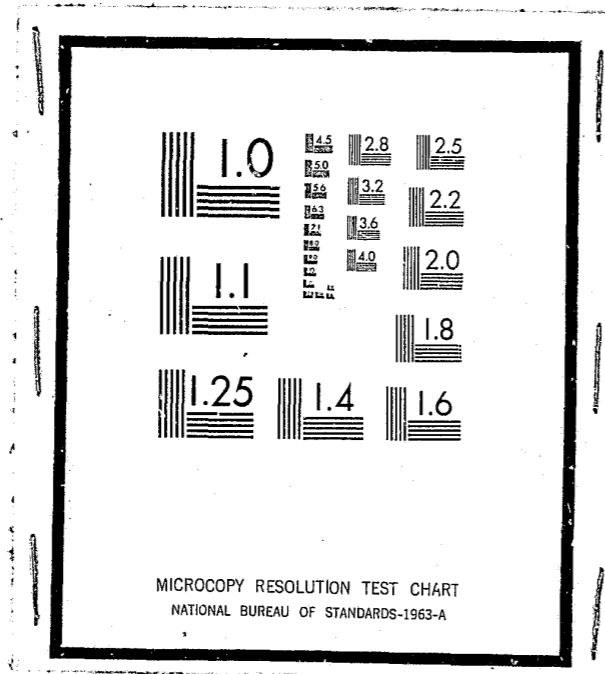


NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

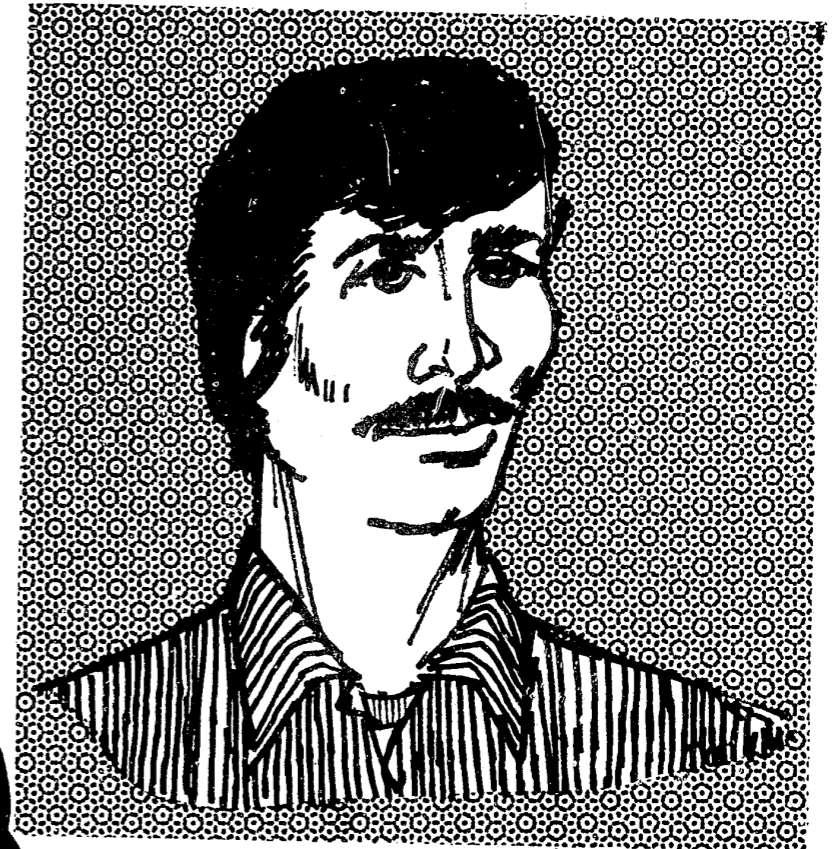
Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

9/14/76

Date filmed

READING ROOM



ii ya basta!!

25182
READING ROOM
LOAN

Introduction

The walls of the prison system are the physical barriers that are ostracizing our fellow ex-felons from our society. Upon release from prison their struggle has just begun. Now begins the actual test period where he must find a decent job, stay out of trouble and wait two long years before exercising his civil rights, if he petitions for them.

