

From Criminal Incarceration to Civic Isolation:
How Media Coverage Tells the Story of Ex-Felon Voter Disenfranchisement in Florida

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Abstract

Since the Florida Constitution was ratified in 1868, formerly convicted felons have strenuously fought for the restoration of their civil rights, and namely, the right to vote. The remote nature of this issue and its legal ramifications presented a challenge for the disenfranchised, making it almost impossible to vie for a change without the power of the press. This paper explores how the media encapsulated this journey to voting rights restoration, from the genesis of Florida's statehood to the passage of the historic Amendment 4, the Voting Rights Restoration for Felons Initiative, on November 6, 2018.

Introduction

Desmond Meade graduated from law school in 2014, but he cannot sit for the bar exam.¹ Sheena Meade, his wife, was a 2016 Democratic candidate in the 46th District for the Florida House of Representatives, but he could not vote for her.² What seems like a series of unfortunate events for Meade is the result of a state constitutional mandate that disenfranchised formerly convicted felons from voting in 1845 to November 6, 2018.³

Meade was raised in a family that he describes as not being poor nor well off, but “typical.” After high school, he joined the Army, was based in Hawaii, and was introduced to cocaine. From there, he exhibited years of criminal behavior, and was soon convicted of multiple felonies: aggravated battery following a fight with his brother, various felony cocaine possessions, and possession of a firearm as a felon. Upon his release in 2004, he was homeless and once again fell into drug addiction. The following year, he stood in front of a South Florida train track with the intent of suicide, but claimed a spark ignited and urged him not to follow through. Immediately, Meade checked into drug treatment.⁴

Life after rehabilitation was filled with staunch ambition and laudable accomplishments. Meade obtained a bachelor’s degree and a Juris Doctorate, and was motivated to stop the civic disenfranchisement of his fellow ex-convicts. He dedicated the next chapter of his life to leading the Florida Rights Restoration Coalition on a mission to collect 766,200 petition signatures to

¹ Jason Kander, “Voting Rights,” January 19, 2018, in *Majority 54*, produced by Crooked Media, podcast, <https://crooked.com/voting-rights/>.

² “Sheena Meade,” *Ballotpedia*, https://ballotpedia.org/Sheena_Meade.

³ Amy Sherman. “Dan Gerber says Charlie Crist got automatic restoration of felon rights for the 1st time in Florida history,” *Politifact Florida*, last modified December 12, 2013, <https://www.politifact.com/florida/statements/2013/dec/12/dan-gelber/dan-gelber-says-charlie-crist-got-approved-automat/>.

⁴ Emily Bazelon, “Will Florida’s Ex-Felons Finally Regain the Right to Vote,” *The New York Times Magazine*, September 26, 2018, <https://www.nytimes.com/2018/09/26/magazine/ex-felons-voting-rights-florida.html>

place a measure on the election ballot that would restore voting rights for more than 1.5 million formerly convicted felons, or as Meade fondly coined, “returning citizens.” Meade’s three-year-long crusade proved fruitful, as the measure earned its spot on the 2018 general election ballot as Amendment 4, the Voting Rights Restoration for Felons Initiative.⁵

Historically, felon voting rights were determined by executive rules of clemency. Aside from legislation struck down by the Supreme Court and failed lawsuits, executive rules of clemency controlled by governors and their cabinet were the only way civil rights could be granted to former felons without amending the state constitution. Not only did the placement of Amendment 4 on the ballot set the stage for the largest voting rights restoration act in the history of the country, but it also was the first time the future of returning citizens’ civil rights were decided by Florida voters.⁶

This phenomenon caused an explosion of media coverage profiling “returning citizens” active in their communities and publishing editorials from consumers and activists gunning for this historic change of course. However, the legal process of rights restoration lacked invigoration and was often muddled by governors and cabinets with ulterior motives and the sheer magnitude of amending the resolute nature of a constitutional statute. By examining coverage during a series of key Florida administrations, this paper explores how the issue’s media coverage evolved. From obscure reports of executive clemency changes, to a stream of

⁵ Emily Bazelon, “Will Florida’s Ex-Felons Finally Regain the Right to Vote,” *The New York Times Magazine*, September 26, 2018, <https://www.nytimes.com/2018/09/26/magazine/ex-felons-voting-rights-florida.html>; Florida Amendment 4, Voting Rights Restoration for Felons Initiative (2018),” *Ballotpedia*, [https://ballotpedia.org/Florida_Amendment_4,_Voting_Rights_Restoration_for_Felons_Initiative_\(2018\)](https://ballotpedia.org/Florida_Amendment_4,_Voting_Rights_Restoration_for_Felons_Initiative_(2018)).

⁶ Tommy Vietor, Jon Favreau, Jon Lovett, and Dan Phiffer, “We won,” November 7, 2018, in *Pod Save America*, produced by Crooked Media, podcast, <https://crooked.com/podcast/we-won/>; Amy Sherman. “Dan Gerber says Charlie Crist got automatic restoration of felon rights for the 1st time in Florida history,” *Politifact Florida*, last modified December 12, 2013, <https://www.politifact.com/florida/statements/2013/dec/12/dan-gelber/dan-gelber-says-charlie-crist-got-approved-automat/>.

opinionated discourse among Florida residents, to profiling former felons, to coverage of activists groups eager for change, the press was a platform for the disenfranchised.

Literature Review

The freedom of the press is vital to our country's infrastructure because it keeps the government transparent and accountable. University of Chicago Professor and former member of the Hutchins Commission, Zechariah Chafee Jr., argued with his affirmative theory of the First Amendment that the media's role is public service. He proposed that, "a free and open debate on public issues is a reason for First Amendment protection."⁷ This theory supports meticulous historical analysis of the media's coverage of any public policy issue. Since the restoration of ex-felons' voting rights in Florida is a historically relevant item of public discourse and impacts millions of citizens, the media serves as an important arbiter of information and constructor of the narrative.

