 U.S.C. § 1973 and can be overturned merely by amending that law so that disenfranchisement of felons is okay dokey. I will bet money that such an amendment will be passed by Congress.

As for the deeper question of whether a Constitutional violation can be claimed by virtue of disenfranchising felons, the answer to that question is clearly no... in fact, the 14th Amendment specifically allows felon disenfranchisement.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 07:08 PM on 01/06/2010*

 **NEW** [LeftRight](#) *I'm a Fan of LeftRight* 142 fans [permalink](#)

Your quote doesn't require that the states allow every single person the right to vote, just that it allow people who ARE allowed to vote, the right to vote.

In other words, if there were no 19th Amendment, any state that chose to allow women to vote could do so, but another state wouldn't have to. NOWHERE does the Constitution say that EVERYONE ALWAYS has a right to vote.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 07:57 AM on 01/08/2010*

 [Exitman](#) *I'm a Fan of Exitman* 5 fans [permalink](#)

One small step to civility

Cheers

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 09:39 AM on 01/06/2010*

 [Palemoon](#) *I'm a Fan of Palemoon* 253 fans [permalink](#)

Since I haven't seen anyone mention it, I'm going to post the clause from the US Constitution that relates to this. But FIRST, I see someone is adamant about posting that there is no such right to vote. Oh how wrong they are. It's a RIGHT guaranteed by the US Constitution. And it cannot be abridged, or denied by any State or Federal law, except.... And that's where this information comes into play.... 14th Amendment, Section 2...

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

A later amendment amended the voting age to 18, as well as another amendment opening it up to females, and other persons including minorities. EVERYONE has the RIGHT to vote.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) *Posted 09:18 AM on 01/06/2010*

 [Palemoon](#) *I'm a Fan of Palemoon* 253 fans [permalink](#)

Now to continue. Everyone has the right, except that based on the clause making up Section 2 of the 14th Amendment.

Now then, per the 14th, if they are denied the right to vote, they cannot ever be made to pay taxes. The Indian clause backs that up. Also, the State has to lower their population count by as many felons as they deny the right to vote. Meaning, they cannot be counted as far as apportioning/enumerating the Congressional and Electoral districts. Why is that important? Well, if a State like Florida has enough felons that are denied the right to vote, they could ultimately lose not only Congressional seats/representation, but they could also lose Electoral votes.

But since not 1 single State in the Union removes these people from the population rolls, and they also tax them, what the States are doing is wholly un-Constitutional and very

illegal. If only people would have enforced that during the 2000 election, Gore would have won in a landslide.

 Reply  Favorite  Flag as abusive Posted 09:21 AM on 01/06/2010

 b-dob *I'm a Fan of b-dob* 25 fans [permalink](#)

First, the Indian clause doesn't say anything remotely close to not taxing non-voters. It says non-taxed Indians won't be counted in the state's population. Second, how would reducing Florida's number of electoral votes guaranteed a Gore landslide?

 Reply  Favorite  Flag as abusive Posted 09:41 AM on 01/06/2010

There are More Comments on this Thread. Click Here To See them All

 legaleagle 45 *I'm a Fan of legaleagle 45* 23 fans [permalink](#)

Palemoon wrote: "Now then, per the 14th, if they are denied the right to vote, they cannot ever be made to pay taxes. "

Yes they can.

"The Indian clause backs that up."

No it does not.

"Also, the State has to lower their population count by as many felons as they deny the right to vote"

Wrong again.

"But since not 1 single State in the Union removes these people from the population rolls, and they also tax them, what the States are doing is wholly un-Constitutional and very illegal"

Or it could be a clue to you that your legal analysis is wrong.

 Reply  Favorite  Flag as abusive Posted 07:18 PM on 01/06/2010

 **NEW** LeftRight *I'm a Fan of LeftRight* 142 fans [permalink](#)

Wrong. Amendment 15, section 1 states:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state ON ACCOUNT OF RACE, COLOR, OR PREVIOUS CONDITION OF SERVITUDE"

The 14th Amendment states that no person shall be deprived of life, liberty, or property WITHOUT DUE PROCESS OF LAW

And the 19th Amendment states:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex"

In other words, your argument falls apart. The ONLY amendment to apply is the 14th, and it allows for the loss of rights with due process of law!

 Reply  Favorite  Flag as abusive Posted 08:02 AM on 01/08/2010

 glockman *I'm a Fan of glockman* 52 fans [permalink](#)

Oh how wrong you are. Read the amendments again. These were all passed to prevent the denial of voting based on race, gender, etc. The constitution itself does not guarantee the right to vote.

There are many avenues to explore this fact.