This pamphlet is directed at the ex-felon who "maxed out" of prison. It is bilingual and the translation into Spanish is not to be taken as a "standard" translation. It is directed at the average Spanish-speaking public and is not intended to meet any requirements of the "standard" Spanish. It is directed and dedicated to the Chicano ex-felon of Arizona, whom I call upon to rise up and free himself.

I recommend this pamphlet to the ex-felon interested in restoring his civil rights. It is an easy do-it-yourself plan on how to restore your civil rights.

The Center for Criminal Justice of ASU would serve the public of Arizona if this pamphlet were distributed throughout Arizona. I wholeheartedly believe that if circulated within the county it would benefit all of us directly and indirectly. Someone out there has a friend, a relative who may be in prison for a felony conviction and this pamphlet will start him or her on the right track working back into our society.

I'd like to express my appreciation to my proofreaders and their constructive criticism which I couldn't have done without: Mark Thomas, candidate for Ph.D. in English at Arizona State University. Roberto M. Acevedo, Ph.D., of the Spanish Department at Arizona State University. My sponsor, Steve Lee, professor of Law at A.S.U. A special thanks to George Moreno whose sketches will appear throughout this pamphlet. Thanks to all those who I failed to recognize.

"The material in this project was prepared under Grant No.(s) NI-74-99-1001, 73 NI 991021 from the Law Enforcement Assistance Administration, U.S. Department of Justice. Researchers undertaking such projects under Government sponsorship are encouraged to express freely their professional judgment. Therefore, points of view or opinions stated in this document do not necessarily represent the official position or policy of the U.S. Department of Justice."



Restoration of Civil Rights

Too many people don't know what their civil rights are; or know that, upon conviction of a felony, they are suspended **permanently**. That is, unless you make the effort to use the law to get them back. In Maricopa County alone, there are approximately five thousand ex-felons who could get their civil rights restored, but have not. Why not?

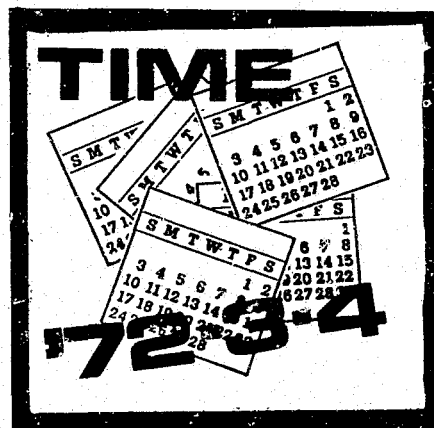
The reasons they haven't are complicated. A man may tell you one reason, but he has another or several others. Some say, "You mean I **can** get them back? They told me I never could." Another will say, after being out five or ten years, "I haven't been out long enough." The law says you must wait two years. Why didn't they tell him? Why didn't he ask someone who had the right information? The answer to that is the real reason so many ex-felons never bother to get their rights back, and why so many other people who still have them don't bother to use them. They just don't care. "What good would it do?"

This pamphlet is written especially for Chicanos because very few Chicanos with or without their rights to

vote take any active interest in running this country.

Sure they complain, "The Anglo Establishment would just ignore us." It **does**, but why? Because the Chicanos who can vote don't. Because Chicanos who have lost their Civil Rights don't seem to care. Only two things really get to a politician: money and a big group of people all voting. Dollars and Votes. If you won't give him either one, he ignores you.

What are your rights? Life, Liberty and the Pursuit of Happiness, and a few more. The "few more" are the ones they take away when you are convicted of a felony. The right to carry a weapon, for **any** reason. (The right to carry or own a weapon or firearm is not included in civil right restoration.) The right to hold a passport and cross back and forth over the U.S. border legally. The right to vote. This one is the most important of all. When your rights are gone, you are "civilly dead." That is, you just don't count, as far as your opinions about the government goes. You still have to pay taxes, but no politician has to spend it the way you want, for fear of not being re-elected. He can be a crook, but you don't have the right to complain!!! Only voting citizens have t



right to object to corruption or mismanagement in local, state or federal government. Election time is the politician's day in court.

Some day a man will get the Chicano community worked up enough to go to the polls and vote for better treatment. But he will be talking to a minority of voters. They will be Democrats (a minority in Arizona). They will be Chicanos (another minority). But you? The ex-felon, you're still in another minority.