When analyzing this issue's media coverage, it is beneficial to take the public attitude towards felon disenfranchisement into account. Before Governor Crist's reforms, Clem Brooks et al., 2004 conducted a study exploring "Public Attitudes Toward Felon Disenfranchisement in the United States."⁸ In the study, 1,000 adults of voting age or older were surveyed via telephone. Questions encompassed attitudes toward crime, punishment, and the civil liberties of criminals and ex-offenders. Data concluded that "a civil liberties view prevails over a punitive view that would deny political rights to non-incarcerated felons." Current studies were

⁷ Elizabeth Blanks Hindman, "First Amendment Theories and Press Responsibility: The Work of Zechariah Chafee, Thomas Emerson, Vincent Blasi and Edwin Baker," *Journalism Quarterly* 69, no. 1 (1992): 48–64, <http://www.aejmc.org/home/wp-content/uploads/2012/09/Journalism-Quarterly-1992-Hindman-48-641.pdf>.

⁸ Clem Brooks, Jeff Manza, and Christopher Uggen, "Public Attitudes Toward Felon Disenfranchisement in the United States," *Public Opinion Quarterly* 68, no. 2 (January 2004): 275-86.

unavailable, but since this topic has been so germane for an extended period of time, insight during any point on the timeline is valuable.

With research showing public opinion supporting the restoration of voting rights to the formerly incarcerated, it is important to assess its historical journey, which spans over 170 years. Amy Sherman, a staff writer and founding team member of Pulitzer Prize winning *PolitiFact Florida*, compiled a chronological narrative of which governors enacted disenfranchisement or restoration legislation. This paper will expand on this narrative by examining hard news coverage and editorials for each respective administration.

The *St. Petersburg Times* and the *Tampa Bay Times* served as the majority of sources for this paper for its upstanding political reporting reputation on a national stage. However, due to limited resources at the University of Alabama Libraries, articles from the *Panama City News-Herald*, *Playground Daily News* of Fort Walton Beach, and *New York Times* were used to analyze the media's narrative before Lawton Chile's administration.

Of course, this issue's relevancy escalated given Amendment 4's spot on Florida's 2018 general election ballot. There is benefit in understanding the conversation from those directly impacted, as Desmond Meade punctiliously articulates the progress and process of securing the historic amendment's spot on the ballot in *Majority 54* podcast episode "Voting Rights." Meade claims that his awareness of the severity of this issue came from reading a Puerto Rican news article about prisoners participating in the 2016 presidential primaries, which called him to activism.⁹ He organized Florida Rights Restoration Coalition and secured the petition signatures to put Amendment 4 on the general ballot, because of his exposure to its media coverage.

⁹ Jason Kander, "Voting Rights," January 19, 2018, in *Majority 54*, produced by Crooked Media, podcast, <https://crooked.com/voting-rights/>.

The debate encompassing this topic stems from the interpretation of the 14th Amendment, and the Equal Justice Initiative claims that the 14th Amendment has historically been interpreted to protect felony disenfranchisement from constitutional dispute, which relegates the decision to each respective state legislature.¹⁰ The historical involvement felon disenfranchisement has with the 14th Amendment further prompts the investigation of media coverage from a constitutional power perspective as well.

The aggregation of information in the aforementioned literature justifies a look at the media coverage of felon disenfranchisement since the genesis of Florida's statehood. Every time the issues bore significance during key governors' administrations, an outpour of media coverage in the form of editorials, hard news stories, interviews, and audio clips pervaded the policy discussion.

Early Statehood

The disenfranchisement of former felons dates back to the genesis of Florida's statehood. In 1845, Florida's legislature sanctioned a law stating, "...no person who shall hereafter be convicted of bribery, perjury, or other infamous crime, shall be entitled to the right of suffrage."¹¹ Almost a quarter of a century later, the ratification of the Fourteenth Amendment of the United States Constitution outlined attributes of citizenships and the rights of citizens, which prompted the *New York Times* to publish an article from the *Cincinnati Commercial Gazette* outlining the state specific voting disenfranchisement in 1884. The article argued that as long as voting laws refrain from discriminating on the basis of "...race, color, or previous condition of

¹⁰ Jennifer Rae Taylor, "Race, Voting and a Gaping Loophole: A Critical Look at the 14th Amendment," *Equal Justice Initiative*, August 13, 2018, <https://eji.org/news/race-voting-and-a-gaping-loophole-a-critical-look-at-the-14th-amendment>

¹¹ Amy Sherman. "Dan Gerber says Charlie Crist got automatic restoration of felon rights for the 1st time in Florida history," *Politifact Florida*, last modified December 12, 2013, <https://www.politifact.com/Florida/statements/2013/dec/12/dan-gelber/dan-gelber-says-charlie-crist-got-approved-automat/>.

servitude,” individual states “...may adopt an educational or property franchise or condition, providing it applies equally to all citizens.”¹² This cunning allowed the article to publish that anyone in Florida can vote after a year of residency if they are not a criminal, a duelist, an idiot, or insane.¹³

While the evolution of ex-felon voter disenfranchisement media coverage takes the shape of a debate about civil rights, early coverage debated the nature of a felony. A *New York Times* article in 1880 articulated controversy pervading the ramifications of a larceny conviction. The governor and his Democratic supporters contested any persons convicted of any degree of larceny forfeits their “elective franchise.” The Republican State Committee argued that if the loss of theft is less than twenty dollars, then the crime should be classified as a misdemeanor and voting rights are protected.¹⁴ Interestingly enough, this article contains evidence that the opinions of the Democratic and Republican party have flipped since Florida’s early statehood claiming that the Republican committee threatens any election official with prosecution if they interfere with a citizen’s right to vote based on a court conviction.¹⁵

Reubin Askew and the Ninth Rule of Executive Clemency: 1971-1979

The flagship figure leading the fight for ex-felon voting rights restoration was Governor Reubin Askew, who eradicated permanent disenfranchisement after collaborating with his cabinet to adopt the “Rules of Executive Clemency of Florida,” on September 10, 1975, even after the Supreme Court ruling in favor of states denying former felons the right to vote.¹⁶ The

¹² *Cincinnati Commercial Gazette*, “Qualifications of Voters.: Requirements in the Several States of the Union,” *New York Times*, October 4, 1884.

