

MASS INCARCERATION AND VOTER TURNOUT AMONG AFRICAN
AMERICANS IN THE UNITED STATES

IS THERE A CORRELATION BETWEEN THE TWO?

by

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DISSERTATION

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Abstract

In developing an understanding of political participation among historically underrepresented groups, a disproportionate number of African Americans receiving punishment (prison sentences) is an issue that warrants consideration when calculating voter turnout. The Voting Rights Act of 1965 protects the voting rights of people regardless of race or ethnicity. The increasing incarceration rate of African American men, popularly known as mass incarceration, is a criminal justice phenomenon ongoing since the 1980's. This research focuses primarily on the relationship between voter turnout, general and more specifically African Americans, and mass incarceration. The study examines twelve General (Presidential) Elections since the passage of the Voting Rights Act of 1965 through the 2012 election. In addition to incarceration rates of African Americans, other factors were also examined because it was not to be assumed that mass incarceration was the sole factor in people's voting behavior.

For each state, household incomes, college educated habitants, the percentage of the population that is African American, and the percentage of the population that is impoverished were some of the variables considered, resulting in 600 observations. The goal was to determine if there is a correlation between voter turnout and incarceration rates among African Americans. In other words, during the years of high incarceration rates were there significant drops in voter turnout. Quantitative methods were used to examine a possible correlation. The findings suggest, however, that there is no significant correlation in overall voter turnout and mass incarceration of African Americans, but there is a statistical relationship between African American voter turnout and mass incarceration of African Americans.

Mass Incarceration and Voter Turnout among African Americans in the United States

Is there a correlation between the two?

by

Martha Wilson Musgrove

Chapter 1

1.1 Introduction

The United States is often viewed as a beacon of hope and freedom for the world (Reagan, 1981). This recognition should make every American proud, as the country holds itself up as the model for how democratic nations should operate. Democracy is a system of government whereby the people have authority to determine the course of action that their nation will take. There are two distinct characteristics of democracy – direct and indirect democracy. In a direct democracy, the people vote on nearly every issue that arises, including policy initiatives. In an indirect democracy, people vote to elect representatives who legislate on their behalf. Since its infancy, the United States has exercised the latter type of democracy and has taken pride in the fact that its citizens can vote for its leaders, particularly the president. A problem exists, however, when the proportion of its citizens that vote, particularly in national elections, decreases dramatically over time. This tends to create low voter turnout.

While millions of people around the world fight for the right to vote, the Pew Research

Center ranked the United States number 31 out of 35 countries for voter turnout (Pew Research 2016). Presidential elections only draw about half of the electorate because there are many issues that can influence one's political decisions about voting (Pew Research 2016). This is further defended by the U.S. Election Project of 2010, which confirmed that a smaller slice of the electorate is making important decisions for the entire country.

In this thesis, I am not concerned with whom citizens vote for, but rather, why they vote, or, more accurately, why they do not vote. While keeping with the primary focus of this study, whether mass incarceration correlates with voter turnout among African Americans, it is not clear if the former is the cause for the latter; therefore, other possible influencing sources are also explored. The focus is to determine if, during the election cycles when mass incarceration of African Americans is high, is voter turnout low? To properly address the elements that may affect political participation, we explore characteristics that could impact voter turnout, specifically states' levels of educational attainment, the percentage of the citizenry living at or below the poverty line, and parallel these data with mass incarceration rates.

Low or decreasing voter turnout is an important issue in all elections, but this paper focuses on voter turnout during the General Election cycles and the effect of the exclusion of the African American population. The startling question becomes *where are African Americans on Election Day?* Could it be that our political and judicial systems have temporarily removed them from the electorate for several years to ensure that their votes are non-existent? While it may be difficult to answer this question, it is less so executed at the federal level that directly affect the overall vote in the United States. Election and correctional data of all states will be evaluated to

hypothesize how lost votes might have affected voter turnout. Because members of the minority group (particularly African Americans) are more likely to receive punishment that removes them from society (Manza, Uggen, and Britton 2001), this study follows the trends that may have been created between incarceration rates and voter turnout from the 1968 to the 2012 presidential elections. The rationale for focusing on this time frame is to capture the first General Election following the Voting Rights Act of 1965 and monitor those elections up to 2012.

1.2 Statement of the Problem

According to the 2010 Census, African Americans make up 13% of the U.S. population, yet 47% of the country's prison population. In Texas, 11.9% of the population is African American and the state's prison population is comprised of 39% of this group (U.S. Census Bureau 2010). In developing an understanding of political participation among historically underrepresented voters, this disproportionate number of African Americans receiving punishment (parole or probation) is an issue that warrants consideration when calculating voter turnout.

Controversy arises about turnout because several methods exist for determining the number or percentage of voters. The first and most basic way of determining voter turnout is to simply count the total number of votes cast. For obvious reasons, this is known as the Total Vote (Kleppner 1982, Berke 2009). While this may seem to be the most straightforward way of measuring turnout, this method has several shortcomings. An apparent problem with this method is that it provides no comparative component. It gives a raw number but provides no self-contained comparison to the number of people that are registered but simply chose not to vote or were prevented from voting.

A more accurate variation of this method seems to yield a comparative element. It takes the number from the total vote method, and divides that number by the total number of registered voters. This procedure yields a percentage of the registered voters who chose to vote (Pintor et al 2012). Because this variation relies on the total vote numbers, it still counts those votes which may be found to be invalid. And, just because someone is eligible to vote does not necessarily mean they are registered to vote.

There is yet another means of determining voter turnout, used by the United States Census Bureau. This technique relies on what is known as the Voting Age Population, or VAP (U.S. Census Bureau 2004, 2005). As the name implies, the Voting Age Population is the total number of people in a given area older than the area's stated minimum voting age. For the United States, this would include all persons 18 years of age and older. To arrive at a voter turnout figure, the number of votes cast is divided by the Voting Age Population (the ratio of voters to registered voters), which will obviously yield a percentage. While this method attempts to account for imperfect voter registration rolls, it is not without its own problems. The VAP numbers are not strictly limited to only those over 18 and eligible to vote. It also considers noncitizens, those who have been convicted of felonies, and those currently incarcerated.

There are states that restrict a convicted person from voting until their sentences have been completed (Section 11.002 of the Texas Election Code). Upon the successful completion of his/her punishment, including any term of incarceration, parole, supervision, period of probation, or has been pardoned, a convicted person is immediately eligible to register to vote. But, the VAP calculation would include eligible and ineligible residents.

The right to vote was granted to African Americans in 1870 with the ratification of the 15th Amendment to the U.S. Constitution, known as one of the Civil War or Reconstruction Amendments (O'Connor, 2012). Despite the 15th Amendment's clear language prohibiting discrimination in voting based on race, color, or previous condition of servitude, 95 years would pass before the Voting Rights Act of 1965 upheld African Americans' right to vote (O'Connor, et al, 2014). Although the Fifteenth Amendment guaranteed men the right to vote, certain practices (known as Jim Crow laws) were in place to prevent freedmen (African Americans who were former slaves) from freely voting. Particularly in the South, Jim Crow practices such as literacy tests, poll taxes, and the White Primary were obstacles that weakened the primary intent of the Fifteenth Amendment (O'Connor, 2014).

The battle to ensure that the language of the 15th Amendment was respected began before the 1963 March on Washington for Jobs and Freedom, a pivotal event in American history. The success of that march inspired civil rights leaders to demand that the right to vote would be acknowledged. Their campaign resulted in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, important pieces of legislation that transformed American democracy (National Commission on the Voting Rights Act 2006, 2). The Voting Rights Act of 1965, hereinafter referred to as VRA-1965, was created to protect the rights of people who are eligible to vote, regardless of race or ethnicity.

Previous research has been conducted in this area of interest. Andrew Shapiro, in his article *The Disenfranchised* (The American Prospect 1997), examined the right to vote from a different perspective – the selective disenfranchisement of felons. Thomas Miles, in *Felon Disenfranchisement and Voter Turnout* (the Journal of Legal Studies the United States, 2004) examined the

impact of felon disenfranchisement on voter turnout at the state level. He concluded that those who are most likely to receive prison sentences are less likely to vote anyway. This is a debatable claim which will not be argued in this research.

The United States is portrayed as a country where every qualified citizen has a voice and can express that voice by voting, with early constitutional amendments guaranteeing voting rights for African Americans, women, and 18-year-old citizens (O'Connor 2014), but individual states have the discretion to decide which of these individuals will be banned from this universal privilege. Immediately following African American males' right to vote in 1870, obstacles were created that impeded their full use of this privilege (Alexander 2014). These obstacles came under the name of Jim Crow laws/practices. Although overt Jim Crow practices are supposedly incidents of the past, consideration of the judicial role that the courts possibly play in creating current obstacles to voting will be examined.

This research focuses on two issues: voter turnout in the United States and if there is a correlation between mass incarceration of African Americans and voter turnout in all fifty states. There will be an in-depth look into, and tracking of, the incarceration rate of African Americans and voter turnout among the same group from 1968 (the first General Election after the ratification of the Voting Rights Act of 1965) to 2012. The goal is to estimate the extent to which, if any, high incarceration rates of African Americans affect political participation as measured by voter turnout. An exposition of the root of this effect will be highlighted to determine if voter turnout is affected by this dilemma. Furthermore, a determination will be made on whether there are significant periods of variation between voter turnout with similar incidents of increases and/or decreases of African Americans being incarcerated.

1.3 Hypotheses and Research Questions

Based on voting patterns, what impact does mass incarceration have on voter turnout?

To what extent, if any, do high incarceration rates of African Americans affect political participation?

Hypotheses

H1: Criminal sentencing has a negative effect on voter turnout.

H2: The effect of criminal convictions on voter turnout will be sustained over multiple elections.

1.4 Purpose of the Study

This research focuses on two issues: voter turnout and to what extent does the incarceration rate of African Americans affect that turnout. An in-depth look is covered to track the incarceration rate of African Americans in all fifty states and voter turnout from 1968 to 2012, thus covering twelve General Election cycles. The goal is to determine if there is a correlation between voter turnout and incarceration rates among African Americans. And finally, an exposition of the root of this effect on voter turnout will be highlighted. A determination will be made on whether voter turnout is affected by this dilemma at the same rate. In other words, when mass incarceration of African Americans is high, is voter turnout low, creating a negative correlation? This work will determine if there are significant periods of variations or a correlation of voter turnout with similar incidents of increases and decreases of African Americans being incarcerated. Even more noteworthy is whether the judicial system plays a key role in this decision. Immediately following African American males' right to vote in 1870, obstacles were created that impeded their full use of this privilege. This research explores what Michelle Alexander refers to

as the New Jim Crow (2014) such as disparities in sentencing by the courts.

There is no empirical evidence that probationers and parolees would have voted had they not been incarcerated; therefore, no effort will be employed to prove this uncertainty. It is important, however, to determine if there is a correlation (negative or positive) between voter turnout and incarceration rates among African Americans.

In 1868 and 1870, the country passed the 14th and 15th Amendments to the Constitution guaranteeing all citizens equal protection and prohibiting the denial of the right to vote based on certain characteristics. In the South, Jim Crow practices/obstacles weakened the primary intent of the Fifteenth Amendment. The VRA-1965, was intended to further advance the Fifteenth Amendment, which granted voting privileges to African Americans who had been freed from slavery. For the purpose of this research, twelve General (Presidential) Elections are examined – from the first election (1968) following the passage of the Voting Rights Act of 1965, although it has been reauthorized several times since its inception, to the 2012 General Election.

In 1876, the Supreme Court interpreted these Amendments to invalidate civil rights legislation and this was immediately followed by the Hayes-Tilden Compromise of 1877 (Kousser 1974), ending Reconstruction. This legislation ushered in many years of the three branches of government taking a hands-off approach to racial discrimination, particularly, in voting. Their hands-off approach led to the reversal of several post Reconstruction era key provisions, popularizing Jim Crow practices and minimizing the strength of the 15th Amendment. Nullifying the 15th Amendment was carried out in a variety of ways, including racially-inspired and racially-enforced restrictions on voter registration and voting (Kousser 1974).

After World War II, the Jim Crow regime began to lose some of its strength (U.S. Com-

mission on Civil Rights 1975). When faced with civil rights protests, the Supreme Court and lower federal courts rejected discrimination and raised questions about Jim Crow practices. Congress passed its first 20th century voting rights laws in 1957, 1960, and 1964. As of March 1965, less than one third of all African Americans living in the southern states were registered to vote (U.S. Commission on Civil Rights 1975); three-fourths of the white population in those states was registered. This may be attributed to the influx of criminal convictions by the newly created U.S. Department of Justice (DOJ).

Recent research highlights variations in voting rates among demographic groups with rising rates of imprisonment. Standard surveys of voter turnout are household-based probability surveys that exclude institutionalized obstacles. Using Current Population Survey (CPS) voter turnout data with counts of prison and jail inmates provided by the Bureau of Justice Statistics (BJS), turnout estimates include the incarcerated population (BJS 1995-2012). Much of the narrowing of the race gap in voter turnout can be attributed to the exclusionary effects of mass incarceration, which this research will reveal.

