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Responsive Philanthropy is the quarterly journal of the National Committee for Responsive Philanthropy.

2011, Issue No. 3
Yearly subscription: \$25
(free to members)
ISBN: 1065-0008

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Who Doesn't Get To Vote Should Matter to Philanthropy

By Niki Jagpal

When our country was founded, numerous groups were denied the right to vote – African Americans, women, the illiterate and people convicted of felonies. However, as executive director of The Sentencing Project Marc Mauer notes, after significant advocacy and organizing to gain democratic parity, restrictions on each of these groups' right to vote were eased, with one exception: our fellow citizens with felony convictions.¹

With the 2012 presidential election coming quickly upon us, the country already is kicking into campaign mode. But every election cycle serves as a painful reminder of those among us who are barred from equal participation in our democratic process.

More than 5 million people are currently ineligible to vote because of felony convictions, past or present. This should be a concern for any foundation concerned with advancing democracy. Not only is denying any individual the right to vote inherently undemocratic, it does not align with most Americans' opinion on this issue. As Christopher Uggen and Jeff Manza found, most Americans believe that the right to vote should be restored once a person has served his or her time or "paid their debt to society."² In addition, because voting builds social capital, engaging in the democratic process has been shown to ease successful reintegration into society from prison.

The time to increase investments in re-enfranchisement efforts is now. Our prison population is at the highest level

ever recorded, at 2.3 million, and fully 38 percent of the disenfranchised population is African American, a figure substantially higher than the national African American population. This translates into almost 2 million African Americans being barred from voting.³

There had been some improvements in recent years as a result of efforts to re-establish voting rights for offenders and ex-offenders. For example, in November 2010, the *Chicago Tribune* reported that fully 23 states had revised their laws to allow one-time offenders to vote. However, the political right marshals significant resources in its attempts to roll back any gains these efforts made.⁴ This is particularly ironic because several states where the laws were eased were, in fact, "red states" where Republican leaders eased voting restrictions. As noted in the *Tribune* article, restrictions on felon voting rights were eased despite the fact that some Republicans feared that most offenders and ex-offenders, a group comprising a disproportionate share of African Americans, would lean Democratic.

Grantmakers have a tremendous opportunity to play a catalytic role in advancing democracy – as overall philanthropic investments in offender and ex-offender re-enfranchisement efforts are incredibly small given the scope of the problem.

Total giving to benefit offenders and ex-offenders is appallingly low, especially with 5 million people affected and only 0.7 percent of all foundation grants from pre-recession 2004-2006



Demonstration against the Voter Obstruction and Suppression Act of 2011. Photo by Peter Patau.

classified at the Foundation Center to benefit this constituency.⁵ In examining the top five funders of this specific group, it was the now-defunct JEHT Foundation⁶ that provided the highest share of its grants for offenders and ex-offenders (57.7 percent of total giving). With JEHT now gone, it is worrisome to consider what share of total giving foundations now are providing to benefit this group.

The Foundation Center's 2009 *Social Justice Grantmaking II* provides some signs of hope: support for crime and justice work grew by more than one-third from 2002 to 2006, representing 3.5 percent of social justice grants made in 2006. Grant dollars increased to \$81.3 million, a rise of close to 38 percent.⁷ However, this analysis of giving includes a range of activities, such as juvenile justice system reform and law enforcement reform, also imperative to fund but making it difficult to determine how much was specifically targeted at addressing the disenfranchisement crisis.

Such dollars are needed more than ever as right-wing activists have launched a comprehensive campaign to suppress likely Democratic voters. Uggen and Manza's analysis of the

potential impact of ex-felons having been allowed to vote in the 2000 presidential election found that just below 70 percent of these votes would have favored Al Gore. A similar analysis of senatorial races done by these researchers found that six races between 1978 and 2000 won by Republicans would have swung in favor of Democrats instead.⁸ In a recent article in *Rolling Stone* titled "The GOP War On Voting," Ari Berman argues, "Just as Dixiecrats once used poll taxes and literacy tests to bar black Southerners from voting, a new crop of GOP governors and state legislators has passed a series of seemingly disconnected measures that could prevent millions of students, minorities, immigrants, ex-convicts and the elderly from casting ballots."⁹ And a study published by the Brennan Center for Justice estimates that as many as 171 electoral votes could be at stake because of regressive laws passed in 13 states and pending in 21 more, all affecting the votes of underserved communities disproportionately.¹⁰

Berman highlights four overarching areas in which Republicans are working to erect barriers to voting that would affect the Democratic base disproportionately: restrictions on regis-

tration, scaling back early registration, requiring photo identification to cast a ballot and disenfranchising ex-felons.

As Berman notes, although Gov. Charlie Crist (R-Fla.) restored the voting rights of some 154,000 former convicts who had committed non-violent crimes, his successor Rick Scott overturned Crist's decision. Scott's action resulted in instant disenfranchisement of 97,491 ex-felons and denying an additional 1.1 million prisoners from voting even after they have served their time. In Iowa, Gov. Terry Branstad (R) similarly overturned his predecessor's decision to re-enfranchise 100,000 ex-felons.