¹³ *Ibid.*

¹⁴ “Voters in Florida,” *New York Times*, October 12, 1880.

¹⁵ *Ibid.*

¹⁶ “Reubin Askew, Champion of Voting Rights,” Brennan Center for Justice, March 14, 2014, <https://www.brennancenter.org/blog/reubin-askew-champion-voting-rights>; United Press International, “Ex-Felons Denied Right to Vote,” *Playground Daily News*, June 25, 1974; United Press International, “Women Didn’t Fare Well: Supreme Court Ends Lackluster Session,” *Naples Daily News*, June 30, 1974.

catalyst rule for this issue's discourse, was number nine: Automatic Restoration Of Civil Rights.

Section A reads,

When a person receives final release from the Florida Parole and Probation Commission, Department of Offender Rehabilitation, or county jail, his civil rights shall be automatically reinstated, except the right to possess or own a firearm shall be specifically withheld.¹⁷

Papers framed this historic mandate as hard news, simply reporting the change of status. Instead of making this new information readily available to the readers with accompanying photos or prominent places in the paper, stories were overshadowed by large advertisements, hidden in the middle of the page, and found well past page five of the papers. However, to stress the disenfranchisement of former felons and their desire to re-assimilate into society, a tangent issue of allowing ex-felons admission into Florida law schools was hotly contested.¹⁸ Articles included a full pardon of Edward P. Jackson, a 20-year-old who was convicted for selling marijuana who wanted to attend law school at Florida State University.¹⁹

Secretary of State Bruce Smathers obstinately stated, "...every bright youth who wants a pardon to apply to law school," which contributed to building a negative stigma of former felons. The attorney general, who was always a main proponent of ex-felon voting rights restoration, called his fear "baseless." It should engender no shock that Smathers was the only cabinet member to vote against the automatic restoration of felons' civil rights, according to the articles.²⁰

¹⁷ Florida Governor, September 10, 1975, Rules of Executive Clemency of Florida.
<https://www.documentcloud.org/documents/894132-rules-of-executive-clemency-1975-4.html>.

¹⁸ United Press International, "State Board of Regents Name Robinson to UWF," *Playground Daily News*, October 8, 1974.

¹⁹ United Press International, "Cabinet Sets Forgiveness Rules For State Ex-Convicts, Parolees," *Playground Daily News*, September 11, 1975; United Press International, "Rule Restores Felon's Rights," *Naples Daily News*, September 11, 1975; Associated Press, "Atty. Gen. Shevin Seeks Prisoner 'Right to Vote'," *Naples Daily News*, January 30, 1973.

²⁰ Ibid.

While news of the Executive Clemency rules proved bland, a 1976 article of the *Naples Daily News* did a service to ex-felons by digging deeper into the story providing statistics, restrictions, and background of the cabinet's decision. As of June 16, 1976, 2,492 former felons had their civil rights restored since the ninth rule of Executive Clemency was enacted at the beginning of November 1975. However, the article scrutinized Governor Askew's lack of effort to restore civil rights for former felons before the rule was enacted.²¹

Perhaps the pressure for his administration and the Florida legislature to reverse this archaic law came from discussion questioning whether or not voting is a "right," but there was still overwhelming pushback, antiquated worldviews, and futile fear-mongering even as progress loomed. "The Question Box," a feature on the editorial page of the *Panama City News-Herald* that answered substantial reader questions about current events and politics, served as a perfect example of this discourse.

A 1972 reader inquired if voting was an inherent right, and the writer's response was evasive and exclusionary claiming, "If voting were a right, an individual would have a right to vote when he is born." Citing the progress of granting minority and women suffrage as a "privilege," the writer contends that, "We do not believe even the most radical proponent of voting 'rights' would claim that every child, alien, felon, and insane person has a right to participate in a political election."²²

Indeed, Governor Askew was a catalyst for the restoration of felon voting rights, but future governors adopted adverse policies that only inclined the uphill battle for these returning citizens looking to successfully re-integrate into society.

²¹ Associated Press, "Felons Get Vote Rights When Freed," *Naples Daily News*, June 16, 1976.

²² Editorial, "The Question Box," *Panama City News-Herald*, December 12, 1972

Lawton Chiles' Paranoia of Overcrowded Prisons: 1991-1998

During Governor Lawton Chiles's term, an unprecedented issue arose that would soon restrict the civil rights of millions of formerly incarcerated felons: overcrowded prisons.²³ There was plenty of pressure for this Democratic governor to stop the steady flow of early releases, so he took a colorful approach with a public relations campaign called "Safe Streets." Chiles approached the early releases as a safety issue, and the *St. Petersburg Times* reported him justifying the changes by claiming, "I don't think any of you would say 'Won't you be my neighbor' to violent criminals who had been released from prison after serving just a third of their sentence. I intend to work with you by keeping the hoods out of Florida neighborhoods."²⁴

A year prior, the Rules of Executive Clemency were revised to be more lenient towards capital case inmates and accommodate female inmates who were victims of "battered women syndrome," but also made the clemency process more difficult by requiring hearings for certain crimes.²⁵ This gubernatorial administration was the dawn of a new type of former convict reporting: profiles that humanized those seeking civil rights restoration.²⁶

During the 1990s, reporters began to make connections between race and disenfranchised ex-felons. Among the various voter registration drives for black voters, resources regarding civil rights restoration were also provided to former convicts.²⁷ In 1998, Democratic state legislators grew weary of the tedious nature of civil rights restoration at the discretion of the clemency

²³ Lucy Morgan, "Florida Ends the Early Release of Prisoners," *St. Petersburg Times*, December 9, 1994.