In 1956, W.E.B. DuBois delivered a speech to readers of *The Nation*, titled *Why I Won't Vote*, explaining his decision to withhold his vote in the presidential election featuring candidates Dwight Eisenhower and Adlai Stevenson. He condemned Democrats and Republicans for their positions on the influence of corporate wealth, racial inequality, and unaffordable healthcare. DuBois detailed specific reasons, particularly in the South that prompted his decision to abstain from voting by stating:

Of my adult life, I have spent twenty-three years living and teaching in the South, where my voting choice was not asked. I was disfranchised by law or administration. In the North I lived in all thirty-two years, covering eight Presidential elections. In 1912 I

wanted to support Theodore Roosevelt, but his Bull Moose convention dodged the Negro problem and I tried to help elect Wilson as a liberal Southerner. Under Wilson came the worst attempt at Jim Crow legislation and discrimination in civil service that we had experienced since the Civil War.

In 1916 I took Hughes as the lesser of two evils. He promised Negroes nothing and kept his word. In 1920, I supported Harding because of his promise to liberate Haiti. In 1924, I voted for La Follette, although I knew he could not be elected. In 1928, Negroes faced absolute dilemma. Neither Hoover nor Smith wanted the Negro vote and both publicly insulted us. I voted for Norman Thomas and the Socialists, although the Socialists had attempted to Jim Crow Negro members in the South.

In 1932 I voted for Franklin Roosevelt, since Hoover was unthinkable and Roosevelt's attitude toward workers most realistic. I was again in the South from 1934 until 1944. Technically I could vote, but the election in which I could vote was a farce. The real election was the White Primary...

It is reasonable to assume that followers of the DuBois ideology abstained from voting as he detailed different reasons for doing so. It is also reasonable to assume that Jim Crow laws structurally impeded African American political participation. Nine years after DuBois' renowned speech, the Voting Rights Act was passed.

At the center of all normative prescriptions for a healthy and legitimate democracy is the idea that policy should represent the interests of the citizenry (Ransby 2003). One must wonder if this policy is effective when the interests of all of the citizenry may not be represented. DuBois, a free man with no criminal conviction, had the opportunity to decide if, and when he wanted to vote, asserting in his classic book of essays, *the Souls of Black Folk*, "Negroes must insist continually that voting is necessary to modern manhood" (DuBois 1903, 1969). Convicted felons in some states, on the other hand, only have that necessary right upon the completion of their penal sentences.

1.5 Significance of the Study

After the 1964 Freedom Summer in Mississippi, efforts were underway to register African Americans to vote (U.S. Commission on Civil Rights 1975). Freedom Summer, also known as the Mississippi Summer Project, was the name given to a voter registration project in Mississippi, by several civil rights organizations, including the Congress on Racial Equality (CORE) and the Student Non-Violent Coordinating Committee (SNCC), organized a voter registration drive. Its primary focus was to dramatically increase voter registration in Mississippi. Mississippi was chosen as the site of the Freedom Summer project due to its historically low levels of African-American voter registration; in 1962 less than 7 percent of the state's eligible black voters were registered to vote (Foner and Garraty 1991).

Black Mississippians and more than 1,000 out-of-state (predominately white volunteers), faced constant abuse and harassment from Mississippi's white population. The Ku Klux Klan, police and even state and local authorities carried out a systematic series of violent attacks; including arson, beatings, false arrest and the murder of at least three civil rights activists (History.com).

There were brutal challenges to this effort such as the attack on protesters on the Edmund Pettus Bridge in Selma, Alabama. Shortly afterwards, Congress sent a Voting Rights bill to President Johnson, who signed it into law in 1965 (History.com). Congress understood that once minority voters were able to vote, the risk was substantial that states where discrimination had been most prevalent would seek to administer new techniques for minimizing or cancelling out minority electoral participation (U.S. Commission on Civil Rights 1975).

The expansion of suffrage to all sectors of the population is one of the United States' most important political triumphs. Although it was once the privilege of wealthy white men, voting is now a basic right held as well by the poor and working classes, racial minorities, women and young adults. Today, all mentally competent adults have the right to vote with only one exception: convicted criminal offenders. In forty-six states and the District of Columbia, voting eligibility laws deny the right to vote to all convicted adults in prison. Thirty-two states also disenfranchise felons on parole; twenty-nine disenfranchise those on probation. And, in fourteen states ex-offenders who have fully served their sentences remain barred for life from voting. In other states, convicted felons are not eligible to register to vote until the punishment has been successfully completed, including any term of incarceration, parole, or probation. At that time, they become eligible immediately to register and vote (Section 11.002 of the Texas Election Code).

While felony disenfranchisement laws should be of concern in any democracy, the scale of their impact in the United States is unparalleled: an estimated 3.9 million U.S. citizens are ineligible to vote, including over one million who have fully completed their sentences (BJS 1995-2012). The fact that so many people are disqualified from voting can be seen as an unintended or intended consequence of harsh criminal justice policies that have increased the number of people sent to prison and the length of their sentences, despite a falling crime rate. The racial impact of disenfranchisement laws is particularly egregious. Thirteen percent of African American men—1.4 million—are disenfranchised, representing just over one-third (36 percent) of the total disenfranchised population. In two states, almost one in three black men is disenfranchised. In eight states, one in four black men is disenfranchised. If current trends continue, the rate of disenfran

chisement for black men could reach 40 percent in the states that disenfranchise ex-offenders (Mauer, 1997).

1.6 Summary

It is impossible to overemphasize the significance of race in defining the level of political participation in our society because our caste system has existed for many years. Since our nation's founding, African Americans have been controlled by institutions such as slavery and Jim Crow practices. When one system of control seems to collapse, the other emerges, which further develops and strengthens a racial hierarchy. As W.E.B. Du Bois eloquently stated in his 1910 address *Reconstruction and Its Benefits*, "The slave went free, stood a brief moment in the sun, then moved back again toward slavery."

Any observer of American racial history and conflict will acknowledge that the rules and reasons the political and judicial system use to enforce racial hierarchy are quite evident. Under the brutal institution of slavery, the racial order was maintained by contact between slave owners and slaves, which maximized the opportunity to control and discipline and minimized the opportunity for resistance. There was a strict separation of race and caste. When the Civil War ended, it was unclear which institutions, laws, or customs would be used to maintain white control as slavery was somewhat eliminated. This shake-up presumably made it necessary to establish a new racial order – a new control mechanism. African Americans (particularly men) were stereotyped, much as they are today, as aggressive and unruly (History.com). Large numbers of freedmen roamed the city streets, which led southern state legislatures to implement policies that were needed to protect non-black citizens from this perceived dangerous species: the notorious black codes.

Chapter 2

Literature Review

2.1 Introduction

The purpose of this study is to determine if there is a correlation between mass incarceration of African Americans and voter turnout over twelve general election cycles. In this chapter, literature that focused on national and state legislation, access to polling places, and incarceration rates was examined. The literature review has been divided into three sections.

The first section details legislation as early as the Fourteenth and Fifteenth Amendments to the Constitution, followed by and including the Voting Rights Act of 1965. It is important to consider the impact of early constitutional amendments that addressed universal suffrage and citizens' rights to exercise that privilege years later. For this reason, the 1968 General Election is the first election cycle in this study. An attempt was made to associate legislative history with voting in the United States. This association, as the literature indicates, led to incidents of mass incarceration among African Americans, which in turn, affected voter turnout.

Citizen participation in the voting process is reviewed in the next section and linked to literature that reflects voter turnout. Empirical data are included in the literature for the purpose of showing a correlation as well as explaining factors that could possibly affect voter turnout. In this section, access to the polls (obstacles and other legal restraints) are examined.

The last section reviews literature on mass incarceration among African Americans from 1968 to 2012. It will be evident that continuous literature has been written throughout this time period, from the early civil rights movement to the Clinton Administration's Three Strike Rule, which led to overcrowded penal institutions.

2.2 Legislation

Historically, there have been laws that, on one hand have produced positive results in creating a system of justice. On the other hand, there are laws that have presented negative effects. While most people would agree that society is safer when dangerous people are removed, occasionally specific groups are seemingly unfairly targeted. When the latter occurs, it is easily recognized. This is not a new phenomenon, as W.E.B. DuBois explained in a speech to the American Historical Society in New York in 1910 (JSTOR, Vol. 15, No. 4, July 1910). Although this speech was delivered several years before the Voting Rights Act of 1965 was passed, it seemed to set a precedent for citizens to direct their attention to various policies that ultimately suppress votes. Historical effects cannot be overlooked. Although it may not be common practice for voters to consider past experiences when deciding to vote, as was the case for W.E. B. DuBois, it is important to focus on the number of people who are not allowed to vote because of certain laws.

Ineffective legislation swayed DuBois' decision to participate in the political process. Unlike convicted felons, the key issue is that he made choices in his voting practices. While it is not debatable that felons must be punished for their actions, it is important to point out that as they are serving their sentences, they are removed from society's elections. This removal may lead to changes in voter turnout. The research for this dissertation should reveal if, during the years that a large segment of African Americans is removed from the voting process, voter turnout is affected and to what degree.

The Fourteenth Amendment has been subject to various interpretations. Since its passage, no other part of the Constitution of the United States has been the source of as much litigation as the Fourteenth Amendment (Nieman 1991). It has been interesting to observe the extent to which

the Supreme Court has interpreted it in accordance with the intended purpose of its framers. The first section was written to protect states' civil rights. This was to be done by bringing the full weight of the guarantees of civil rights enumerated in the Bill of Rights to bear upon state activities endangering civil liberty. It is important to note, however, that in 1873, and for fifty years afterwards, the Supreme Court refused to accept the intended purpose of this amendment (Perman 2001). In 1983, the Supreme Court, through the acceptance of a changed conception of due process of law, began to give liberal interpretation to the Fourteenth Amendment (Chafe 1993). This interpretation was made possible by associating the due process clause of the Fourteenth Amendment with the guarantees of the first eight amendments, especially, the First Amendment. The liberal interpretation was concerned largely with reinterpretation of due process of law (Chafe 1993).

The Supreme Court's interpretation of the Fourteenth Amendment regarding civil rights can be classified into two groups: substantive and procedural. In the area of substantive rights the Court has been consistent in its application of this amendment. It has interpreted the Fourteenth Amendment as a means of protecting rights (such as freedom of speech, press, religion, and assembly) from state infringements (Davis 1998). The Court's criterion of fairness in state criminal cases has been centered around the right to legal counsel, prohibition of forced confessions, and the demographic makeup of juries. In matters of procedural due process and state criminal cases, the application of the Fourteenth Amendment has been less extensive (Sitkoff 1978).

The right to vote has held a central place in the black freedom struggle. With the abolition

of slavery, African Americans sought the ballot as a way to claim their first-class citizenship. When emancipated blacks pursued equality, they demanded the franchise on the same basis as that exercised by whites (Ransby 2003). Indeed, when Abraham Lincoln delivered his historic Gettysburg Address in 1863, universal white suffrage existed in the North and the South. Democratic reforms had whittled down property qualifications that excluded working class and poor white Americans from voting (O'Connor 2014). Once slaves obtained freedom with the passage of the Thirteenth Amendment, they intended to participate actively in the political process and help advance their interests. Before emancipation, blacks residing in some states could vote, but this was certainly not the case in all states.

In the South, where the overwhelming number of African Americans labored as slaves, the right to vote was limited to whites. Even before the end of the Civil War, African Americans organized to campaign for the right to vote. In 1864, free blacks gathered in Syracuse, New York, to form the National Equal Rights League (NERL) (Luker 1997). One of those in attendance was Abraham Galloway, a fugitive slave, abolitionist, and Union spy. He and a delegation of blacks met with President Lincoln to endorse the suffrage for all African Americans (Vann 1951).

Throughout the South in 1865 and 1866, ex-slaves and free blacks convened statewide conventions to advocate for their political rights. At these assemblies, speaker after speaker argued that the suffrage was an essential and inseparable element of self-government, and the delegates invoked the spirit of the Declaration of Independence to justify their cause (Lewis 1998).

The Fifteenth Amendment, adopted in 1870, guaranteed protection against racial

discrimination in voting for all African Americans. This amendment did not affirmatively grant universal suffrage to male adults, but only banned discrimination on the basis of race. Omitted from this amendment were supposedly non-racial qualifications such as literacy tests and poll tax payments (Gilmore 1996). This omission would prove devastating to African American political freedom in the decades to come because by limiting coverage to African American men, the Fifteenth Amendment created conflict among former abolitionists, women and men, blacks and whites. Frederick Douglass, a long-time proponent of women's rights, supported ratification of the amendment. He believed that freedmen could never protect their full citizenship rights without the ballot (Gilmore 1996). Abolitionist Sojourner Truth, on the other hand, feared that if black men gained the suffrage but not black women, gender discrimination in African American communities would mirror that of whites (Myrdal 1944).

By the end of Reconstruction, although blacks continued to vote and participate politically, they increasingly encountered resistance. What white southern Democrats called Redemption—the recapture of political control from the Republicans—meant retrenchment of black political opportunities (Parker 1990). In 1870 and 1871, lawmakers enacted legislation that made it a federal crime for private organizations like the Klan to deprive citizens of their civil rights (Dailey 2000). Federal agents rounded up thousands of Klansmen, and grand juries indicted more than 3,000 members. The government had to try these cases before all-white juries in many instances, which limited the convictions to less than a thousand Klan members (Perman 2001). Nevertheless, these prosecutions had a chilling effect on the Klan and helped defuse its power by the mid-1870s. Around the same time, the U.S. Supreme Court made it more difficult for the Federal government to combat this kind of violence (Dailey 2000).

