

21.01.30 Expanding The Franchise Hour.wav

SM Sarah McConnell
AS Audio Sample
DB Dwyne Betts
RH Ron Hayduk
RD Rebecca DeSchweinitz

[00:00:00]

SM The United States locks up more of its citizens than any other country in the developed world, and many of them are denied the right to vote after they've served their time. While some states have recently extended voting rights to former felons, the problem remains widespread. Take Florida, for example. In 2019, Florida passed an Amendment that restored voting rights to one and a half million previously convicted felons. Afterwards, Reverend Greg James, a former felon himself, gave a speech at the state capitol to celebrate the occasion.

AS We believe that Amendment 4 is the beginning to more that is to come.

All right!

We're honored to be able to vote.

Yes.

We don't - we don't want to vote and stay in ruin. The right to vote will not meet all of our needs as returning citizens. It's going to take more and we hold these truths to be self-evident, that all men are created equal and they are endowed by their creator with certain rights among us as life.

SM But the celebration was short lived. Soon after, Florida lawmakers passed new voting barriers for former felons.

AS You know, places like Florida where they passed Amendment 4 to get a vote rights back to people who were convicted felons. Then they have just since made it difficult, because they've been like, "well, you can have your voting rights back, but you also have to pay all your fines and fees". And all of that has made it impossible for a lot of people to get their voting rights back.

SM From Virginia Humanities, this is With Good Reason. I'm Sarah McConnell. Today on the show, felon disenfranchisement. In the 2012 presidential election, over five million Americans were ineligible to vote due to a prior felony conviction. Dwayne Betts is an acclaimed poet, accomplished attorney, and former felon. He says felon disenfranchisement is one of the biggest civil rights issues of our time. Dwayne is the director of the Million Book Project and author of the poetry collection "Felon". He joined me in partnership with the Virginia Festival of the book. Dwayne, back in the 1990s, when you were 16 years old, you were sentenced to eight years in prison for carjacking. Do you remember that day? Why did you do it? What had happened?

DB Yeah, I remember. I think people obsess over questions of why? Because if - if we have an answer that satisfies them, then they don't have to fear that it'll happen again. But

every answer sounds like an excuse. You know, I did it because I was young and I was reckless and it was in the realm of possibility for things that a teenager might do growing up where I grew up, when I grew up. And I mean, that's not a good answer. That doesn't say, "Okay, you just pointed out the thing that I could fix to make sure it doesn't happen again", except I think I did. You know, we create conditions in a society where that's no longer in the realm of possibility. I was 16 years old and a lot of stuff I'd never, ever been exposed to. And it's not to say that most people in my neighborhood was engaging in that kind of violence. Most people weren't. I just stepped out there and made a horrendous mistake that, you know, it was bound to be a thing that I would spend the rest of my life thinking about.

SM Although you were only 16, you were tried as an adult and sent to an adult maximum-security prison. Tell me what the judge said to you right before he gave you the, what was it, eight or nine years in adult prison?

Yeah, he sentenced me for nine years. And it's interesting because in my head, I always remember it as something that he said before he sentenced me; "I am under no illusion that sending you to prison will help. But you could get something out of it if you want". And I thought he said that before he sentenced me, but he actually said it after he sentenced me. And I'm not sure what I feel about him, beyond the fact that in some ways we are all sort of creatures of community that we live in and of course, that we are part of. And I think the real test and measure of who we are, the degree to which we're willing to go against the grain. It matters that might have great import, because I honestly don't think he seriously thought about what it meant to send somebody my age, my size, my relative lack of experience with the street, not living in a state that I committed my crime in. Like sending me to prison wasn't a question of what would it mean for me going forward? You know, we don't recon with it. How should we judge people who we put in positions to make those kinds of decisions? And they just make the regular decision that everybody else made. And I'm not trying to act like, you know, he should have did this or I he should've did that, I'm just asking myself if I was a prosecutor, if I was a judge, if I had real authority to make those kind of decisions, what would I do, confronted with the kind of violence that I brought into the court? And it - it's a hard question, you know.

SM Why'd he send you to adult prison? You were 16.

DB I committed a carjacking. And so back then, if you commit a certain crime, you were automatically tried as an adult, depending on the state carjacking, robbery and murder. And so it was this sort of automatic decision. I mean, the prosecutor probably didn't even have, you know, much ability to make a different decision.

SM You spent time in the solitary units of five different prisons, including a Virginia prison that's meant to house the worst of the worst: Red Onion Supermax State Prison in Wise County, Virginia. You were hardly the worst of the worst. Why'd they send you there?