Indeed, as Mauer notes, as of 2010, imprisoned felons in every state except for Vermont and Maine are ineligible to vote; in 35 states, parolees and individuals on probation also are ineligible; and in 12 states, individuals who already have served their time for felony convictions are not allowed to vote.¹¹

With a well-financed and centrally coordinated campaign being waged by Republicans to suppress the Democratic voter base, civil rights groups such as the American Civil Liberties Union and its state affiliates are working hard to try to overturn these regressive policies and tactics. The ACLU has received funding from the Open Society Foundations and the John D. and Catherine T. MacArthur Foundation in the past, demonstrating these funders' commitment to democratic parity. Other organizations such as the Leadership Conference on Civil and Human Rights, the National Association for the Advancement of Colored People and less well-known groups such as the Hampton Roads Missing Voter Project in Virginia and The Michigan Participation Project also work on this salient issue.

The disenfranchisement efforts affect marginalized groups so much they raise the question: What can foundations do to help avert such a campaign? By providing groups such as those listed above

to ensure participatory parity at the ballot box with significant funds targeted explicitly to benefit offenders and ex-offenders, philanthropy has an opportunity to play a catalytic role in advancing democracy. Because most of these groups use advocacy and community organizing to confront barriers to democratic participation, foundations could provide at least 25 percent of their grant dollars for this civic engagement work to counter the well-financed Republican attacks on voting rights.

With large sums of money being provided to the American Legislative Exchange Council, a conservative advocacy group founded by Paul Weyrich and funded by Charles and David Koch, nearly 40 states introduced legislation that would curtail voting rights in some

way since 2010. Consider Weyrich's 1980 opinion that he does not want everyone to vote because "our leverage in the elections quite candidly goes up as the voting populace goes down."¹²

As Mauer notes, denying any group a fundamental civil right is unique to felon disenfranchisement. And as law professor Debra Parkes contends, "[T]he reality that prisoners may have an impact on the outcome of elections is an argument in favor of allowing them to vote rather than against it."¹³

By no means should any reader surmise that felons would vote in a uniform way. However, studies demonstrate that people from similar socio-economic and demographic backgrounds tend to vote along similar lines. If the well-funded Republican campaign to suppress the Democratic vote truly is "the most significant setback to voting rights in this country in a century,"¹⁴ as stated by Judith Browne-Dianis of the civil rights group Advancement Project, grantmakers, especially those with missions that explicitly state a commitment to advancing equity and democracy, have an obligation to counter this movement and to do it now.

Philanthropy needs to do all it can to ensure democratic parity come 2012. By failing to do so, the likes of Weyrich and the Koch brothers' philanthropic advocacy will likely succeed in orchestrating an unfair election with a dubious outcome. ■

Niki Jagpal is research and policy director of the National Committee for Responsive Philanthropy.

Notes

1. Marc Mauer, "Voting Behind Bars: An Argument for Voting by Prisoners," *Howard Law Journal* (2011), v. 54, #3, pp. 549-566, <http://sentencingproject.org/doc/Howard%20Law%20-%20Voting%20Behind%20Bars.pdf>.

2. *Ibid.*
3. *Ibid.*
4. Steve Chapman, *Ex-cons get the vote – the wisdom of letting felons take part in democracy*, *The Chicago Tribune*, November 10, 2010, http://articles.chicagotribune.com/2010-11-10/news/ct-oped-1111-chapman-20101110_1_vote-sentencing-project-policy.
5. Niki Jagpal, *Criteria for Philanthropy at Its Best: Benchmarks to Assess and Enhance Grantmaker Impact*. (Washington, D.C.: National Committee for Responsive Philanthropy, 2009), <http://www.ncrp.org/paib>.
6. *The JEHT Foundation was among the many charities and foundations that fell victim to Bernard Madoff's \$18 billion Ponzi scheme. JEHT was forced to close in 2008.*
7. Tanya E. Coke, Scott Nielsen, Henry A.J. Ramos, Sherry Seward and Bradford K. Smith, *Social Justice Grantmaking II: An Update on U.S. Foundation Trends*, ed. Steven Lawrence (New York: Foundation Center, 2009); and *The Foundation Center, Key Facts on Social Justice Grantmaking* (New York: Foundation Center, 2011), http://foundationcenter.org/gainknowledge/research/pdf/keyfacts_social_2011.pdf.
8. Jeffrey Reiman, "Liberal and Republican Arguments Against the Disenfranchisement of Felons," *Criminal Justice Ethics* (Winter/Spring 2005), http://www.sentencingproject.org/doc/publications/fd_liberalrepublican_argum.pdf.
9. Ari Berman, "The GOP War on Voting," *Rolling Stone*, September 15, 2011, <http://www.rollingstone.com/politics/news/the-gop-war-on-voting-20110830?print=true>.
10. Wendy R. Weiser and Lawrence Norden, *Voting Law Changes in 2012* (New York: Brennan Center for Justice at the New York University School of Law, 2011), http://brennan.3cdn.net/b40be4b1555c166d57_1hm0y7bcg.pdf.
11. Mauer, *op.cit.*
12. Berman, *op.cit.*
13. Mauer, *op.cit.*
14. Berman, *op.cit.*

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