²⁴ Bill Moss, "Chiles Unrelenting on Prisons," *St. Petersburg Times*, April 27, 1993.

²⁵ Office of Economic and Demographic Research, FIEC Voting Restoration Amendment 14-01, October 5, 2016, 55-62, http://edr.state.fl.us/Content/constitutional-amendments/2018Ballot/VRANotebook_1_10-5-16.pdf; Tamara Lush, "A Call for Clemency," *St. Petersburg Times*, June 18, 2004.

²⁶ Diane Rado, "Ex-suspect in Slayings Wants Rights Back," *St. Petersburg Times*, March 10, 1994; Diane Rado, "Humphrey Gets Back Civil Rights," *St. Petersburg Times*, April 20, 1994; Paul Wilborn, "Door to Her New Life Opens, then Slams," *St. Petersburg Times*, June 10, 1996; Editorial, "America's Political Outcast Series," *St. Petersburg Times*, November 16, 1998.

²⁷ Tony Pugh, "D.C. March Spurs Local Drive for Black Voters," *Miami Herald*, November 24, 1995; Waveney Ann Moore, "Registration Efforts Target Black Voters," *St. Petersburg Times*, August 18, 1996.

board. They introduced legislation for automatic restoration of voting rights, and the press relied on racial statistics to bolster the legislation's argument. Media published points ranging from "while the felon-disqualification laws are race-neutral, the effects are not," to "nationally, 3.9 million felons are barred from voting, including 13 percent of black men."²⁸

Jeb Bush Consolidates Clemency Application: 1998-2007

Jeb Bush took office when the rights restoration conversation escalated to include state-scathing editorials featuring racially oppressive statistics and former felons who committed nonviolent crimes so long ago, a rights restoration failure is averse to their civic engagement.²⁹ This coverage was a result of Florida's role in the 2000 presidential election, with the *New York Times* contesting that the election results made Florida's voting laws and practices "the subject of intense debate and scrutiny."³⁰

This civic unrest led to a series of lawsuits hotly covered by the media, with the most infamous being *Johnson v. Bush*.³¹ The *Chicago Tribune* published a story by Nancy J. Northrup, director of the Democracy Program at the Brennan Center for Justice, where she introduced Thomas Johnson as "the executive director of a widely celebrated program that helps ex-offenders become productive members of the community." Thomas Johnson was convicted for drug possession and is a recovered addict who also wanted to challenge Florida's antediluvian

²⁸ Sydney P. Freedberg, "Four Million Felons Denied Right to Vote," *Miami Herald*, February 15, 1998; Julie Hauserman, "Lawmakers: Restore Voting Rights for Some Ex-Cons," *St. Petersburg Times*, December 4, 1998; Steve Bousquet, "Bill Aims to Restore Ex-Cons' Voting Rights," *Miami Herald*, December 5, 1998; Michael A. Fletcher, "Voting Rights for Felons Win Support," *The Washington Post*, February 22, 1999.

²⁹ Greg Toppo, "13% of Black Men Ineligible to Vote," *Sun-Sentinel*, September 22, 2000; Editorials, "Voting Rights Denied," *St. Petersburg Times*, October 13, 2000; Jeffrey S. Solochek, "Ex-Felons Challenge the Law on Voting," *St. Petersburg Times*, January 21, 2001.

³⁰ Abby Goodnough, "Disenfranchised Florida Felons Struggle to Regain Their Rights," *New York Times*, March 28, 2004.

³¹ Jeffrey S. Solochek, "Group Sues State Over Felons' Voting Rights," *St. Petersburg Times*, March 15, 2001; Alisa Ulferts, "Lawsuit: 'Jim Crow' Taints Vote Law," *St. Petersburg Times*, August 16, 2001.

voting laws.³² The Brennan Center for Justice helped him file a suit, but the United States district judge Lawrence King rejected it.

The *St. Petersburg Times* reported King saying, “The African-American felon plaintiffs have not been denied the right to vote because of an immutable characteristic, but because of their own criminal acts.”³³ After the pressure from civil rights groups, Florida “quietly” reworked its policy to be conducive to returning citizens seeking rights restoration.³⁴

While Governor Bush never relaxed civil rights restoration process rules, he did simplify the process. The once cumbersome 12-page application was consolidated into one, and the *St. Petersburg Times* reported positive reactions from those seeking clemency. Jorge Lara, a former felon whose civil rights were restored under Governor Bush’s administration lauded the system for “working” and making America a “land of opportunities.”³⁵ But the restoration process was not as smooth as Lara claimed. Press circulated complaints by the ACLU that the information to apply for civil rights restoration was not readily available, therefore suppressing voters even more. An appeals court ruled that the state was not sufficiently disseminating information regarding the rights restoration process and required the state to modify their literacy efforts to be conducive to released felons. An editorial in the *St. Petersburg Times* described the stronghold of restoration resources as “money down the drain, spent solely to maintain an archaic system of exclusion and disenfranchisement.”³⁶

At the sunset of Governor Bush’s term, there was an uprising of grassroots organizations fighting for the restoration of released felons’ voting rights. The media jumped at this fresh angle

³² Nancy J. Northup, “Votes That Will Never Be Counted,” *Chicago Tribune*, November 12, 2000.

³³ Lucy Morgan, “Judge Rejects Felons’ Voting Rights Suit,” *St. Petersburg Times*, July 19, 2002.

³⁴ Tim Nickens and Christopher Goffard, “It is Now Easier for Some Felons to Vote,” *St. Petersburg Times*, March 31, 2001.