When the legislature repealed the poll tax, its power came to an abrupt halt in 1883, when its Democratic enemies embarked on a campaign of violence and fraud. Still, black participation did not cease, and African Americans continued to serve on juries and in public office (Brown 1994). The Populist revolt in the 1890s temporarily invigorated interracial political coalitions that highlighted the importance of the black vote. A revolt of small and middle-size farmers and workers against wealthy conservatives, Populists throughout the South campaigned for reforms to extend economic and political democracy (Brown 1994). Populists elicited a counteraction from Democrats. They played the race card to unite whites around one party rule, thereby removing the bulk of blacks from the electorate so that they could not take advantage of divisions among whites. To regain power, Democrats tarnished the Populists for appealing to African Americans and threatening white control over politics (Lawson 1999). The Populist commitment to racial equality proved very weak. Placed on the defensive, most Populists abandoned their African American allies and returned to the Democratic Party to fight their battles. In the name of reform, whites of various political affiliations, targeted blacks as the source of all electoral evil and corruption and took measures to purify politics by banishing African Americans from participation (Ransby 2003).

Southern states adopted constitutional amendments that virtually excluded blacks from suffrage and greatly reduced poor white participation, primarily through literacy tests and grandfather clauses (U.S. Commission on Civil Rights 1968). White legislators continued to implement the secret ballot and poll tax requirements to achieve disenfranchisement. Literacy tests, if administered fairly, would have disenfranchised a considerable number of poorly

educated blacks and whites. Instead, white registrars decided who passed the exam, and they used their discretion mainly against African Americans (Vann 1951).

As polling places shut out black voters in the South, northern blacks and whites took notice. In 1909 and 1910, a group of black intellectuals and political activists joined forces with the descendants of white abolitionists and professional social workers to establish the National Association for the Advancement of Colored People (NAACP). In fact, what ignited those to form the group occurred in the North and not the South. A bloody riot against blacks in Springfield, Illinois in 1908 prompted prominent individuals such as W. E. B. Du Bois, social workers Jane Addams and Mary White Ovington, and Oswald Garrison Villard, crusading newspaper editor and scion of the heralded abolitionist William Lloyd Garrison to create the NAACP as a vehicle for obtaining black enfranchisement and equality under the law. Du Bois, who held a doctorate from Harvard, was the leading black intellectual of the 20th century. Prior to his participation in the NAACP, he taught sociology at Atlanta University and had been a co-founder of the Niagara Movement, the forerunner of the NAACP. The movement was a short-lived, all-black organization that advocated first-class citizenship for African Americans. In his classic book of essays, *Souls of Black Folk*, published in 1903, Du Bois asserted that “Negroes must insist continually that voting is necessary to modern manhood” (DuBois 1969).

Advocating for blacks’ equal access to the poll, Booker T. Washington, a former slave, black educator, and founder of Tuskegee Institute in Alabama, was the most powerful African American of the late 19th and early 20th centuries (Ransby 2003). Washington opposed voting regulations that discriminated against blacks no matter their educational and economic

attainment while at the same time allowing the least educated and most impoverished white men to vote. However, at a time when lynching was on the rise and segregation and disenfranchisement were becoming solidified, Washington advocated accommodation instead of outspoken protest of white supremacy. Self-help played a larger part in his strategy for black advancement than did political involvement. In contrast, Du Bois's NAACP directly challenged racial inequality.

The NAACP mainly chose the judicial path to securing the right to vote. At about the Resame time that the national association came into existence, the state of Oklahoma added the grandfather clause to its constitution. The provision excused from taking the literacy test anyone who was entitled to vote on January 1, 1866 or "anyone who was a lineal descendant of such persons" (Davis 1998). Although the clause did not refer to race, the Justice Department prosecuted two Oklahoma registrars, Frank Guinn and J. J. Beal, for exempting whites but not blacks from having to take the literacy exam. A jury convicted the registrars under the terms of the 1870 Enforcement Acts, and the defendants appealed all the way up to the Supreme Court. In the case, *Guinn v. United States*, lawyers argued that the grandfather clause operated to discriminate against African Americans who were unable to vote in 1866 (Davis 1998). In 1915, the Supreme Court agreed.

From a practical standpoint, the NAACP's victory in the Guinn case amounted to very little. Striking down the grandfather clause did not invalidate literacy exams, which still provided white registrars the opportunity to keep blacks off the voting rolls (Key 1984). The clause itself had been designed to help illiterate whites by excusing them from having to pass a literacy exam and only if they took advantage of the chance within a brief time frame. Moreover, the Federal

government had brought proceedings in Oklahoma mainly for political reasons. At the desire of a Republican U.S. District Attorney who wanted to recruit black support for white GOP candidates in the Sooner State, the Justice Department became involved. Furthermore, President William Howard Taft viewed the case as an opportunity to appeal to black delegates for his renomination at the Republican convention of 1912, where he faced stiff competition from former President Theodore Roosevelt (Kousser 1999).

In any event, the outcome of Guinn proved symbolic, as Oklahoma's response reflected the pattern that other efforts to remove voting barriers through lawsuits would follow in the years to come (Niemen 1991). States made every effort to evade the Court's rulings by tailoring their laws to modify but still retain the results of offensive suffrage provisions. In 1916, Oklahoma lawmakers enacted a statute that froze in place the names of people who had voted in 1914, and gave those who had not voted two weeks to register or remain permanently disenfranchised. This allowed whites who had qualified under the grandfather clause to stay on the suffrage rolls, whereas blacks, who before 1914 were unable to take advantage of the clause, were given only a brief time to register or else continue to lose their right to vote. This went unchallenged for over two decades, but in 1939, Robert Lane from Waggoner County, Oklahoma and his NAACP attorneys convinced the Supreme Court to void it. In *Lane v. Wilson* the justices viewed the 1916 law as merely a clever means of keeping the effects of the grandfather clause intact, and Justice Felix Frankfurter underscored that the Fifteenth Amendment "nullifies sophisticated as well as simpleminded modes of discrimination" (O'Reilly 1989).

In 1923, southern legislatures, dominated by supporters of the revived Ku Klux Klan,

barred African Americans from voting in Democratic contests. In response, the El Paso branch of the NAACP asked the NAACP national office to file suit against the all-white primary. Lawrence Aaron (L. A.) Nixon, an El Paso physician and head of the local NAACP branch, served as the plaintiff after the election official, C. C. Herndon, blocked him from voting in the July 26, 1924 Democratic primary. On March 7, 1927, Justice Oliver Wendell Holmes and his Supreme Court brethren unanimously upheld the NAACP's position in *Nixon v. Herndon*. Holmes argued that the white primary violated the Fourteenth Amendment's guarantee of equal protection under the law by excluding blacks from participation (Kousser 1999). He did not rule whether the Fifteenth Amendment covered voting in a primary conducted by a political party. Previous court rulings suggested party primaries were separate from state-sponsored elections but in this case, state action was clearly involved in black exclusion, thus depriving African Americans of equal treatment. Texas Democratic officials had no intention of opening their primary to African Americans. A few months after the Supreme Court ruling, the legislature decreed that it was up to the party executive committee, and not state lawmakers, to determine the qualifications of party members.

The Democratic Party, supposedly a private organization, would not violate the Fourteenth Amendment. Nixon filed suit again after another election official, James Condon, refused to furnish him a ballot to vote in the primary. This time the Supreme Court narrowly decided in Nixon's favor. In 1932, speaking for the majority in *Nixon v. Condon*, Justice Benjamin Cardozo declared that the Democratic Executive Committee had received its authority to determine membership through state legislation, and by excluding blacks had violated the

Fourteenth Amendment. Cardozo left open the possibility, however, that a party convention, independent of state authority, could decide its own membership requirements and exclude Afro-Texans from participation (Kousser 1999). Not surprisingly, a few weeks after *Nixon v. Condon*, the Democratic Party held a convention and voted to keep its primary all white. The persistence of white Texans finally paid off. The Supreme Court upheld their action.

Weakened financially and worried about whether it could win, the NAACP decided to refrain from mounting a new legal challenge. However, a group of blacks in Houston, under the auspices of the Negro Democratic Club, decided to pursue litigation without the NAACP's support. Richard R. Grovey, became the plaintiff in the new case (Perman 2001). Active in organizing blacks to vote through his Third Civic Ward Club, he enlisted the aid of Carter Wesley, the editor of the black *Houston Informer*, and J. Alston Atkins, a prominent black attorney (Perman 2001). Both men had wanted the NAACP to use more black lawyers in the *Nixon* cases, but the association relied mainly on distinguished white attorneys from its national board. On this occasion, with the NAACP declining to file suit, the local black Houstonians handled the litigation. In the end, the NAACP's concerns proved correct, and on April 1, 1935, the Supreme Court, in *Grovey v. Townsend*, unanimously upheld the latest version of the white primary. Justice Owen Roberts concluded that despite state regulation of primaries, the party determined its own members and conducted the contest with its own funds (Perman 2001). For the next decade, the Supreme Court ruling kept Democratic primaries in the South open only to whites.

The Civil Rights Act of 1960 was not very effective in increasing equality and providing

African Americans with voting rights (Civil Rights Act of 1960. Pub. L. No. 86-449, 74 Stat. 89 (1960)); however, it was a significant step toward equality. Its purpose was to pave the way for stronger legislation to come. Instead, it led to its own reauthorizations with the Civil Rights Act of 1964 and the Voting Rights Act of 1965 (1972, 1984, and 2012). But these reauthorizations seemingly yielded similar results – removing large numbers of certain demographics from the electorate. Politicians from the South were furious over what they saw as federal interference in state affairs when the bill became a law in 1960 as both the Democratic and Republican parties were fighting for the ‘Black Vote’ (Civil Rights Act of 1960. Pub. L. No. 86-449, 74 Stat. 89 (1960)). The Act introduced penalties to be levied against anyone who obstructed a citizen’s attempt to register and vote, leading to the Civil Rights Commission being created to regulate the application of this law. Although the act did little to impress civil rights leaders, they were ready to acknowledge that a problem existed. It is unknown whether the civil rights leaders and political officials could estimate the effect of these laws years later.

Although this civil rights act only added an extra 3% Black voters to the electoral roll for the 1960 election, some would argue that this reflected government’s failure to really add weight behind civil rights legislation (Fellner and Mauer 1998). Others could argue that after 80 years of federal apathy, something was finally being done and the only way the federal government could progress from 1960 was to continue advancing the cause of civil rights. This led to two landmark pieces of legislation: the 1964 Civil Rights Act (Civil Rights Act of 1964. Pub. L. No. 88-352, 78 Stat. 241) and the 1965 Voting Rights Act (Fellner and Mauer 1998). The Act addressed the key constitutional right of every American, as guaranteed by the Fifteenth Amendment: to vote with-

out discrimination based on race or color. But, one provision of the Civil Rights Act allows states to enact specific restrictions in addition to those of the Amendment. This provision has raised some issues and varying rules across the states. An example is the state of Texas, which requires that felons complete their punishment completely prior to regaining their right to vote.

Although the 13th, 14th, and 15th amendments to the Constitution outlawed slavery, provided for equal protection under the law, guaranteed citizenship, and protected the right to vote, individual states continued to allow unfair treatment of minorities and passed Jim Crow laws allowing segregation of public facilities. It is believed by some that covert Jim Crow practices have now become a common practice in court proceedings, particularly in the south.

The Civil Rights Act of 1964 (the nation's premier civil rights legislation) outlawed discrimination based on race, color, religion, sex, or national origin, required equal access to public places and employment, and enforced desegregation of schools and the right to vote. It did not end discrimination, but it did open the door to further progress (Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241). Legally, overt voter suppression and denial are not accepted, but when our justice system sentences larger numbers of African American males in the south for extended periods than any other group, it becomes obvious that inconsistencies exist.

In the 1960s, as drugs became symbols of youthful rebellion, social upheaval, and political dissent, the government halted scientific research to evaluate their medical safety and efficacy (Alexander 2010). By the 1970s President Nixon declared a *War on Drugs*, dramatically increasing the presence of federal drug control agencies and mandatory prison sentences. According to Nixon's Domestic Policy Chief (and a key figure in the Watergate scandal), John Ehrlich

man, in a recently published news magazine interview explained that the War on Drugs was created as a political tool to fight blacks and hippies (Baum 1996).

Ehrlichman further explained that the 1968 Nixon campaign and the Nixon White House after that, had two enemies: the antiwar left and black people.

“We knew we couldn't make it illegal to be either against the war or black people, so the goal was to get the public to associate the hippies with marijuana and blacks with heroin. And then heavily criminalizing both offenses, we could disrupt those communities," (Baum 1996). "We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course, we did."

Ehrlichman's comment plainly characterizes the War on Drugs as a political assault on the black community. In a message to Congress in 1969, Nixon explained that his proposed attempt to combat drugs was in response to an increase in heroin addiction and the rising use of marijuana and hallucinogens by students. This created an easy path to incarcerate African Americans in mass numbers. The next administration seemed very much like mass incarceration, phase two – a continuation of Nixon's War on Drugs. The presidency of Ronald Reagan marked the beginning of an extended period of skyrocketing rates of incarceration, largely because of his unprecedented expansion of the drug war. The number of people behind bars for nonviolent drug law offenses increased from 50,000 in 1980 to over 400,000 by 1997 (TDJC 2010).

