

Hello and welcome to Episode 17 of the incarceration nation podcast a podcast about radically reimagining America's criminal justice system. My name is Josh Hoe. I am formerly incarcerated, a freelance writer, a criminal justice reform advocate and the author of the book writing your own best story addiction and living hope.

Sad news first. Joel has asked to take a sabbatical so for at least for a little bit. You're stuck with just me. I apologize in advance. I've never done one of these entirely solo but hopefully it will go okay.

I also want to give a shout out to all listeners, but especially a group of really dedicated listeners in Japan. It's pretty cool that we've been heard in 22 countries so far, but every single week a group of people in Japan has been listening with devotion and I really appreciate it. There's something pretty cool about people all over the world, paying attention to the need for radical reimagining of America's criminal justice system here and I really appreciate you all listening.

Of course, we also appreciate all of our listeners. We've had been heard in 49 of the 50 states, I believe North Dakota is now the lone holdout. Anyway thanks to everyone who's been listening and we really feel free to reach out to us through social media. I would love to do, for instance, a mail bag episode where I just answer listener questions. I would love to just get in touch with you, feel free to follow me on social media on twitter at my Twitter address @JoshuaBHoe.

All right, so we've been working our way through prison reform issues and we started way back at beginning with kind of grounding this and the need for reform in general and then working our way from pre sentencing we've been working on pre on prison reform and just just last week I did this special episode on the Lee Correctional riot, which I thought went pretty well there's been a lot of things happening with that...there's a really good New York Times editorial by Heather Anne Thompson, that was posted the other day, hopefully more attention is being brought to the problems in South Carolina.

Today I've decided to talk about a campaign that I started recently that I'm calling #Bars2Ballots It's about voting and incarcerated people. But before I go into specifics. Let me give you a little bit of context.

A few weeks ago I attended the Democratic Party in Michigan's nominating convention as a delegate. I thought this was pretty important for a number of reasons, one of which is the symbolic impact of me having attended this convention because I wasn't representing myself just as a delegate, or just as a party member, I was representing myself as a party member and delegate who was formerly incarcerated and is very connected to issues of criminal justice reform and of poverty alleviation. If you follow me on Twitter, on on LinkedIn or any of the other places that I post social media content you probably have seen the picture of me holding up standing right in front of the stage, the main stage at the convention holding up my lanyard. And the reason for that is because so many people who are formerly incarcerated either cannot vote or have a lot of barriers to voting and also because a lot of people seem to have some

reluctance to vote. And so it seemed important to me to try and put out there, you know, very publicly that I represent as someone who is formerly incarcerated and does vote, does care about the issues, and will go around and talk to all the candidates.

In fact, I went I talked to, I believe every possible candidate that was being represented or at least talked to their chief of staff or in many instances. I remember in particular, talking to Shri Thanedar twice and talking to a lot of the different candidates, I even talked to the mother of one of the Supreme Court justices at one point, which was pretty entertaining.

So, why don't formerly incarcerated or incarcerated people get to vote. Well, in the 14th amendment, there's a codicil that suggests that states can choose not to allow people to vote, who are who have committed crimes or treason and so in a lot of states people have taken the opportunity to pass legislation that says that people who are incarcerated or formerly incarcerated can't vote.

Luckily I live in one of the states where the minute you get released from prison or jail, you can vote again. But there are lots of different variations of this and some states people can't vote at all. In some states, you can vote but only under certain conditions like depending on the nature of your crime, etc. In some places you can only vote once you get out. I believe in some places, maybe you can vote in jail but not necessarily in prison. There's a lot of different variations on this. And so I think it's really important, at least from my perspective to vote whenever I have the chance to vote because there's so many people who are prevented from doing so.

So anyway, I was at this convention and I was really excited to be there and I went around and I tried to talk to everybody. I could about criminal justice reform and about issues of poverty alleviation. At the end of the convention we had this big you know everyone got in a gigantic room and we all listened to first about an hour of speeches about why everyone should be excited about being democrats why everyone should be ready for what we're calling a blue wave, etc.

And let me preface this by saying that I don't really to me the political jacket you wear doesn't really matter that much. I am a lifelong Democrat, but if I if I was in a if I was sitting in a situation where one candidate was a say a Libertarian and they really supported criminal justice reform and they were running against a candidate who was a democrat who really didn't support criminal justice reform...I'm voting for the libertarian and would do the same if it was a Republican or vice versa, if the democrat was, you know, so for me it's a question more about what the content of their positions are but because of the way the top of the republican party has been working lately I believe that the democrats are more in tune with my issue agenda. Now, that doesn't mean that I don't have a lot of frustrations with the democrats in particular issues frustration with both poverty alleviation and with criminal justice reform.