³⁵ Tamara Lush, “A Call for Clemency,” *St. Petersburg Times*, June 18, 2004.

³⁶ Alisa Ulferts, “State Told to Help Felons Regain Rights,” *St. Petersburg Times*, July 15, 2004; Editorials, “Restore Rights Automatically,” *St. Petersburg Times*, July 17, 2004.

that provided ample sources, stories, and tugged at the heartstrings of their readers. The *St. Petersburg Times* published an activist's quote that served as an angle for this issue for years to come: Mary A. Saunders, chairwoman of a community grassroots organization summed up the reason to fight for restoration of civil rights in one sentence, "Most of these people committed only one crime, and some committed those crimes many decades ago." In the spirit of objectivity, papers also published the opposition's view. The Center for Equal Opportunity was said to oppose automatic restoration of ex-felons' civil rights because they believed the prospect of disenfranchisement deterred crimes.³⁷ Editorials contended the notion that civil rights restoration correlated with an escalated crime increase. An article in the *New York Times* claimed, "These laws serve no correctional purpose – and may actually contribute to recidivism by keeping ex-offenders and their families disengaged from the civic mainstream."³⁸

Activist groups like the Brennan Center for Justice, who was the lead counsel in *Johnson v. Bush*, saw the high saturation of felon voting disenfranchisement media coverage as advantageous and responded to articles with concise facts and sharp rationales. In response to the aforementioned editorial in the *New York Times*, Deborah Goldberg, director of the democracy program at the center, even pointed out that "public officials who care about democracy agree," and articulated sentiment that the center hopes the "fundamental right to vote will become a reality in this country."³⁹

However, with every castigation of Florida's suppressive voting laws, several opinions opposing change were published.⁴⁰ In a letter response to a *St. Petersburg Times* editorial calling

³⁷ Robert Klein, "Group Lobbies for Felons to Have Right to Vote," *St. Petersburg Times*, October 27, 2004.

³⁸ Editorials, "Why Felons Deserve the Right to Vote," *New York Times*, February 7, 2005.

³⁹ Letters to the Editor, "Let Florida Felons Vote," *New York Times*, Feb 14, 2005.

⁴⁰ Editorial, "Restore Felons' Right to Vote," *St. Petersburg Times*, February 15, 2005.

for a revision of voting laws, Douglas Fairbanks, a resident of St. Petersburg, Florida, brazenly wrote,

Felons should have the right to vote? Yeah, right. Just what this country really needs are more rapists, thieves, and arsonists picking the people and policies to run our country. Well, after all, haven't they 'paid their debt to society' by serving

a couple of years of prison time? The answer is an obvious 'no.' A wake of victims has been left behind these felons, and society needs to watch their behavior for a time to make sure there truly has been a permanent change in behavior.

The same editorial engendered a different response from those who were unaware of the voter suppression. Patrick Moody of Brandon, Florida, titled his letter "A Policy with Racist Roots" and contended, "Any politician who doesn't support eliminating this archaic practice might as well have separate "white" and "colored" entrances for his/her office."⁴¹

Governor Jeb Bush was indeed an advocate for former felons seeking restoration of their civil rights, but a rising star in the governor's race made campaign promises that paled Governor Bush's efforts in comparison. Charlie Crist listened to the plight of the people and made automatic restoration of civil rights one of his foundational promises to Florida's former felons.⁴²

Charlie Crist's "People Over Politics" Mentality: 2007-2011

Governor Charlie Crist is renowned for enacting the mandate that restored voting rights for the largest number of formerly convicted felons.⁴³ However, his cabinet failed to be completely supportive of these efforts. Attorney General Bill McCollum published a scathing opposition to rights restoration in the *St. Petersburg Times*. He wrote, "The campaign to

⁴¹ Ibid., Letters to the Editor, "Restoring Felons' Voting Rights Won't Improve Society," *St. Petersburg Times*, February 21, 2005; Letters to the Editor, "A Policy with Racist Roots," *St. Petersburg Times*, February 21, 2005.

⁴² Jennifer Liberto, "Crist is Alone on Voting Rights," *St. Petersburg Times*, November 17, 2006.

⁴³ Amy Sherman. "Dan Gerber says Charlie Crist got automatic restoration of felon rights for the 1st time in Florida history," *Politifact Florida*, last modified December 12, 2013, <https://www.politifact.com/florida/statements/2013/dec/12/dan-gelber/dan-gelber-says-charlie-crist-got-approved-automat/>.

automatically restore civil rights to nearly all felons upon release from prison, with no waiting period and no hearing to determine if those felons will go right back to a life of crime, is reckless and irresponsible.” Perhaps serving as the most logical rationale for opposition, Attorney General McCollum also reasoned that “a person who breaks the law should not make the law.” Using a similar rationale as the Attorney General, Commissioner of Agriculture Charles Bronson said in a *St. Petersburg Times* article that the cabinet would “be more likely to support automatic restoration if it did not apply to people who committed crimes such as murder and rape.”⁴⁴

However, three days after McCollum’s criticism, Crist’s administration revised the rules for civil rights and non-violent offenders had their voting rights automatically restored.⁴⁵ Leading up to the revision, the press anticipated major change while holding Governor Crist to his campaign promises. He was often described by the media as trying to “overhaul the Jim Crow-era rules” that disenfranchised hundreds of thousands of felons and criticized for the bureaucratic inefficiency of the current rights restoration process.⁴⁶ The *St. Petersburg Times* was diligent in publishing letters from citizens reacting to the looming changes, and there were mixed feelings among Florida residents. Clearwater, Florida, resident Thomas R. Hochschild Sr. recognized that the prospect of ex-convicts voting rightfully worried some but pointed out that if they have propitiated their charge, then the right to vote is an automatic next step. He also made the case for those who were wrongfully convicted. Mortimer Brown from Lutz, Florida, went so

⁴⁴ Bill McCollum, “Felons Don’t Merit Automatic Voting Rights,” *St. Petersburg Times*, April 2, 2007; Shannon Colavecchio-Van Sickler, “Restoring Rights is Quickly Revisited,” *St. Petersburg Times*, March 2, 2007.