Public concern about illicit drug use continued throughout the 1980s, largely due to media portrayals of people addicted to the smokable form of cocaine dubbed “crack.” Soon after

Reagan took office, his wife, Nancy Reagan, began a highly-publicized anti-drug campaign, coining the slogan "Just Say No" (Alexander 2010). This set the stage for the zero tolerance policies being implemented in the mid-to-late 1980s. Political hysteria about drugs led to the passage of strict penalties in Congress and state legislatures that rapidly increased the prison population (Uggen and Manza 2006). The draconian policies enacted during this hysteria remained, and continued to result in escalating levels of arrests and incarceration.

Although Bill Clinton advocated for drug treatment instead of incarceration during his 1992 presidential campaign, after his first few months in the White House, he reverted to the drug war strategies of his Republican predecessors by continuing to escalate the drug war (Ginsberg 2013). He rejected the U.S. Sentencing Commission's recommendation to eliminate the disparity between maximum sentencing (up to life sentences) of crack and powder cocaine convictions. Instead, Clinton pushed for a "Three Strikes Provision" – mandatory maximum prison sentencing. The congressional name for this rule was the Violent Crime Control and Law Enforcement Act of 1994, which provided funding for thousands of community police officers and drug courts, banned certain assault weapons, and mandated life sentences for criminals convicted of a violent felony after two or more prior convictions, including drug crimes. This provision is blamed by some for rising incarceration rates (Ginsberg 2013).

Millions of Americans are kept out of the electorate because they are plagued with the stigma of being a felon or ex-felon. Then came mandatory minimum sentences which further extended the exclusion for many offenders and particularly offenders of color. This is more a distortion of democracy as it tends to influence electoral outcomes (Uggen and Manza 2006). Ra

cially, discriminatory dimensions of such laws should trouble adherents of both ideologies, and that the Voting Rights Act should be used to confront inherent racism in the criminal justice system and society at large. A key part of this research is to further expose the view that constitutional rights that were quoted as unalienable may be denied to certain groups. Removal of groups from their community generally has a grossly negative impact on political participation.

In a paper presented at the 1999 Annual Meeting of the Law and Society Association, Paul Hirschfield argued that given its racial impact, permanently disqualifying those convicted of felonies is reminiscent of Jim Crow laws that aimed at depriving enough African Americans of their vote to dilute their political strength (Hirschfield 1999). This study addresses the counter-argument that so few African American male felons – whether disqualified or not – actually vote that restrictive laws likely present minimal political consequence.

Using a sample of black male voters from 26 states, Hirschfield's study explores the impact that states' voting laws may have on voter participation. Hirschfield's research was important for this paper, as it challenged other claims that restrictive voting laws have little or no effect on voter turnout among African American males. A point that Hirschfield makes is that it is not known if felons would have voted had they been free citizens during the election years, but a known factor is that they could not vote due to their incarceration or court-ordered community supervision. I will examine voter turnout rates and incarceration rates among African Americans in every state to determine if there is a significant effect. It is not possible to predict if people would have voted if they had not been incarcerated, but the point that can be made is whether, during the years of high incarceration among African Americans, voter turnout maintained its

previous level or if there was a decline. Data will be presented and analyzed to measure the level of significance.

Manza, Uggen, and Britton projected that in the states affected by restrictive voting policies, voter turnout rates will continue downward as incarceration rates increase; this study sets out to prove or disprove that assumption. Considering that the margin of victory in 3 of the last 10 presidential elections (during their study period) had been 1.1% or less of the total voting age population, the authors asserted that felon ineligibility could also be a decisive factor in future presidential elections, but for the purpose of this research that assertion will not be discussed.

This work is important to my research because it offers credibility to the claim that mass incarceration among certain groups has a direct impact on election results because it hinders voter turnout. This is a dilemma. Although democracy is viewed by many according to its literal meaning – rule/authority by the people – locking people out of the process ushers in a new practice of legalized exclusion (Patterson 2003). In our democratic system of government, elections are very important. But, because the denial to vote can no longer be exercised based on race, other efforts of exclusion are now used (Manza, Uggen, and Britton 2001). Those efforts ensure obstacles are in place for the same group but through a different process.

It is necessary to provide a comprehensive analysis of the impact of state laws that disqualify felons from voting. Statistical highlights that define felony disqualification, reveal that forty-six states and the District of Columbia prohibit inmates from voting while a felony sentence. Four states – Maine, Massachusetts, Utah, and Vermont – permit inmates to vote while they are on parole (Fellner and Mauer 1998). It is important to discuss and measure the impact of

states' voting laws. Fellner and Mauer document that ten states have implemented laws by which the impact of felony voting disqualification has been severe, and estimated that 3.9 million Americans, or one in fifty adults, have temporarily or permanently lost their voting rights as a result of a felony conviction. Although some states allow felons to regain their right to vote upon completion of their punishment, the sentence, according to the authors is often more extensive for some than others, causing their removal from the community to significantly impact political participation.

A growing number of social scientists have begun to seek systematic evidence of the causal relationship between felony disqualification and voter participation. Manza and Uggen (1998) undertook a research agenda in which they linked long-term declines in voter participation to the growth of disenfranchised populations. Manza, Uggen, and Britton (2001) estimated the rates at which ex-felons would have voted, had they been permitted to, and used these rates to construct election outcomes. This dissertation will not delve into election outcomes, such as winners and losers, but rather how large groups are removed from society and whether there are spikes and/or declines in voter turnout that relate to variances in this removal.

Other researchers have pursued a strategy of comparing voter turnout in states that disenfranchise felons to turnout in states that do not disenfranchise them. Grose and Yoshinaka (2001) asserted that among southern states, total voter turnout in states that permanently disenfranchise ex-felons is lower, and Hirschfield (1999) drew similar comparisons in a sample limited to African-American males. In contrast, Miles (2000) examined a repeated cross section of all 50 states

and found that some laws, which removed felons from the electorate were not systematically related to state-level turnout rates. One difficulty with estimating the causal effect of laws that affect and address felons and remove such from society because of their convictions, additions to the number of qualified voters in the free world will occur as well.

Using factual data, Thomas Miles examines the impact of felony conviction on state-level voter turnout. First, he points out that the number of felons is so large that conventional measures of voter turnout, which fail to correct for the ineligibility of convicted felons, significantly understates the participation rates of eligible African Americans. The same approach is used in this research to determine if there is a relationship between the variables of voter turnout and incarceration. Miles concludes that the results of his study are consistent with the idea that criminals' removal from the electorate does not affect rates of voter registration and turnout because those who are most likely to be subject to such a penalty are also those who, for reasons other than the law, are less likely to vote. The author argues that his findings have important implications for the debate over criminal disqualification, in that they suggest to proponents of the policy that refusal to vote is unlikely to inflict much voter dilution because abstinence from voting is their preferred behavior anyway. He argues that voting does not appear to be an activity valued by those likely to be involved with the criminal justice system. It was important to consider this author's findings as a counter argument to other works. The author makes a reasonable argument; therefore, it was critical to present data to substantiate whether mass incarceration does, in fact, hinder voter turnout.

2.3 Voter Turnout

Because of the blatant disregard for and attempts to nullify the provisions of the 14th Amendment, the Republican Congress passed the 15th Amendment to give explicit voting rights to African Americans. As Democrats regained control of the state legislatures in the South, they began to repeal state civil rights protections and guarantees. Several devices were implemented to prevent Blacks from voting:

- Poll taxes
- Literacy Tests
- Grandfather Clause
- Gerrymandering tactics
- White Primaries
- Physical intimidation and violence at the polls
- Rewriting state constitutions

When it was thought that these practices had become a part of America's dark past, the judicial system seemed to have created new institutionalized obstacles: disproportionately sentencing African Americans to penal institutions, in an effort to remove them from the voting process for several years at a time (The Sentencing Project 2010).

In the 2008 and 2012 presidential campaigns, empirical data were used to determine voting behavior and predict election outcomes. A similar approach is employed in this research, but rather than making predictions, data driven explanations are provided on the impact of the reduction of the electorate among the African American community and voter turnout. Grose and

Yoshinaka (2001) found significant differences in voter registration and voter turnout rates among criminals and non-criminals, as well as felons and ex-felons. Using results from the 1997 National Longitudinal Survey of Youth, 26% of individuals who had ever been incarcerated voted in previous presidential elections. It was found that these individuals were thirty-one percentage points less likely to vote than non-incarcerated individuals. This research attempts to explain if regressions in voter turnout, based on arrests and incarceration rates exist. The analyses will be based on data sets including measures of incarceration and voter turnout rates.

Several agencies have collected data that were used for this research. One such agency is the IDEA (Institute for Democracy and Electoral Assistance). This is noted as one of the most comprehensive compilations of voter turnout statistics based on the global international data (Hirschfield 2002). This report includes statistics from more than 1,600 parliamentary and presidential elections in over 170 countries up to the year 2002. Easy-to-use color-coded tables allow access to election turnout percentages from almost every contested national election that has taken place since the end of the Second World War. Graphs, charts, and tables highlight trends in voter turnout with comparisons among old and new democracies. Analyses of political participation in different regions is provided, with corresponding information on the potential impact of a country's wealth and civil liberties on voter turnout.

In addition to the voter turnout statistics and analyses, this publication contains a thematic focus on voter registration. History reveals that the removal of barriers to registration is essential to the full exercise of a citizen's political rights. Country case studies as well as an analysis of the voter registration methods used around the world are presented in this work, along

with graphs and global information on voter registration. In his work, a model framework will be presented to test whether felony disqualification actually reduces the turnout of African Americans. The absence of an effect will demonstrate that on average felons belong to demographic groups that, although eligible to vote infrequently exercise that right (Miles, *Journal of Legal Studies*, Vol. 33, No. 1 2004). It was important to include this work in order to have a perspective from a different view: that mass incarceration may not have an impact on voter turnout. From Miles' estimates, those citizens who have been removed from society via incarceration would not have participated in the political process anyway. He assumes that these were non-voters before their voting privilege was taken away and that incarceration has a minimal effect on voting.

Although calculations of voter participation eligibility and voter participation rate may demonstrate that criminal disqualification does not have a statistically significant impact on electoral behavior or political outcomes, as Miles' evidence is that the maximum potential effect of the voting disqualification of felons is about a 1% reduction in overall registration and voting rates. It is important to note that this is a national statistic. The author also argues that the number of African Americans affected by voting restriction laws is not statistically significant and thus does not prove that African Americans are being affected disproportionately, nor that these laws favor the electoral chances of either political party. Statistical calculations will be made to support or discredit this finding. History shows us that the removal of barriers to registration and voting are essential to the full exercise of a citizen's political rights. For this reason, this author's work was reviewed to substantiate facts regarding the obstacles to voting.

2.4 Mass Incarceration

In an article titled *Losing the Vote*, it was calculated that 1.4 million people who are disqualified from voting are ex-offenders who have completed their sentences and that 13% of African American men are negatively affected – a rate seven times the national average (Fellner and Mauer 1998). African Americans, in particular, are affected by this disqualification, and in seven states that deny the vote of ex-offenders, one in four black men is permanently affected.

It is important to note that three in ten of the next generation of black men can expect to be incarcerated at some point in their lifetime and as many as 40% of the black men may permanently lose their right to vote (Fellner and Mauer 1998). The denial to vote in the United States exceeds that of any other nation and has serious implications for democratic processes and racial inclusion. The impact of certain laws has led to a quarter of a century of tough on crime criminal justice policies resulting in more people going to prison for longer periods of time. Mandatory minimum sentences further extended the exclusion for many offenders and particularly offenders of color. This is our idea of democracy. This is more a distortion of democracy as it tends to influence electoral outcomes (Uggen and Manza 2006). Fellner and Mauer conclude with recommendations to policymakers at the state and local level to reconsider their criminal justice policies and enforce more legitimate correctional objectives.

The United States is one of the world's strictest nations when it comes to denying the right to vote to citizens convicted of serious crimes (Uggen, Shannon, and Manza 2012). One statistical fact is that 5.6 million Americans are forbidden to vote because of what scholars call "felon disenfranchisement", referring to state laws that restrict voting rights for those convicted

of serious crimes (Uggen, Shannon, and Manza 2012). Most of these laws were enacted during and after the Civil War.

According to Uggen, et al, current prisoners only represent about one-fourth of the 5.6 million non-eligible voters. The remainder are either probationers under supervision in their communities or people on parole after fully serving their prison sentences. Thirty states deny voting rights to convicts on probation, and thirty-five states disenfranchise parolees. Because Texas is one of those states that denies voting rights to those on community supervision, it was important to include these authors' work in my research. In their quest to learn what Americans thought of this dilemma, the authors conducted a national survey and found that:

- Sixty percent (60%) favored restoring rights to people who have completed their prison terms and are now on parole in the community.
- Sixty-eight percent (68%) endorsed voting rights for people under supervised probation in the community.
- Support for restoring the right to vote to former felons who have completed their entire sentence (both prison and probation) varied depending on the specific kind of offense. With no reference to the nature of the crime, four-fifths of Americans favored restoring voting rights to former felons who have served their entire sentences. But support drops to 66% for people convicted of a violent crime, to 63% for a white-collar conviction, and to 52% when highly stigmatized sex offenders are at issue.

