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The right to not remain silent

Advocacy groups tackle challenge of educating inmates on voting rights

By **KATE GURNETT**, Staff writer

First published: Thursday, October 13, 2005

SCHENECTADY -- A cluster of men in blaze orange stand outside their cells at the Schenectady County Jail, studying another inmate at a table. Like them, he is not yet 25. He is signing an absentee ballot.

Betsy Forkas, inmate services coordinator, remembers watching the scene. "It was a very quiet, still moment. It was clear that they sensed the importance of it."

Though Forkas had spent weeks registering inmates to vote, she hadn't realized the power of the ballot. Not just to enfranchise. But to rehabilitate.

At the moment, the young man "was showing his best self," Forkas, 66, recalled. "He was doing a community act that made him part of the mainstream."

There are no voting booths inside area county jails. But hundreds of locally incarcerated men and women are eligible to cast ballots. Few sign up.

Now, the League of Women Voters and the Center for Law and Justice hope to link a disenfranchised population to civic life.

"It's the thing to do," said Preston Jernigan, 33, on his tier at the Schenectady County Jail. "Anybody in their right mind wanna vote. If you don't vote, you can't complain."

Voting is a key democratic right, said Dan Salvin, an attorney with the Center for Law and Justice in Albany, a civil rights advocacy group.

But confusion among convicts and election officials about eligibility keeps many prisoners from casting ballots, he said.

"There are some people who think that if you've committed a crime, that voting is one of the things you lose," Forkas added. "The Constitution says that's not true."

"A lot of people don't know they have the option," said Moses Jackson, 23, a parole violator at the Schenectady County Jail. "That's what I thought until I read that, there," he said, pointing to a pamphlet that Forkas gave him.

Roughly 4.7 million Americans can no longer vote, according to The Sentencing Project in Washington, D.C., a research and advocacy group promoting alternatives to incarceration. More than 50 percent of current state and federal prisoners are nonviolent and drug offenders.

Black and Latino voters are highly effected, Salvin said. Up to a third of the next generation of black men in America may become disenfranchised, he said.

A state Senate bill introduced this year would require local jails to facilitate voting, which is done by absentee ballot. Under New York law, the only criminals who can't vote are those serving time or on parole for a felony conviction. Inmates awaiting trial or serving time for misdemeanors are eligible.

Voting rights for accused and convicted criminals might not be popular.

But "it's a good idea," the bill's co-sponsor Sen. Neil Breslin, D-Albany, said. These days "people are less and less interested in voting. Why don't we try to assist them and educate them about their right to vote? If they pay their debt to society we should have programs that make them aware of their civic duties."

Local registration campaigns in Albany, Rensselaer and Schenectady counties are finding mixed success.

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Albany County Sheriff James Campbell denied the league's request to make a 10-minute presentation to inmates in the jail's general equivalency diploma (GED) class, despite a support letter from Breslin.

As an elected official, Campbell "should understand the importance of voting rights," Salvin said. "He has exclusive control of 800 people that probably won't vote unless he improves access. He just wasn't receptive at all."

"I can't," Campbell said. "I've got so much going on there with other programs," from alcohol and drug rehabilitation to parenting, life skills and family education programs, adolescent employability skills classes and religious services. "This all goes on during the day. I don't want to use the word disruptive, but to have another program in there" would mean cutting back on something else, he said.

Campbell offered to hand out registration forms to prisoners through inmate services. "We can handle it ourselves if they would give us the brochures."

It's up to the inmates in Saratoga County as well.

There, about 148 prisoners can get registration forms if they ask, said Lt. Peter Arpei, of the county sheriff's office. "They would have to approach us with it. That is their right. Just because they're in jail doesn't mean they don't have any rights."

How many ask? None this year, Arpei said.

With so few Americans voting these days, even passing out pamphlets "realistically, doesn't get people to register," Salvin said. Certain people need assistance.

State law requires agencies serving the disabled, such as the Office of Alcoholism and Substance Abuse, to help them register to vote, he said.

Jails aren't included. "We're working with a similar population, they have drug addiction and other special needs," Salvin said. "They really need assistance."

Rensselaer County's jail Superintendent Robert Loveridge said he passed out instruction packets and ballot applications to all 260 inmates. Next year, the Center for Law and Justice hopes to distribute an informational video to inmates statewide.

About 36 inmates registered in Schenectady County last year, after Forkas went cell to cell with pamphlets, forms and ballots. Her goal this year: 50.

In an overheated dorm area, men in white T-shirts shuffle cards and play chess when Forkas arrives. She slips an application under the wire fence to a prisoner.

"Anyone wanna vote?" one inmate calls out.

"Is it really gonna matter?" another asks.

"They say every vote counts, man," another calls.

"I'm only one in a million," someone adds.

The conversation represents America's modern ambivalence about voting.

"I live (outside) and almost none of my neighbors vote," said jail Sgt. Art Everetts. "It's really disheartening."

Ruel Torak, who faces misdemeanor charges, disagrees. "I think voting is a conspiracy," the 19-year-old inmate said when asked if he need an application. "There's someone out there deciding who's gonna be president, and they just let us think that we have a part in it."

Inmate Matthew Potter, 20, disagreed. "It's the only right I really have left," he said. "I vote in every election there is."

"I'm really excited about it," said Charles Carey, 54, an inmate who quit voting after he was convicted of a felony in his 20s.

Forkas said she created interest in the upcoming election "just by walking the floors. They were saying, 'Oh, man I wish I could vote.' I said: 'You will.' "

This month she'll spend time answering questions about paperwork "holding their hand and helping them through it."

Some inmates are more familiar with voice votes and street verdicts than completing an absentee ballot or registration.

But now, some are volunteering to help others with the paperwork, Forkas said. "It's one of the things we can do to help them feel like

they're part of society."

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