⁴⁵ Office of Economic and Demographic Research, FIEC Voting Restoration Amendment 14-01, October 5, 2016, 55-62, http://edr.state.fl.us/Content/constitutional-amendments/2018Ballot/VRANotebook_1_10-5-16.pdf; Florida State Advisory Committee, *Ex-Felon Voting Rights in Florida: Revised Rules of Executive Clemency that Automatically Restore Civil Rights to Level 1 Offenders is the Right Policy* (Scholar’s Choice, 2015).

⁴⁶ Shannon Colavecchio-Van Sickler, “Restoring Rights is Quickly Revisited,” *St. Petersburg Times*, March 2, 2007.

far as to argue that the right to vote was the least of released felons' concerns, and the government should busy themselves with helping them re-assimilate into civilized life with a stable job and a living wage.⁴⁷

Impending restoration and the cabinet's attitude pervaded media coverage. Governor Crist was reported to be lobbying members of his cabinet to secure the proper number of votes for automatic restoration, eager to make good on his campaign promise. Media covered public information campaigns by the influential American Civil Liberties Union (ACLU) and the empathy towards individual former felons shown by Governor Crist, both attractive angles that appealed to the readers' emotional register.⁴⁸ The days after the revision saw the press enthusiastically humanize felons seeking civil rights restoration. The *St. Petersburg Times* was attentive to this dramatic change and highlighted that former felons should watch for a certification from the state in the mail, signifying their rights have been restored. However, a lack of voting rights literacy plagued former felons. To help combat this, papers published resources that provided answers to any questions from these returning citizens, and they also covered the issue of restoration illiteracy, hoping to spread the good news for the newly eligible voters.⁴⁹

As a response to the information deficiency, Governor Crist signed an executive order on August 27, 2008, that provided felons with voter registration forms upon release. Of course, the

⁴⁷ Letters to the Editor, "Ex-felons Deserve to Get Back Their Voting Rights," *St. Petersburg Times*, March 8, 2007; Letters to the Editor, "A Priority," *St. Petersburg Times*, March 8, 2007; Letters to the Editor, "Restoring Felon Rights is Good for Society," *St. Petersburg Times*, April 4, 2007; Letters to the Editor, "Don't Ease the Law," *St. Petersburg Times*, April 4, 2007; Letters to the Editor, "Powerlessness Hurts," *St. Petersburg Times*, April 4, 2007.

⁴⁸ Steve Bousquet, "Felons May Regain Voting Rights," *St. Petersburg Times*, April 3, 2007.

⁴⁹ Alex Leary, "Details Fuzzy in Plan for Ex-Cons," *St. Petersburg Times*, April 10, 2007; Steve Bousquet, "Effort Aims to Help Felons Regain Voting Rights," *St. Petersburg Times*, December 7, 2007; Jennifer Liberto and Connie Humbu, "Their Right to Vote is Back, but They Don't Know It: Many Ex-Cons are Unaware Their Voting Rights Have Been Restored," *St. Petersburg Times*, July 6, 2008.

media covered this as fervently as the issue this order solved. They lamented that many may miss their voting registration opportunities in time for upcoming presidential election, and even printed the ACLU's disdain for waiting until the last minute to enact these changes.⁵⁰

Conversely, this progress towards voting rights could not stop the media from slamming Florida for being "the most hostile state in the nation to new voters." They concisely listed additional roadblocks former felons seeking successful voter registration may face: "no match-no vote" laws, irrationally early registration deadlines, forbidden registration correction laws, and the inability to resolve incongruities on Election Day in order to vote on the spot.⁵¹

Election Day 2008 was quickly approaching, and to avoid the debacle produced by the 2000 presidential election, the press meticulously covered any cabinet discussion regarding voter rolls, as the slightest change could cost a returning citizen their vote. With cabinet opposers Attorney General Bill McCollum and Agriculture Commissioner Charles Bronson spreading fear of fraudulent registrations, Governor Charlie Crist and Secretary of State Kurt Browning firmly pressed to "err on the side of the voter." Keeping with the tradition of scrupulously supplementing voting rights articles with information conducive to combating disenfranchisement, the *St. Petersburg Times* included "Fast Facts" to protect voters in each party.⁵² Governor Crist's voting rights restoration progress was lauded by the press, even after

⁵⁰ Steve Bousquet, "Felons' Route to Vote Eased: They Will Be Able to Get Registration Forms at Prison Release," *St. Petersburg Times*, August 28, 2008.

⁵¹ "Florida Still Erecting Roadblocks to Voting," *St. Petersburg Times*, October 1, 2008.

⁵² Steve Bousquet, "Fla. Officials Split by Felons on Rolls: Some Gripe, but Crist Backs the Election Chief's Plan 'To Err on the Side of the Voter'," *St. Petersburg Times*, October 15, 2008; "Crist Puts Politics Second, Public First," *St. Petersburg Times*, October 30, 2008.

