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Juneteenth: Free At Last?
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Ralph Ellison immortalized "Juneteenth," the annual celebration of the anniversary of June 19, 1865, when the enslaved Africans in Texas were actually emancipated, in his posthumous novel of the same name.

Ellison's title refers to the date when Union General Gordon Granger rode horseback into Galveston, Texas and announced to nearly 250,000 slaves that President Abraham Lincoln, with a stroke of a pen on the Emancipation Proclamation, had declared them free on January 1, 1863 – more than two years earlier.

Upon hearing the news, the reaction of the newly freed slaves wasn't surprising: they dropped their plows and celebrated their freedom.

In reality, however, the Emancipation Proclamation did not free any slaves, its terms were carefully limited to those areas under the control of the Confederacy and thus beyond the reach of federal law.

Indeed, it wasn't until 2 ½ years after the signing of the Emancipation Proclamation, when a regiment of the Union military, led by Granger, arrived in Texas with the news

of slavery's end, and the power to enforce the proclamation, that Lincoln's proclamation finally made slaves free. This delay, Ellison said, is a "symbolic acknowledgement that liberation is a never-ending task of self, group and nation."

Today, Juneteenth is a vivid historical example that obtaining rights at law does not necessarily confer rights that have actual force. It is for this reason that Juneteenth celebrants are often conflicted.

On one hand, Juneteenth marks the Republicans' critical recognition that unless action was taken to safeguard the freedmen's status, Democrats would force Blacks back into slavery, thereby sustaining the economic dispute that led to Civil War. In recognition of the entrenched white resistance to Black emancipation, the post-Civil War Congress enacted the Thirteenth, Fourteenth and Fifteenth Amendments, which ended slavery, made former slaves citizens, and protected them from future white supremacy by granting them the right to vote free of racial discrimination.

On the other hand, Juneteenth marks the time when the newly enfranchised Black population in the South met massive resistance from whites. Among other things, this resistance took the form of a century of poll taxes, grandfather clauses, literacy requirements, and disfranchisement policies.

The struggle continued with the passage of the Voting Rights Act of 1965 and now many, but not all, barriers used to prevent Blacks from the effective use of their votes are unconstitutional or illegal. One vestige of slavery, however, endures: felon disfranchisement laws.

Felon disfranchisement laws are state statutes that prohibit people with felony convictions from voting. In an attempt to prevent newly-freed Blacks from voting after the Civil War, many state legislators tailored their felon disfranchisement laws to require the loss of voting rights only for those offenses committed mostly by Blacks.

For example, the 1890 Mississippi constitutional convention required disfranchisement for such crimes as theft, burglary and receiving money under false pretenses, but not for robbery or murder. These intentionally discriminatory laws were guided by the belief that Blacks engaged in crime were more likely to commit furtive offenses than the more robust crimes committed by whites. Through the convoluted "reasoning" of this provision, one would be disfranchised for stealing a chicken, but not for killing the chicken's owner. Many other states, from New York to Alabama, have also intentionally and effectively utilized felon disfranchisement laws to prevent Blacks and other racial minorities from voting.

Not surprisingly, felon disfranchisement statutes, as intended, have served to disproportionately weaken the voting power of Black and Latino communities. This disparate effect results largely from the disproportionate enforcement of the "war on drugs" in Black and Latino communities, which has expanded exponentially the class of persons subject to disfranchisement.

Today, with more than 2.3 million Americans incarcerated, the effects of our nation's reliance on mass incarceration as a primary means of control in the era of the "war on drugs" is more profound than ever. As a result roughly 5 million Americans nationwide – an overwhelming number of whom are Black and Latino – are disfranchised. Nowhere are the effects of felon disfranchisement more prominent than in the Black community, where more than 1.5 million Black males, or no less than 13 percent of the adult Black population, are disfranchised.

The felon disfranchisement phenomenon is most destructive in Black and Latino neighborhoods because these communities are often disproportionately plagued with numerous socioeconomic ills – including concentrated poverty and substandard housing, healthcare and education. As a result, people in these communities have even less of an opportunity to effect positive change through the political process.

Not only this, but felon disfranchisement laws also serve to discourage eligible and future voters from exercising the learned behavior of voting. In doing so, these laws create a culture of political nonparticipation that erodes civic engagement and marginalizes the votes and voices of community members who remain engaged, but who are deprived of the collective power of the votes of disfranchised relatives and neighbors.

Although common in the United States, felon disfranchisement statutes are not a necessary feature of our participatory democracy. Indeed, Maine and Vermont have no such statutes and permit all people with felony convictions – including those both currently incarcerated and formerly incarcerated – to vote. Some states restore voting rights to formerly incarcerated persons once they have served their entire prison sentence. But similar to the slaves in Texas, many formerly incarcerated persons are not informed that their voting rights have been restored, and although technically free to vote, remain voteless. In other states, the difficulty of navigating one's way through the impenetrable restoration process turns many eligible, formerly incarcerated voters away.

Unfortunately, more than a century after General Granger announced to the slaves in Texas that they were free, and nearly 43 years after the passage of the Voting Rights Act of 1965, increasing numbers of Blacks and Latinos nationwide are losing their voting rights daily.

Today, there are new frontiers for the expansion of civil rights, and old battles that remain unfinished. Reform of felon disfranchisement laws is long overdue.

Ellison remarked that "there've been a heap of Juneteenths gone by and there'll be a heap more before we're free." 143 Juneteenth anniversaries certainly constitutes a "heap." In the spirit of Juneteenth's legacy, and in the interest of experiencing the illusive freedom that Ellison referenced, it is time for the United States to break down the walls that literally lock citizens out of the political process so that next Juneteenth we can move one step closer to truly celebrating freedom.

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