

Ballots Over Bars: The Fight for A Voice

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NOTE: THIS THESIS IS PRIMARILY AN AUDIO PIECE – I ASK THAT YOU LISTEN IF POSSIBLE, AND CONSIDER THIS TRANSCRIPT A COMPANION GUIDE.

INTRODUCTION

I want to tell a story of hope and contradiction, resistance in the face of oppression, and the conviction that we are each our own best advocates. I want to tell a story that holds space for nuance and encourages people to listen. The main message I want to convey is that people who are sent to prison retain their capacity for agency and choice. They know better than any on the outside how the carceral state¹ operates, and they are already fighting for a better world. Anyone who seeks to challenge mass incarceration without asking those living it about their priorities is doomed to fail.

My journey

From the time I was little, I talked about being a public defender, a lawyer who stands up for the underdog. I defended the bad guys in movies, and demanded my mother tell me bedtime stories which didn't have happy endings. My family says this is because I grew up in a Jewish household that encouraged curiosity, and because I watched the O.J. Simpson trial on TV with my grandmother after she would pick me up from nursery school.² What we don't talk about is the family dysfunction and abuse that shaped my childhood, and my struggle to understand what you're supposed to do when people you love hurt other people you love.

Throughout college I studied the criminal justice system, and when I graduated, I knew I wanted to work on reforming it, though I no longer wanted to be a lawyer. I wanted to make big changes, to help the **two million** people in prison across the country, and prevent further harm. I started working at two innocence projects in Massachusetts, and then got a job evaluating public defense systems across the country. Meanwhile, I developed into a penal abolitionist, someone who sees that the entire penal system is premised on punitive, racist ideas and that the institutions themselves must be abolished. I learned new ways to think about and respond to harm, and started writing to prison pen pals.³ I met people in prison who were themselves

¹ All of the mechanisms the state employs to control people – physical sites of confinement (e.g. courts, prisons, police stations, welfare offices) as well as individuals (e.g. judges, police, probation and parole officers, child services representatives) and programs (e.g. probation, parole, welfare).

² Thanks Grandma, love you.

³ “Black & Pink is an open family of LGBTQ prisoners and “free world” allies who support each other. Our work toward the abolition of the prison industrial complex is rooted in the experience of currently and formerly incarcerated people. We are outraged by the specific violence of the prison industrial complex against LGBTQ people, and respond through advocacy, education, direct service, and organizing.” Blackandpink.org

fighting for change – members of the Norfolk Lifers Group, the African American Coalition Committee, and other individuals who were working not only to free themselves, but to address systemic prison conditions *and* build communities inside. I wanted to be involved.

The summer before the 2016 election, I came up with the idea of giving away my vote to someone in prison, since, for the most part, people can't vote from prison except in Maine and Vermont. My friend Rachel Corey, and I wrote to prisoners inside to see if they liked the idea, and when we heard they did, we created #Disillusioned4Disenfranchised, a media campaign to raise awareness about criminal disenfranchisement. We matched a group of 20 volunteers, who were registered voters, with 20 people in prison, who couldn't vote, and asked them to share their voting preferences with each other. The registered voter then voted the way the person in prison wanted them too, on the honor system.

This project was somewhat successful, and it piqued my curiosity about prisoners' relationship to voting. I started researching prisoners' right to vote, but there was not much information online about *the history* of prisoners voting; just lists and maps of each state's laws. This made Massachusetts the *most recent* state to take *away* voting rights from a group of people.⁴ I learned that people in prison could technically vote in Massachusetts for most of the state's history, from the time of its founding until 2000. I kept looking, and found out that the reason Massachusetts took away the right to vote from prisoners in 2000 was because a group of prisoners had formed a political action committee.

I was excited to hear about how prisoners had fought for their *own* rights – a very different idea from what I heard in most of my criminal justice reform circles. In fact, I discovered that prisoners have been fighting for voting rights and to have a voice in Massachusetts government for the past 50 years.

This is a story of how prisoners did just that; of prisoners running for office, holding voter registration drives and forming political action committees. You will hear from three formerly incarcerated people, Bobby Dellelo, Bill Canavan and Gregory Diatchenko, as well as two outside advocates, myself and David Elvin. Some of the interviews were conducted over the phone and some in-person, however all of the people interviewed are free. Because Massachusetts prisons do not allow recorders inside, I could not include the spoken voices of the many currently incarcerated people who added to this story.

While this story seeks to give a platform to many people whose voices have been silenced, it also leaves out many people's perspectives. All of the people you will hear from are white, and all but me are men. This is partially due to the structural barriers to communicating with people in prison and to the segregated nature of prisons, but is all evidence of the gaps in my own

⁴ Uggen, Christopher, Larson, Ryan and Shannon, Sarah, "Six Million Lost Voters," *Sentencing Project*, 2016, <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>. Note: For the most part, only Maine and Vermont allow people incarcerated in prison to vote.

racial awareness in embarking on this project. I ask you to bear in mind as you listen that the right to vote cannot be separated from race, class, gender, or any other aspect of our identities. I intend to continue this research by interviewing more formerly incarcerated women and people of color, and finding further ways to include currently incarcerated people's voices too. For more on this, please listen to and consult the "Method & Process" section.