President Obama's pivotal win in 2008. Because of Crist's empathy and flexibility with citizens who voted in opposition to his party, *St. Petersburg Times* reporter Steve Bousquet hailed him as a "model for GOP."⁵³

However, the media was quick to detect any irritation with the current civil rights restoration process, as it could be argued that an increased number of released felons warranted automatic restoration. Among the highlighted efforts was the Florida Rights Restoration Coalition's mission to mitigate the cumbersome bureaucracy of the process. The coalition gave the media fresh information stating that since the 2007 revision, hundreds of thousands of returning citizens are still waiting for the rights to be restored.⁵⁴ Former felon Al McCray masterfully authored an article in the *St. Petersburg Times* conveying the disservice the bureaucratic process presented to those seeking rights restoration. McVey wrote,

According to the Department of Corrections, approximately 24,863 persons were released from state prisons to Hillsborough County between 1999 and 2009. There's no way to tell how many of them have had their rights restored... The backlog of those seeking rights restoration as of 2010 is around 87,000. The state is still processing cases from 2007. There are about 1.2 million persons living in Florida without restored rights.⁵⁵

The press remembered these critiques when Governor Crist decided to forgo a second term leaving the hundreds of thousands backlogged restoration applications behind, and in regard to voting rights restoration, revealed "a new audit says the agency that handles such cases is chronically underfunded."⁵⁶ Soon, a new governor would prove to be more fatal to rights restoration than a dysfunctional bureaucratic process.

⁵³ Steve Bousquet, "Crist: Florida Model For GOP: Republican Governors Meet in Miami," November 12, 2008.

⁵⁴ Janet Zink, "Group Seeks Voting Change: A Coalition Wants the State to Make it Easier for Felons to Regain Their Voting Rights," *St. Petersburg Times*, March 12, 2009.

⁵⁵ Al McCray, "Sentence ends, But Loss of Civil Rights Continues," *St. Petersburg Times*, October 29, 2010.

⁵⁶ Steve Bousquet, "Will Gov. Crist Leave a Legacy? His Agenda Looks Incomplete As He Skips a Second Term for a Senate Run," *St. Petersburg Times*, October 12, 2009.

Rick Scott, Like a Thief in the Night: 2011-2018

Aside from the original Jim Crow-era law, Governor Rick Scott's administration was the most suppressive, in terms of ex-felon voting rights restoration efforts. His changes enacted a five to seven-year waiting period before released felons were allowed to apply for civil rights restoration. It did not take long for Governor Scott to reverse Governor Crist's progress, and *St. Petersburg Times* reporter Steve Bousquet wrote that Scott imposed these new laws "with uncommon speed." A common complaint among Scott's cabinet and elected officials was the secrecy which with the new rules were handled. The cabinet received the new policy only a night prior to the meeting, and copies of the new rules were hidden from the public until after the meeting. The *St. Petersburg Times* exposed,

Agriculture Commissioner Adam Putnam asked for a slower, more detailed explanation of the changes saying he 'didn't have much time' to absorb them because he got the proposal so late. 'Why the rush to get back where we started from?' asked Senator Arthenia Joyner, D – Tampa. Howard Simon of the ACLU of Florida said the speed suggested a drive to deny voting rights to as many people as possible before the 2012 election.

Governor Scott was reported waving off the accusations by claiming it was part of his job to make decisions when he grows "comfortable," even if that decision is made behind closed doors with limited consideration time.⁵⁷ Attorney General Pam Bondi even wrote an article published by the *St. Petersburg Times* defending Scott's decision. She wrote,

For those who may suggest that these rule changes have anything to do with race, these assertions are completely unfounded. Justice has nothing to do with race. In a recent case, the 11th U.S. Circuit Court of Appeals examined the historical record and soundly rejected the argument that Florida's prohibition on felon voting was originally motivated by racial discrimination.⁵⁸

⁵⁷ Steve Bousquet, "Felons' Rights Restricted: With Little Discussion, Scott and Cabinet Erase a Streamlined Policy to More Quickly Restore Rights," *St. Petersburg Times*, March 10, 2011.

⁵⁸ Pam Bondi, "Upholding the Rule of Law," *St. Petersburg Times*, March 26, 2011.

However, many would disagree. The *Tampa Bay Times* published a three-part series outlining Florida's oppression of African Americans since the civil war.⁵⁹ In this series, University of South Florida St. Petersburg Professor Emeritus Darryl Poulson affirmed that restricting felon voting rights is indeed racial oppression. When it came time to purge voter rolls after Governor Scott revised the clemency process, *Tampa Bay Times* reporters interviewed Reggie Garcia, Tallahassee lawyer and clemency expert, who said that the purged were disproportionately black, democrat, and male.⁶⁰

The fight from activists against Governor Scott's new rules continued to escalate with reporters covering statistical claims by activists that the number of former felons who could not vote in Florida was disproportionate compared to the rest of the country. Amy Sherman, a staff writer for PolitiFact, a project of the *Tampa Bay Times* diligently held key players of politics and voting rights causes accountable when making statistical claims.⁶¹ When Desmond Meade contended, "Of the approximately 6 million disenfranchised felons in the United States, 'one-quarter are Floridians,'" Sherman researched the facts and ruled his claim as "mostly true."⁶² This new facet of discourse prompted intense voting rights coverage with articles using charged language accusing Florida of having a "shameful distinction as the nation's leader in barring felons from voting," and humanizing former felons by including personal interviews in articles.⁶³

⁵⁹ In 2011, the *St. Petersburg Times* was renamed the *Tampa Bay Times*.

⁶⁰ Darryl Paulson, "So Often Denying Black Voter," *Tampa Bay Times*, October 27, 2013; Steve Bousquet and Carolyn Edds, "Voter Purges Hit Two Groups: Among Felons Taken Off Rolls, Democrats and Blacks Make Up a High Percentage," *Tampa Bay Times*, May 23, 2012.

⁶¹ Amy Sherman, "Crist 1st to Improve Felon Path to Vote," *Tampa Bay Times*, December 16, 2013; Amy Sherman, "Did Marco Rubio Say Felons Should Be Barred From Voting But Should Get Their Guns Back," *Tampa Bay Times*, May 27, 2015; Amy Sherman, "Driving With Suspended License Can Lead to Loss of Voting Rights for Felon, Advocate Says," *Tampa Bay Times*, May 25, 2017.

⁶² Amy Sherman, "Voting Rights Activist Says One-Quarter of Disenfranchised Felons in U.S. Live in Florida," *Tampa Bay Times*, January 23, 2014.