DB I'm not sure what. Well, I mean, I know what he sent me there. They sent me there because the way they measured the worst of the worst wasn't in some sort of factual account of every individual that was in the system. They had a point system. And at the time, if you were a juvenile, if you were under the age of 18, that was considered an aggravating factor. So, you got more points for being younger. And then if you had a violent crime, you got more points. So, you know, it was really just a consequence of bad math. They had me sent to Red Onion State Prison and I was actually transferred away from there three months later, maybe four months later. And it was such a joyous occasion

to be leaving Red Onion, even though the place I was going to wasn't much better. It just - it was just a lot of stress.

SM A few years ago, you wrote an essay about your time in solitary confinement called "Only Once, I Thought About Suicide", would you read a little from that essay?

DB Yeah sure, let me see if I can find it. Okay, here we go.

When I was 16 years old, I had only been in general population at the Fairfax County jail for a few days, the 10-person block where I was assigned seemed like a scene from "Blood in Blood out" or "The Shawshank Redemption". I wanted out and asked to be moved, arguing that the frequent lockdowns kept me from attending school. They call that writing yourself off the block. It was a coward's move, what men who couldn't protect themselves did. When a deputy came and informed me that I was being moved to a different unit, I balked. But this time, I'd lost my earlier fears, and feared more the stigma that would come from writing yourself off the block. In the hierarchy of shame, only checking into protective custody trumped asking to be moved from one block to another out of fear. The deputy threatened to put me in a hole if I did not move. I touched his arm, as are a childhood gesture. I was trying to say: I will move. No need for handcuffs. But before I could speak, he slammed me against a brick wall. Handcuffed me. Dragged me to a cell in a hole for assaulting an officer. They tossed me in a cell with a door so thick that no sound escaped. I was sixteen years old. Each morning they took my mattress from me so that I could not sleep during the day. How do I explain this? Each day, I lost a little bit of what made me want to be free. I've never told this story. Those were the longest days of my sentence. One afternoon, in a fit of panic, I slammed my right fist against the wall. I fractured my pinky. I thought about suicide. I almost disappeared.

SM Help me understand how horrifying solitary confinement is, why it is so much worse than an ordinary jail cell.

DB I don't know if it's so much worse than an ordinary jail cell. It depends on who you are, depends on what you fear. It depends on how well you deal with solitude, and I think sometimes we talk about prison and these kind of gross generalizations. I mean, I was quite at home frequently in a hole, and my mom was probably happy that I was in a hole a lot, because - least at first, you know, she was happy that I was safe. So I think you learn how to be and it just depends on who you are. But you can lose yourself in the silence and you can lose yourself in that utter and complete lack of freedom. I think the worst part about prison is that there's a situation where solitary could be deemed as an appropriate response to the general violence and chaos that goes on in the penitentiary. I mean, it was rough, you know, and I was young, 16. Imagine having like a six-by-nine-foot cell, that's like a pair of handcuffs that are around your neck as opposed to your wrists.

SM Of your eight years, how - how long did you spend in solitary?

DB Off and on? Probably a year and a half. Six months here, six months there.

SM And typically you get put into solitary for what? Making a guard angry?

DB It depends. I mean, some people get put in solitary because they've assaulted other prisoners. Put into solitary because they've assaulted guards, put in solitary because you've been caught with contraband. I mean, you know, it's like jail within a jail. And some

- some guards, some people who have a bit of control over others, you know, put you in a hole for nothing. And I went to the hole frequently for nothing. But, you know, sometimes - sometimes I think people have behaved in a way to make them a threat to the institution, and the problem is that there is no way right now to manage that.

SM You got out of prison in 2005 and your life has been the very embodiment of redemption. You went from prison to Yale Law School. But lots of formerly incarcerated people have trouble reentering society. Was it also hard for you?

DB I would say that society often makes it troubling, or nearly impossible for people who have criminal records to reach their full potential. And yeah I mean, I had my challenges. Everybody - everybody who did a bit, came home, tried to sort of work in mainstream society, has had those challenges. Challenges getting an apartment, challenges getting the job, you know, challenges going to college. I had all of those challenges, but I probably tend to downplay them because, you know, having a lot of successes, it still seems like you're just complaining when you point out that job you didn't get because you got a criminal record, or you point out that scholarship you didn't get because you got a criminal record.

SM In your collection, your poetry collection called "Felon", I think your poem, "Ghazal", captures how difficult life after prison can be. Do you mind reading a passage from "Ghazal"?