TERMINOLOGY

The words we use have power. They shape how we see people and what we expect of them.

For this project, I tried to ask each of the people I interviewed what words they would like me to use to describe their contact with the criminal justice system, such as prisoner, inmate, offender, ex-offender, or formerly incarcerated person. Largely, the people I interviewed did not have a preferred terminology, though they were comfortable with “prisoner” and with “formerly incarcerated person.” For more on these word choices and their implications, see Eddie Ellis’ letter “On the Question of Language,” though, of course, prisoners are not monolithic.⁵

This thesis is the product of the interviews I have conducted up until now; it is not a representative sample of incarcerated people’s visions for change nor the decisive take on Massachusetts prisons. Furthermore, it is not yet finished.

Now, I am proud to present the still-in-progress oral history project, **Ballots Over Bars: The Fight for a Voice.**

⁵ Ellis, Eddie, “An Open Letter to Our Friends on the Question of Language,” *Center for NuLeadership on Urban Solutions*, <https://static1.squarespace.com/static/58eb0522e6f2e1dfce591dee/t/596e13f48419c2e5a0e95d30/1500386295291/CNUS-language-letter-2016.pdf>.

AUDIO TIMELINE

ELLY

This is a story of people fighting for a voice.

GREG

There's no voice.

We just didn't have the voice.

We don't want anybody on the outside community to hear their voices.

ELLY

Fighting to be heard.

BILL S

I really wanted my voice to be heard.

GREG

It's hard to get people to listen to us.

ELLY

Fighting to hold on to the people they left behind.

GREG

How can I leave them behind? I got to think about them in there. That was me. I was dying in there.

ELLY

This is their story. Ballots Over Bars: The Fight for A Voice.

The right to vote occupies a special place in the American imagination. Despite the fact that for most of our country's history only white men with property were allowed to vote, voting is still seen as foundational to our democracy. From the Boston Tea Party to the modern Tea Party movement, Americans have long fought for the idea that there can be no taxation without representation.

However, when it comes to prisoners, the right to vote is seen as a privilege. The United States Supreme Court has ruled that it is legal for states to disenfranchise people who have committed crimes, both while they are in prison and indefinitely after.

Each state sets its own voter qualifications, and all but two currently disenfranchise people in prison. Here is the story of how prisoners in Massachusetts fought back to make their voices heard.

In 1971, people incarcerated in Attica, a prison in upstate New York, took over the prison and issued a list of 27 demands for basic human rights. The riot lasted for 5 days, and ultimately ended when the state sent in police officers, National Guardsmen and volunteers to retake the prison. Thirty-three prisoners and nine hostages were killed, and dozens more beaten and injured in the months to follow.

Despite its tragic end, Attica inspired activism in prisons across the country, including in Massachusetts. Bobby Dellelo, one of the leaders in the prison organizing that took place in Walpole prison, explains what was going on at the time.

BOBBY

What happened was, the guards went on strike. And they were anticipating a blood bath. And this was while the Boston school stuff was going on – that segregation, and all that crazy stuff. And I mean, there was an incredible amount of violence going on in the prison, for the reasons I told you before, because of the institution using drugs to control the population, which backfired. I was at the time the president of the inmate union, NPRA – the National Prisoners' Reform Association.

ELLY

The NPRA ran the prison from March 15th to May 18th, 1973, while the guards were on strike. But when the strike ended, Bobby and other leaders were punished for their activism, although the NPRA lived on.

The next year, in 1974, the Massachusetts Supreme Court declared in *Evers v. Davoren* that Massachusetts prisoners were in fact allowed to vote, and ordered the legislature to get prisoners access to absentee ballots.

When prisoners and their allies on the outside learned about the decision, they began to organize to get prisoners registered to vote.

On January 22nd, 1976, Carl Velleca, a prisoner at MCI-Concord, announced his candidacy for selectman in the town of Concord, Massachusetts. Bill Canavan was also incarcerated in Concord at the time, and played a key role in Velleca's campaign.

BILL C

In 1976, while incarcerated at MCI-Concord, I was the campaign manager and treasurer for a gentleman named Carl Velleca, who was a prison inmate who ran for selectman in the town of Concord.

Carl was a larger than life character. And I mean a character - even a curmudgeon sometimes.
[Elly laugh]

But he was a model inmate. An absolute model inmate. I mean, everybody liked him. He was very smart; did New York Times Sunday crosswords, [Elly laugh] and not a lot of people can do those.

ELLY

On February 1st, 1976, about 300 men incarcerated at MCI-Concord prison register to vote in town of Concord.

BILL C

This was the first time that I'm aware of that they came in and did a voter registration in any prison. And they would come in, you register to vote – inside the prison, in the gym. It got handled the same way it would with everybody, just that you couldn't go to the polling place to vote.

ELLY (in interview)

And how did you get the registrars to come in, and register?

BILL C

We asked them.

ELLY

[Laughter] That simple?

BILL C

[Laughter] That simple – we asked them.

They were really gregarious after a while, they were talking to people, helping people that need help to fill it out. It was a very nice interaction with the community. It was surprising.