So we have this big thing they talked for like an hour about all the things that we need to get excited about and this happened, despite the fact that in about a week in Michigan. A week after

the convention, the Senate voted to pass these these exceptions to, or to insert these work requirements into the Medicaid expansion in Michigan and it really bothered me that at this convention where you're supposed to be in tune with, you know, they're at least supposed to be the party that has your back and nobody even mentioned it in an hour of talking about it and this could be a really fairly devastating bill to a lot of people who are. in poverty and a lot of people who are formerly incarcerated.

It's also kind of strange that this happened. And this is another example, though of this problem of parties that I'm talking about in Michigan this is a GOP-led effort and all the votes that have happened have happened along party lines we had in the committee or be it in the legislature so far and these Medicaid work requirements are the most draconian that have been passed to the entire United States, they require that every single person who is on the Medicaid expansion, be able to prove, and that means go to the Department of Health and Human Services and offer proof, as to how you guarantee that you worked 29 hours a week.

This could be a lot of problems for a lot of people. There's a lot of reasons for that. It's also kind of strange that it happened at all because about a year before that the University of Michigan did a study that was published in the Journal of the American Medical Association that suggested that the Medicaid expansion had been a boon to Michigan's economy and that it created like a billion dollars in revenues to the state...and a lot of benefit in terms of creating employment, a lot of benefit in terms of keeping people who were employed working because they didn't have to worry about, for instance, chronic illnesses and things like that as much because they had health insurance. So the evidence seemed pretty overwhelming Medicaid as it was in Michigan was working pretty well...Anyway so they decided to pass this work requirement bill at least it's pass through the Senate and you know it's really also problematic because most people who are on Medicaid actually work. I think it's 67% of people do work and many of the people who are remaining who don't work don't work because a specific medical conditions and obviously if you remove someone's health care because they can't work because of a medical condition that isn't going to make them work that's going to make it less likely that they can do anything much less work.

I also really frustrated by this because you know I've done a lot of the research into this and I'll put a lot of this stuff in the links in the show notes but in the history of putting work requirements into things like Medicaid or welfare or food stamps, we found that it doesn't really ever do anything positive for the people that you're so you know like in the fantasy world in which this bill is a good idea, the fantasy is that if you put work requirements in say Medicaid that people who are poor will go. "Oh my goodness. The only way I can have health care is to work. So I'm going to work."

Unfortunately, like I said, most people already work, they usually work at jobs that are service jobs, which means that the hours are variable and because of these work requirements don't necessarily accord to what people's schedules are they often run afoul of the work requirements ended up not having medical care anymore. And so what I've come to the conclusion of is that

these bills are really intended to drastically reduce the amount of people who are covered by health insurance not actually move people from the from unemployment into employment, which is what they represent as as doing and I don't think that's done the research suggests that that's accurate and there's also some pretty good subsequent stuff that suggests that that would not be the effect of these bills.

So anyway, it's really frustrating to be at this convention and be around all these people were supposed to have your back and really be excited to be there and proud to be there and trying to symbolically represent and also trying to get some work done by talking to all them about criminal justice reform and then have 6700 delegates in the room have everybody talking about everything under the sun that Democrats can do and not even once have them mention that we need to do something even one action item for how we could try to stop these Medicaid work requirements that were going to be voted in only a week later.

It's totally baffling to me that this wasn't even raised and then on top of that, they also didn't talk about any criminal justice reform issues, you know, so we have this huge amount of people who are formerly incarcerated a huge amount of people who are poor, we've got the the the Republican Party doing all this work to try to like make it harder. You know, at the federal level they're rolling back food stamps at the state level they're putting work requirements and Medicaid. It's not just in Michigan, it's happening all over the country because at the federal level, the President decided that it would be a good idea to make it possible for these work requirements to be rolled into Medicaid now. So we have all this going on.

And here we are at this gigantic opportunity with all these people and nobody's talking about the poverty alleviation and nobody's talking about criminal justice reform. So it really made me start thinking I was like, Well, why does the Democratic Party not want to talk about this?

Another thing I want to talk about real quick is I've noticed over the last several years that the democratic party doesn't even really you like to use the word poverty, they don't like to use the word criminal justice. They don't like to use a lot of these terms they like to use other euphemisms like hard working or middle class, but they never say poor and that's weird because so many of the people who would likely vote Democrat really technically are poor and so I started thinking to myself, why is this true, why is it that the democrats just won't talk about poverty?