DB Sure, I'll read a few couplets.

SM And I'm pronouncing it that way, but it's spelled g-h-a-z-a-l.

DB Yes, it's sort of more guttural, ghazal or like "hatzal".

SM And what does that mean? What's that word from?

DB It's a Persian word and it's just a poetic form. And I think less than what it means, more important is what it means in terms of the poem. And so you hear it, it's written in couplets and each couplet is meant to be almost like a string of pearls. Where each pearl has its own beauty, but strung together, the beauty intensifies. And in this case, you have a repeating line. So in this poem it's "after prison". And the first couplet, after prison is the last two words of each line. And then in every subsequent couplet, it's the word before "after prison" that always rhymes. So in this poem it's expected, suspect, dialect, reflect, reject, wrecked, effect. And so when you hear it, you should start to like hit a rhyme and notice the rhyme. There's a sort of beauty, I think, in it. And then in Persia and other places in southeast India, the poem becomes a kind of song in a popular song. So a lot of other languages are more rhyme rich than English anyway. And so it was a bit of a challenge to write it in English. But it's - it's a welcome challenge, I think, because it leads to really unexpected combinations of words and sounds. But I'll read it.

*Name a song that tells a man what to expect after prison;
Explains Occam's razor: you're still a suspect after prison.*

*Titus Kaphar painted my portrait, then dipped it in black tar.
He knows redaction is a dialect after prison.*

From inside a cell, the night sky isn't the measure --

that's why it's prison's vastness your eyes reflect after prison.

*My lover don't believe in my sadness. She says whiskey,
not time, is what left me wrecked after prison.*

*Ruth, Papermaker, take these tattered gray sweats.
Make paper of my bid: a past I won't reject after prison.*

*You have come so far, Beloved, & for what, another song?
They sing. Shahid you're loved, not shipwrecked, after prison.*

SM I love the way you read it, and that you had explained to me the format that I can follow, it's powerful.

DB Yeah, no it's cool. Another piece of it is - is like you sign, you sign every ghazul, with your name. And in prison, everybody called me Shahid. So that's why. Because these things go on forever and they would battle. You know, sometimes they battle in court, you know. But you have two musicians, two poets battling with the ghazul, and it's like how inventive and interesting can you be with language? And then a question will always be, well, when is a person finished? And they would be finished when they sign it. So I've written a lot of these and every time I write one, I sort of sign it, Shahid.

SM Why that name? Why were you given that one?

DB I gave it to myself. It means witness. It means witness and I thought, you know, I'm in prison, what am I doing. If nothing else, I'm here to be a witness, you know.

SM Tell me about voting after prison. Did you ever care? I mean, when did you first notice - I can, I can't vote?

DB I always cared - and I can vote, though. I mean, I always cared, I always knew in Virginia, you couldn't vote. And it just depends on what state you live in. And in fact, I know - in Maryland, you can vote if you out and you - and you're sorta off papers, off probation. And what was fascinating to me was that, you know, they let me off early, off probation early. And so since I was released from probation early, you know, I was able to vote in 2008, but I knew I would be able to vote living in Maryland once, you know, I finished my total sentence, including the time of probation. But I always felt like it was significant because I also recognized that had I stayed in Virginia; I would have had to get my voting rights back. And at that point, it was really challenging. The governors of Virginia weren't doing it with any frequency. Now it's pretty streamlined and I've actually got my voting rights back in Virginia, too, even though I don't live there. I just wanted you know, I wanted all my rights back wherever they were taken.

SM How much of a problem is it that some states still block felons from getting their voting rights back?

DB I think it's a - it's an immense problem. I mean, you know, your voice is the way that you can actively participate in the democratic process. And so if you can't vote, I think you - you're sort of denied full participation. So I think it's immensely significant and an important thing that needs to be corrected.

SM Can you describe some of the differences state to state? Or name one that's particularly egregious?