ELLY

But not everyone in Concord felt excited at the prospect of the prisoners they shared the town with, voting. Attorney Henry Dane sued the Board of Registrars, claiming that prisoners should not be able to vote in the town. Dane, and many other people over the years, feared that if prisoners could vote in the small, majority white, towns where they were incarcerated, they could form a voter bloc that would have more power than the free-world voters.

The Massachusetts Supreme Court would decide the case two years later, but meanwhile, on April 21st, 1976, Concord went ahead with the election.

BILL C

Once we started the campaign, it became a- it took on a life of its own. We made up signs, we did all kinds of interviews with the media. So, we got caught up in all the- all the hoopla. You know, first of all we got to dress up, you know, you could wear a suit and tie, and I enjoy that, or I did at the time. And we were meeting all of these educated, for the most part, affluent

people, talking about any number of things. Shockingly, they would, you know, want to know what prison was like; you know, we got that little fascination with the people that we shared, you know, the town with, and they didn't know us.

So, we got to meet a lot of people, so many more people came to the gift shop, you know, looking for Carl Velleca. And, you know, often times I'd be there and get to have conversation with them. Sales were booming in the gift shop [Elly laughter] – they had all this disposable income to spend and say “I just bought this from the prison.” So, it was a- it was a fun time. Even though I was in prison, I never felt like I was in prison during that period of time. I really didn't.

ELLY

Carl received 599 votes – 500 of which were from people outside the prison! However, he lost the election.

BILL C

After the election, there were people who said we should have got a community service award, because we caused more people to go vote, against Carl, but participate in the town election than had been done since – who knows – the Civil War?! [Elly laughter]

ELLY

A few months later, people incarcerated at MCI-Norfolk filed an action to compel the Board of Registrars to hold a voter registration session in the Norfolk prison. The registrars went into the prison on October 4th and 5th, 1976, however, although 621 men attempted to register to vote, the registrars rejected 619 of them.

The prisoners sued, and Massachusetts Supreme Court ultimately decides both the Concord and Norfolk prison cases, ruling that incarcerated people must vote in the town where they lived prior to going to prison, unless they can prove they have established themselves as residents of their prison town.⁶ There are no records of how many prisoners voted following this decision, but five years later, a group of prisoners sue the state because they have not been given access to absentee ballots, and the Court again orders the Legislature to fix this.⁷

Meanwhile, the Norfolk Lifers Group, a group led by people serving life sentences in Norfolk prison, began encouraging members to get involved in politics. Gregory Diatchenko, who was sentenced to life without parole as a juvenile, but has since been released, describes joining the Lifers Group inside.

⁶ *Dane v. Board of Registrars of Voters of Concord*, 371 NE 2d 1358 (1978); *Ramos v. Board of Registrars of Voters of Norfolk*, 374 Mass. 176 (1978)

⁷ *Cepulonis v. Secretary of the Commonwealth*, 452 NE 2d 1137 (1983)

GREG

I just know that when I went to prison in 1981, when I entered, we had the right to vote. But I was 17 years old so I couldn't vote. But I could go to prison, you know what I mean? But I couldn't vote.

Someone came to me, you know, that knew me from Walpole, and he's like, "Hey, you know, you got a pretty decent head on your shoulders, why don't you join the Lifers Group and help them out?" And I was like, "What can I do?"

They were talking about politics, you know, they do some political stuff, you know, they for - you know, not rights, but to get things, you know, better things for guys, you know, the administration might be swayed to allow you know, that's what they're, they're about; they're about like, "What can we do for the visiting room to make visits better for the family?" And you know, you know, stuffing envelopes, you know, that we'd send to the, send to the legislators try to get people to talk to their families because, you know, an important issue was coming up and if they could get them to call or write to their senator or representative. That's what we did, we were trying to help direct the population, you know, just to be aware of, you know, what's going on in the community.

ELLY

Then in 1988, things started to change when prisoner William Horton became the target of a racist campaign to label presidential candidate Michael Dukakis as soft on crime.⁸

Dukakis was the Governor of Massachusetts at the time, and was running against then-vice president, George H.W. Bush. During the campaign, William Horton, a Massachusetts prisoner convicted of first-degree murder, was released on a furlough pass, but did return to prison. Horton was accused of committing a rape while outside, which he was ultimately convicted of.

The National Security Political Action Committee ran a TV ad called "Weekend Passes," which featured a picture of Horton, a Black man, whom the ad called "Willie." It relied on racist imagery to scare white voters and build support for Bush. Bush harped on the furlough program in debates, and ultimately won the presidency. Massachusetts prisoners felt the effects.

GREG

Willie Horton happened, and it just seemed like after that- first of all, the administration was worried after the Willie Horton thing, because they brought all the first-degree lifers back behind the walls. Guys that had been in minimums for like 10 years – lifers, first-degree lifers out in minimum, waiting to file for commutation. They can walk away and run anywhere they want, and not- none of them do. They're all out there working, starting families – some guys are out there on life-sentences with their wives and girlfriends, having babies, you know? And they're all just yanked on Christmas Eve back to prison.

⁸ Keller, Bill and Schwartzapfel, Beth, "Willie Horton Revisited," *The Marshall Project*, May 13, 2015, www.themarshallproject.org/2015/05/13/willie-horton-revisited.

And the years just ticked by. And here we are, all this time, these guys are all dying in there now.