You can't vote. You don't count legally even to "el movimiento"! Unless you get your Civil Rights restored. As an ex-felon you have experienced the system more than most people. You have more reason to see that it is straightened out. If your neighbors see that you care enough to start pushing the system to get something done, they will too. They will realize that you must have a reason for what you have done to restore your right to vote, that it is important to them, too.

All of this sounds great, but what do you have to do to get your rights restored? This pamphlet was put together with information gathered from interviews in the Maricopa County area with Chicano ex-felons, a criminal court judge, a Phoenix

Police Captain in the Community Relations Division, probation officers and an official of the Department of Correction-Community Services Administrator who is in charge of issuing the Certificate of Absolute Discharge which you earn when you are released from prison, "maxed out." You earn that Certificate, but there are steps to take to get it issued, and that Certificate is necessary to get your Civil Rights restored. The mechanics of getting these papers together will be covered step by step in this pamphlet. Too many Chicanos don't want to confront the Anglo Establishment by going to see a judge, or a Department of Corrections official, or even a clerk. This pamphlet will make it easier to do, or who to ask without going to City Hall.

How to Restore Your Civil Rights

Under Arizona Statute 13-1743, you must wait for two years after you max out before you can apply for the restoration of your Civil Rights. Ex-felons think this time requirement is unfair and so do the officials interviewed in the government. They, too,



think that the man who has "paid his debt to society" has a right to come back into the community as a citizen with all rights restored. But the law now makes you wait. When you can vote, you can object to this. But while you are waiting, take care of Step One of the mechanics of getting your rights restored. Find out who your community leaders are. Get to know some prominent citizens, lawyers and congressmen and so on. They can help by introducing you to others in influential positions. Show these people that you desire their help. When the time comes, you will need letters of recommendation from these people.

Step Two: After two years, ask three or four of these people to send these letters to the officials listed below, requesting that you be issued a Certificate of Absolute Discharge. (See Appendix A.)

1. John C. Moran
Department of Corrections
1601 West Jefferson Street
Phoenix, Arizona
2. Ed Aikens
Department of Corrections
1601 West Jefferson Street
Phoenix, Arizona
3. The criminal court judge who sentenced you, or the judge who replaced him.

Mr. Aikens' office issues the actual Certificate, but the judge will make the final decision on restoring your civil rights. Keep copies of these letters to take with you whenever you meet these officials.

Step Three: Mr. Aikens' office will send you a letter telling you that the Certificate has been approved, and



also the Certificate. (See Appendix B, C.) Take the Certificate to the Clerk of the Superior Court where you were sentenced and ask for an Application for Restoration of Civil Rights. Fill out the forms (the information is the same on all forms, but there are separate forms for County, State and Federal courts) and return the forms, with your Certificate, to the Clerk. (See Appendix D, E, F.)

Step Four: Wait for thirty days. Sometime after the filing of your application you will be notified of a Hearing Date, when you must appear to hear the decision of the court your case. If the County Attorney plans to object to the restoration of your civil rights, a letter containing his objection must be sent to you three days before the Hearing. (See Appendix G.) This does not mean that the judge will agree with his objections. The judge will consider your letters as well and then issue a Court Order, and a copy will be sent to you. Keep this Court Order, even if the petition is denied. The judge's objections must be written down in the Order.

Appendix A

STATE OF ARIZONA DEPARTMENT OF CORRECTIONS CERTIFICATE OF ABSOLUTE DISCHARGE

TO:

Arizona State Prison No. _____

This is to certify that you have complied with the terms of sentence and parole imposed and are hereby discharged as of _____, 19____.

The Arizona Department of Corrections is happy, therefore, to issue this evidence of your complete discharge* from parole and the sentence passed on _____, 19____.

We express to you our good wishes for your future. We hope your conduct will be such that it will reflect credit to yourself and to society.

Very truly yours,

Director

Dated this _____ day of _____, 19____

(SAMPLE LETTER)

Dear:

It has been my privilege to issue to you an Absolute Discharge from the custody of the Department of Corrections.

You have earned this Discharge and should be proud of your achievement.

