

THE HONORABLE ROBERT H. WHALEY

D.C. CRONIN, Attorney at Law  
MAXEY LAW OFFICES, P.S.  
1835 West Broadway  
Spokane, WA 99201  
Tel: (509) 326-0338; Fax (509) 325-9919

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AUG 11 2000

JAMES H. DANSON, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

LAWRENCE A. WEISER, Attorney at Law  
JASON T. VAIL, Legal Intern  
UNIVERSITY LEGAL ASSISTANCE  
721 North Cincinnati Street  
Post Office Box 3528  
Spokane, WA 99220  
Tel: (509) 323-5791; Fax: (509)323-5805

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

MUHAMMAD SHABBAZ FARRAKHAN,  
et. al.,

Plaintiffs,

v.

GARY LOCKE, et. al.,

Defendants.

CASE NO. CS-96-76-RHW

**PLAINTIFFS' LR 56.1  
RESPONSE TO  
DEFENDANTS'  
STATEMENT OF  
MATERIAL FACTS**

1. Defendants' Fact #5 requires clarification. To contend "Plaintiffs are not eligible to vote because they have been convicted of crimes punishable by incarceration in a state correctional facility" implies conviction and vote denial occur simultaneously and are temporally linked. To infer such a direct correlation would be inaccurate. Plaintiffs are not eligible to register or vote solely because their registration was revoked and prohibited by county auditors based on Plaintiffs' status as felons, pursuant to Article 6 § 3, RCW § 10.64.021 and RCW § 29.10.097. Pls.' Fact #43, 44; Defs.' Fact #60, 115, 116. Felon disenfranchisement is a restriction on the ability of a group to exercise the franchise. It is not a part of conviction, judgment, or sentence.

2. Defendants' Fact # 117 is incorrect. Defendants state "Election officials play no role in the restoration of civil rights or voting rights. Under Washington law, this is a function of

PLAINTIFFS' LR 56.1 RESPONSE TO  
DEFENDANTS' STATEMENT OF  
MATERIAL FACTS - 1

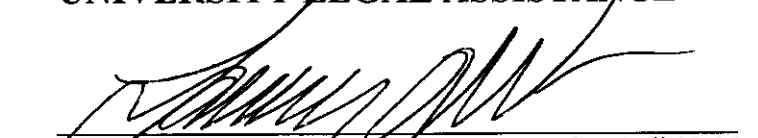
UNIVERSITY LEGAL ASSISTANCE  
721 North Cincinnati - P.O. Box 3528  
Spokane, WA 99220-3528  
Telephone: (509) 323-5791  
Fax: (509) 323-5805

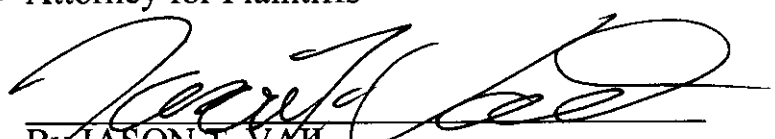
1 the criminal justice system.” Plaintiffs agree election officials play no role in the restoration  
2 of civil rights, as this is effectuated by the Department of Corrections. Pls.’ Fact # 61-63.  
3 However, an offender who wishes to have his voting rights restored following restoration  
4 of civil rights must prepare a new voter registration application. Pls.’ Fact # 45. This  
5 application is either given directly to the county auditor in the county in which the applicant  
6 resides, or is mailed to the Secretary of State’s Office where it is then forwarded to the  
7 appropriate county auditor. Defs.’ Fact # 114. Much like the loss of voting rights through  
8 disenfranchisement, the restoration of voting rights is a function of elections officials, not  
9 the criminal justice system.

10 3. Defendants’ Fact # 122 (a) and (d) are incorrect. Defendants claim that Native Americans  
11 were never officially discriminated against in registration, voting, access to any candidate  
12 slating process, or participation in the democratic process. Contrary to this, Plaintiffs’ Fact  
13 # 9 demonstrates that Native Americans were specifically targeted as a group for vote denial  
14 upon enactment of Article 6 § 1 of the Washington State Constitution in 1889.


15 DATED this 11th day of August, 2000.

16 **UNIVERSITY LEGAL ASSISTANCE**

17   
18 By LAWRENCE A. WEISER, WSBA #6865  
19 Attorney for Plaintiffs

20   
21 By JASON T. VAIL  
22 Legal Intern for Plaintiffs

23 **MAXEY LAW OFFICES**

24   
25 By D.C. CRONIN, WSBA #16018  
26 Attorney for Plaintiffs  
27