<http://www.usconstitution.net/constnot.html#vote>

http://www.thirdworldtraveler.com/Democracy/A_Right_to_Vote.html

http://www.reclaimdemocracy.org/political_reform/right_to_vote.html

Passing an amendment that prevents the discrimination in voting is not the same as granting voting rights. Do some research before you make yourself look more foolish.

 Reply  Favorite  Flag as abusive Posted 09:27 AM on 01/06/2010

 **Palemoon** *I'm a Fan of Palemoon* 253 fans [permalink](#)

Ok expert, so why does the Constitution give everyone the RIGHT to vote?

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) Posted 09:41 AM on 01/06/2010

[There are More Comments on this Thread. Click Here To See them All](#)

 **dteg** *I'm a Fan of dteg* 31 fans [permalink](#)

Abe Lincoln is not here so basically the only thing they left was the wording. And can't prevent means you can't prevent them from voting to me. But I guess people can make what they want to of the constitution. It has been pretty much the same but laws have been interpeted very different. Even with the constitution it still took another 100 years for a lot of minorities to vote and to start being allowed into public places.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) Posted 09:45 AM on 01/06/2010

[There are More Comments on this Thread. Click Here To See them All](#)

 **Oubastet** *I'm a Fan of Oubastet* 22 fans [permalink](#)

Exactly. Some people just don't understand the difference.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) Posted 09:47 AM on 01/06/2010

 **Waltfl** *I'm a Fan of Waltfl* 74 fans [permalink](#)

"Passing an amendment that prevents the discrimination in voting is not the same as granting voting rights." That's the message of the day. A duck is not the same as a birdl that waddles and quacks.

Your own first link starts with "The Constitution contains many phrases, clauses, and amendments detailing ways people cannot be denied the right to vote...."

The discrimination ban in the 15th, 19th, and 26th Amendments does constitute rights, even though it is not explicitly and positively expressed. Saying that you can't deny a right is like saying you have that right.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) Posted 09:48 AM on 01/06/2010

[There are More Comments on this Thread. Click Here To See them All](#)

 **SimJack** *I'm a Fan of SimJack* 77 fans [permalink](#)

Article 1, Section 2, Clause 1: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." I think "by the People" nails it.

As for the US Senate, originally the State's House or Reps elected members to the US Senate as set forth by Article 1, Section 3, Clauses 1 & 2. This was change in 1911 by Amendment 17: "transferring Senator selection from each state's legislature to popular election by the people of each state."

Powers not enumerated by the US Constitution implicitly fall to the Congress, the States or the People; all rights of the People do not have to be explicitly stated until such time when the infringement of a perceived right can redressed and challenged in the courts.

 [Reply](#)  [Favorite](#)  [Flag as abusive](#) Posted 10:03 AM on 01/06/2010

[There are More Comments on this Thread. Click Here To See them All](#)

[There are More Comments on this Thread. Click Here To See them All](#)

 **GHO** *I'm a Fan of GHO* 13 fans [permalink](#)

I don't agree with your interpretation. The section you refer to is about how representatives are proportioned. The statement in the text "But when the right to vote...is denied...EXCEPT FOR PARTICIPATION IN REBELLION, OR OTHER CRIME..." seems, contrary to your argument, to imply that denying someone the right to vote for criminal acts is not only acceptable, but is so normal that such denial, even on a wide scale, is not reason to re-allot representatives in Congress.

Separate but related - why is no one talking about the practical implications? What about the logistics and extra costs to taxpayers of turning every prison in WA into a polling place. One group that will definitely NOT appreciate this ruling is corrections officers.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:44 AM on 01/06/2010

[b-dob](#) *I'm a Fan of b-dob* 25 fans [permalink](#)

She forgot the "except" part in her argument. It's just one pesky word, though. It can be ignored. As for your second point, in giving these prisoners the right to vote, would it be a fair assumption that they would demand constant and unfiltered access to information about all political candidates? Would we be forced to install internet connections into every cell? If granted, could this access to the outside world be abused?

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:51 AM on 01/06/2010

There are More Comments on this Thread. Click Here To See them All

[AtticusinPa](#) *I'm a Fan of AtticusinPa* 17 fans [permalink](#)

As to the corrections officers, its no big deal; those in prison who can now vote do so by absentee ballot. Its a matter of two forms, three envelopes and three stamps.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:24 AM on 01/06/2010

[Waltfl](#) *I'm a Fan of Waltfl* 74 fans [permalink](#)

That's exactly right.

The truth of the matter is this:Why they -mostly Republicans- are so afraid of voting rights for felons us, because stripping people of their Constitutional rights means you can shut them up. In many southern districts that is how the power has been secured for centuries. It's not so much a factor on federal level, but rather on State-and local level.