The key finding was that a majority of Americans favored restoring voting rights to former felons who have completed their sentences – even when told that convicts had served time for highly stigmatizing offenses such as sex crimes. Majorities in favor of voting rights for

ex-felons are much stronger for less stigmatizing crimes. And, high proportions of Americans favor voting rights for probationers who are currently serving their sentences in their communities, as well as for former prisoners serving time on parole.

Past studies estimate the political consequences of laws that deny convicted felons the right to vote in the U.S. by examining prior elections and asking how the outcomes would have been affected had restrictive voting laws not existed. To calculate the political consequences, sociologists Uggen, Shannon, and Manza used election and correctional data to hypothesize how such lost votes might be distributed among political parties and how they would have affected past senatorial and presidential elections. The authors also projected that in the states significantly affected by restrictive criminal voting policies, turnout would have increased by at least 3% in the 2004 election if felons would have been allowed to vote.

Thirty U.S. states deny voting rights to convicts on probation and thirty-five disenfranchise parolees. The authors explain that in the most extreme cases, eleven states continue to deny voting rights even to some ex-felons who have successfully fulfilled their prison, parole, or probation sentences. Felony voting disqualification is controversial because so many Americans are affected and, as the authors point out, they are disproportionately lower-income African Americans and Latinos.

The Civil Rights Act of 1964, which required equal access to public places and outlawed discrimination in employment, was a major victory of the black freedom struggle, but the Voting Rights Act of 1965 was its crowning achievement (Canon, et al 2011). This Act suspended literacy tests and other tests and authorized federal supervision of voter registration in states and

individual voting districts where such tests were being used. African Americans who had been barred from registering to vote finally had an alternative to the courts. If voting discrimination occurred, the 1965 Act authorized the attorney general to send federal examiners to replace local registrars. Within months of the passage of this Act, a quarter of a million new black voters had been registered, one third by federal examiners. In 1965, Mississippi had the highest black voter turnout – 74% -- and led the nation in the number of black leaders elected. In 1969, Tennessee had a 92.1% turnout; Arkansas, 77.9%, and Texas, 73.1%. Within four years, voter registration in the South had more than doubled (Pintor 2002).

2.5 Literature Review Summary

After the 15th Amendment was ratified in 1870, several state legislatures, primarily in the South, began enacting laws to prevent African Americans from voting – commonly called Jim Crow Laws. These laws included literacy tests, poll taxes, requirements that a white citizen serve as a reference for voter registration, or requirements that disenfranchised anyone of “bad character.” Additional, the state of Louisiana enacted the “White Citizen Council” whose responsibility was to purge registered African Americans for any paperwork irregularities (Keyssar 2000, 207). Whites were generally exempted from these provisions through the application of grandfather clauses, which applied to citizens and their descendants who were registered to vote before the laws were passed (U.S. Commission o Civil Rights 1965, 7).

In 1915, the Supreme Court struck down grandfather clauses on the basis that they violated the 15th Amendment. The case, *Guinn v. United States*, dealt with a challenge to an amendment to the Oklahoma state constitution that added a literacy test for voting, but exempted those who were

entitled to vote on January 1, 1866, or their lineal descendants (Civil Rights Acts, Pub. L., 1957). In response to the *Guinn* decision, the Oklahoma legislature passed a voter registration law that limited registration to the period between April 30 and May 11, 1916, with an extension to June 30, 1916, for those who met certain conditions. Those who failed to register during this 12-day period permanently lost their right to register and therefore, to vote. In 1939, the Supreme Court “reluctantly” struck down this law in *Lane v. Wilson* (Civil Rights Acts, Pub. L., 1957), noting that the 15th Amendment nullified sophisticated as well as simple-minded modes of discrimination.

In 1944, the Supreme Court struck down a Texas law that prohibited African Americans from voting in primary elections, stating that the United States is a constitutional democracy whose law grants to all citizens a right to participate in the choice of electing officials without restriction by any state because of race. Despite these rulings, states continued in their determination to deny African Americans the right to vote. By the mid-1950’s it was clear that even if a discriminatory state law was overturned by successful litigation, the state would just replace it with another discriminatory law (Civil Rights Acts, Pub. L., 1964). Federal legislation was needed to prohibit such laws from being enacted.

The first attempt at such a law was the passage of the Civil Rights Act of 1957. Robert Caro, in his book, *Master of the Senate*, noted that then Senate Majority Leader Lyndon Johnson determined that passage of civil rights legislation that struck down voting barriers would boost his presidential ambitions. Johnson was successful in convincing Congress to pass a compromise civil rights bill with voting rights provisions that prohibited intimidation of voters, giving the U.S. attorney general the authority to bring cases against discrimination in federal court and providing

counsel to anyone affected by this discrimination. Consequently, these provisions proved ineffective at stopping voting discrimination, and several courts found the 1957 act unconstitutional. Although court decisions finding the act unconstitutional were later overturned by the Supreme Court (*United States v. Raines* and *United States v. State of Alabama*), federal litigation enforcing the provisions of the act continued to be a slow and frustrating process.

Congress later enacted the 1960 Civil Rights Act to address the limitations of the 1957 Act. The 1960 Act required election records to be retained, gave the U.S. Commission on Civil Rights, which was created under the 1957 act, the authority to administer oaths, and made states liable for the actions of state officials. President Lyndon Baines Johnson, upon signing and introducing to Congress the Voting Rights Act of 1965, said:

At times, history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama. There is no Negro problem. There is no southern problem. There is no northern problem. There is only an American problem...Every American citizen must have the right to vote. Yet the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes...No law that we now have on the books can insure the right to vote when local officials are determined to deny it. There is no Constitutional issue here. The command of the Constitution is plain. There is no moral issue. It is wrong, deadly wrong, to deny any of your fellow Americans the right to vote in this country. There is no issue of States' rights or National rights. There is only the struggle for human rights.

Based on the Voting Rights Act of 1965 (VRA-1965), a broad prospective is presented, of

the consequences of increases or decreases in turnout among African Americans. There are a number of obvious ways that the South has been dubbed peculiar, one of which is the disparity at which African Americans are receiving prison sentences, compared to other groups. When considering the context of Southern politics and the specific debates that surrounded the VRA such as the existence and size of which backlash or counter-mobilization, I will explore how voter turnout was affected.

Following the momentum of the Civil Rights Act of 1964, the Voting Rights Act of 1965 is generally considered the most significant piece of legislation ever adopted by the United States Congress. The Voting Rights Act of 1965 inaugurated an era of unprecedented black participation in the United States political process. The Voting Rights Act not only increased black voter participation, it significantly increased black congressional involvement as well. For this reason, the Congressional Black Caucus (CBC) worked tirelessly to protect this key legislation, co-sponsoring bills and amendments since its inception in 1971 (Patterson 2003). The CBC members fought to ensure that voting rights of all Americans, particularly minorities and low-income citizens, would be protected.

The expansion of suffrage to all citizens of the United States is one of the most important accomplishments in history. What was once a privilege extended only to white men is now a fundamental right enjoyed by most. In Texas, the only citizens who are denied this right are those who have been convicted of felonies that have not been completed and those considered mentally ill. In 1970, the Voting Rights Act was extended for five years. During the hearings, Congress heard testimony concerning ways in which voting electorates were manipulated through Gerry

mandering, annexations, adoption of at-large elections, and other strategies to prevent African American voters from exercising their right to vote. In the years following, CBC members Charles B. Rangel (D-NY) and Barbara Jordan (D-TX) introduced legislation to protect and extend the coverage of the Voting Rights Act (Duffy 2008).

In 1975, CBC member Andrew Young (D-GA) introduced H.R.469, a bill to amend the Voting Rights Act of 1965. Its goal was to extend certain provisions for an additional 10 years and permanently ban certain prerequisites to voting. This legislation passed in the House of Representatives. Congress then extended Section 5 of the Voting Rights Act for seven more years and the definition of "test or device" was expanded to include the practice of providing election information, including ballots, only in English in states or political subdivisions where members of a single language minority constituted more than five percent of the citizens of voting age. During the testimony for this amendment, Congress heard extensive testimony about voting discrimination that the Hispanic, Asian, and Native American population had suffered (Duffy 2008).

In 1981, CBC member Shirley Chisholm (D-NY) introduced a resolution providing for the consideration of the bill (H.R. 3112) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional ten years, to extend certain other provisions for an additional seven years, and for other purposes. The following year, Congress renewed the special provisions of the Voting Rights Act for twenty-five years (Fortier 2006). During the 1980s, CBC member John Conyers (D-MI) introduced legislation to amend the Voting Rights Act of 1965 that would prohibit the requirement that a majority, rather than a plurality, of votes cast in a primary election for federal office be obtained in order to achieve nomination (Fortier 2006).

During the 1990s, the CBC remained committed to protecting the Voting Rights Amendment. In 1992, CBC member Alan Wheat (D-MO) introduced a resolution providing for the consideration of the bill (H.R. 4312) to amend the Voting Rights Act of 1965 with respect to bilingual election requirements. This measure was agreed to in the House.

In 1993, Congressman William Clay (D-MO) introduced an amendment "to restore federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes" (Fortier 2006). It became Public Law No: 103-94. That same year, Congress passed the National Voter Registration Act, also known as the *Motor Voter Bill* (Fortier 2006). This legislation made voter registration more accessible, particularly for minority and low-income voters. It required that states allow voter registration by mail. It also required that states give voters the opportunity to register at other state agencies, including driver's license bureaus, welfare offices and unemployment agencies. In the spirit of this act, Congressman John Conyers (D-MI) introduced H.R. 4093, a bill to secure the voting rights of former felons who have been released from incarceration.

CBC members later co-sponsored the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. The provisions of this legislation were hotly debated by several congressmen from Southern states (including Oklahoma, Texas and Alabama), that have extensive histories of racial discrimination and irregular voting practices and oppose federal regulation of voting. In July 2006, the work of the CBC and other voting rights advocates was vindicated when the House and the Senate voted overwhelm-

ingly (390 to 33) to renew expiring provisions of the Voting Rights Act (Canon 2011).

In 2002, Congress passed the Help America to Vote Act, legislation which sought to improve the administration of federal elections by providing assistance with the administration of certain federal election laws and programs (Ginsberg, et al 2013). Since the passage of this legislation, Congressional Black Caucus members have introduced several amendments designed to further improve the administration of federal elections in local and state jurisdictions.

Although African Americans experienced unprecedented social opportunities during the second half of the twentieth century, the significance of the Voting Rights Act remains salient. CBC members recognize the battle to ensure that the provisions of the Voting Rights Act are protected is far from over. While the right to vote is permanent, some key sections of the Voting Rights Act are temporary (Ginsberg, et al 2013). Without reauthorization, these provisions would expire; therefore, in 2006, the provisions were renewed. These provisions include Section 5, Section 203, and Sections 6-9. Section 5 requires that select states, particularly those with a history of disenfranchising citizens in the voting process, submit changes in voting laws or procedures to the United States Attorney General for approval. Section 203 requires that states and municipalities provide assistance and language other than English for voters who are not literate or fluent in English. Sections 6-9 allow the United States Justice Department to send federal examiners to observe places that have histories of discriminatory voting practices (Ginsberg, et al 2013).

This act transformed American democracy. Section 2 is a permanent nationwide prohibition against voting discrimination. It suspended the use of tests and devices during the registration process for five years, created federal voter registrars, and allowed for federal observers at

polling places. Section 4 coverage formula and the Section 5 preclearance provision, which requires jurisdictions with a history of discrimination (as determined by a “coverage formula”) obtain federal approval before implementing any voting change. At first the coverage formula applied to Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and 40 counties in North Carolina. These states and localities had to submit their voting changes for review by the federal district court in the District of Columbia or the U.S. attorney general. During the 1975 reauthorization, Texas, Arizona, and Alaska were added to the states that were required to obtain preclearance.

Previous research has identified several major influences on individual decisions to participate in the voting process. These include institutional rules, social and demographic traits, psychological resources, and the mobilization efforts of parties and their candidates (Leighley 1005). Individuals may choose not to vote because they cannot, because they have no interest or desire to do so, or as Verba, Schlozman, Brady, and Nie stated, “because nobody asked” (Verba, Schlozman, Brady, and Nie 1991). These reasons are not necessarily mutually exclusive (Shaw, et al 2000; Leighley 2001).

When Abraham Lincoln was elected as the first Republican President in 1861, pro-slavery Democrats in the south seemingly saw the handwriting on the wall. They left the Union and took their States with them to form a new nation: the Confederate States of America. During the Civil War, Lincoln implemented anti-slavery measures by abolishing slavery in Washington, D.C., issuing the Emancipation Proclamation a year later, and ordered slaves in southern states to be freed. When the war ended in 1865, the Republican-dominated Congress passed the 13th

Amendment, abolishing slavery, and the 14th Amendment, providing full citizenship rights for all blacks, regardless of their previous condition of servitude (Ginsberg, et al 2013).

Some southern states decided to ignore these new Amendments, which forced Congress to insist that these states ratify and implement them before they would be readmitted into the United States. This clearly meant that until these civil rights rebels complied, their right to vote in elections would be suspended. (The Constitution authorizes that civil rights may be suspended in cases of rebellion or when public safety may require it, Art. I, Sec. 9, cl. 2). As a result of this threat, the rebels took an oath of fidelity to the United States, and were readmitted. When Democrats regained their status as the dominant party in the State legislatures, southern states worked aggressively to circumvent the 14th Amendment (Ginsberg, et al 2013). Because these rebels were almost exclusively Democrats and had not been allowed to vote in the early stages of Reconstruction, Republicans became the political majority in the South. And, since nearly every African American was a Republican and could now vote, most of the southern legislatures became Republican and included black legislators. These legislatures moved quickly to protect voting rights for blacks, prohibit segregation, establish public education, and pass other civil rights legislation, including voting for amnesty for the rebels.

