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*Hayden, et al. v. Pataki*  
Press Conference  
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**REMARKS BY JOSEPH “JAZZ” HAYDEN  
“UNFINISHED BUSINESS”**

My name is Joseph Hayden. I am one of an estimated four million Americans, or one in fifty adults, who have currently or permanently lost their voting rights as a result of a felony conviction. I am also one of the 1.4 million African-American men, or 13% of black men, who are disfranchised at a rate seven times the national average. In seven states that deny the vote to ex-offenders, one in four black men is permanently disfranchised. Research has shown that given current rates of incarceration, three in ten of the next generation of black men can expect to be disfranchised at some point in their lifetime; these will be our children and our grandchildren. This means that in states that disfranchise ex-offenders, as many as 40% of the black men may permanently lose their right to vote.

Today the nation celebrates the birthday of Martin Luther King Jr., a principled African-American leader whose vision of civil and human rights captured the imagination of Americans and the world. One of the greatest achievements of the struggle he led was the passage of the Voting Rights Act of 1965, a piece of legislation that finally addressed all of the obstacles that were placed between former slaves and the ballot box.

With the passage of this Voting Rights Act the black vote was liberated and African Americans were elected to public office in numbers not seen since the reconstruction period following the civil war. After having endured the terror of the Ku Klux Klan, the White Citizens Council and officially sanctioned apartheid, lynching, and voting mechanisms such as the Grandfather clause, the literacy test, and the poll tax, the civil rights of African Americans were finally recognized and legislation was finally put into place to enforce those rights. However, the victory was not complete, which brings me to the reason that we are all here today.

We are here today to take care of some unfinished business.

Yes, the civil rights movement was a great success. However, when it came to the right to vote, the movement stopped at the prison walls. And, it is the failure to cross over the prison walls and challenge the devastating effects of the criminal justice system that has created widespread disfranchisement that threatens to reverse many of the achievements of the civil rights movement.

For those of us that truly cherish Dr. King's legacy, and all that he struggled for, the struggle is far from over. For two million citizen-prisoners in U.S. prisons, the civil rights struggle is far from over and, for the 126,000 felons in New York State prisons and on parole the civil rights struggle will continue until the statutes denying them the right to vote are nullified and swept into the dustbin of history where they belong. We will not rest until we have the same democratic rights as citizen-prisoners in Maine and Vermont, our neighbors (where prisoners vote from their prison cells), and as prisoners throughout Canada whose Supreme Court has ruled that voting is a fundamental right, not a privilege that can be taken away from anyone under any circumstance. American citizens should be able to do no less. Free the Vote.

Thank you.

**REMARKS BY LILLIAN M. RIVERA**  
**“LATINOS NEED TO PAY ATTENTION TO THESE ISSUES”**

*Saludos.* My name is Lillian Milagros Rivera. I come from a nation where voting, and political participation in general, is highly respected. I come from a place where over 85% of voters come out to vote on Election Day. I come from an island where prisoners are allowed to vote.

I come from Puerto Rico.

Now as I look back at over 45 years of community activism in the Lower East Side, I see that some of the complex, entrenched problems that we have had as a poor, marginalized community in a larger, thriving city are still preventing us from reaching a fair and just society. The media has rediscovered the homeless, but they have been with us for years. The ability of women who are single parents to get the supports necessary for them to continue in their jobs, no matter how little they pay, is still a major problem.

And equally important, the ability of the Lower East Side, and other communities like it in the State, to influence public policy is challenged by policies that have really locked up our voting power. Latinos in New York, like Blacks, are arrested, prosecuted, convicted and jailed in numbers that are far greater than their percentage of the population. For example, although Latinos are 15% of the New York State population, they make up almost 27% of the prison population and 32% of the those on parole. A lot of this is due to the Rockefeller Drug Laws, which have devastated families throughout Latino and Black neighborhoods. I believe that drug use in White communities in the

State is far greater than in Latino communities, but that law enforcement has targeted Latinos and Blacks for arrests and imprisonment.

All Puerto Ricans and Latinos need to pay attention to these issues. We can no longer sit by and watch the effects of a discriminatory criminal justice system because it is robbing the Lower East Side of our voice, our votes, and our political power.

Latinos and Latinas, like everyone else in the City want a voting system that is fair and rational. It makes no sense to further punish our jailed brothers and sisters by taking away their fundamental right to vote. As Latinos we have had to overcome literacy tests in New York in order to voter. We have had to overcome English-only forms and ballots. We have had to overcome discrimination in the way district lines have divided our voting strength.

I now stand along side Mr. Joseph Hayden and all others behind bars and on parole to say that Latinos and Latinas must now overcome this wall to make the promise of fair a New York a reality. Free the Vote and Unlock Democracy.

### **STATEMENT OF LUMUMBA AKINWOLE-BANDELE “FREE THE VOTE”**

My name is Lumumba Akinwole-Bande, I am a father, husband, resident and community activist in Bedford Stuyvesant. Despite the beauty and rich legacy of Bed Stuy, my home is a place where families struggle to ensure access to the things most neighborhoods enjoy as a right. Our homes are being bought out and taken over, our public schools have yet to become a place developing educational growth, indigenous businesses are not given opportunities for growth and establishment.

