

WRITTEN TESTIMONY IN OPPOSITION TO SB 571

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Today your committee hears one of two proposals to essentially strike the last of any disabilities that accrue to that very small percentage of the population not only convicted of a crime, but of a felony crime, and not just a felony, but one serious enough to merit physical incarceration in a state prison facility.

To be clear, Oregon is one of the more expansive states in allowing former inmates to vote, even those convicted of crime of homicide and sexual assault, so long as they no longer are serving time in a state facility. That means a person who was an attorney and defrauded their client of millions of dollars, but whose sentence was limited to 5 months in jail, never lost their enfranchisement. Likewise a person found guilty of murder in the late 1980s, having since been released from prison can vote.

Proponents of this measure will no doubt invoke the 13th Amendment, which banned involuntary servitude, except for lawful punishment for a crime. But the drafters of that act, specifically designed to outlaw slavery and rebuke those states still fighting to remove that stain on America. But lawful punishment for a great wrong is nothing like slavery and it dishonors people like Fredrick Douglass to compare his enfranchisement to that of a killer or a rapist.

Keep in mind the vast majority of those convicted of a felony are not disenfranchised. That dishonor falls only on those who society, and our judges have determined have committed the worst possible crimes, There was a time in America when a felony conviction meant civil death; such a felon lost the ability to marry, to own property, to even enter into contracts, and usually for life. We've become, appropriately, far more selective in who we punish and why. Once out of prison a person is able to make contracts, register a car, contribute money to a candidate who appeals to them. Their disqualification comes only for that period during which they are incarcerated on a felony in a state institution.

Just as we now view "civil death" as inappropriately harsh, what we have now is better described as a "time out" for those who really refuse to play by the rules that bind the rest of us,

It would be inappropriate to put the decision of whether – for example – a conviction for violent assault should merit a 6 year prison term to the vote of the very people who committed that act.