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Recent Felon Disenfranchisement Decision is Constitutional

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This January, in the landmark case Farrakhan vs. Gregoire, the Ninth Circuit Court of Appeals in San Francisco overturned a Washington state law that prohibits convicted felons from voting until they have finished their probation and parole. In this decision, the court ruled that it was unconstitutional for Washington state to disenfranchise felons, because a disproportionate percentage of minorities are prosecuted and convicted of felonies. Therefore, according to the court, the disenfranchisement ordinance violated the right to vote regardless of race outlined in the Fifteenth Amendment.

Washington's attorney general has announced his intent to appeal the case to the Supreme Court, a decision that will affect felon-voting laws throughout the entire country. In the meantime, the Ninth Circuit Court of Appeals has agreed to allow Washington to postpone changing the law until the Supreme Court makes its decision.

The Washington case was appealed after a district court in Washington ruled that the current felon disenfranchisement laws were unconstitutional. This ruling stated that, while the Washington judicial system was racially biased, this bias alone was not enough to invalidate a punishment imposed by the state, according to a February 4 article on crosscut.com. While the need to protect minority rights is an issue that warrants increased focus and concern in America, I strongly agree with the lower court ruling. Although the judicial system is imperfect, criminal courts still have the right and responsibility to mete out and enforce punishments.

Disenfranchisement is a legitimate punishment for people who commit any kind of felony. Specific felon-voting laws, like other controversial punishments, such as three strikes laws and the death penalty, should be a matter decided at the state level by state legislatures and citizen initiatives, not regulated by district courts. According to ProCon.org, 12 states currently have laws that permanently bar at least some convicted felons from voting, while only two states allow prisoners currently incarcerated to vote. The remaining states and the District of Columbia allow felons to resume voting after leaving prison, or after they are done with probation or parole. Before restoring these individuals' full rights, it is essential to recall the damage done upon their victims. After perpetrators serve their sentences and resume their normal lives, their victims are often still left with scars, both emotional and physical. Victims of many serious crimes often never fully recover from the injustice done against them. Victims of fraud or embezzlement suffer financial devastation at the hands of greedy white-collar criminals. Victims of assault may still sport scars, walk with limps or suffer acute brain damage that will haunt them forever.

Victims of hate crimes may harbor lifelong fears of another unprovoked attack based solely on their race, religion, nationality or sexual orientation. Victims of rape may never be able to have normal intimate relationships for the rest of their lives. Meanwhile, perpetrators of these heinous crimes finish their jail sentences and walk free, enjoying rights and privileges.

According to felonyguide.com, the five most common felonies committed in the United States are severe drug violations, felony DUI, crimes against property (burglary, arson, etc.), larceny/theft and assault.

Last year, North Carolina alone released 120 murderers and 80 rapists, according to WRAL.com. If our society is going to release criminals such as these, there ought to be some form of continued punishment. These are all very damaging crimes that absolutely merit any disenfranchisement penalty that an individual state would choose to invoke against a convicted felon. Because different states have different crime issues and community values, the decision of whether or not to practice felon disenfranchisement, and to what extent, should be up to the individual states.

As the appeals court's ruling reflects, one of the most common arguments against felon voting restrictions is that the disenfranchisement laws are racist, because a disproportionate amount of some minorities are convicted felonies. This approach is problematic because it seeks to fix this disparity by lightening the punishment for crimes instead of addressing the root causes of the racial disparity - income inequality and a lack of good schools in minority neighborhoods. Instead of becoming soft on crime, a better approach would be to rectify basic inequalities that lead to higher crime rates among minority groups.

The loosening of voting restrictions on convicted felons reflects a disturbing trend in our society where the rights of convicted criminals are given more attention and concern than the suffering of their victims. Crimes that have permanent damaging effects should have lasting consequences for the perpetrators. Why should a gang rapist have the right to vote when his victim continues to suffer from flashbacks, panic attacks and sexually transmitted diseases?

Voting, like life and liberty, is a privilege that can and should be revoked by criminal courts in response to certain heinous crimes. This is an issue that must be left up to the individual states.

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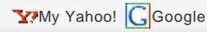
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