I. INTRODUCTION

Thank you for the opportunity to submit testimony today regarding censorship of reading materials in Illinois prisons. Chicago Lawyers’ Committee for Civil Rights (Chicago Lawyers’ Committee) has operated as Chicago’s preeminent nonprofit, nonpartisan civil rights legal organization since 1969, and we work to secure racial equity and economic opportunity for all. We provide legal representation through partnerships with nearly 50 member law firms. The Voting Rights Project of Chicago Lawyers’ Committee was established to eliminate and prevent barriers to voting for communities of color and low-income residents in Illinois, and we have assisted numerous voters with a past criminal record. Chicago Votes is a non-partisan, non-profit organization building a more inclusive democracy by putting power in the hands of young Chicagoans and engaging and developing a new generation of leaders by opening the doors of government and politics to young people from all corners of the city. Our organizations jointly present this testimony.

II. LOOKING TOWARD ENFORCEMENT OF ILLINOIS HOUSE BILL 2541

Under the leadership of Representative Sonya Harper and Senator Robert Peters, the Illinois House and Senate passed House Bill 2541 in May of 2019 with bipartisan support, and the bill is now awaiting signature by Governor Pritzker. HB 2541 would require in-person, peer led civics workshops for returning citizens in Illinois Department of Corrections (IDOC) and Illinois Department of Juvenile Justice (IDJJ) facilities, so that they are aware of the process to reclaim their voting rights and prepared to be civically engaged upon release. Importantly, HB 2541 was written with input from community members with criminal records, who highlighted the lack of basic information available to them about the process of reclaiming their voting rights. We appreciated the opportunity to collaborate with IDOC and IDJJ on amendments to the bill during the legislative session, so that we could work towards a law that was implementable.

HB 2541 won endorsements from a diverse collection of numerous organizations in Illinois, as well as national civil rights organizations. The supporters include Chicago Lawyers’ Committee for Civil Rights, Chicago Votes, Asian Americans Advancing Justice Chicago, Black Lives Matter Chicago, Chicago Coalition for Police Accountability, and others.
Matter Chicago, BYP100, CHANGE Illinois, Chicago Community Bond Fund, Compound Yellow, Education Justice Project, Flood’s Hall, G.O.D. – Giving Others Dreams, Good Kids Mad City, Health & Medicine Policy Research Group, Illinois Coalition for Immigrant and Refugee Rights, Illinois Public Interest Research Group, Inmates for Change, Inner-City Muslim Action Network (IMAN), League of Women Voters of Illinois, NAACP Legal Defense & Educational Fund, Inc., Parole Illinois, Precious Blood Ministry of Reconciliation, Resident Association of Greater Englewood, Right2Vote Campaign, SoapBox Productions and Organizing, Southside Arts and Activism, Storycatchers Theater, Students Against Incarceration – DePaul, Take Back the City, The #LetUsBreathe Collective, and Uptown People’s Law Center. Supporters also include Just Democracy Illinois, a broad-based and diverse coalition that works to protect and promote the value of a single vote, no matter the geographic, racial, ethnic, or party affiliation of the voter.

We hope that the collaborative spirit between government and community organizations that went into passing HB 2541 through the Illinois House and Senate will support the proper and timely implementation of the law, which will take effect on January 1, 2020. Unfair censorship in prison stands in the way of education including peer education. Full implementation of the peer education model will be necessary in order to deliver on HB 2541’s promises of reduced recidivism and increased civic engagement of returning citizens. Formal and informal barriers to accessing education in prison, including censorship of reading materials, present a threat to compliance with HB 2541. The State of Illinois should adopt the Freedom to Learn platform\(^1\), including clear and fair statewide policies ensuring freedom to pursue higher education in prison, freedom from censorship, freedom to continue education upon release, and freedom from transfer through transfer holds when appropriate. If Illinois does not make strides in this direction, our organizations are concerned about barriers to full compliance with HB 2541, including opportunities that IDOC and IDJJ will be legally required to provide to peer educators and students.