They won't talk about clearly important poverty issues and they're not talking about criminal justice reform, even though, you know, there's all kinds of stuff happening all around the country about it and I came to some conclusions.

The first conclusion is that poor people don't actually vote as the Guardian, put it in 2016 political political fact found this in 2014 about 75% of people who made under \$10,000 and about 69% of those who made under \$30,000 didn't vote or as Daniel see Belton explaining the route it is.

“Those who most need represented the representation that are denied it. The reason politicians ignore so many of the working poor is that they don't vote. She writes, and the reason so many of the working poor don't vote is that certain politicians have made sure it is inconvenient as possible for them.”

In other words, the politicians have stack the deck and a lot of ways, and then because they know there'll be no consequences of voting either against or for policies that are tough on poor people or they feel that there's going to be no cost to voting for against policies that are tough on formerly incarcerated people they do whatever they want to do they think it's a losing issue so they won't talk about it, obviously, in the case of formerly incarcerated, folks.

You know, so even when we have a criminal justice. We have people listening to us talk about criminal justice reform. They listen but they don't feel like that we have any people behind us that are backing up our calls for criminal justice reform and so when push comes to shove, they tend to do things that almost kind of sabotage. A lot of the criminal justice reform, or just don't care about it in the first place,

it's very frustrating and really made me reflect for a long time. And what I realized is that we really have to start putting people behind our calls for criminal justice reform, we really need to start mobilizing folks to get up and do the work that's necessary to get criminal justice reform done. In other words, we have to start voting our own interests and we need to start representing at places. So the politicians know that no longer are these no cost votes that there will be a cost politically if they continue to do things that are designed to hurt people who are criminal justice impacted or people who are poor.

I keep mentioning poverty because that's a really intersection of community with people are currently incarcerated so many of us face employment employment discrimination and housing discrimination and all other kinds of discrimination, community discrimination, that it's very hard for us to move our way out of poverty, etc. And so there are a large percentage of the people who are formerly incarcerated, who are also poor.

So anyway, I came up with this idea for this campaign called called #Bars2Ballots and here are the different elements of the campaign that I've come up with some so far.

The **first** one there are approximately six to seven formerly incarcerated people in this country and another two or so. million currently incarcerated and another two to 4 million on probation and parole. So somewhere **between 12 and 14 million total who have some kind of felony record or have been incarcerated** now give or take a few and all again it attached the information I got this from in the show notes, in my opinion, **all of those people should have the right to vote.**

So I'm going to get some pushback where people are gonna say are you saying incarcerated people should have the right to vote? Why should incarcerated people have the right to vote?

Well, I have two reasons for that. The first reason that I think incarcerated people should have the right to vote is because we operate in a statistically significantly statistically racially imbalanced system. People who are of color are much more likely to be in prison and much more likely as a result of being in prison to have lost their right to vote as a result of that, when we say that our elections are fair and free and democratic we're really kind of lying because the end result of those elections disqualifies a large percentage of the people in this country for being able to vote, which means that that community those communities are not being represented.

So, for instance, communities that have a large percentage of formerly incarcerated African American men in any states where they don't have the right to vote those counties when they say their elections are free and fair are only free and fair if you ignore the fact that people of color can't a large percentage of people of color can't vote because they're formerly incarcerated.

Now, if it's okay with us to say that's what democracy means well okay i mean i guess i don't know what to say to that. But to me, that's not okay.

There's a second reason why I think that incarcerated people should vote and it's because one of the founding principles of this country is the idea that there should be no taxation without representation and if formerly incarcerated people have their freedom 100% revoked. That is a form of taxation.

In addition, incarcerated folks spent their whole lives until they were incarcerated paying into the tax system and now they're losing their ability to have a voice in how they're taxed not just by the loss of their freedom but also their communities are taxed because of what's known as prison gerrymandering.

We've talked about this a little bit before but the communities where someone is incarcerated, as a result of the census, get any of the goodies from the census as opposed to the communities where those people originally lived.

So for instance, if I live in a town called Ypsilanti, but I was incarcerated in a place called Jackson, at least for part of my time and so when I'm in Jackson and you know when they do the census they count me as part of the population of Jackson, but say my family and friends live in Ypsilanti well instead of the goods for my for anything that would attached to me going to Ypsilanti, it would all go to Jackson where I was incarcerated and to me that's another example of taxation without representation because especially because the families of incarcerated people often bear a lot of the brunt of the costs of the incarceration. So, not only are they not

getting the benefits in their local areas, they're also bearing a lot of the costs. So that seems pretty unfair to me as well.