ELLY

That very year, in 1988, legislators filed bills to abolish the furlough program *and* to disenfranchise prisoners convicted of certain crimes, though the bills do not pass.

GREG

Like I said, we had lost furloughs and stuff, we were like, "Man, we're losing a real, we're losing a lot in Massachusetts." And they were packing us in more and more, you know, there was overcrowding. You got to understand, they're putting more people in prison and taking everything away from us. They were. They were taking like a lot our clothes - you know, we all had our own street clothes, you know, colored shirts and stuff. They started taking, slowly taking everything away, take this, take that. And we saw the writing on the wall.

ELLY

In 1991, William Weld became the 68th governor of Massachusetts. Weld ran on a tough-on-crime platform which he quickly followed through on. David Elvin, an outside advocate who supported Massachusetts prisoners, describes some of Weld's priorities.

DAVID

He was attempting to privatize health care for the whole system, but he was- I think he sent close to 200 prisoners to Texas. They would chain them up and send them off on airplanes, without, you know, telling family or anything, and then they would be gone for up to a year at a time.

ELLY

In response, prisoners, and particularly lifers, ramped up their organizing. The Lifers Group held legislative awareness days, invited politicians and legislators in to meet with them, and held voter registration sessions inside the prison.

GREG

Already before that fight, because like I said, this was a battle with the furloughs, already before that we were doing really, really positive things in the Lifers Group, you know. The envelopes that we were stuffing and sending to our senators or representatives were about changing the community, changing the prison system and all that, right? Overcrowding, all that, issues with the telephones or food, whatever affects our lives.

ELLY

Then, on January 1st, 1997, Representatives Francis Marini and Jacqueline Lewis introduced a bill to disenfranchise people in Massachusetts convicted of certain crimes. At the time, Massachusetts, Maine and Vermont were the only states where people in prison could vote.

Though politicians in Massachusetts had filed similar bills many times before, they never went anywhere. That would change this year.

DAVID

By this time, Weld had resigned and so that leaves Paul Cellucci in charge here. And that's the point at which the prisoners' association was formed.

I remember the Massachusetts Prisoners Association thing coming to *me* as an idea from the prisoners. It started, the PAC started as a- a way to organize against these initiatives that the DOC was taking in healthcare, to privatize the healthcare, and sending prisoners out of state. And then I think, as it formed, they realized, "Whoa! We're the first prisoner political action committee in the country!" And I think there's one version of the letterhead that actually says that is the tagline at the bottom or something, "America's first prisoner run political action committee." Which was kind of cool.

ELLY

On August 2nd, the Boston Globe reported on the founding of the Massachusetts Prisoners Association Political Action Committee, and interviewed the Norfolk Lifers Group President, and PAC vice-chairman, Joseph Labriola.

The very next day, August 3rd, 1997, Acting Governor Cellucci told reporters at the Massachusetts Little League Championship, where he was throwing out the first pitch, that he found it repugnant that prisoners had formed a political action committee. Ten days later, Cellucci held a press conference from the Nashua Street Jail, where he announced he was filing a constitutional amendment to disenfranchise all prisoners in the state.

Cellucci then signed Executive Order 399, which barred political action committees inside, and told the Department of Correction to enforce the new order immediately.

GREG

Where the end really came was when the Lifers Group [laughter] went to form a political action committee. As soon as they did the work on the PAC, like a hammer came down.

And they lugged the chairman of the Lifers Group, the vice-chairman and the secretary, I think – there were three guys that were thrown in segregation, and they said, "You're not forming any PAC," right? And they shut that down.

ELLY

Three leaders of the PAC, Michael Shea, Joseph Labriola, and Kevin LeMay, were thrown in solitary confinement, and their belongings were destroyed.

The members of the PAC had no way of knowing that simply forming it would create such a reaction. They had been fighting to have more of a say in government, but now they would have to fight for their very right to vote.

David Elvin, who had been serving as the PAC's outside representative, joined with Stephen Saloom, of the Criminal Justice Policy Coalition, Jamie Bissonette and Jill Brotman, and the ACLU of Massachusetts, to protect prisoners' right to vote.

DAVID

I never actually signed on as a formal lobbyist, but I agreed to be the outside representative. And I did go visit elected officials as the outside representative of the prisoner political action committee.

ELLY

The amendment passed the House and Senate in 1998 and 2000, which meant it would go on the ballot and the Massachusetts public would decide its fate.

Outside advocates debated the amendment on talk shows, wrote op-eds and held rallies, while incarcerated people launched letter-writing campaigns and voter registration drives on the inside.

On November 7th, 2000, the same day as the Bush v. Gore presidential election, Massachusetts voted on Ballot Question 2, which would take away the right to vote from all people in Massachusetts prisons.

ELLY (in interview)

I think you guys in prison were, were able to vote on that question too. Do you remember that- whether they should take away your right to vote?

GREG

We had, we had. We did, we had that question on the ballot. But it didn't matter because we were, we were small in numbers in Massachusetts. And we never- we just didn't have the voice, we didn't have the numbers of people that we needed to keep the right to vote. So it was taken away.