DB So I - there's been a lot of change though. There's been a lot of change over the past few years. But, you know, one that would jump out - so you could see a state like Maine, where you could vote even if you're locked up. But then you recognize that Maryland, you used to have to be off of papers to vote, but now you can still - you can vote while you're on probation, as long as you aren't in prison. In Connecticut, you can vote as long as you're free and you're not on probation. And all of these places, if you get your rights restored, you go vote no matter what context you're in - if you're out and you're on papers or not. Virginia has made it far easier, you know, you can just do a online application and it's pretty streamlined, if you're just trying to get your voting rights back. But, you know, places like Florida where they passed Amendment 4 to get the voting rights back to people who were convicted felons, then they have just since made that difficult. Because they've been like, well, you can have your voting rights back, but you also have to pay all your fines and fees. And all of that has made it impossible for a lot of people to get their voting rights back, because oftentimes you aren't even aware what fines and fees you owe. And so then they're just setting up a situation where if you vote and they find out you did have fines or fees, you were voting illegally, so they could give you a charge. So it's - I think it's - it's, you know, 50 states and there have been 50 state surveys done on this. So, I mean, I think doing the research on it is well worth it, the research for your own state. But having a sense of what it looks like across the states, I think it's really worth it too. And can be discovered just by doing a little bit of research with, you know, like the ACLU, different voting rights projects that exist across the country. Beautiful thing about it is just you could Google "voting rights projects" and get all of the information that you need.

SM And there are lots of felonies that - that aren't particularly dangerous, right?

DB Yeah, but I don't - I mean, I don't know if that matters, because then you get in a situation where you say, well, yeah, so Dwayne has a carjacking, so he definitely shouldn't be able to vote. But this other person who just embezzled family knowledge should be able to vote. I think the reality is that one measure should be, you did your time, and you should be able to vote. Another measure might be, you are a citizen in this country so you should be able to vote independent of whether or not you're incarcerated. I think there's different ways to think about it, but the one way that we should never think about it is somehow trying to connect the right to fully participate in democracy based on your personal conduct.

SM You actually did vote in 2008 and there is a poem about it in your poetry collection "Felon". Would you read the poem "On Voting for Barack Obama with a Nat Turner T-shirt On?"

DB Ah, yeah.

*You voted for Barack Obama with a Nat Turner T-shirt on.
Knowing a ballot has never been a measure of forgiveness.
In prison, people don't even talk about voting,
about elections, not really, not the dudes
you remember, cause wasn't nobody Black
running no way. But your freedom hit just
in time to see this brother high-stepping with
the burden. He, some kind of albatross,*

*confessing to knowing people like you.
& you are free, you are what they call out
& off papers & living in a state where you
can cast a ballot. In prison, you listened
to the ballot or the bullet & imagined that
neither was for you, having filled with
the pistol & expecting the ballot to be
denied. But nah, you found free & in line
notice that this is not unlike the first time
you and the woman you marry got naked
& sweated & moaned & shared a room
not belonging to either of you. That lady
is with you now & a kid is in your arms,
& you are wearing a Nat Turner T-shirt
as if to make a statement at your mom's
cookout. Everyone around you is Black,
& you know that your first ballot will be cast for a Black man in
America while holding a Black baby.
Name a dream more American than
that, especially with your three felonies
serving as beacons to alert anybody
of your reckless yesterday's. That woman
beside you was the kind of thing fools
don't even dream about in prison,
she lets you hold your boy while voting,
as if the vote makes you & him
more free. Sometimes, it's just luck.
Just have having moved to the right state
after the cell doors stopped
clancking behind you. The son
in the arms of the man was mine,
& the arms of the man belonged
to me, & I wore that Nat Turner
T-shirt like a flag, brown
against my brown skin.*

SM She let you hold your boy while voting, as if the voting makes you and him more free?

DB Yeah, well, you know, I think we all think about the legacies that we walk into in this country. And I think voting is a legacy of freedom. And we often talk about Black folks and Black fathers, well not often, but sometimes the media likes to talk about Black fatherhood as a vehicle to pass on a bunch of trauma, you know, and harm. And I think in that poem, I was capturing this notion that there's moment for a lot of other things, too.

SM Now that you are a practicing attorney and currently seeking a Ph.D. in law at Yale, are you doing any work to help previously convicted felons know their voting rights and gain the right to vote?

DB I started a project and I mean, I got a grant from the Mellon Foundation called The Million Book Project. And I am the director and a founder of The Million Book Project and it's housed at the Yale Law School and the Justice Collaboratory. So, you know, most of my work right now is focused on that. And it's all sort of tangential to the idea of voting

rights, and the idea of voting is tangential, but it's absolutely pertinent because the project is premised on the notion that freedom begins with a book. And literacy is a conduit to access to opportunities, access to information, you know, understanding the significance and importance of voting is frequently baked into the stories that we tell ourselves and the stories that we've been told. As an attorney, I work on a lot of parole cases, specifically trying to help people get out of prison. But all of that is baked into what motivates somebody to have a desire to vote, I think.