Attached is a copy of the laws relating to restoration of civil rights, should you care to proceed toward full restoration.

Please contact the Division of Parole at any time we can be of service to you in the future.

Congratulations on a job well done.

Sincerely yours,

John J. Moran
Director

Enclosure

cc: Harold J. Cardwell, Superintendent
Arizona State Prison

Ariz. Rev. Stat. Ann. Statute 13-1743 (Supp. 1973)
Applications by Persons Discharged From Prison
(Chap. 221, HB388)

A. Upon proper application, a person who has received an absolute discharge from imprisonment may have any civil rights which were lost or suspended by his conviction restored by the Superior Court Judge by whom the person was sentenced or his successors in office from the county in which he was originally sentenced.

B. A person who is subject to the provisions of subsection A may file, no sooner than two years from the date of his absolute discharge, an application for restoration of civil rights that shall be accompanied by a certificate of absolute discharge from the Director of the Department of Corrections. The clerk of the Superior Court that sentenced the applicant shall have the responsibility for processing applications for restoration of civil rights upon request of the person involved, his attorney or a representative of the State Department of Corrections. The Superior Court shall cause a copy of the application to be served upon the county attorney.

Appendix D

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

APPLICATION FOR RESTORATION

OF CIVIL RIGHTS OF

Civil No.
ORDER RESTORING
CIVIL RIGHTS

APPLICANT

THE COURT having considered the application of _____
for restoration of civil rights filed herein, and it appearing that a copy of said
application has been served upon the County Attorney of Maricopa County,
Arizona, and that said application is proper and should be granted.

IT IS ORDERED that any and all civil rights of the applicant which were lost
or suspended by the applicant's felony conviction be and they are hereby
restored.

DONE IN OPEN COURT this _____ day of _____, 197__.

JUDGE

Appendix E

THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

APPLICATION FOR RESTORATION

OF CIVIL RIGHTS OF

Civil No.
APPLICATION FOR RESTORATION
OF CIVIL RIGHTS
Discharged from State Prison

APPLICANT

The undersigned applicant alleges:

1. On _____ in the Superior Court of Maricopa County,
Arizona, the applicant was convicted of the crime of _____
_____, a felony, in case No. _____ and was
sentenced to the Arizona State Prison.

2. On _____, a date two (2) or more years before the date of
this application, the applicant received from the director of the Department of
Corrections an absolute discharge from imprisonment, a certificate of said
discharge being attached to this application.

THE APPLICANT RESPECTFULLY REQUESTS that all of the applicant's
civil rights which were lost or suspended by said felony conviction be restored
pursuant to the provisions of Arizona Revised Statutes title 13, sections 1741,
1743 and 1745.

Dated this _____ day of _____, 197__.

APPLICANT

Address

ORDER

IT IS ORDERED that the foregoing application for restoration of civil rights
is set for hearing in division No. _____ of this court on the _____ day of
_____, 197__ at _____ m.

Done in open court this _____ day of _____, 197__.

Sentencing Judge or his successor

Appendix F

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF MARICOPA

APPLICATION FOR RESTORATION

Civil No.

APPLICATION FOR RESTORATION

OF CIVIL RIGHTS OF

CIVIL RIGHTS

Discharged from Federal Prison

APPLICANT

The undersigned applicant alleges:

1. The applicant is a legal resident of Maricopa County, Arizona.
2. On _____, in the United States District Court, District of _____, the applicant was convicted of the crime of _____, a felony, in case No. _____ and was sentenced to the federal penitentiary at _____.
3. On _____ a date two (2) or more years before the date of this application, the applicant received from the director of the Federal Bureau of Prisons an absolute discharge from prison.
4. (a) A certificate of the applicant's absolute discharge from director of the Federal Bureau of Prisons is attached to this application; or
(b) If the certificate referred to in the preceding paragraph is not available, state the reasons why it is impossible to obtain such certificate:
THE APPLICANT RESPECTFULLY REQUESTS that all of the applicant's civil rights which were lost or suspended by said felony conviction be restored pursuant to the provisions of Arizona Revised Statutes title 13, sections 1751, 1753 and 1754.

Dated this _____ day of _____, 197____.