Finally, there's a lot of criminal justice debt that gets applied to people when they leave prison or jail and that is also a form of taxation and so my opinion is that nobody should ever be taxed without at least having a voice in the process so that democracy can actually represent all of the people who are being taxed. And as you probably remember that is why we had a Boston Tea Party. That's part of the reasons we had a revolutionary war that's part of the the core idea of how our democracy works in my opinion.

And so those are reasons why I think probably incarcerated people should vote but regardless, I think everybody should vote. And I think that incarcerated and formerly incarcerated people should vote. So the first point of this thing is we need to work to ensure that everybody has the right to vote.

The **second** point is that all of us and I mean **all of us who are formerly incarcerated and do have the right to vote need to vote** and it would be good if we only voted for candidate to back real criminal justice reform. So what do I mean by real criminal justice reform. So we've talked about this a little bit before, if you remember way back in Episode Two when we talked about the problems of violence.

The biggest problem that I had or was talking about in a lot of that episode was the notion of carve outs into legislation where legislators want to appear to be behind criminal justice reform efforts, but at the same time, want to protect themselves from the idea that they're soft on crime and so what they do is they'll say pass a bill like will give an example of expungement which is where you wipe someone's record clean after they, you know, after a certain amount of time that they've been out of prison or jail and remained offense free.

So, you can put requirements into a bill like that that say only certain people get to experience those benefits for instance:

Only people whose crimes were non violent or only people who didn't have a Sex Offense or only people who committed a certain other certain types of crimes. You get the idea.

The problem with that and I'll give you the example and expungement is that a lot of times by the way they write the language it sounds good, but it doesn't really help the vast majority of people who need relief. For instance, in Michigan, we have an expungement bill but that bill only covers people who have one felony conviction, as we talked about in the plea bargain issue that's not really the way charging documents work. So, they managed to pass a bill that sounds like it's really good criminal justice reform but it only really affects a small amount of people.

For instance, in Detroit, we had an expungement fair were over 200 people showed up and only eight people qualified for expungement and that's pretty typical of how that expungement law

works. It really doesn't help many people...so, regardless of how long you've stayed offense-free you always remain stuck in the system because the way the bills work

Here's another great example from Michigan just recently we were working towards passing a "compassionate-release" bill and it was a clean bill for a really long time. It seemed like was going to pass clean until at the very last second, they added in a bunch of carve outs...like not people who had committed murder, not people who had sexoffenses, not people who had x y & z.

The problem with that is if you understand compassionate release, it's usually for people who've served a very long sentence and have some kind of chronic disease that prevents them from living a normal life and probably people who are at the tail end of life and the chronic disease means they're probably going to pass away soon or they're so incapacitated that being in jail is, you know, just there's no point to it anymore. So the people who are most likely to need compassionate release are people who've had long sentences and who's the most likely people to have long sentences? People who've committed murder.

So by putting the carve-out in there that nobody who's committed murder can get compassionate release you've already disqualified most of the people who need compassionate release from the compassionate release bill.

So these are examples of how carve outs are used to make things sound like criminal justice reform, when really they're not really criminal justice reform and there's some real dangers with passing what I would call fake criminal justice reform.

I think people who push back on this will say, well, you need to have incrementalism, you know the idea that we can't do it all at once we have to do it a little bit by little bit move on?

There's some real dangers with that though if you do criminal justice reform incrementally

First of all, you're leaving the vast majority of people behind in most instances, we'll talk about that a little bit more in a bit. Second, many of the people who are involved in passing these bills that have the carve-outs in them. They assume that after they're done, they've done criminal justice reform that the job is done that they can wash their hands that the system is fixed. Hallelujah.

But the problem is, the job isn't done, they haven't fixed most of the problems, and most of the people that need relief don't get it.

Finally, unfortunately, even in the same bills legislators often double down and add even harsher penalties for anyone who's left behind. This happens all the time because they want to say, look, we're trying to help the good criminals, but not trying to help the bad criminals. In fact, we're going to make it worse for the bad criminals. So you know that our hearts are...really, I

guess in the right place...in my opinion, by far, the wrong place. And so these three things happen over and over again. And that's why our system never gets fixed really is because that's all these kind of half measures, most of which also are really regressive. So they sound like progressive criminal justice reform but they're really regressive.