During the time when most Democrats could not vote, they still found ways to intimidate and prevent blacks from voting. For example, in 1865-1866, the Ku Klux Klan was formed by Democrats to overthrow Republicans and pave the way for Democrats to regain control. A group of Democrats attacked the State Republican Convention in Louisiana in 1866, killing 40 blacks, 20 whites, and wounding 150 others. Additionally, Democratic officials decided that even though

blacks had the right to vote and hold an office in the south, they would use any means necessary to block them from voting and expel them from office (Kollman 2012).

Chapter 3

Methodology

3.1 Introduction

The purpose of this study is to discover whether there is a correlation between mass incarceration and voter turnout among African Americans in the United States. Are there years in our country's history in which African Americans have disproportionately been sentenced to incarceration by the judicial system that inevitably disclose spurts of low voter turnout? To reach a concise conclusion within a limited research period, the study is confined to all fifty states, over twelve general election cycles. Therefore, 600 observations are examined through a collection of secondary tertiary data. The study covers the General Elections of 1968, 1972, 1976, 1980, 1984, 1988, 1992, 1996, 2000, 2004, 2008, and 2012. The rationale for beginning the study in 1968 is to cover the first General Election after the Voting Rights Act of 1968.

The study employed quantitative methodology. The procedures that were followed are included in the following sections: Research Design, Data Collection, Data Analysis, and Study Limitations. The goal is to determine to what extent, high incarceration rates of African Americans affect political participation.

3.2 Research Design

3.2.1 Quantitative Hypotheses Statements

There are two hypotheses tested in this study:

Hypothesis 1: Criminal convictions (incarceration) have a negative effect on voter turnout.

Hypothesis 2: The effect of criminal convictions on voter turnout will be sustained over multiple General Election cycles (1968 - 2012).

The dependent variable is voter turnout and the independent variable is incarceration rate. Data analysis is conducted to determine the effect that mass incarceration has on voter turnout. The argument cannot be made that incarceration is the only factor that causes the voter turnout rate to change, as there are additional external factors. These control variables can also influence voter turnout. It is not the intent of this study to gather data on all variables that can also attribute to this change (voter apathy, excuses for not voting such as being too busy, the ballots are too long and difficult to understand, the frequency of elections, weather conditions, etc.). Other attributing factors may be education attainment, median household income, poverty level, and other circumstances that may affect voting behavior.

3.2.2 Quantitative Research Questions

1. What impact does mass incarceration have on voter turnout?
2. To what extent do high incarceration rates of African Americans affect political participation?

The responses to these two questions expose the relationship between mass incarceration and voter turnout. It is equally important to analyze these responses over a period of twelve general election cycle years, from 1968 to 2012 to determine if the voting behaviors are affected over an extended period of time.

3.3 Data Collection

For each of the twelve General Election cycles, all fifty states were examined, resulting in

600 observations for this study. It was necessary to gather population data from the U.S. Census Bureau, particularly noting the African American population. The next step was to further codify these residents by the total number of incarcerated citizens.

3.3.2 Data Sources (1968-2012)

12 General Election cycles

50 State populations

Demographics of all states

Prison populations by state

Total African American Prison Population

Educational Attainment

Median Household Income

Voter Turnout in all states

African American Voter Turnout

A regional perspective was also analyzed with the states categorized as follows:

| <u>South</u> | <u>Northeast</u> | <u>Midwest</u> | <u>West</u> |
|---------------|------------------|----------------|-------------|
| Alabama | Connecticut | Illinois | Alaska |
| Arkansas | Maine | Indiana | Arizona |
| Delaware | Massachusetts | Iowa | California |
| Florida | New Hampshire | Kansas | Colorado |
| Georgia | New Jersey | Michigan | Hawaii |
| Kentucky | New York | Minnesota | Idaho |
| Louisiana | Pennsylvania | Missouri | Montana |
| Maryland | Rhode Island | Nebraska | Nevada |
| Mississippi | Vermont | N. Dakota | New Mexico |
| N. Carolina | | Ohio | Oregon |
| Oklahoma | | S. Dakota | Utah |
| S. Carolina | | Wisconsin | Washington |
| Tennessee | | | Wyoming |
| Texas | | | |
| Virginia | | | |
| West Virginia | | | |

The purpose of reviewing voter turnout and mass incarceration regionally was to determine if conditions in particular geographic regions are affected by those same independent variables. As previously explained, state laws vary and a policy that specifically targets the population in the South may not be enacted in the Northeast, Midwest, and West. Nearly every state prohibits some felons from voting, either for a lifetime or until they have completed their court-ordered judgment (Uggen and Manza 2002).

3.4 Data Analysis

In this study, regression analysis is conducted primarily to estimate the relationship between the mean value of one voter turnout rate (VTR) and mass incarceration. *VTR* operationalizes political involvement in two models. The first model regresses the general population voter turnout on mass incarceration and other controls. The null hypothesis for the first model is that no relationship exists between general voter turnout and mass incarceration of African Americans. *VTR* for the second model captures the turnout rate of African American voters. The null hypothesis for the second model is that no relationship exists between the voter turnout of African Americans and the mass incarceration of African Americans. In general, the models test for the relationship between mass incarceration and political participation.

According to work by Weaver and Lerman (2010), contact with the criminal justice system – spanning from police stops to spending time in prison – decreases political participation. Their study addressed the obvious reason these members of the population are removed from the voting population (electorate) as well as their distrust of government which leads to their non-

participation in elections. The present study addresses the effect that mass incarceration has on the general population of voters, most of whom have no criminal record, and the effect of the political participation of African American voters. Earlier chapters addressed the multitude of efforts to suppress the political participation of African Americans. This study tests for evidence that mass incarceration should be added to the list of voter suppression tools.

The control variables include state population, African American voter turnout rate (in the first model), state median household income, percent of state population that is African American, percent of state population living in poverty, and percent of state population that has attained a college education.

Table 1: Descriptive Statistics (Mean and Standard Error)

| Year | Overall Voter Turnout Mean (Std. Dev.) | African American Voter Turnout Mean (Std. Dev.) | Percent African Americans Incarcerated Mean (Std. Dev.) | African American Population Mean (Std. Dev.) | Percent of Population African American Mean (Std. Dev.) | State Population Mean (Std. Dev.) | Household Income Mean (Std. Dev.) | Percent Poverty Mean (Std. Dev.) | Percent College Mean (Std. Dev.) |
|------|--|---|---|--|---|---|---|--|--|
| 1968 | 0.4228 (.123) | 0.4032 (.097) | 1.37% (0.029) | 427,412 (528,187) | 9.06% (10.28) | 3,969,960 (4,250,734) | \$344,516 (\$61,641) | 14.6% (3.637) | 11.78% (3.829) |
| 1972 | .4706 (.0936) | .3502 (.06798) | 1.72% (0.040) | 465,088 (573,007) | 9.09% (9.46) | 416,6902 (4,411,114) | \$301,861 (\$50,880) | 14.28% (3.79) | 15.82% (5.06) |
| 1976 | .4736 (.0790) | .4728 (.0519) | 1.83% (0.039) | 507,973 (634,014) | 9.28% (9.34) | 4,327,642 (4,532,156) | \$222,578 (\$37,984) | 13.74% (3.65) | 19.26% (5.25) |
| 1980 | .4276 (.1030) | .3876 (.0748) | 1.69% (0.298) | 528,832 (642,597) | 9.37% (9.21) | 4,511,258 (4,705,257) | \$152,296 (26,742) | 13.06% (3.84) | 21.36% (4.72) |
| 1984 | .4954 (.0832) | .3826 (.0593) | 1.93% (0.031) | 556,836 (684,801) | 9.44% (9.15) | 4,696,668 (4,986,110) | \$1,194,269 (21,409) | 13.46% (3.78) | 21.02% (2.90) |
| 1988 | .4868 (.0784) | .4368 (.053086) | 2.46% (0.041) | 594,578 (749,163) | 9.62% (9.12) | 4,865,310 (5,287,995) | \$103,914 (18,547) | 12.88% (4.364) | 19.2% (3.81) |
| 1992 | .4424 (.0931) | .4092 (.0545423) | 2.27% (0.035) | 633,633 (778,107) | 10.66% (11.61) | 5,093,265 (5,616,365) | \$86,230 (14,951) | 13.98% (3.95) | 21.58% (3.79) |
| 1996 | .4166 (.0819) | .4118 (.0678441) | 2.57% (0.041) | 662,689 (804,053) | 9.87% (9.21) | 5,359,092 (5,852,554) | \$7,542,094 (1,325,364) | 13.56% (3.13) | 24.8% (4.09) |
| 2000 | .5000 (.0800) | .4482 (.0818084) | 2.42% (0.039) | 699,032 (847,941) | 10.16% (9.41) | 5,622,808 (6,194,929) | \$67,305 (11,992) | 12.18% (3.27) | 26.46% (2.85) |
| 2004 | .5412 (.0731) | .4558 (.0844451) | 2.19% (0.033) | 731,566 (893,669) | 10.22% (9.47) | 5,823,686 (6,442,197) | \$59,836 (10,823) | 12.26% (2.99) | 27.24% (2.92) |
| 2008 | .5468 (.0769) | .5094 (.0944676) | 1.88% (0.027) | 764,581 (932,406) | 10.36% (9.57) | 6,025,413 (6,636,472) | \$54,081 (97,976) | 13.02% (3.06) | 27.16% (4.32) |
| 2012 | .5508 (.0932) | .4868 (.1030245) | 1.41% (0.021) | 811,266 (997,899) | 10.67% (9.51) | 6,224,820 (6,965,579) | \$5,205,956 (8,585,389) | 14.1% (3.43) | 29.62% (4.97) |

In Table 1, it is evident that over the specified period of time of the study (presidential elections from 1968 to 2012), there is fluctuation among the control variables. Although there is minimal change in voter turnout as the African American incarceration increases, there is a significant increase in the percentage of the college educated population. A noteworthy point to highlight is the African American population from 1988 to 2000 and the increased percentage of that population that was incarcerated. There was a significant positive change in college educated citizens but the percentage of those living in poverty did not increase accordingly. Overall voter turnout and African American voter turnout, however, changed significantly, when paralleled with the corresponding years of the college educated. It may be assumed that the more educated a population is, there more likely they are to vote.

General Voter Turnout

Table 2

Fixed-Effects Model with Overall Voter Turnout Rate as Dependent Variable

| | | | |
|-----------------------------------|---|--------|---------|
| Fixed-effects (within) regression | Number of obs | = | 600 |
| Group variable: state | Number of groups | = | 50 |
| | Obs per group | = | 12 |
| | Avg | = | 12.0 |
| R-sq: within | = | 0.1274 | |
| between | = | 0.0000 | |
| overall | = | 0.0226 | |
| | corr (u _i , X _b) | = | -0.5840 |
| | F (7, 543) | = | 11.33 |
| | Prob > F | = | 0.0000 |

| <u>OverallVoterTurnout</u> | <u>Coef.</u> | <u>Std.Err.</u> | <u>T</u> | <u>P> t </u> | <u>[95% Conf. Interval]</u> |
|----------------------------|-------------------|------------------|--------------|-----------------|------------------------------|
| <u>AAIncarRate</u> | <u>-0.2301513</u> | <u>0.2327682</u> | <u>-0.99</u> | <u>0.323</u> | <u>-0.6873878 0.2270852</u> |
| <u>lnAAPop</u> | <u>-0.0090879</u> | <u>0.0179151</u> | <u>-0.51</u> | <u>0.612</u> | <u>-0.0442794 0.0261035</u> |
| <u>lnPop</u> | <u>0.0597001</u> | <u>0.0316932</u> | <u>1.88</u> | <u>0.060</u> | <u>-0.0025562 0.1219563</u> |
| <u>lnInc</u> | <u>-0.0279541</u> | <u>0.0105343</u> | <u>-2.65</u> | <u>0.008</u> | <u>-0.0486471 -0.0072611</u> |
| <u>percBlk</u> | <u>0.0007703</u> | <u>0.0017757</u> | <u>0.43</u> | <u>0.665</u> | <u>-0.0027179 0.0042584</u> |
| <u>povrate</u> | <u>-0.0023379</u> | <u>0.0013867</u> | <u>-1.69</u> | <u>0.092</u> | <u>-0.0050618 0.0003861</u> |
| <u>perccoled</u> | <u>0.0006582</u> | <u>0.0009292</u> | <u>0.71</u> | <u>0.479</u> | <u>-0.001167 0.0024835</u> |
| <u>cons</u> | <u>0.0356652</u> | <u>0.4810518</u> | <u>0.07</u> | <u>0.941</u> | <u>-0.9092853 0.9806156</u> |

F test that all u_i = 0

F (49, 543) = 5.41

Prob > F = 0.0000

Table 2 contains the results of Model 1: general voter turnout as the dependent variable. As a group, the explanatory variables explain a significant amount of the variation of the dependent variable, ($F(7,543) = 11.43$; $P > 0.00$). The null hypothesis of no relationship between general voter turnout and the mass incarceration rate of African Americans cannot be rejected ($t = -0.99$; $P > 0.323$). The negative sign on the coefficient does indicate that the greater the incarceration rate of African Americans, the lower is the voter turnout. This, however, is counter by the findings that the coefficient is not statistically significant. The coefficient for InPop indicates that states with greater populations typically have higher voter turnout rate. An expected significant inverse relationship between voter turnout and poverty rates is indicated at the alpha level of 0.10. This implies that the higher the poverty rate in the state, the lower is the voter turnout rate in Presidential elections. This reflects that general hypothesis that poor citizens are generally less politically active. Conversely, the finding of a negative relationship between voter turnout and median household income contradicts expectations. This implies that as state household income increases, voter turnout decreases and contradicts.