Applicant

Address

ORDER

IT IS ORDERED that the foregoing application for restoration of civil rights is set for hearing in division No. _____ of this court on the _____ day of _____, 197____ at _____ M.

Done in open court this _____ day of _____, 197____.

Presiding Judge

Appendix G

RULES OF CRIMINAL PROCEDURE

Rule 29.2(a) Certificate of Absolute discharge from director of the Department of Corrections

Rule 29.3 Hearing date

The date for hearing the application shall be set not less than 30 days after the date the application is filed.

Rule 29.4 Response by the county attorney

At least 3 days before the date of the hearing the county attorney may file a written response setting forth any reasons for opposing the application, sending a copy thereof to the applicant and his attorney, if any.

Rule 29.5 Disposition

If an application is denied, the reasons therefor shall appear in the court's order.

COMMENT

The court has full discretion with respect to restoration of rights and vacation of conviction applications. Ariz. Rev. Stat. Ann. 13-1745 (Supp. 1972). The court is however required to state its reasons if it denies an application. Under Rule 35.6, a copy of an order disposing of an application must be sent to the applicant. This copy is often necessary to secure for the applicant his restored rights.

Bibliography

1. Arizona Revised Statutes Annotated § 13-1743 (Supp. 1973)
2. Arizona Revised Statutes Annotated Rules of Criminal Procedure Rule 29.2(a), 29.3, 29.4, 29.5, 1973
3. Internal Revenue Service, Dept. of the Treasury, Commerce in Firearms & Ammunition (Part 178: Title 26 -- Internal Revenue -- Chapter 1: Subchapter E-Alcohol, Tobacco, and Other Excise Taxes): Washington, D.C.: U.S. Treasury Dept., Dec. 14, 1968

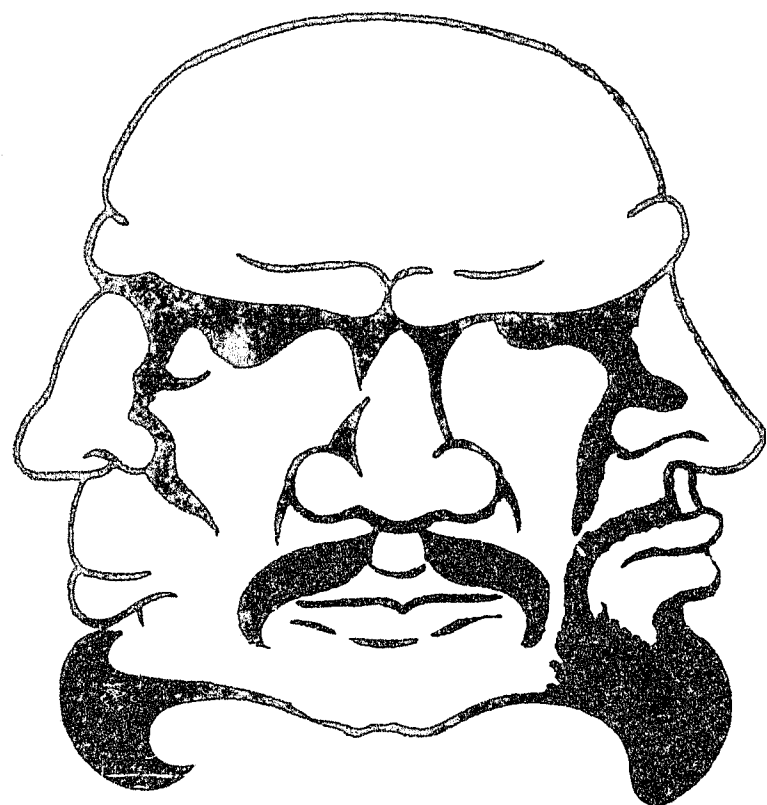


Most Important

You do not need a lawyer to get your Civil Rights restored. You are the "person involved" mentioned in the law and your request alone is enough. If you still need help, various community groups can help you obtain legal assistance, like the American Civil Liberties Union and the Arizona Legal Aid Society. You do not need money to buy back your rights.

¡HASTA LA VICTORIA!

c/s



END

*"Por Mi Raza Habla
El Espíritu"*