III. BENEFITS OF PEER-LED CIVICS EDUCATION IN PRISON AND RESTORATION OF VOTING RIGHTS DURING REENTRY

A. “Civics In Prison” Model of HB 2541

The civics workshops described in HB 2541 will inform returning citizens of their civic responsibilities and of voting processes – about which too many formerly incarcerated community members are simply unaware. HB 2541 will provide a civics education program to incarcerated individuals within IDOC and IDJJ who are scheduled to be discharged within 12 months. Importantly, the program will be peer-led by other incarcerated citizens. These peer educators will be specifically trained by non-partisan civic organizations on topics such as governmental institutions and current affairs.

\(^1\) See https://freedom-to-learn.net.
The program itself will consist of three, ninety-minute workshops; completion of all workshops will be a mandatory component of the standard release process. In each session, re-entering citizens will be exposed to a rigorous civics curriculum, which will cover a variety of civics subjects, including voting rights, governmental institutions, current affairs, and simulations of voter registration, elections, and democratic processes. Nonpartisan civics organizations and educational institutions will provide periodic updates to this curriculum based on major developments in Illinois civics.

In testimony previously provided to the Illinois House and Senate in support of HB 2541, our organizations included numerous statements from incarcerated community members in Stateville Correctional Center in Illinois, which we can provide again upon request and which are also available at www.clccrul.org. These statements were from individuals who were students in a class taught by Dr. Christina Rivers, Associate Professor of Political Science at DePaul University. These statements set forth in detail why HB 2541 is a proactive approach to reducing recidivism rates, enhancing civic participation, and strengthening communities across the state. Many incarcerated and returning community members have reported mistakenly thinking that a conviction meant that they permanently lost the right to vote because of lack of knowledge, misinformation from government personnel, or because of being incarcerated before reaching the age of 18 and never having voted before. Many have described the psychological toll that results from being pushed out of civic spaces, and how this feeling of isolation and being an outcast poses a major barrier to successful reintegration. Conversely, many community members have identified the increased feelings of agency that can result from a civics education and the potential positive effects on rehabilitation. Others have expressed that people who have completed their sentence need to know that they are still part of the community, that they have a say in the world, and that their votes will be counted.

Community members with criminal records specifically pointed to the need for a peer-led civics workshop in correctional institutions, which would increase the relevance of the curriculum. This also comports with the “lived civics” model increasingly recommended by civic education experts locally and nationally, utilizing asset-based civic learning and meeting students at the intersection of their lived experiences.²

B. Need for Increased Civic Participation

When implemented, HB 2541 will facilitate civic participation among returning citizens. As set forth in the bill itself, HB 2541 endeavors “to promote the successful integration of re-entering citizens, promote democracy, and reduce rates of recidivism within this State.” An important piece of HB 2541’s effort to further these goals is education on voting processes. Unfortunately, contact with the criminal justice system, particularly through incarceration, has been negatively associated

² See generally C. COHEN ET AL., LET’S GO THERE: RACE, ETHNICITY, AND A LIVED CIVICS APPROACH TO CIVIC EDUCATION (GenForward at University of Chicago 2018).
with voter registration and voter participation.\textsuperscript{3} It has been found, however, that enfranchisement – inclusion in the voting process – offers a meaningful way for formerly incarcerated persons to successfully reintegrate themselves into society.\textsuperscript{4} This is precisely why Illinois took the significant step years ago of re-enfranchising incarcerated citizens automatically upon their release. However, many formerly incarcerated Illinois citizens are simply unaware of the restoration of their voting rights upon release and of the process to reclaim those rights. The Illinois Advisory Committee to the United States Commission on Civil Rights found in a 2018 report that individuals who have been released from prison in Illinois after serving a sentence for a felony conviction can be discouraged from voting because they are unaware of their renewed enfranchisement.\textsuperscript{5} HB 2541 will take the important and necessary step of educating re-entering citizens about their voting rights. The civics education programs established by the bill will also discuss voter registration procedures and the mechanics of the voting process, although voter registration itself will not be occurring in the program.

The goal of HB 2541, however, is broader than simply encouraging voter participation. Importantly, HB 2541 has the more universal goal of fostering a meaningful sense of citizenship for a marginalized community of individuals. HB 2541 will do just that through the establishment of in-prison programming that encourages interaction and discourse regarding a variety of topics in civics. Indeed, it has been well documented that organizations focusing on civil society “teach people to develop opinions and perceive their interests.”\textsuperscript{6} These groups also “cultivate personal commitments to public issues” and “help individuals develop political efficacy, education, and civic skills.”\textsuperscript{7} In fact, a 2018 study of formerly-incarcerated Illinois citizens revealed a strong association between “personal connections to civil society organizations” and political participation.\textsuperscript{8} By establishing a meaningful sense of community and dialogue through peer-led civics education, HB 2541 when implemented will increase the chances of successful reintegration for all re-entering citizens in Illinois.