You know, I know there was suits filed and things like that, but, you know, when- when a society looks unfavorably upon its- prisoners, you know, it's hard to get people to listen to us, you know? It just- it doesn't happen.

ELLY

The amendment received 60% of the vote, and was adopted. And since then, prisoners say things have only gotten worse.

GREG

And it's worse, it's even worse now. It's even worse now. The conditions in the prison, the lack of voice in the community. You know, for many years before I left Norfolk, where I was at for almost 30 years, the groups that once had many volunteers coming all the time, they're fighting

with the administration to get a volunteer, they deny the person. They want everybody in prison cut off from the community. They don't want – like lost, a lost society, just throw them away, throw the key away and lock them up. Don't let them, we don't want anybody in the outside community to hear their voices.

You can't get in touch with the media – you have to have permission to do an interview with the media. And if they feel that you're getting, you're going somewhere that they don't like, they might want to discourage you by, who knows what? Ripping your cell apart every other day, you know. Going through, throwing all your legal papers on the floor, footprints on everything, you know? Throw them in segregation, you know, for forming a PAC.

ELLY

Where do we go from here?

In 2016, Massachusetts had one of the lowest incarceration rate in the country, but compared to the rest of the world, but when put in context of the entire world, Massachusetts would have the 12th highest incarceration rate of any country.⁹

Prisoners are punished for speaking up, for getting involved in politics. Legislators pass criminal justice reforms without even asking the intended beneficiaries whether they'll help. Things seem pretty hopeless, but currently and formerly incarcerated people still feel hope.

GREG

And everybody out here, a lot of people, especially my family, they're like, "Why are you involved in that? What do you- What do you care about the water conditions at Norfolk? You're not there anymore, you need to put prison behind you."

And I'm like, "You guys don't understand. I grew up with people in there for thirty-four years. Literally, some of these guys are one year, two year age difference." We grew up, like, I grew up with them more than I grew up with people in my family. I know them better than I know *them* almost- my own family. Because I had- I don't live with my family on the outside, I'm living with these guys on a housing unit, blocks and cell blocks and all that.

How can I leave them behind? I got to think about them in there. That was me. I was dying in there. I've been given this opportunity to come out here, right? And I'm going to speak up, I'm going to say what's right, what needs to be done, you know? And I'm going to be voting too. And guess what? My family's going to be voting too, okay? And, our votes are going count, okay. And that's how we do that, you know?

⁹ Wagner, Peter and Walsh, Alison, "States of Incarceration: The Global Context 2016," *Prison Policy Initiative*, 2016, <https://www.prisonpolicy.org/global/2016.html>.

ELLY (in interview)
Thank you so much, that was amazing.

GREG
Was it?

ELLY (in interview)
Yeah.

GREG
You liked it?

ELLY (in interview)
Yeah.

ELLY
Thank you for listening to Ballots Over Bars: The Fight for a Voice, the audio timeline.
For more on my method and process, acknowledgements, and how you can get
involved, keep listening!

METHOD & PROCESS

Throughout my time working on this project, I kept asking myself and everyone around me if I was truly being accountable to the people who *lived* this history.

When I started working on this two years ago, I went online to the Boston Globe and Boston Herald digital newspaper archives, and then to the Massachusetts State House Library to learn about criminal disenfranchisement. I read law review articles and policy papers, and constructed a detailed timeline tracking the changes to voting rights, and prisoners' resistance, in Massachusetts.¹⁰ I felt proud that I had created a history that had never existed before in one place, but I also felt uncomfortable claiming it as my own work, when it was other people's achievements I was writing about. I felt scared that I had taken ownership of other people's lives, and I worried that the people I wrote about might not feel comfortable with my descriptions. So, I sent copies of my timeline and materials in to prisoners I knew, and ones who had been involved in this fight. Everyone who wrote back responded with excitement and gratitude. They said they were grateful that I wanted to amplify their demands on the outside.

But while this took away some of my fear, their gratitude also made me uncomfortable. I didn't feel I deserved it, and I felt bad that I could never do enough to help them. I tried to make sure I was not exploiting them, asking if I could use their writings for my research, but I questioned if they would tell me when I crossed a line. Could people who were treated so horribly that they were grateful for any help they could get really give consent? Could prison take away a person's agency? I struggled to negotiate the very power imbalance I was trying to fight against.

These questions led me to the field of oral history, and to enroll in Columbia University's master's program. I discovered that, while some of my questions were just my own trauma I had to process, others were a central part of oral history. Oral historians have been trying for decades to learn history from the people who lived it, without pretending that anything someone says is inherently true, or that asking someone to share their life with you isn't a big deal. Oral historians acknowledge that we influence the people we interview, and that it is all too easy to steal someone's story without their permission. To counteract the history of powerful people studying, othering, and exploiting oppressed people, oral historians hold to a code of ethics that requires us to be honest with the people we interview and make decisions *with* them about how their stories will be used.

For my own project, I attempted to involve the people I interviewed in my process by keeping them updated on my work and asking for feedback. I sent everyone I interviewed copies of their transcripts and asked them to correct any errors or tell me if there was anything they wanted taken out. Over spring break, I hosted a listening party for three of the people I

¹⁰ kalfus, elly, "A Timeline of Incarcerated People's Right for the Right to Vote in Massachusetts," Ballots Over Bars, 2018, <http://emancipationinitiative.org/ballots-over-bars/returning-the-right-to-vote/>.

interviewed, held at one of their homes. We listened to clips from their interviews that I had selected, and over pizza and soda, they weighed in on what the clips brought up for them.