⁶³ "Remove Barriers to Voting Rights," *Tampa Bay Times*, November 24, 2014; Mary Ellen Klas, "Barred From Fla. Voting: Over 1.5M Can't Go to Polls as the State Resists Efforts to Restore Voting Rights to Felons," *Tampa Bay Times*, August 15, 2016.

Victims of Florida’s oppressive voting laws grew weary of relying on governors and their cabinets to determine who is worthy of civil rights and who is not, so the people took matters into their own hands. Reports on activist groups vying to place a voting rights amendment to the Florida constitution on the 2016 ballot infused press coverage, as these efforts were novel to the state of Florida. The *Tampa Bay Times* informed readers that these supporters – composed of the ACLU, NAACP, the Florida Rights Restoration Coalition, Floridians for a Fair Democracy, League of Women Voters, and other like-minded groups – spearheaded by Desmond Meade must “collect signed petitions from 68,314 voters, 10 percent of the total, which would trigger a legal review of the petition language by Attorney General Pam Bondi.”⁶⁴

As these civic efforts gained traction, the media had no shortage of opinion articles. Returning writer and University of South Florida St. Petersburg Professor Emeritus Darryl Paulson argued that Florida should “give nonviolent ex-felons an easier path to regain rights, but not so easy for violent ex-felons.”⁶⁵ Others were quick to defend the plight for enfranchisement against voting fraud accusations, since paranoia permeated discourse about the 2016 presidential election, while others argued to keep the antiquated practice of determining rights restoration case by case.⁶⁶ Activist groups and nonprofits published reports and informational subsidies to support or oppose the potential amendment. The *Tampa Bay Times* reported that the Brennan Center for Justice called Florida’s law “radically out of step with policies around the rest of the country,” and that Tampa lawyer Richard Harrison had created Floridians for a Sensible Voting Rights Policy, which argued that Floridians should elect a new cabinet to change the law.⁶⁷

⁶⁴ Steve Bousquet, “Ex-Felons Want to Vote,” *Tampa Bay Times*, December 26, 2014.

⁶⁵ Darryl Paulson, “A Balanced Answer on Restoring Felons’ Rights,” *Tampa Bay Times*, April 27, 2016.

⁶⁶ Daniel Ruth, “Voter Suppression the issue, Not Fraud,” *Tampa Bay Times*, August 18, 2016; Richard Harrison, “Voting Rights Should Be Restored Case By Case,” *Tampa Bay Times*, August 29, 2017.

⁶⁷ Kristen M. Clark, “Report Slams Felon Vote Law,” *Tampa Bay Times*, December 24, 2016; Steve Bousquet, “Lawyer Challenges Felon Rights Effort,” *Tampa Bay Times*, August 26, 2017.

On April 20, 2017, the Florida Supreme Court unanimously approved the language of the amendment. The *Tampa Bay Times* published the victory on their first page the next day,

Voting rights advocates and civil rights attorneys cheered the Florida Supreme Court's unanimous ruling Thursday approving language of a proposed amendment that would restore voting rights for felons, saying the decision is a major step towards erasing a lingering vestige of Jim Crow.

This approval from the state's high court gave hope to the amendment's advocates to "gather the nearly 700,000 signatures they need."⁶⁸

Conclusion

With the unwavering support of civil rights groups and dedicated activists, Desmond Meade secured enough petition signatures needed to place the Voting Rights Restoration for Felons Initiative on the Ballot, and successful advocacy efforts secured passage of this amendment with a 64 percent majority, exceeding the 60 percent requirement.⁶⁹ This historic victory for civil rights will occupy media for years, as this was the first citizen-initiated measure to not only automatically restore felon voting rights, but also was the largest voting rights restoration act in the history of the United States.⁷⁰ The media played an important role in disseminating information about pending changes in voting laws, campaign promises that would impact voting laws, deals made in the dead of night, and activist groups impassioned for change. This role constructed a narrative that was empathetic to the quandary of formerly convicted felons looking to engage in their government again.

⁶⁸ Charlie Frago and Steve Bousquet, "Felon Voting Measure Picks Up," *Tampa Bay Times*, April 21, 2017.

⁶⁹ "Amendment 4 in Florida Passed: What's Next for Convicted Felons and Their Voting Rights," *Tampa Bay Times*, November 8, 2018.

⁷⁰ Tommy Vietor, Jon Favreau, Jon Lovett, and Dan Phiffer, "We won," November 7, 2018, in *Pod Save America*, produced by Crooked Media, podcast, <https://crooked.com/podcast/we-won/>.

Media coverage composed a compelling narrative from statehood to the close of Governor Rick Scott's administration with emotionally compelling angles, hard-lining statistics, legal battles, and heated opinions that led to momentous progress that will not be soon forgotten. What was first a populace satisfied with the status quo of this oppression enacted at the dawn of Florida's statehood, became one of unrest over racial and citizen oppression as Governor Lawton Chiles reversed the work of Governor Reubin Askew's automatic restoration clause in the executive rules of clemency. Reporting on advocacy work became more prominent when citizens realized the injustice imposed on former felons, and Governor Jeb Bush's administration saw an influx of former felon profiles, interviews, and civic engagement.

It could be argued that the saturated media coverage caused Governor Bush to streamline the clemency process, and Charlie Crist rode the wave of that momentum to enfranchise the largest number of former felons before the passage of Amendment 4. The media lauded Governor Crist for putting people over politics, but eventually discovered and exposed the backlog of hundreds of thousands of felons waiting for rights restoration from bureaucratic ineptitude. Governor Rick Scott took the press by surprise when he revised the rules of clemency and required his cabinet to review and approve them with no time to review. This did not sit well with voting rights advocates, whose actions ultimately resulted in the passage of Amendment 4 and the voting rights restoration of over 1.5 million returning Florida citizens.

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