SM Not being able to exercise the right to vote after you do your time is horrible for everyone. But the reality is that most of those in jail or prison or who've been previously convicted of a felony are people of color. Do you think not giving the right to vote to people who've done their time is a huge civil rights issue right now?

DB I think it's - I think it's always a civil rights issue. Of course, I think - you know, again, voting matters, and when you start disenfranchising folks, they lack agency and opportunity to influence the system and you look at what's going on right now. Elections have been uniquely important. It has been very, very high voter turnout. That shows the significance of the vote in this moment. And some people are boxed out of that turnout because they have criminal convictions, felony convictions. So, yeah, I think it's a huge civil rights issue in the moment. Particularly when it's also a moment that we're acknowledging mass incarceration and the harsh effects of mass incarceration and an overreliance of incarceration. You know, to take seriously what those collateral consequences do. And voting is the one that we should all be able to like, name, because it is the one that affects who is elected to actually change things that need to be changed. So, you know, you can't have a - you know, a lobbyist that's working on your rights, when you essentially don't have the right to vote.

SM What do you think this idea that we deny voting rights to so many felons in America says about the state of democracy in our country?

DB And I don't know if he says anything about the state of democracy in our country. I mean, we all have a role in sustaining or subverting this thing that we call democracy. And I just think is a persistent legacy of disenfranchisement that Black folks in America have been dealing with. And, you know, in some ways, rightly, people hold a fair amount of disdain for people with criminal convictions. And - and I think is a way in which we could address that disdain without resorting to a kind of blanket denial of civil rights. We didn't have people's civil rights, so that we don't have to address the disdain that comes with knowing somebody committed a crime. You know, you give somebody a scarlet letter because you don't actually want to talk about the validity of the underlying assumptions that go with that scarlet letter. And there may, frankly, be some validity to - to the contempt that people hold folks in, who - who kill others, who murder others, who steal cars. You know, it doesn't even have to be a violent crime - who burglarize homes. It's a fair amount of contempt that comes when you think about people who have done that. And we don't have an adequate way in this country to express that contempt and to make the contempt meaningful, to make the contempt a fairly operating tool that would lessen the likelihood of X happening again. Since we don't have that we defer to stripping civil rights. We defer to collateral consequences. Not because it makes the system any better, not because it makes people any safer, but it gives us a way to feel like at least we are punishing somebody. You know, at least we can name you as like the undesirable.

SM Reginald Dwayne Betts, thank you for sharing your insights with me on With Good Reason.

DB Thank you for having me. It was cool.

SM Dwayne Betts is a Ph.D. in law candidate at Yale Law School and the director of the Million Book Project. He's also author of the poetry collection "Felon". This is With Good Reason, we'll be right back.

[00:28:00]

SM Welcome back to With Good Reason at Virginia Humanities. These days, talk of immigrant voting is often synonymous with unfounded claims of election fraud. But immigrant voting was legal and even sometimes encouraged by the United States for much of its history. Ron Hayduk is a political science professor at San Francisco State University. He says immigrant voting is actually as American as apple pie. Ron, your book, "Democracy for All", looks at the history of immigrant voting in the United States, and you argue that noncitizen voting really isn't a far-fetched idea. How so?

RH You know, I like to say that immigrant voting in the United States is older than our national pastime baseball, which is my favorite sport and is as American as apple pie. Because it really did flow from some of the same ideals that animated the American Revolution, embodied in slogans like "no taxation without representation" and "only just governments rest on the consent of the governed". You know, we have this lovely story of democracy, you know, because we pride ourselves on being a democratic nation, thankfully. But contrary to the narrative about a forward march of democracy, the history of suffrage actually shows a different recurring pattern that runs throughout our history, which is more like one step forward and two steps back.

SM Is it sort of like whack-a-mole for denying the vote?

RH Yeah, I think I like whack-a-mole for denying the vote. That's a good analogy. Historically, people might be surprised, as most people are in the United States, to learn that you didn't have to be a citizen to vote initially. And what really mattered was whether you were a white male property holder. Those were the criteria for voting.

SM For how long did we say white male, and we don't care if you're a citizen?

RH Well, eight people that signed the Declaration of Independence were not born in the United States and were not naturalized. And many folks who were among the founders could vote before they became U.S. citizens and property qualifications lasted through the 1830s. By 1840, most states had expanded voting to white males, period, minus the property qualifications. But of course, African American males got the right to vote after the Civil War. Women didn't get the right to vote in 1920, right. Like half the population didn't get the right to vote for more than half of our history. So if you think of democracy as a evolving project in human history terms, most human beings lived and died under systems that were not democratic. Democracy is a relatively new form by which human beings have decided that's how they want to govern themselves.