One issue that arose through my work was my own lack of racial awareness. I knew going into this project that criminal disenfranchisement was a tool of white supremacy, but I didn't think of race as central to my work. Fifty-six percent of Massachusetts prisoners are people of color, and so I just assumed that this history would involve prisoners of all races. However, as I began meeting currently and formerly incarcerated activists involved in this fight, I realized almost everyone was white and male. When I started asking people why this was, no one had a real answer.

These revelations made me uncomfortable – was I yet another white person telling a color-blind story that excluded people of color? And if so, was this a story worth telling?

Feeling overwhelmed, I asked my friend Derrick Washington for advice. Derrick is incarcerated in Massachusetts on life without parole, and he sits on the board of the Norfolk prison African-American Coalition Committee, and co-founded the Emancipation Initiative.¹¹ Derrick challenged me to reflect on my whiteness and how I think about race. He talked me through the structural racism embedded in prisons, and its similarities to the racism out here. People sent to prison bring with them whatever cultures and ideas they were exposed to on the outside, and prison limits their opportunities to learn new ones. Men and women are completely cut off from each other, and female prisoners receive very little attention.

While not all of these nuances are explicit in this timeline, I tried to bear in mind the role of race and gender throughout this project. I plan to delve further into these tensions moving forward, and I am grateful to everyone who has helped me think through these questions.

While I still struggle to know if I'm doing the right thing, oral history has taught me that these questions do not have to remain wrapped up in my own guilt. Instead, they can be shared directly with the people I interview, and we can work it out together.

¹¹ Emancipation Initiative, <http://emancipationinitiative.org/>

ACKNOWLEDGMENTS

I have trouble with gratitude, both expressing and receiving it. Here is my attempt to thank people who contributed to my work.

Thanks to Rachel Corey for being my collaborator. This whole project is due to your enthusiasm when I first suggested the idea of donating our votes to people in prison, and I love how we help each other do grown-up things like give conference talks and write articles.

Thanks to everyone in prison who read my letters and shared their experiences with me, particularly Derrick, Matteo, Joe, Patricia, Sandi, Gordon and James. I have learned so much about prison organizing, and I appreciate all your patience when I took months to write back. I admire your ongoing acts of resistance, and your drive to make your voices heard.

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And thank *you*, for listening.

¹² Prince, Penny, "How Can Lehman Serve?", UFS Blog, November 22, 2017, <http://www1.cuny.edu/sites/cunyufs/2017/11/22/how-can-lehman-serve/>.

RECOMMENDATIONS

Media that inspired and informed this project.

Articles

- Putnam, Lara, "To Study The Fragments/Whole: Microhistory and The Atlantic World," *Journal of Social History* 39, no. 3 (Spring 2006), 615-630.
- Johnson, Walter, "Time and Revolution in African America: Temporality and the History of Atlantic Slavery," in Kathleen Wilson, ed., *A New Imperial History: Culture, Identity, and Modernity in Britain and the Empire, 1660-1840* (New York: Cambridge University Press, 2004), 197-215.
- Kerr, Daniel, "Allan Nevins Is Not My Grandfather: The Roots of Radical Oral History Practice in the United States," *The Oral History Review*, Vol. 43, No. 2, (Oxford University Press, 2016), 367-391.
- Field, Sean, "Imagining Communities," in *Oral History, Community and Displacement: Imagining Memories in Post-Apartheid South Africa* (New York: Palgrave Macmillan, 2012).

Books

- Law, Vikki, *Resistance Behind Bars: The Struggles of Incarcerated Women* (Oakland: PM Press, 2009).
- Berger, Dan, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2014).
- Dellelo, Bobby and Lordan, Christopher, *The Factory: A Journey Through the Prison Industrial Complex* (n.p.: Authors, 2016).*
- Labriola, Joseph, *Prisms of War* (Massachusetts: Schulman Press).*
- Bissonette, Jamie, Dellelo, Bobby, Hamm, Ralph and Rodman, Edward, *When the Prisoners Ran Walpole: A True Story in the Movement for Prison Abolition* (Cambridge, MA: South End Press, 2008).*
- Lightfoot, Natasha, *Troubling Freedom: Antigua and the Aftermath of British Emancipation* (Durham, NC: Duke University Press, 2015).
- Ferrer, Ada, *Freedom's Mirror: Cuba and Haiti in the Age of Revolution* (Cambridge: Cambridge University Press, 2014).
- Byrd, Alexander, *Captives and Voyagers* (Baton Rouge: Louisiana State University Press, 2008).
- Dostoevsky, Fyodor, *Crime and Punishment* (New York: Barnes and Noble Classics, 2007).

Note: * Indicates books authored by people interviewed for this project.

Films

- Tykwer, Tom, et al, *Cloud Atlas* (Warner Bros., 2012).