Table 3
Fixed-Effects Model with African American Voter Turnout Rate as Dependent Variable

| | | | |
|-----------------------------------|------------------|---|-----|
| Fixed-effects (within) regression | Number of obs | = | 600 |
| Group variable: state | Number of groups | = | 50 |
| | Obs per group | = | 12 |
| F(8, 49) | Pro = 0.0000 | | |

| AfAmVoterTurnout | Coef. | Std.Err. | T | P> t | [95% Conf. Interval] |
|----------------------|------------|-----------|-------|-------|-----------------------|
| AAIncarRate | -0.6373915 | 0.1716306 | -3.71 | 0.000 | -0.9745342 -0.3002487 |
| InAAPop | -0.036654 | 0.0132009 | -2.78 | 0.006 | -0.0625852 -0.0107228 |
| InPop | 0.0976999 | 0.023424 | 4.17 | 0.000 | 0.051687 0.1437128 |
| Overall VoterTurnout | 0.1211823 | 0.0316141 | 3.83 | 0.000 | 0.0590811 0.1832834 |
| InInc | -0.0212736 | 0.0078106 | -2.72 | 0.007 | -0.0366163 -0.0059308 |
| percBlk | 0.0013671 | 0.0013084 | 1.04 | 0.297 | -0.001203 0.0039373 |
| povrate | 0.0042455 | 0.0010242 | 4.15 | 0.000 | 0.0022336 0.0062575 |
| perccoled | 0.0019856 | 0.0006848 | 2.90 | 0.004 | 0.0006403 0.0033309 |
| _cons | -0.5057812 | 0.3543844 | -1.43 | 0.154 | -1.201916 0.1903539 |

F test that all u_i = 0:

F (49, 542) = 9.23

Prob > F = 0.0000

This model explains the variation of the African American voter turnout rate over the 12 presidential elections. The variables in the model are the African American incarceration rate of the state (AAIncarRate), the natural log of the African American population of the state at the time of the presidential election (InAAPop), the natural log of the state population (InPop), the overall voter turnout rate (OverallVoterturnout), the natural log of the median household income of the state (InHHInc), the percent of the state population that is African American (percBlk), the percent of the state population in poverty (povrate), and the percent of the state population over 25 with a college education (percoled). All of the variables measured in terms of natural log were transformed for ease of interpretation. The household income has been adjusted for inflation and are measured in 2012 dollars.

The primary null hypothesis of the model is that no relationship exists between the African American voter turnout rate and the incarceration rate of African Americans. The null hypothesis is rejected based on these results. The coefficient for AAIncarRate, -0.6374, indicates that a one percentage point increase in the percent of African Americans who are incarcerated reduces the African American voter turnout rate by 0.64 of a percentage point. The t-test is significant at the 0.001 alpha level. This result is evidence that, controlling for other factors that influence voter turnout rates, as the incarceration rate of African Americans increases, as it did nationally from 1980 to 1996, has a suppressing effect on the voter turnout rate of African Americans. Even if this was not the intent of the criminal justice policy the impact of the policy was to suppress political involvement of African American voters.

The model also indicates that states that have more African American residents have relatively lower African American voter turnout. Since the variable is measured in natural log trans-

formation, the coefficient is interpreted as the impact of a percent change in the independent variable on the percent change in the dependent variable. In this case, a one percent change in the number of African American residents reduces voter turnout rate of African Americans by 0.03 percent. This result is evidence that states with relatively more African Americans have relative lower voter turnout of African Americans. This could be reflecting the measures that states that have relatively high populations of African Americans take to suppress the political participation of African American voters.

States with relatively greater populations see relatively higher voter turnout rates among African Americans. This would indicate that rural states, with relatively lower populations, have relatively lower rates of African American voters participating in the presidential elections in particular, and the political process in general.

The greater the rate of overall voting, the greater the rate of voting among African Americans. In states where voting is higher, the environment is, in general, to participate and African Americans respond. Three unexpected results are for the variables *InHHInc*, *percBlk*, and *pov-rate*. The model indicates a significant and inverse relationship between the two measures. A one percent increase in the constant dollar household income reduces African American voter turnout rate by 0.02 percentage points. The expected result was a positive relationship.

As noted in tables 2 and 3, the coefficient shows how much the dependent variable (voter turnout) is expected to increase when the independent variable increases by one, taking into consideration that each independent variable is constant. The positive coefficients indicate that as the value of the independent variables increase, the mean of the dependent variable also increases.

Negative coefficients mean that as the value of the independent variables increase, the mean of the dependent variable decreases.

The p-value for each individual variable in the table tests the null hypothesis that the variable has no correlation with the dependent variable. If there is no correlation, there is no association between the changes in the independent variable and the dependent variable, which means that there is insufficient evidence to conclude that there is a correlation. For the variables where the p-value is less than the significance level, my sample data provides enough evidence to reject the null hypothesis.

The above model (Table 3) shows the variation of the overall voter turnout rate during the 12 presidential elections studied. The variables in this model are the same as in Table 2 and are measured in terms of natural log. The null hypothesis is that no significant relationship exists between the overall voter turnout rate and the incarceration rate of African Americans.

The coefficient for *AAIncarRate*, -.23, indicates that a one percentage point increase in the percent of African Americans who are incarcerated reduces the overall voter turnout rate by .23 of a percentage point. This model also indicates that states with more African Americans incarcerated experience lower overall voter turnout, but not at a significant level.

In contrast to the overall voter turnout from the 1960s through the late 1990s, turnout among African Americans rose through the 1960s and held steady through the mid-1970s. At least a portion of the early increase in African American turnout was attributed to the Voting Rights Act of 1965, though voter turnout among African Americans had been on the rise during earlier years as well (Manza and Uggen 2006).

Table 4

| | | Paired Samples Statistics | | | |
|--------|-----------------------|---------------------------|-----|----------------|-----------------|
| | | Mean | N | Std. Deviation | Std. Error Mean |
| Pair 1 | POP2 | 5,057,235.33 | 600 | 5,558,272.795 | 226,915.537 |
| | Overall Voter Turnout | .4812167 | 600 | .09932167 | .00405479 |
| Pair 2 | Af Amer Incarc | 2,506.87 | 600 | 3,171.880 | 129.491 |
| | Overall Voter Turnout | .4812167 | 600 | .09932167 | .00405479 |

Table 4a

| | | Paired Samples Correlations | | |
|--------|--|-----------------------------|-------------|------|
| | | N | Correlation | Sig. |
| Pair 1 | POP2 & Overall Voter Turnout | 600 | .002 | .960 |
| Pair 2 | Af Amer Incarc & Overall Voter Turnout | 600 | -.039 | .335 |

Table 5

| | | Correlations | | | |
|-----------------------|---------------------|--------------|------------------|----------------|-----------------------|
| | | POP2 | African Amer Pop | Af Amer Incarc | Overall Voter Turnout |
| POP2 | Pearson Correlation | 1 | .849** | .863** | .002 |
| | Sig. (2-tailed) | | .000 | .000 | .960 |
| | N | 600 | 600 | 600 | 600 |
| African Amer Pop | Pearson Correlation | .849** | 1 | .845** | -.016 |
| | Sig. (2-tailed) | .000 | | .000 | .695 |
| | N | 600 | 600 | 600 | 600 |
| Af Amer Incarc | Pearson Correlation | .863** | .845** | 1 | -.039 |
| | Sig. (2-tailed) | .000 | .000 | | .335 |
| | N | 600 | 600 | 600 | 600 |
| Overall Voter Turnout | Pearson Correlation | .002 | -.016 | -.039 | 1 |
| | Sig. (2-tailed) | .960 | .695 | .335 | |
| | N | 600 | 600 | 600 | 600 |

** . Correlation is significant at the 0.01 level (2-tailed).

As indicated in Tables 4, 4a, and 5, correlation was further tested using paired samples statistics and correlations (t-test). The mean of the total population voter turnout rate, the African American incarceration rate, and African American voter turnout do not correlate. The years of high incarceration rates among African Americans do not correlate with low voter turnout during the same years. Because statistical correlation is significant at the .01 level and this proven correlation is less than .01 , we would fail to reject the null hypothesis.

3.5 Study Limitations

There were some common limitations to this study, as numerical descriptions were obtained with the absence of detailed narratives. In addition, while the focus was on the effect of mass incarceration on voter turnout, other factors were examined in this study, that could have an equal impact on voting. Some of these specific unintended consequences are apathy, weather conditions on Election Day, transportation (or lack of) to the polling places, etc.

One concern with the results presented in this research is that someone could have been awaiting trial or undergoing conviction/prosecution during an election or could have been discharged so close to the election that they did not have a chance to register. In contrast to Lerman and Weaver (2010), who found a large decline in turnout after incarceration, this research found little evidence that turnout rates changed significantly when incarceration rates are high.

3.6 Methodology Summary

The purpose of this study was to examine mass incarceration among African Americans, legislation that has historically impacted incarceration, and its effect on voter turnout. There were

two hypotheses used in this study. For this study, there is an advantage to converting the financial data (household income) to log transformation. According to Jeffery Wooldridge, in Introduction to Econometrics, to evaluate the relative importance of a number of explanatory variables, it is common to calculate the beta coefficients (standardized regression coefficients). Regression is based on correlation and any linear transformation between two variables, such as household income and voter turnout, is taken into consideration. Previous research has demonstrated that these variables are critical and if they are linear, the relationship between the independent variable X (*household income*) and the dependent variable Y (*voter turnout*), they can be expressed as a straight line.

The error indicates that the relationship is not perfect, which means that the straight line does not perfectly predict Y – there is outlying data. The typical use of a logarithmic transformation variable is to pull outlying data closer to the bulk of the data in order to have the variable be normally distributed (Wooldridge 2017). In this research, it was noted that a one-unit change in the independent variable resulted in the respective regression coefficient change in the expected value of the dependent variable. The results of the study are discussed in Chapter 4.

Chapter 4

Study Results

4.1 Introduction

Few Americans have adequately evaluated how record rates of incarceration have, in fact, undermined our American democracy, both by impacting who gets to vote and how votes are counted (Alexander 2010). This unsettling story actually began in 1865, when the abolition of slavery led to bitter constitutional battles over who would and would not be included in our

polity. To fully understand this, we first looked more closely at the year 1965, a century later—a moment when, on the one hand, politicians were pressured into granting enfranchisement to people of color by passing the most comprehensive Voting Rights Act to date (Miles 2004). But, on the other hand, it was the beginning of a devastatingly ambitious War on Crime.

The Voting Rights Act of 1965 equipped the federal government with the authority to monitor state elections and ensure that states with a particularly grim history of discriminatory voting practices would make no voting policy without its approval. The act had been intended to combat intimidating practices, such as poll taxes, literacy tests, and the “Grandfather clause”—leaving only 5 percent of black Americans, by the 1940s, able to vote, despite the passage of the 14th and 15th amendments after the Civil War (Alexander 2010). That same year Lyndon Johnson signed the Voting Rights Act of 1965, along with the Law Enforcement Administration Act (LEAA). This legislation, passed well before crime rates across America hit record highs, created the bureaucracy and provided funding that would enable a historically and internationally unparalleled war on crime (Pintor 2002).

The LEAA and America’s post-1965 commitment to the War on Crime, and the dramatic escalation of policing in cities across the nation as well as the legal changes wrought by the intensifying War on Drugs, between 1970 and 2010 more people ended up in prison in this country than anywhere else in the world (Pintor 2002). At no other point in this nation’s recorded past had the economic, social, and political institutions of a country become so bound up with the practice of punishment (Alexander 2010).

The nation’s decision to embark on a massive War on Crime in the mid-1960s has had a

profound impact on the way that American history evolved over the course of the later 20th and into the 21st centuries. As we now know from countless studies, such staggering rates of incarceration have proven both socially devastating and economically destructive for many parts of this country—particularly those areas of America inhabited by people of color. This country’s incarceration rate was hardly color blind. Eventually one in nine young black men were locked up in America and, by 2010, black women and girls too were being locked up at a record rate (Pintor 2002).

4.2 Quantitative Findings

The scope of the American criminal justice system over the past 50 years has generated concern about its effect on an already marginalized population by reducing its political participation. Starting with Uggen and Manza (2002), attention has been directed toward election outcomes when incarceration is factored into the equation. Weaver and Lerman (2010) found that incarceration is associated with the largest decrease in participation. This study, however, did not reveal a significant impact on political participation during the General Elections from 1968 to 2012.

It is difficult to ascertain whether the negative relationship between incarceration and political participation is causal. Because a specific causal effect was not the goal of this research, several sets of data are presented in the analysis such as overall voter turnout from the total population, the percentage of the population that is African American, the educational attainment of the populace, median household income, and other possible factors that can affect voter turnout.