\textbf{C. Advancing Criminal Justice Reform and Reducing the Cost of Recidivism}

The cycle of recidivism and exclusion of returning citizens from society cycle harms not only those marginalized individuals, but the state of Illinois as a whole. In Illinois today, there are approximately 4 million individuals with past criminal records due to felony convictions, and this number continues to grow. Numerous government leaders in Illinois have acknowledged that re-entry and rehabilitative services, starting from the time in prison, help create necessary social and

\begin{footnotesize}
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\item OWENS & WALKER, supra note 3, at 993.
\item \textit{Id.}
\item \textit{Id.} at 1004.
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economic opportunities for incarcerated community members. Adoption of the *Freedom to Learn* platform and full implementation of HB 2541 will be significant opportunities in this regard.

The Civics in Prison model set forth in HB 2541 fits well within the larger context of bipartisan criminal-justice reform efforts in Illinois. On February 11, 2019, Governor Pritzker established by executive order the Justice, Equity, and Opportunity Initiative (the “JEO”). In this executive order, Governor Pritzker highlighted the unfortunate effects the criminal justice system has had on many Illinois citizens. In particular, the order noted that “45% of people released from prison recidivate, a clear indication that the Illinois prison system must do more to successfully rehabilitate people and prepare them to return to their communities after release.” Lieutenant Governor Stratton, who leads the initiative, further explained that the JEO “will move [Illinois] from a strictly punitive system to one that examines the root causes of the issues we face while creating solutions that put community at the center.” To that end, Governor Pritzker has called for new “programs that will test groundbreaking efforts to reform the criminal justice system.” HB 2541 answers this call.

The civic participation that HB 2541 will foster also comes with the promise of a measurable impact on recidivism. The recidivism rate in Illinois – nearly one in two released detainees – is unacceptably high. Such a high rate harms the state of Illinois by ensuring the exclusion of many from productive civil society and by increasing the significant expenses associated with housing individuals in the state’s correctional system. By addressing the fundamental driver of recidivism – disassociation from civil society – HB 2541 offers a systemic solution to this intractable problem.

Social science studies have “identified . . . lower rates of recidivism among inmates receiving correctional education than among inmates who did not receive correctional education.” A recent RAND study, for example, concluded that “correctional education would reduce re-incarceration rates by 12.9 percentage points on average.” Relatedly, correctional education programs have been associated with “higher rates of employment among inmates” after release. HB 2541, which expressly identifies the reduction of recidivism rates as one of its principal goals, offers precisely these benefits to the Illinois prison population by providing rigorous civics education to returning citizens.

The significant per capita costs of recidivism have been frequently charted. A 2015 report from the Illinois Sentencing Policy Advisory Council, for example, concluded that a single recidivate will cost Illinois residents nearly $120,000 in criminal justice and social costs. In fact,
“total expenses related to re-incarceration in Illinois over the 5 year period through 2020 are expected to top $16.7 billion.”16 Accordingly, the implementation of educational programming, which reduces the number of recidivates,17 stands to save the state money through reduced correctional expenditures. As recent research has indicated, “for every dollar spent on correctional education, five dollars are saved on three-year re-incarceration costs.”18

IV. CONCLUSION

Civic engagement is fundamental to our society, not only as a vital part of our democracy, but also as a means for self-empowerment and self-determination for all our communities. The State of Illinois should adopt the Freedom to Learn platform to strengthen opportunities for civic engagement, including clear and fair statewide policies ensuring freedom to pursue higher education in prison, freedom from censorship, freedom to continue education upon release, and freedom from transfer through transfer holds when appropriate. If Illinois does not make tangible progress along these lines, our organizations are concerned about full compliance with HB 2541 and the support that IDOC and IDJJ must provide to peer educators and students in order to comply with the new law. Thank you for your consideration.

17 See DAVIS, supra note 12, at 39.
18 Id. at 81.