Podcasts & Audio series

- “Rethinking the American Prison Movement with Toussaint Losier & Dan Berger,” Chicago Lit Review episode 40 (2018)
<https://soundcloud.com/thelitreviewchi/episode40>
- “Incarcerated Women Resist with Vikki Law,” Beyond Prisons episode 12 (September 14, 2017) <https://shadowproof.com/2017/09/14/beyond-prisons-episode-12-incarcerated-women-resist-feat-victoria-law/>
- “The Brooklyn Theatre Fire,” Flatbush and Main episode 19 (November 3, 2017)
<http://www.brooklynhistory.org/blog/2017/11/03/flatbush-main-episode-19-the-brooklyn-theatre-fire>
- Hardy, Charles and Portelli, Alessandro, “Adventures in Sound” (1999)
- Decarcerated <https://www.marlonpeterson.com/>
- Ear Hustle <https://www.earhustlesq.com/>

HOW TO GET INVOLVED

If you've listened to this entire piece, I imagine you want to get involved. While in recent years organizers have successfully advanced re-enfranchisement measures across the country, around 6.1 million American citizens are currently disenfranchised due to criminal convictions.¹³ About 50% of these people are currently serving court sentences - meaning they are either incarcerated or have been released on probation or parole - while the other half have completed their sentences and their cases have been closed. Many states refuse to re-enfranchise people with convictions, allowing these white supremacist and classist laws to remain in effect.

Here's what you can do to help

Do you live in a state that restricts people from voting because of contact with the criminal justice system? Look up your state's criminal disenfranchisement laws:

- Sentencing Project: <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>
- Nonprofit Vote: <https://www.nonprofitvote.org/voting-in-your-state/special-circumstances/voting-as-an-ex-offender/>

Do you live in a state where organizers are waging campaigns to protect people's right to vote?

- See the list below of active campaigns.
- If not, consider connecting with currently and formerly incarcerated people and community groups to ask how your state's criminal disenfranchisement laws affect people. Potential questions include: How many people are barred from voting due to criminal disenfranchisement in your state? Does anyone (e.g. community groups or government agency) inform formerly incarcerated people of your state's voter eligibility laws, or help eligible people register to vote? Does anyone help eligible voters in jail secure access to absentee ballots or applications to register to vote?
- Follow @BallotsOverBars on Facebook and Twitter to stay informed, and get in touch with questions and ideas!

¹³ Uggen, Christopher, Larson, Ryan and Shannon, Sarah, "Six Million Lost Voters," *Sentencing Project*, 2016, <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>. Each state in the U.S. sets its own voter eligibility requirements, so criminal disenfranchisement policies vary greatly from state to state. In 2016, the Sentencing Project found that around 6.1 million United States citizens were disenfranchised due to felony convictions, the majority of whom have been released and live in states where disenfranchisement continues for years or decades beyond your release date. This does not include the hundreds of thousands of people prevented from voting due to restrictive voter ID laws, lack of access to voting booths, citizenship status, and more.

Active State Campaigns¹⁴

- **California** – People incarcerated in prison, or released on parole, are not allowed to vote; voting rights are automatically restored upon release from prison and/or parole. In 2016, California reinstated voting rights for people convicted of felonies who are on probation or incarcerated in county jails.¹⁵ In 2018, Initiate Justice, a grassroots organization, started a campaign to get the Voting Restoration and Democracy Act on the state ballot.¹⁶ The ballot question would have eliminated all criminal disenfranchisement in the state. Although they did not receive enough signatures to get the question on the 2018 ballot, the organization plans to continue the fight.
- **District of Columbia** – People incarcerated in prison are not allowed to vote; voting rights are automatically restored upon release. In 2017, the D.C. Voting Rights Notification Act was introduced, which would require the government to inform formerly incarcerated people of their right to vote. The bill is currently pending.¹⁷
- **Florida** – People convicted of felonies are not allowed to vote unless they receive a pardon from the governor. Floridians For a Fair Democracy, the Florida Rights Restoration Coalition, and other groups are supporting the Voter Restoration Amendment, which will go before Florida voters in the November 2018 election.¹⁸ The amendment would automatically re-enfranchise people with felony convictions upon release from prison, and completion of their parole and probation sentences, but would not include people convicted of murder or sex offenses.
- **Hawaii** – People in prison are not allowed to vote; voting rights are automatically restored upon release. In 2018, Senate Bill 3052 was introduced, which would eliminate all criminal disenfranchisement in the state. The bill is currently pending.¹⁹
- **Kentucky** – People convicted of felonies are not allowed to vote unless they receive a pardon from the governor, with the exception of people convicted of certain low-level crimes, whose right to vote can be restored following criminal record expungement. The

¹⁴ This list is not exhaustive, but rather, reflects my knowledge of states where attempts to challenge criminal disenfranchisement have been made between 2016-2018. For more detail into the California and New Jersey campaigns, see: <https://www.alternet.org/news-amp-politics/case-restoring-voting-rights-felons>.

¹⁵ Newkirk II, Vann R., “California Extends the Ballot to Jails,” *The Atlantic*, October 4, 2016, <https://www.theatlantic.com/politics/archive/2016/10/california-now-allows-voting-for-some-jails/502448/>.

¹⁶ Initiate Justice, <https://www.initiatejustice.org>

¹⁷ B22-0312, DC Voting Rights Notification Act of 2017, <http://lims.dccouncil.us/legislation?identifier=B22-0312>.