It is extremely important in counties and districts with huge minorities. The whole State of Mississippi (and some others) work like this: Keep blacks and minorities from the ballots by all means. You think types like Haley Barbour would be governor if all blacks, minorities, and all felons in Mississippi would vote? The system works by intimidation, re-structuring of districts, by denying rights to vote, by designing precincts so some (mostly the poor without a car) have to drive 40 miles to vote, and by bullying people from going to vote a la "you may get arrested at the ballots, so better stay home..."

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:03 AM on 01/06/2010

[Graywolf48](#) *I'm a Fan of Graywolf48* 83 fans [permalink](#)

While incarcerated, on probation or parole I do not think convicted felons should have the right to vote. Once a convicted felon has successfully completed their sentence, I think all their voting rights should be fully restored. So now a court has decided that career criminals, murderers, rapists, etc., should be allowed to vote while in prison? This, to me, is just insanity. I hope it goes to the Supreme Court and is over turned.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:14 AM on 01/06/2010

[GHO](#) *I'm a Fan of GHO* 13 fans [permalink](#)

Brilliant! What next - 2nd amendment rights so inmates can carry guns? :(

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:11 AM on 01/06/2010

[Oubastet](#) *I'm a Fan of Oubastet* 22 fans [permalink](#)

Excellent case in point!!

It should be fairly clear, but some people seem to miss the sort of thing.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:51 AM on 01/06/2010

[AtticusinPa](#) *I'm a Fan of AtticusinPa* 17 fans [permalink](#)

That's your best argument? Reductio ad absurdum? That's it? No con law argument. No recitation of the facts (the vast majority of "felonies" in this country are non-violent.) Sheesh. Why should we listen to you/

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:15 AM on 01/06/2010

[GHO](#) *I'm a Fan of GHO* 13 fans [permalink](#)

You should listen to me no more and no less than any other anonymous commenter in the blogosphere.

Is that my best argument? No - just a fun and handy one.

Best argument is above in discussion of the 14th amendment where denial of voting rights to those who have participated in rebellion and other crimes.

Next best argument is the practical one - the cost and logistics of turning every prison in WA into a polling place.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:27 AM on 01/06/2010

[Oubastet](#) *I'm a Fan of Oubastet* 22 fans [permalink](#)

Is violence the only line you would draw to separate criminals who should or should not be allowed to vote?

Wow. That totally excludes people who committed non-violent fraud, and say, a certain notorious convict who is responsible for enormous financial losses among his own clientele. I doubt Bernie Madoff ever held anyone up with a gun, but I'd be darned before I'd say he has ANY right to have a say in the outcome of elections.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:28 AM on 01/06/2010

[There are More Comments on this Thread. Click Here To See them All](#)

[WSAY](#) *I'm a Fan of WSAY* 38 fans [permalink](#)

But the second amendment does guarantee that. So this only proves what the right wingers would like to deny - the constitution must be interpreted.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:18 AM on 01/06/2010

[legaleagle 45](#) *I'm a Fan of legaleagle 45* 23 fans [permalink](#)

"But the second amendment does guarantee that."

Yep.

"So this only proves what the right wingers would like to deny - the constitution must be interpreted."

It is a relatively easy interpretation... Rights may only be abrogated by due process of law. A criminal defendant is afforded said due process. As a result of the conviction, he may be denied life, liberty, and property. Obviously, no one in their right mind would argue that it is a violation of the constitution to incarcerate convicted felons because it denies them of their constitutional right to liberty... would they? 2nd Amend rights are a liberty interest which may be abrogated by due process of law.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 07:38 PM on 01/06/2010

[dobryden](#) *I'm a Fan of dobryden* 13 fans [permalink](#)

The first step in allowing non citizens to vote.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:09 AM on 01/06/2010

[WSAY](#) *I'm a Fan of WSAY* 38 fans [permalink](#)

Oh, that makes a lot of sense. LOL!!!

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:18 AM on 01/06/2010

[dteg](#) *I'm a Fan of dteg* 31 fans [permalink](#)

It is long overdue. No one should lose their right to vote period. It is a right. Health care should be a right to.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:02 AM on 01/06/2010

[lizmckenzie55](#) *I'm a Fan of lizmckenzie55* 7 fans [permalink](#)

Even if you mur. der. the president?

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:13 AM on 01/06/2010

[dteg](#) *I'm a Fan of dteg* 31 fans [permalink](#)

Even if you don't know the number of bubbles in a bar of soap.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:34 AM on 01/06/2010

[WSAY](#) *I'm a Fan of WSAY* 38 fans [permalink](#)

Why would THAT be an exception, of all things?

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:19 AM on 01/06/2010

[glockman](#) *I'm a Fan of glockman* 52 fans [permalink](#)

So then the Brady Act that prevents those convicted of domestic violence should be allowed to retain their second amendment rights?