SM But talking about non-citizens voting is not the same as saying, hey, we didn't have a federal government when the founders formed America, so they were non-citizens. In talking about actual non-citizens or immigrants, how long and how often were non-citizens in America allowed to vote in one election or another?

RH For 150 years, 40 states - you know, from the very founding from 1776 until 1926 - 40 states allowed non-citizens to vote, not just in local elections, which is where non-citizens vote today in places like Maryland and other places in the United States, but also in state and federal elections. And so this was quite widespread. It varied from state to state and there was expansion and contraction at different times. But that's a very long history where non-citizens could vote and they could hold office, I might add.

SM But never all 40 states at once allowed non-citizens to vote?

RH Correct. No. So it really did vary. So obviously, the first 13 states - the first 13 colonies, became the first 13 states - they allowed noncitizen voting. And as the United States expanded, Congress when it created the new territories after the Louisiana Purchase, those territories, Congress used voting rights as an incentive to try to lure new immigrants to settle the West. And as the economy grew, the need for new labor expanded. And, you know, my ancestors from Italy and from Czechoslovakia came and worked in the mines in Pennsylvania or worked in, you know, garbage in New York City. Voting rights for immigrants were rolled back at different periods of time, even as early as the late 17-hundreds, early 18-hundreds. After the French Revolution, the United States passed the Alien and Sedition Acts. And the Federalists at the time feared that the French radicals from fleeing the decline of the French Revolution would infect Americans with radical ideas. And so a number of states rolled that back.

SM Right, who wants guillotining, right?

RH Yeah, yeah, yes. But another period that is sadly reminiscent of the recent events on January the 6th is the War of 1812, where the British sacked and burnt the White House and immigrant voting was rolled back in part for fear of foreign enemies. Sound familiar?

SM So in recent decades, what do you think has been the primary knock against immigrants voting? In recent decades, most of America's immigration has come from our neighbors - countries to the south of us, but also there're Canadians and Europeans and Africans and others. Where has most of the "we don't want immigrants to have the vote" or non-citizens to have the vote - where's most of that directed?

RH Well, there's several objections that opponents raise to immigrant voting. And one of the first and most prominent ones is that they argue, you know, look, there's a pathway for people to vote if they want, and that's to become a citizen. You know, citizenship first, voting second, we don't want to give people this precious right until they are a U.S. citizen. You know, the idea is that it could diminish the value of citizenship and, you know, we only want those who are people who have sworn their allegiance to the United States that won't have dual loyalties. And immigrant voting rights advocates respond by saying, look, we can do both. We can expand pathways to citizenship, we can facilitate naturalization. And as it was done in the past, we can have immigrant voting, which actually helps encourage people's civic education, political participation. People learn sort of civics by practice. You have to learn, you know, who are the candidates, what are the parties, what are the offices? Geez, if I'm going to vote, I have to, like, know some things. And so that process of being engaged in the political process helps serve to educate immigrants in the business of American democracy and facilitates their eventual citizenship. So they argue that noncitizen voting is more like a pathway to citizenship rather than a substitute for citizenship. So that's sort of one set of arguments or debate. Another one is that non-citizens sort of lack knowledge or feeling for American political institutions. But specific knowledge is not a prerequisite for voting. If it was, many native-born citizens would fail

tests of even basic political knowledge in the citizenship test if you ever took it. It's not easy.

SM Do any other major democratic industrial nations allow non-citizens to vote freely and openly?

RH Yes, 45 countries around the world on nearly every continent allow non-citizens to vote, in some cases not just in local elections, although that's the majority, but in many areas regional, which would be sort of like our state elections - and then in several places, national elections.

SM Name a few of those countries.

RH Oh, well, I would like to tell the story. Ireland is one place and in Cambridge, Massachusetts in Boston, a number of other areas there in the 2000s, immigrant voting rights advocates sought to enfranchise non-citizens and they were successful in passing laws at the local level. But one of the strategies advocates had was to appeal to legislators' own immigrant heritage. So one of the representatives was actually relatively recently from Ireland and they said, "well, they do it in Dublin. Don't you know, they do it in Dublin. You can - you can immigrate to Ireland, in six months you can vote not just in local elections, but in federal elections. Why not here, too?" And this representative really thought about this and changed her vote. And so, she supported it, which ultimately helped to pass. And that example has repeated in places like New York, which is exploring, restoring voting rights. And obviously in Maryland, there's places in - here in San Francisco, but there's a dozen jurisdictions across the country, in Maine, in Vermont, Connecticut, a number of places that have explored expanding voting rights to immigrants in the United States.