¹⁸ Floridians for a Fair Democracy, <https://secondchancesfl.org/>.

¹⁹ Hawaii Senate Bill 3052, <https://www.capitol.hawaii.gov/search/isysquery/4ce504aa-32b4-4c36-b4cb-0a39f3f0f2cc/6/doc/#hit1>.

League of Women Voters of Kentucky issues a report in 2017 on felony disenfranchisement in the state, and plans to continue the fight.²⁰

- **Louisiana** – People in prison, on parole, and on probation are not allowed to vote; voting rights are automatically restored upon release from prison and completion of probation and/or parole. In 2017, Voice of the Experienced, a community group led by formerly incarcerated people, and the Advancement Project, a national civil rights and racial justice organization, sued the state on behalf of people with felony convictions on parole and probation who are prevented from voting. The case is currently pending in court.²¹
- **Maryland** – People in prison are not allowed to vote; voting rights are automatically restored upon release. In 2016, the state passed legislation re-enfranchising people on probation and parole, overriding the governor’s veto in order to do so. In 2018, House Bill 542 was introduced, which would require the state to inform eligible incarcerated people of their right to vote. The bill is currently pending.²²
- **Massachusetts** – People in prison are not allowed to vote; voting rights are automatically restored upon release. In 2016, Ballots Over Bars, a project of the Emancipation Initiative, launched a campaign to amend the state constitution to re-enfranchise people in prison.²³ In 2017, an Act Combatting Misinformation About Ex-Offender Voting Rights was introduced, which would require the government to inform people with felony convictions of their right to vote. The bill is currently pending.²⁴
- **Minnesota** - People in prison, on parole, and on probation are not allowed to vote; voting rights are automatically restored upon release from prison and completion of probation and/or parole. In 2017, Restore the Vote Minnesota and the Second Chance Coalition helped introduce House Bill 921, which would re-enfranchise people on probation and parole. The bill is currently pending.²⁵
- **Mississippi** – People convicted of any of 21 specific felonies are not allowed to vote until they receive a pardon or executive order from the governor, or if both houses of the legislature pass a Bill of Suffrage on their behalf with a 2/3 majority; people convicted of all other crimes retain the right to vote inside of prison and upon release. In 2017 and again in 2018, formerly incarcerated people filed class-action lawsuits; both cases are

²⁰ “Felony Disenfranchisement in the Commonwealth of Kentucky,” *League of Women Voters of Kentucky*, February 2017, <https://lwvky.files.wordpress.com/2017/02/kentucky-felony-disenfranchisement-report-feb-17-final-docx.pdf>.

²¹ Voice of the Experienced, <https://www.vote-nola.org/>.

²² Maryland House Bill 542, <http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=hb0542&stab=01&pid=billpage&tab=subject3&ys=2018rs>.

²³ Ballots Over Bars, <http://emancipationinitiative.org/ballots-over-bars/>.

²⁴ Massachusetts House Bill 3558, <https://malegislature.gov/Bills/190/H3558>.

²⁵ Restore the Vote Minnesota, <https://restorethevotemn.org/>.

currently pending.²⁶ Additionally in 2017, a bill was introduced to automatically restore voting rights to people who have been released from prison and/or completion of parole, after a waiting period of good behavior, however it died in committee; a bill to create a task force to study criminal disenfranchisement was also filed.²⁷

- **Nebraska** – People in prison, on parole, and on probation are not allowed to vote; voting rights are automatically restored two years after release from prison and completion of probation and/or parole. In 2018, a bill was introduced to eliminate the two-year waiting period, however it has been indefinitely postponed.²⁸
- **New Jersey** – People in prison, on parole, and on probation are not allowed to vote; voting rights are automatically restored upon release from prison and completion of probation and/or parole. In 2017, the New Jersey Institute for Social Justice launched a campaign, 1844 No More, to eliminate all criminal disenfranchisement in the state. The bill is currently pending.²⁹
- **New York** – People incarcerated in prison, or released on parole, are not allowed to vote; voting rights are automatically restored upon release from prison and/or completion of parole. In 2018, Governor Cuomo signed an executive order making it possible for people on parole to apply for conditional pardons, which would enable them to vote.³⁰ The pardoning process will be ongoing.

²⁶ Nave, R. L., “Felon Voting Ban Draws Another Federal Lawsuit,” *Mississippi Today*, March 27, 2018, <https://mississippitoday.org/2018/03/27/felon-voting-ban-draws-another-federal-lawsuit/>.

²⁷ “Felony Disenfranchisement in Mississippi,” *Sentencing Project*, February 13, 2018, <https://www.sentencingproject.org/publications/felony-disenfranchisement-mississippi/>.

²⁸ Nebraska Legislative Bill 1027, https://nebraskalegislature.gov/bills/view_actions.php?DocumentID=34656

²⁹ Restore the Vote Minnesota, <https://restorethevotemn.org/>.

³⁰ Wang, Vivian, “Cuomo Plans to Restore Voting Rights to Paroled Felons,” the *New York Times*, April 18, 2018, <https://www.nytimes.com/2018/04/18/nyregion/felons-pardon-voting-rights-cuomo.html>.