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:15 AM on 01/06/2010

[dteg](#) *I'm a Fan of dteg* 31 fans [permalink](#)

Voting is more clearly defined. People are still all over the place about the vague language in the second amendment.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:29 AM on 01/06/2010

There are More Comments on this Thread. [Click Here To See them All](#)

[lizmckenzie55](#) *I'm a Fan of lizmckenzie55* 7 fans [permalink](#)

Even if you tor. tured, mol. ested, and mur. dered innocent little child.ren?

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:15 AM on 01/06/2010

[dteg](#) *I'm a Fan of dteg* 31 fans [permalink](#)

It is a right like eating, drinking and sleeping. I don't care how much you hate a person. We still give them basic rights.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:32 AM on 01/06/2010

There are More Comments on this Thread. [Click Here To See them All](#)

[lizmckenzie55](#) *I'm a Fan of lizmckenzie55* 7 fans [permalink](#)

Yelp - those are the kinds of people I want to decide (along with me) who is elected.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:16 AM on 01/06/2010

[WSAY](#) *I'm a Fan of WSAY* 38 fans [permalink](#)

But I don't want YOU to be able to vote. So, I guess according to your way of thinking, you are out!

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 10:20 AM on 01/06/2010

There are More Comments on this Thread. [Click Here To See them All](#)

[GravitonX](#) *I'm a Fan of GravitonX* 70 fans [permalink](#)

Disparate impact. Plain and simple.

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 09:00 AM on 01/06/2010

[Blimpius](#) *I'm a Fan of Blimpius* 35 fans [permalink](#)

This is OUTRAGEOUS!!!!!!!!!!!!!!!!!!!!!!

[Reply](#) [Favorite](#) [Flag as abusive](#) Posted 08:57 AM on 01/06/2010

Page: [1](#) [2](#) [3](#) [4](#) [5](#) [Next](#) [Last](#) » (5 pages total)

You must be [logged in](#) to comment. [Log in](#) or connect with

HuffPost Social News BETA

[f](#) [Connect with Facebook](#)

[Make HuffPost Your Home](#)

Most Popular on HuffingtonPost 1 of 2



Lindsay Lohan's Fall From Private Jet To Commercial Airline...

172 Comments



Kate Gosselin's Hair Extensions - How Bad Are They?...

560 Comments



Tila Tequila Mourns Her Dead Fiancee Casey



Johnson
187 Comments



Dr. Michael J. Breus
Sleep Hygiene 101: How To...
68 Comments



Joe Biden Why America Needs Trains
805 Comments



Arianna Huffington The First HuffPost Book Club Pick of...
306 Comments



Best FAILS Of 2009 (VIDEO)
118 Comments



Jasmine Lennard, Casey Johnson's Vibrator Victim, Cashes In On...
61 Comments



Lieberman's Approval Ratings Tank In Connecticut
1,583 Comments

HuffingtonPost Reporters 1 of 2



Jason Linkins: Michael Steele Abruptly Cancels On 'Top Line',...
0 Comments



Jason Linkins: Peter Orszag Love Child: Not That Rare...
0 Comments



Sam Stein: Cadillac Tax Feud: House, Senate Dems Tangle
54 Comments

Don't Miss HuffPost Bloggers 1 of 4



Billie Jean King
Wall Street Journal Is My New Sports Hero



Joe Biden
[Why America Needs Trains](#)

Get Breaking News Alerts

Sign Up

HuffPost Social News connects you with friends and the news

[Report Corrections](#)

[Send A Tip](#)

TIME.com



Dodd, Dorgan Retirements Point to 2010 Election Fight
[READ MORE](#)



CIA Bombing Attack: How Bad for U.S. War in Afghanistan?
[READ MORE](#)



Immigration-Reform Debate Looms for Obama This Year

[READ MORE](#)

[More news at Time.com](#)

Huffington Post Apps and Feeds



HUFFPOST'S BIG NEWS PAGES



[MORE BIG NEWS PAGES >>](#)

HOME	POLITICS	MEDIA	ENTERTAINMENT	SPORTS	COMEDY	BUSINESS	LIVING	STYLE	GREEN
TECHNOLOGY	WORLD	BOOKS/NYR	IMPACT	N.Y.	L.A.	CHICAGO	DENVER	VIDEO	BLOGGER INDEX

[Advertise](#) | [Make HuffPost your Home Page](#) | [RSS](#) | [Jobs](#) | [FAQ: Comments & Moderation](#) | [FAQ: Huffpost Accounts](#) | [Contact Us](#)
Copyright © 2010 HuffingtonPost.com, Inc. | [Archive](#) | [User Agreement](#) | [Privacy](#) | [Comment Policy](#) | [About Us](#) | [Powered by Movable Type](#)