SM Do you think what happened in the nation's capital January 6th, with the irate mob saying the vote was stolen, does that have any relevance to perceptions of immigrants or non-citizens voting?

RH Absolutely. I was thinking about this a lot recently that, you know, immigration is a wonderful lens through which to think about this big question that's sort of on the agenda. Who's an American? What's America? What - what does this experiment that we call America, this experiment in democracy mean? Who are we? People have said this is not who we are. President Biden said, "This is not who we are". Well, there's some history that shows that this is partly who we are, who's been on display. But it's also this question, who would do we want to become? I mentioned before that democracy is an evolving project and immigration has been a big part of our story. In so many ways, we are a nation of immigrants. And I think this business of looking at immigration as a - as a lens through which to see and ask these questions, right, who who's an American? What's - what's America about? Are we a multi-ethnic, multiracial, egalitarian democracy? Or are we a, you know, white Christian nation that's more nationalist? You know, there's many other dimensions to this, but at least that's part of it. So I would suggest that immigrant voting is another way to think about these big and important and pressing questions.

SM Well, Ron Hayduk, thank you for talking with me on With Good Reason.

RH My pleasure. Hope this has been worth your while and I look forward to hearing the fruits of your labor going forward.

SM Ron Hayduk is a political science professor at San Francisco State University. He's the author of "Democracy for All: Restoring Immigrant Voting Rights in the United States". Coming up next, old enough to fight, old enough to vote.

[00:39:40]

SM In 1971, Congress passed the 26th Amendment, lowering the voting age from 21 to 18. Almost immediately, politicians on both sides of the aisle began courting the new young voters. Here's a clip of the video that was played in high schools all over America, encouraging young people to vote in the upcoming 1972 presidential election.

AS And there's a lot of us new young voters around who can make a very loud noise indeed in those voting booths all over the country. We can make the difference and even the biggest election of all - for president. Just think, if all of us new voters over 18, even up to the old age of 25, make sure to register and vote, we will be 25 million new voters. 25 million!

SM My next guest is Rebecca DeSchweinitz. She's a history professor at Brigham Young University. And she says while the 26th Amendment passed without much resistance, the movement to lower the voting age was really a long-term effort that began during World War II. Rebecca, help me understand the history that led up to passage of the Amendment that lowered the voting age to 18. Was it because young people back then, the boomers, said, "hey, if we're old enough to fight in Vietnam, we're old enough to vote"?

RD That was one of the arguments that people made. Right. So we've got this increasingly unpopular war, lots of protests by youth about it. And, you know, is it really tenable that we can ask young men to fight and die when they don't have any decision making at all into the choice to go over there and other policy decisions? But the idea about, you know, young people should be old enough to vote if they're old enough to fight, had actually been around since World War II when Congress lowered the draft age. And so there's actually more going on in the late 60s and early 70s that goes into the actual change in the voting age.

SM Had it originated - this desire to lower the voting age to 18 around World War II, had that come from the president?

RD I don't think it's really coming from the president, but I think when Congress lowers the draft age, you know, it raises questions about citizenship rights and duties and what we can ask of young men. And the only state that lowers the voting age to 18 in the 1940s is Georgia. And the governor of Georgia, who sees this through, talks a lot about, you know, we really can't ask young men to fight for democracy if we don't give them the rights of citizenship.

SM So Georgia lowered the voting age to 18, but that was not the prevailing sentiment and it didn't pass elsewhere. What was the argument? What was the attitude about young people younger than 21?

RD A lot of the debate in the 1940s has to do with experience. A lot of the arguments actually in favor of a lower voting age are saying that the vote would be good for young people because it would help them to become good citizens. That they need to practice. Voting would be kind of a teaching tool, this idea that you can best learn by doing. And yeah, young people are inexperienced, and they still need to learn, but the best way to do

that is actually to have that right to vote. Whereas, you know, the those who are opposed to lower voting age are saying we don't need to experiment. We need young people to have the experience already in hand before we give them that right.

SM But then this comes up again in the 60s and it ultimately passes. What had changed? And who led the movement to bring it up in the 60s?

RD Yeah, so one thing folks had said in the 1940s was there aren't really young people who are that involved in politics and they don't seem to care. There isn't a lot of evidence that young people are engaged in political issues in significant ways. Now, that changes significantly by the late 1960s. A big part of that is all of the youth activism for civil rights. And so what proponents of a lower voting age can point to is - is they can say, look, young people are already active and engaged public citizens. They are already making a difference. They already are standing up and talking about and pushing for change on some of the most important and some of the most difficult political issues of the time.

