

**Hearing on the  
Democracy Restoration Act of 2009  
H.R. 3335**

**Testimony of Andres Idarraga  
Yale Law School Student &  
Impacted Individual**

**March 16, 2010**

Chairman Nadler, Ranking Member Sensenbrenner, and Members of House Judiciary Committee's Subcommittee on the Constitution, Civil Rights and Civil Liberties:

Thank you for the opportunity to testify at this hearing in support of H.R. 3335, the "Democracy Restoration Act of 2009." My name is Andres Idarraga, and I am pleased to join you today to discuss why gaining the right to vote was important to me. I have organized my testimony into three sections:

1. The first section provides this committee with my personal background. As a person impacted by felon disenfranchisement laws, I would like this committee to understand why and how I have come to view voting as a fundamental democratic act with great resonance and symbolic meaning.
2. The second section describes the impact these laws and the repeal of these laws has had on the communities where I grew up and worked.
3. In the last section, I discuss how the passage of this bill will promote citizenship among impacted citizens, further the goals of rehabilitation, and legitimize our constitutional structure in areas where the law is often viewed negatively.

## **I. Personal Background**

Almost six years ago, I was released from prison after serving six and a half years. Like most other newly released persons, my priorities were securing housing and employment. I also dearly wanted to get an education. Voting was neither at the top, nor near the top, of my list but was something I did think about.

Halfway through my prison term, I discovered the prison library. There, I fell in with a small group of prisoners who would read, discuss, and debate many issues across various disciplines. Economics, Law, Literature, Math, Politics, and Philosophy were all treated with vigor. Those prison seminars planted the seed for the pursuit of my education and, ironically, my current thoughts about citizenship.

The latter was mainly due to two of the most influential books I read—the autobiography of Nelson Mandela and a biography of Thurgood Marshall. Both men understood the self-correcting mechanisms and the deep humanity of their societies. For them there were no enemies, only potential allies, for all had to live with the results that society created together. Today, we have created a society that excludes some five million people from the ballot. This exclusion is at the end of a complicated chain that often begins with poverty and a lack of education, involves the criminal justice system and penal institutions, and often ends in isolation, bitterness and disfranchisement.

I have personally traveled this complicated chain, from beginning to end. While always a good student, as a teenager I allowed negative influences to prevail. For too many reasons to mention, during high school I did not—and at the time could not—envision myself going to college. Instead, I became involved in some of the worst aspects of where I grew up. I became involved in drug dealing, and, at 20, I was sent to prison as a result. I would spend the next six years and four months incarcerated. While incarcerated, I realized what I had thrown away and became determined to turn things around for myself, for my family, and for my community. After I was released, I attended the University of Rhode Island, graduated from Brown University, and am now attending Yale Law School.

My education and my experiences provide me with the foundation to believe, like my role models, that our Constitution and laws call for correcting the injustice of felon disfranchisement.

In late summer 2004, shortly after my release from prison, I asked my parole officer if I could vote. She answered that she was not sure. Her response is emblematic of our national patchwork of laws on the issue, which create confusion even for those who should know the answer. Therefore, I had to find out for myself. At the time, I was living with an aunt, had a job, and was a month away from beginning my freshmen year in college. I felt extremely fortunate. During my time in prison, I worked relentlessly to prepare myself for my second chance, and my efforts were beginning to pay off. Now that I had taken care my most pressing concerns, housing and employment, I could begin thinking of larger issues and questions. What would I study in college? What were my career plans? How would I make amends to my family and community for the things I had done?

Coincidentally, the Bush and Kerry presidential campaigns were intensifying during this time, which prompted another question. What was my role as a citizen who had been recently released from prison and who aspired to make a difference in the lives of similarly situated men and women? At the least, I thought I should exercise the fundamental role a citizen plays in our society, voting. My question to my parole officer was a first step in that direction. However, I later learned that I was barred from voting due to my felony conviction. I was disappointed and perplexed. I soon joined the Rhode Island Right to Vote campaign and began to work to change the law.

## **II. Community Impact of Disfranchisement Laws**

Denying the formerly incarcerated the right to vote serves no purpose as far as I can see. Disenfranchisement does not function as an effective deterrent to crime, nor does it further any compelling government interest in public safety upon release. In fact, the opposite is true. Studies have shown that voting by those who have been arrested is associated with lower rates of recidivism. I also believe that voting is correlated with higher levels of investment in and ownership over community. I have experienced both factors in my own life and in the communities where I have worked on felon disenfranchisement.

In November 2006, my fellow Rhode Islanders were the first in the nation to go to the polls and approve a ballot referendum to restore voting rights to people as soon as they are released from prison. Now, when a person leaves prison, the Department of Corrections hands him or her a voter registration form. This change in the law allowed me and 15,000 other citizens with felony convictions to vote. We are now finally fully vested members of our communities, and our civic engagement will leave lasting imprints. I think my experience voting for the first time in 2008 exemplifies this.

Before voting that morning, I drove my then eight-year-old nephew to school. My nephew spent time with me as I worked on the Right to Vote campaign and he came with me on the day I registered. On the way to school, I asked him if he knew that today was the day voting took place in Rhode Island. He said he did and asked me who I planned to vote for. I told him I was still thinking through my options, and we talked about the different candidates. This was a conversation I relished. Coming from a family in which voting had rarely, if ever, been discussed, this was a new beginning. Because I voted that day and shared the experience with my

nephew, he is more likely to vote when he is an adult. Voting is a good and responsible behavior, one that should be encouraged among citizens, not discouraged.

### **III. Furthering Citizenship and the Rule of Law**

This year at Yale Law School, I co-founded a group that organizes law students to teach Constitutional Law in New Haven high schools. High school students are taught Constitutional Law through the prism of school-related First, Fourth, Eighth, and Fourteenth Amendment cases that have reached the Supreme Court. They also compete in a local moot court competition, with some advancing to a national moot court competition. Several students have remarked that the experience has been transformative. Notably, students remarked with wonder at the previously unnoticed powerful and positive deployment of the law in their lives. Most of our high school students previously viewed the law as a blunt enforcement mechanism with little give.

Most people in distressed and disfranchised communities view the law similarly and have rarely had the opportunity to see, experience, or study its positive effects. They see it as unfair, unforgiving, and cold. This creates a reactionary antagonism on the part of these individuals that, in turn, has historically prompted even harsher laws by bodies such as this one. This destructive feedback loop has created the deplorable status quo, where we now place conditions on a fundamental right. I have seen a different side of the law, the replenishing and redemptive side. The law I have come to know protects those who have no voice while creating rules that are in the best interest of all. That is the side of the law I hope to impart on disfranchised communities. My work on this issue has allowed me to explain this view of the law in places where it may not be initially popular. In these places, engagement with law and policy is sorely needed, and I endeavor to explain the importance of such engagement. Because all of us here

understand the importance of proactive citizenship, I need not dwell on it in detail. I only wish to emphasize that it would make our democracy stronger if ALL participated. If individuals in poor and distressed communities were as publicly engaged as my classmates at Yale Law School, this would be a great service to democracy. Returning the right to vote to all previously incarcerated citizens is an essential first step towards creating this engagement.