In panel designs, measurement error can prove to be a threat to accurate inference. For

example, some convicted felons may not have ever voted even before their incarceration. When data are gathered over time, problems can arise when there is a difference in a measure over time, such as two cohorts who voted in two different elections. Or, a conflict may arise if a person is sentenced to a prison term shortly after they had already voted. Consequently, if civic engagement is correlated with a reduced likelihood of being incarcerated, it may appear that individuals who are incarcerated are less likely to vote anyway.

4.2.2 Hypotheses Testing

4.2.2.1 Hypothesis 1: Criminal convictions (incarceration) have a negative causal effect on voter turnout.

While much attention has been given to the electoral impacts of mass incarceration, this empirical study proved otherwise. Contemporary debates about disenfranchisement and political behavior focus largely on the actual or potential voting rates, particularly because the currently incarcerated comprise a minority of those who would have been potential voters anyway (Uggen and Manza 2012). And, a 2017 study in the *Journal of Politics* found that incarceration in the United States had no significant impact on turnout in elections. According to the research and analysis in this paper, incarceration does not significantly reduce overall political participation.

While much attention recently has been given to the electoral impacts of mass incarceration, this empirical study proved otherwise. Contemporary debates about disenfranchisement and political behavior focus largely on the actual or potential voting rates, particularly because the currently incarcerated comprise a minority of those who would have been potential voters anyway (Uggen and Manza 2012). And, a 2017 study in the *Journal of Politics* found that incarcer-

ation in the United States had no significant impact on turnout in elections. As shown in Table 2, and according to the research and analysis in this paper, incarceration does not significantly reduce political participation.

By measuring the strength of the linear relationship of mass incarceration and voter turnout regionally (Tables 5, 6, 7, and 8) it was determined that the region with the most significant correlation is the South. On the contrary, in the Northeast, Midwest, and West regions there is no significant correlation, which supports the null hypothesis.

4.2.2.2 Hypothesis 2: The effect of criminal convictions on voter turnout will be sustained over multiple General Election cycles (1968 - 2012).

Disfranchising thousands of voters through mass incarceration has distorted American democracy (Shapiro 1992). Today, just as it did more than a hundred years ago, the way the Census calculates resident population also plays a subtle but significant role. As ex-Confederates knew well, prisoners would be counted as residents of a given county, even if they could not themselves vote: High numbers of prisoners could easily translate to greater political power for those who put them behind bars (Shapiro 1992).

With the constant increase of mass incarceration, and as the number of people imprisoned not only rose dramatically, but also began moving people of color into overwhelmingly white rural counties that housed prisons, the political process was significantly distorted (McDonald 2009). Thirty years ago, approximately 3% of the African American male population, age 18-64

was incarcerated. By 2008, the overall rate had more than doubled. The state and regional data sets reveal a constant annual population, voter turnout, and incarceration rate increase from 1968 to 2012.

Chapter 5

Conclusion

The issue of voter turnout increasingly draws the interest of lawmakers, activists and academics. This means that a greater variety of perspectives are given voice and that a dialogue regarding the consequences of voter eligibility is being fostered. Debating the various legal and social issues attached to voter turnout has raised questions of legality as well as social costs. As the call for reform is increasingly heard, strategic thinking about transforming felony disqualification in both the courtroom and in legislative bodies is being developed.

Political scientists and theorists have written extensively on voter turnout and various factors that may affect it, from one election cycle to another as well as over extended periods of time. There have even been attempts to identify the cause of spikes and declines in voter turnout.

This research does not focus on a cause but rather on a correlation. This is not implying that mass incarceration is intentionally employed by the judicial system to suppress the African American vote, as no empirical data were found to support this idea. However, it is noteworthy to evaluate whether there is a correlation between the variables. If, when large numbers of African Americans are incarcerated during General Election years, is voter turnout affected at a comparable rate?

This is where my models are important for the study. I used the dilemma of mass incarceration of African Americans along with other variables to monitor their impact on voter turnout. I began with the first Presidential Election following the enactment of the Voting Rights Act of 1965, which was the 1968 election, and ended with the 2012 election. I found that the overall voter turnout did not significantly correlate with mass incarceration, but African American voter turnout did, but not at the same rate. It is evident from the models that high incarceration rates are prevalent among sociodemographic groups, specifically African Americans. High rates of incarceration disenfranchise large segments of the electorate (Manza and Uggen 2006). Like poll taxes, literacy tests, and separate ballot boxes, mass incarceration disproportionately disenfranchises Blacks (Sentencing Project 2010).

A dark segment in the history of the United States would have to be the discrimination against black voters, especially in the South up until the 1960s. For this reason, many studies tend to separate black voter participation into two regional categories: South and Non-south (Patterson 6). In the South, from 1952-1960, whites voted 44.9% more often than did their African American counterparts. From that same time period, white voters were also 20.2% more likely to vote in Non-south regions of the country. However, the next several decades showed a great deal of improvement among African American voter turnout. From 1964- 1980, whites only voted 4.9% more than black voters in the South. In non-south regions, the gap between white and black voters shrank to 5.6% during that same time frame (Kleppner 117). Since the early 1990s, the gap between the likelihood of whites and blacks voting has slightly increased from 8 percentage points to about 9.3 percentage points (U.S. Census Bureau). Nevertheless, single digit gaps be

tween the voting percentages of blacks and whites are a huge improvement over the 40% and 20% differences that were present during the 1950s. As explained in this research, a prominent reason for such a dichotomy of voter turnout among the races continues to weigh heavily on mass incarceration. Unfortunately, the current, participating electorate is not representative of the entire population. There seem to be several racial and socio-economic dividing lines between those who vote and those who do not. Without a fully representative electorate, there is little hope that the views of all citizens will be expressed or taken seriously. A democracy in which the views of all citizens are not conveyed cannot seriously be said to be a healthy democracy (Pettit 2012).

Based on the information obtained for this research, there are certainly policy implications for the manner by which courts render judgements. This does not necessarily mean that fewer African Americans will be incarcerated or that the disproportionate practice of imprisonment will somehow become more evenly distributed to all groups. An awareness may be raised that will bring attention to the effect that mass incarceration could have on voter turnout as well as election results.

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U.S. states by historical population

1960–2010 census data

| Name | 1960 | 1970 | 1980 | 1990 | 2000 | 2010 |
|-----------------------------|------------|------------|------------|------------|------------|------------|
| Alabama | 3,266,740 | 3,444,165 | 3,893,888 | 4,040,587 | 4,447,100 | 4,779,736 |
| Alaska | 226,167 | 300,382 | 401,851 | 550,043 | 626,932 | 710,231 |
| Arizona | 1,302,161 | 1,770,900 | 2,718,215 | 3,665,228 | 5,130,632 | 6,392,017 |
| Arkansas | 1,786,272 | 1,923,295 | 2,286,435 | 2,350,725 | 2,673,400 | 2,915,918 |
| California | 15,717,204 | 19,953,134 | 23,667,902 | 29,760,021 | 33,871,648 | 37,253,956 |
| Colorado | 1,753,947 | 2,207,259 | 2,889,964 | 3,294,394 | 4,301,261 | 5,029,196 |
| Connecticut | 2,535,234 | 3,031,709 | 3,107,576 | 3,287,116 | 3,405,565 | 3,574,097 |
| Delaware | 446,292 | 548,104 | 594,338 | 666,168 | 783,600 | 897,934 |
| District of Columbia | 763,956 | 756,510 | 638,333 | 606,900 | 572,059 | 601,723 |
| Florida | 4,951,560 | 6,789,443 | 9,746,324 | 12,937,926 | 15,982,378 | 18,801,310 |
| Georgia | 3,943,116 | 4,589,575 | 5,463,105 | 6,478,216 | 8,186,453 | 9,687,653 |
| Hawaii | 632,772 | 768,561 | 964,691 | 1,108,229 | 1,211,537 | 1,360,301 |
| Idaho | 667,191 | 712,567 | 943,935 | 1,006,749 | 1,293,953 | 1,567,582 |
| Illinois | 10,081,158 | 11,113,976 | 11,426,518 | 11,430,602 | 12,419,293 | 12,830,632 |

| Name | 1960 | 1970 | 1980 | 1990 | 2000 | 2010 |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Indiana | 4,662,498 | 5,193,669 | 5,490,224 | 5,544,159 | 6,080,485 | 6,483,802 |
| Iowa | 2,757,537 | 2,824,376 | 2,913,808 | 2,776,755 | 2,926,324 | 3,046,355 |
| Kansas | 2,178,611 | 2,246,578 | 2,363,679 | 2,477,574 | 2,688,418 | 2,853,118 |
| Kentucky | 3,038,156 | 3,218,706 | 3,660,777 | 3,685,296 | 4,041,769 | 4,339,367 |
| Louisiana | 3,257,022 | 3,641,306 | 4,205,900 | 4,219,973 | 4,468,976 | 4,533,372 |
| Maine | 969,265 | 992,048 | 1,124,660 | 1,227,928 | 1,274,923 | 1,328,361 |
| Maryland | 3,100,689 | 3,922,399 | 4,216,975 | 4,781,468 | 5,296,486 | 5,773,552 |
| Massachusetts | 5,148,578 | 5,689,170 | 5,737,037 | 6,016,425 | 6,349,097 | 6,547,629 |
| Michigan | 7,823,194 | 8,875,083 | 9,262,078 | 9,295,297 | 9,938,444 | 9,883,640 |
| Minnesota | 3,413,864 | 3,804,971 | 4,075,970 | 4,375,099 | 4,919,479 | 5,303,925 |
| Mississippi | 2,178,141 | 2,216,912 | 2,520,638 | 2,573,216 | 2,844,658 | 2,967,297 |
| Missouri | 4,319,813 | 4,676,501 | 4,916,686 | 5,117,073 | 5,595,211 | 5,988,927 |
| Montana | 674,767 | 694,409 | 786,690 | 799,065 | 902,195 | 989,415 |
| Nebraska | 1,411,330 | 1,483,493 | 1,569,825 | 1,578,385 | 1,711,263 | 1,826,341 |
| Nevada | 285,278 | 488,738 | 800,493 | 1,201,833 | 1,998,257 | 2,700,551 |
| New Hampshire | 606,921 | 737,681 | 920,610 | 1,109,252 | 1,235,786 | 1,316,470 |

| Name | 1960 | 1970 | 1980 | 1990 | 2000 | 2010 |
|-----------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| New Jersey | 6,066,782 | 7,168,164 | 7,364,823 | 7,730,188 | 8,414,350 | 8,791,894 |
| New Mexico | 951,023 | 1,016,000 | 1,302,894 | 1,515,069 | 1,819,046 | 2,059,179 |
| New York | 16,782,304 | 18,236,967 | 17,558,072 | 17,990,455 | 18,976,457 | 19,378,102 |
| North Carolina | 4,556,155 | 5,082,059 | 5,881,766 | 6,628,637 | 8,049,313 | 9,535,483 |
| North Dakota | 632,446 | 617,761 | 652,717 | 638,800 | 642,200 | 672,591 |
| Ohio | 9,706,397 | 10,652,017 | 10,797,630 | 10,847,115 | 11,353,140 | 11,536,504 |
| Oklahoma | 2,328,284 | 2,559,229 | 3,025,290 | 3,145,585 | 3,450,654 | 3,751,351 |
| Oregon | 1,768,687 | 2,091,385 | 2,633,105 | 2,842,321 | 3,421,399 | 3,831,074 |
| Pennsylvania | 11,319,366 | 11,793,909 | 11,863,895 | 11,881,643 | 12,281,054 | 12,702,379 |
| Rhode Island | 859,488 | 946,725 | 947,154 | 1,003,464 | 1,048,319 | 1,052,567 |
| South Carolina | 2,382,594 | 2,590,516 | 3,121,820 | 3,486,703 | 4,012,012 | 4,625,364 |
| South Dakota | 680,514 | 665,507 | 690,768 | 696,004 | 754,844 | 814,180 |
| Tennessee | 3,567,089 | 3,923,687 | 4,591,120 | 4,877,185 | 5,689,283 | 6,346,105 |
| Texas | 9,579,677 | 11,196,730 | 14,229,191 | 16,986,510 | 20,851,820 | 25,145,561 |
| Utah | 890,627 | 1,059,273 | 1,461,037 | 1,722,850 | 2,233,169 | 2,763,885 |
| Vermont | 389,881 | 444,330 | 511,456 | 562,758 | 608,827 | 625,741 |

| Name | 1960 | 1970 | 1980 | 1990 | 2000 | 2010 |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Virginia | 3,966,949 | 4,648,494 | 5,346,818 | 6,187,358 | 7,078,515 | 8,001,024 |
| Washington | 2,853,214 | 3,409,169 | 4,132,156 | 4,866,692 | 5,894,121 | 6,724,540 |
| West Virginia | 1,860,421 | 1,744,237 | 1,949,644 | 1,793,477 | 1,808,344 | 1,852,994 |
| Wisconsin | 3,951,777 | 4,417,731 | 4,705,767 | 4,891,769 | 5,363,675 | 5,686,986 |
| Wyoming | 330,066 | 332,416 | 469,557 | 453,588 | 493,782 | 563,626 |
| United States | 179,323,175 | 203,211,926 | 226,545,805 | 248,709,873 | 281,421,906 | 308,745,538 |

Source: U.S. Census Bureau