SM Did it make a difference that civil rights leaders joined in the effort to pass Vote 18, which ultimately became the 26th Constitutional Amendment?

RD Yeah, so I think we often focus on congressional leaders who push through the 26th Amendment. And there's this idea that these political elites gave young people the right to vote. And we miss the larger story of all sorts of organizations, especially civil rights organizations, who are really leading the charge to lower the voting age. Civil rights groups like the National Association for the Advancement of Colored People are, you know, one of the most active participants in a coalition that is put together in 1968, that begins a concerted effort to lower the voting age. And they're acting on both the national and on the local and state level to try to make this happen. You know, I think it's not surprising that there are really strong connections with the civil rights movement and the movement to lower the voting age to 18. In some ways, and folks like civil rights leaders are connecting the historic expansion of voting rights in the 1960s and saying, you know, this is the next step in this expansion of voting rights.

SM So once they got the vote and they had their first presidential election in 72, did many or did a high percentage of the newly enfranchised young people vote?

RD No. There's a lot of hopes going into that 1972 presidential election and a lot of hype about, you know, what are young voters going to do? We have, you know, 11 million newly enfranchised 18-, 19-, 20-year-old voters. And if you look at the cohort that includes all of the new first-time voters, it's something like 25 million. And so, there's a sense that you can make a big difference if you can just harness those voters. And there are a ton of efforts to register newly enfranchised young voters in the wake of the 26th Amendment. And we see campaigns by both the Democrats and Republicans now really trying to woo these new younger voters. But ultimately, they're not especially successful. We do see a little bit of a blip, kind of a rise in the percentage of the youngest cohort of folks voting. But it's not nearly what - what was hoped. It's pretty disappointing, and then it just goes down from there.

SM So it's stayed low for years, right?

RD Yeah. So, we don't really see young people turning out in large numbers and making a difference, at least not in a presidential election until 2008 when young voters turn out for President Obama.

SM So recently, some people are advocating going even farther and lowering the voting age to 17 or even 16. Any chance of success for that, given what you've seen?

RD My sense is that they're not going to see much success. The evidence, you know, coming from science, you know, isn't great if you're trying to make the argument that, you know, young people at age 16 and 17 are just as fit as older Americans to - to vote. Also, when a lower voting age starts getting debated in the 1940s, there's a concrete alternative age that kind of makes sense. So, we've lowered the age at which young people can be drafted to 18. The other really big kind of trigger point is that 18 is the age at which young people are generally graduating from high school. And this had been actually a point that advocates had brought out in the 1940s. And in the 1940s, that's really the time when we finally have over 50 percent of American youth going to and graduating from high school. And there had been, you know, tremendous gains in the couple of decades before that, so that folks are able to say young people are better educated today and they have the kind of education and knowledge that they need to be able to vote.

SM With all you've seen on the kinds of arguments young people made successfully over the years for the right to vote at age 18, what arguments do you think can be made for giving 16- or 17-year-olds the vote?

RD So I think there are a couple of really poignant arguments that young people can make. Some of the congressional leaders who took up Vote 18, you know, talked a lot about how the country could stand a little educating from its youngsters. Where, you know, young people were the - were the most astute political, you know, structural defect specialists. That they're calling things as they are. There's a really great quote I love that - that says something about like, you know, young people are calling out, you know, when the emperor isn't wearing any clothes. Adults are kind of going along with this old encrusted system, but these young people are unfettered. They're bringing new blood. They're bringing new ideas and in fact, a clear vision to American government and we need them in politics.

SM Well, Rebecca DeSchweinitz, thank you for talking with me.

RD Sure. Thanks for having me.

SM Rebecca DeSchweinitz is a history professor at Brigham Young University. Support for With Good Reason is provided by the University of Virginia Health System, a National Cancer Institute designated cancer center, researching and developing the treatments of tomorrow, UVAhealth.com. With Good Reason is produced by Virginia Humanities, which acknowledges the Monacan nation, the original people of the land and waters of her home in Charlottesville, Virginia. Our production team is Allison Quantz, Matt Darroch, Lauren Francis and Jamal Millner. Maya Nir and Cassandra Deering are our interns. Special thanks this week to the Virginia Festival of the Book. For the podcast, go to withgoodreasonradio.org. I'm Sarah McConnell, thanks for listening.