Of the population currently denied the right to vote African-Americans and Latinos collectively make up 87% of that population. For example, African American's make up less than 16% of New York State's overall population but make up over 54% of the current prison population and 50% of the parolee population

By observation alone one can see that young people make up the majority of those being imprisoned. The disproportionate funds being designated to punitive programs rather than educational and recreational programs set the stage for an un-ending relationship with the criminal justice system. While the recent victory of the No More youth Jail Beds Campaign that blocked the building of two youth jails is a major asset in the fight for human dignity, we recognize that young people continue to be victimized by the many levels of the criminal justice system. We recognize that the heavy police presence in our community under the guise of the “War on Drugs” has done nothing more than incarcerate record numbers of Black and Latino Youth, make stops and frisks a daily routine and provide more job opportunities to small prison towns in upstate New York.

These statistics translate into harsh realities for Black and Latino communities. These policies allow institutions to get away with inadequate health care, police mis-conduct, high un-employment, unaffordable housing for the poor, failing schools, and un-accountable elected officials.

Institutions directly responsible for these issues and policies that create these issues know that they do not have to fear any political outcry in the polls. At the same time, our communities that are victimized by these issues are forced to watch a sizable population of our family, neighbors and friends be stripped of their right to vote, while those of us who remain continue to attempt to grasp a hold of political power and institutions that can change these harsh realities.

Young people throughout NY, from Bedford Stuyvesant to the South Bronx, to Buffalo will not continue to be marginalized.

Free The Vote.

## **STATEMENT OF JUAN CARTAGENA**

My name is Juan Cartagena and I am the General Counsel at the Community Service Society and one of the lawyers that represent the plaintiffs in this important legal challenge. For over 150 years CSS has been fighting poverty and strengthening New York City communities through advocacy, research and direct service. It is a history of work that we continue today.

So it is only fitting that I start with the historical nature of the struggle of these communities to gain access to the body politic in our State. Our review of the history of the voting laws in New York reveals that the genesis of the laws that disqualify persons with felony convictions from voting is rooted in blatant and officially sanctioned racial discrimination against African Americans in New York. First the vote was limited to free men and property holders. When freed Blacks began to arrive in New York in greater numbers, higher property requirements were applied only to men of color. And when our State constitution was debated in the 19<sup>th</sup> century the incidence of Black persons who committed “infamous crimes” was thirteen times greater than the same rate for whites. And Blacks were purposefully disqualified from voting because of this disparity. Once the Civil War ended and the 15<sup>th</sup> Amendment became the promise of our land, New York reinserted the principle that a conviction of an “infamous crime” must result in the loss of the fundamental right to vote.

But the shameful history of denying the franchise to our residents does not stop here; something our Black and Latino communities know only too well. This history of exclusion continued with the passage of literacy tests for voters, English-only procedures for voting and racially discriminatory rules for purging voters. Add to this the constant problems that plague voting in our communities, faulty machines, inadequate assistance at the polls and disappearing registration forms. Then add the episodic confrontations that these communities must wage to obtain fair redistricting plans in the state and then we will appreciate why New York City is targeted under the Voting Rights Act for special protections against discriminatory voting laws and policies.

Now we must turn our attention to another class of citizens that have yet to obtain entry into our democracy – our men and women behind bars and on parole. They are denied the right to vote when others who have been sentenced to probation or a conditional discharge are not. They are denied the right to vote when the criminal justice system operates to disproportionately arrest, prosecute, sentence and incarcerate Blacks and Latinos in the New York. And they are denied the right to vote as an additional, and somewhat invisible, punishment to the loss of their liberty.

What this means is that they lose the power to have their voices heard and their home communities lose the power to have its voice heard. Many of our communities are devastated by laws that continue to exclude former prisoners. So we are here not just for Joseph Hayden, Steven Mangual, and Kimalee Garner and others who are not allowed to vote but also for communities like

East Harlem  
Washington Heights  
Lower East Side  
Hunts Point  
Morrisania  
Soundview  
Central Brooklyn  
East New York  
Jamaica  
St. Albans

that make up the vast majority of prisoners in the State of New York. And they are the communities that will receive the growing number of prisoners who will be released after completing their sentences. And yet these men and women are further punished by laws that deny them entitlements to various governmental benefits, deny them the right to occupy or even visit (!) public housing, deny them the ability to apply for financial aid to further their studies, deny them licenses to pursue careers in plumbing, barbering, real estate and the like.

The United States incarcerates more people per capita than any other country in the world. And New York is home to some of the more punitive drug enforcement laws in the country. We must now question the wisdom of our drug policies and our prison policies starting here in each of these depressed communities.

And we can start with hearing the voices that are behind bars and within our neighborhoods. They are asking: What is America afraid of? Why was our voice taken away? They want to express themselves through the ballot box. And we at CSS hear them.