



The Birmingham News

State doesn't need repeat of vote denial

Sunday, March 19, 2006

RYAN PAUL HAYGOOD

In his lifetime, Richard Gooden, a retired steel worker of 42 years, has been denied the right to vote twice by the state of Alabama. He was first deprived of his voting rights in the early 1960s during a dark period in Alabama's history when black voter registration was made virtually impossible by the state's relentless discriminatory efforts to block the African-American vote.

Gooden vividly remembers being asked to interpret an entire section of Alabama's Constitution, a literacy test that was made impossible to pass even for a black man who had earned a Ph.D.

It was not until the passage of the Voting Rights Act of 1965 that Gooden, like thousands of African-Americans, was finally permitted to vote in his home state.

Gooden was registered to vote and voted for nearly four decades, until he was convicted of driving under the influence of alcohol and stripped of his voting rights as a collateral consequence of a felony conviction. In reality, however, Gooden was being illegally deprived of his voting rights for a second time.

Alabama's constitution, which was passed into law by the people, permits those convicted of felony offenses not involving "moral turpitude" to register to vote. Alabama's courts, the state attorney general and the state Board of Pardons and Paroles also have made it clear that people convicted of felony offenses like Gooden's, such as driving under the influence of alcohol or drug possession, do not lose their voting rights.

Unfortunately, Secretary of State Nancy Worley, the state's chief election official, is flouting Alabama's constitution and laws by advising county registrars throughout Alabama to refuse to register these potential voters unless they have a Certificate of Eligibility from the Board of Pardons and Paroles, a document they do not need and indeed cannot receive.

The secretary of state's behavior is a symptom of "felon disfranchisement creep," a practice that occurs when election officials - whether intentionally or through ignorance of the law - improperly expand existing felon disfranchisement laws to deny the vote to eligible citizens.

For Gooden and a substantial number of similarly situated citizens across Alabama, felon disfranchisement creep has erected new barriers to the exercise of the fundamental right to vote.

To combat this problem in Alabama, the NAACP Legal Defense Fund and Alabama attorney Edward Still filed lawsuits to compel Worley to follow the state's laws. We simply cannot allow eligible voters to be unlawfully denied access to the right to vote.

The legacy of the struggle to obtain the right to vote in Alabama for Gooden and many others demands that the state not repeat its history of vote denial. Ryan Paul Haygood is assistant counsel at the NAACP Legal Defense and Educational Fund Inc. E-mail: opinion@naacpldf.org.

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