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CIVIL RIGHTS FOR JUSTICE-INVOLVED AMERICANS

The prevalence of mass incarceration in America — and the systems which perpetuate it — remain entrenched in the laws and institutions in the country. Still, there have been efforts, albeit scattered, to address the root causes that have created such a large prison population. Many of these have taken place at the state level: New Mexico and North Carolina loosened parole eligibility for elderly or ailing incarcerated Americans, Ohio legalized marijuana, and lawmakers in California, Colorado, and Minnesota made it easier for sentenced people to have their case heard again for resentencing (Porter 2023). In October, the Supreme Court heard a case called *Pulsifer v. United States* which has the potential to make it easier for judges to issue shorter sentences to drug offenders (Vansickle 2023). The Court’s ruling is still pending at time of writing. And President Biden in December decided to pardon 11 people convicted of drug offenses — though a far cry from the large-scale pardons that criminal justice advocates would like to see from the president (Rogers 2023).

Likewise, there has been state action on the question of civil rights following incarceration. Minnesota and New Mexico passed laws restoring voting rights to those convicted of felonies, while Michigan passed a law registering people leaving prison to vote automatically (Porter 2023). Several states also adopted “Clean Slate” reforms, which allow people living with certain criminal convictions to have their records sealed, allowing them easier access to housing and employment — which is, as we have seen, a major roadblock for formerly incarcerated individuals to reassimilate back to society. Both Minnesota and New York adopted such laws (Porter 2023).

However, on the federal level, there has not been nearly the same level of movement. When Biden issued his pardon of the 11 individuals, many advocacy organizations praised the move but demanded the president move farther and work to advance the federal “Clean Slate Act,” a bill which has been perennially introduced in Congress but never fully adopted (Chicurel-Bayard 2023). It was again reintroduced by Rep. Lisa Blunt Rochester (DE-at large), but has not progressed through committee. Though the right of Americans

convicted of crimes to vote is addressed in S.1, the Freedom to Vote Act introduced by Sen. Amy Klobuchar (D-MN), it likewise has slim chances to passing through a partisan and gridlocked Congress. Though certain states have taken decisive action on the issue of civil rights for formerly-incarcerated individuals, the federal government has lagged substantially behind.

BIBLIOGRAPHY

“S. 1 — 118th Congress: Freedom to Vote Act.” Congress.gov. 2023. July 25, 2023, <https://www.congress.gov/bill/118th-congress/senate-bill/1?>

“H.R. 2930 — 118th Congress: Clean Slate Act of 2023.” Congress.gov. 2023. April 27, 2023, <https://www.congress.gov/bill/118th-congress/house-bill/2930?q=%7B%22search%22%3A%22clean+slate%22%7D&s=2&r=1>

Chicurel-Bayard, Dustin. “Press Release: Clean Slate Initiative Praises Presidential Action Pardoning Federal Marijuana Offenses, Calls for Further Action.” *The Clean Slate Initiative*, The Clean Slate Initiative, 1 Dec. 2023, www.cleanslateinitiative.org/updates/biden-pardon-action.

Porter, Nicole D. “Top Trends in Criminal Legal Reform, 2023.” *The Sentencing Project*, 20 Dec. 2023, www.sentencingproject.org/publications/top-trends-in-criminal-legal-reform-2023/.

Rogers, Katie. “Biden Commutes Drug Sentences for 11 and Expands Marijuana Pardons.” *The New York Times*, The New York Times, 22 Dec. 2023, www.nytimes.com/2023/12/22/us/politics/federal-biden-marijuana-pardons.html.

Vansickle, Abbie. “On First Day of New Term, Supreme Court Hears Debate over First Step Act.” *The New York Times*, The New York Times, 2 Oct. 2023, www.nytimes.com/2023/10/02/us/politics/supreme-court-first-step-act.html.