The third thing that we need to do is we need to hold politicians accountable and we need to represent ourselves to politicians and we need to do this by making every attempt, we can to meet directly with all kinds of people candidates politicians as often as possible to talk to them and try to get them on the record about what their positions are and then when elections come around hold them accountable for what they said if they didn't do and what they said.

We need to let people know if we don't ever show up and we don't ever ask them, they're never going to think that we matter at all. And they're never going to believe that there's a political cost to ignoring our interests. Don't get me wrong, they'll listen to us now, they'll smile, they'll try to make us their best friends because they want votes but they don't think that our votes matter enough or are a danger to them enough because I don't think we have enough numbers.

Now as I mentioned before, there are like 12 to 14. million of us total and most state elections hinge on small amount of votes, tens of thousands, at most, and if we can start representing and showing up they're going to have to start paying attention to us forth, we need to make common cause with intersectional groups fighting with us for change.

Many formerly incarcerated, folks, including me are poor, for instance, because there are millions of poor people in every state being silenced erased attacked every day by these things like you know like the work requirements and other things we should be making common cause and trying to partner with people to try to make sure that we get the most people possible when we're talking about all these issues. I think that's really important.

The fifth thing is we really as a community as a criminal justice reform community need to stop limiting the discussion to simply reducing mass incarceration. I am in support of these statements like we should try to reduce mass incarceration by half by 2020 which almost every major organization has. But the problem is that until we have the numbers to back those calls to action, people are not really going to get on board.

They will pass criminal justice reform legislation but it will almost always be neutered forms of criminal justice reform at the end of the day, unless criminal justice reform addresses so called violent criminals and we've talked about that at length before you are not going to reduce mass incarceration by half by or whatever you have to have a change of philosophy and that has to come from politicians and if those politicians believe there's no cost to being tough on crime. They're never going to stop being tough on crime.

If those politicians don't believe there's a cost to being tough on poor people, they're never going to stop being tough on poor people.

That means that we have to have both goals and bodies, you know, one of the organizations I admire a bit is Just Leadership USA. when they did their Close Rikers campaign it has had a lot of effect. Even though Rikers isn't closed yet it's had a lot of effect but when they did it, they show up with numbers, lots of numbers and that's what we need to start doing it all of the elections and all of these situations is showing up and not being silent as much as it's hard.

I know a lot of people believe deeply that the political process is corrupted and that you can't get anything good out of politics and all I'm saying. And maybe that's true. I don't even know. But what I'm saying is if we stick to these few issues and we unite together and we show up, regardless of how corrupt they are on every other issue, they have to start listening to us because we have numbers if we use them.

it's understandable. There's so many barriers to voting: It can be confusing, A lot of times we're discouraged from it, The criminal justice systems pulled us for years and sometimes decades and sometimes multiple times that we were worthless that if we stick our head up, they're gonna stomp on us. I understand, but the only way that changes is if all of us stand together and start being willing to show up.

Part of the reason also why I keep showing that picture with me with the lanyard is not because I like looking at myself. I mean, I have a I have a face for radio I totally understand that the reason why I keep holding that lanyard up it's to show everybody that we can all represent and we can all stand up for these ideas and it can make a difference if I can go talk to every single candidate and get them to talk about criminal justice reform. If I can on this podcast. Talk to gubernatorial candidates. If I can you know get audiences with legislators, you can too. And all of us can push for these issues.

So finally, what would I say we should all do. I suggest, like I said, making appointments to meet your state representative in senator to meet with any candidates running for public office in your areas state.

Believe me, they always will be willing to meet when they're running for office. It's very important that you know your representative and your senator because they will usually only meet with people who are their constituents, you can ask them what their positions are on criminal justice reform and on poverty issues in your state get familiar with the pending legislation that could affect you show up at all local events discussing these issues, make sure you tell everyone you meet that you will only vote for candidates who support real criminal justice reform and who support strengthening the social safety net, help me spread the message, you know, follow me on social media use the hashtag #Bars2Ballots.

I don't own it. It's just an idea. You can use that anytime you're trying to send out your messaging about why we should all vote, you should follow you can follow me on medium. I'm Josh H on medium.

Most important vote and vote only for candidates who support criminal justice reform and for strengthening the social safety net.

Alright. Well, that was my first try and a solo run without an interview or anything like that hope it was okay thanks for listening. We'll be back next or I'll be back next week, the corporation nation is available from iTunes, Stitcher or wherever podcasts are aggregated we're now also available on Spotify. Thanks so much for listening. Have a great week.