

February 14, 2013

Thomas Mesenbourg
Acting Director, U.S. Census Bureau
4600 Silver Hill Road
Washington, DC 20233

Dear Acting Director Mesenbourg,

We are writing about the consequences of the Census Bureau's policy of tabulating incarcerated people as residents of prison locations, rather than at their home addresses. We write as organizations with an interest in ensuring fair and equitable representation for all people and communities.

We are concerned that the Census Bureau's tabulation procedures distort the redistricting process, giving extra political influence to people who live near prisons while diluting the votes of residents in every other legislative district. This practice skews democracy on both the state and local levels and is especially problematic for county and city governments, where a single prison can easily make up the majority of a district.

We know that even though the next census is seven years away, planning is already underway. For that reason, we urge the Bureau to conduct the research necessary at this early point in the planning process to ensure that the 2020 census can count incarcerated people at their home addresses.

As you know, the Census Bureau's current "residence rules" instruct the Bureau to tabulate incarcerated people as residents of the prison location, even though incarcerated people are not considered residents of the prison location for other purposes. At the time of the nation's first census, the question of where incarcerated people were counted was of little importance because very few people were behind bars. Today, nearly 1 percent of the U.S. adult population is incarcerated. By designating a prison cell as a residence, the Census Bureau concentrates a population that is disproportionately male, urban, and African-American or Latino in approximately 1,500 federal and state prisons that are far from their home communities.

Failing to count incarcerated people at home for redistricting purposes undermines the constitutional guarantee of "one person, one vote", with critical implications for the health of our democracy. When the Census Bureau counts incarcerated people at the location of the facility, state or local governments that use "unadjusted" census data for redistricting grant extra weight to the votes of residents who live near the prison and dilute the votes of residents who do not. As the National Research Council of the National Academies reported in 2006, "[t]he evidence of political inequities in redistricting that can arise due to the counting of prisoners at the prison location is compelling."¹

¹ National Research Council, *Once, Only Once, and in the Right Place*, (Washington DC: National Academies Press, 2006), 9.

Over the past decade, a growing number of stakeholders have urged the Bureau to update the “usual residence rule” to allow incarcerated persons to be tabulated as residents of their home addresses. Although much of this feedback was received too late to influence 2010 census planning, we commend the Bureau for making a useful change in the short time available: creating the Advance Group Quarters Summary File, which was released early in order to allow jurisdictions to identify and remove incarcerated populations for the purposes of drawing their new districts.

The overwhelming national trend is towards adjusting the census data used for redistricting purposes, but more progress is necessary. Four states, containing 21 percent of the U.S. population, passed legislation to adjust census data on their own. Both Maryland and New York passed legislation in time to reallocate incarcerated people to their home addresses for the most recent round of redistricting, and Maryland’s law was upheld by the U.S. Supreme Court.² Similarly, more than 200 counties and municipalities that contain prisons made their own adjustments to avoid drawing districts that give extra influence to those who live near prisons.

As former Census Bureau Director Robert Groves explained, the Bureau “re-evaluate[s] our ‘residence rules’ after each census, to keep pace with changes in the society. We’ll do that again after the 2010 Census.”³ The interim measures taken by the Census Bureau and by individual state and local governments exhibit variety and creativity, but now the time is ripe for the Bureau to enact a national solution by changing how it tabulates incarcerated people.

We recognize that the Census Bureau seeks to conduct the fairest, most accurate, and most efficient census possible, and we understand that this undertaking requires decade-long preparations. We therefore urge you, in your research and planning for the 2020 census, to make developing a methodology to tabulate incarcerated people at their home addresses a near-term priority.

Such a change would provide a standardized national solution to the problem of redistricting distortion due to the tabulation of incarcerated populations, and would relieve state and local governments alike from undertaking piecemeal adjustments on their own. We urge you to take this window of opportunity when procedures for the next Census are being developed to ensure that the 2010 census will be the last to tabulate two million people outside their home communities.

We thank you for your careful consideration of this issue.

Sincerely,

A Better Way Foundation
A New PATH (Parents for Addiction Treatment & Healing)

² Fletcher v. Lamone, ___ U.S. ___, 2012 WL 1030482 (June 25, 2012).

³ Robert Groves, “So, How do You Handle Prisons?”, *United States Census Bureau Director’s Blog*, March 1, 2010. Accessed December 17 2012 from: <http://directorsblog.blogs.census.gov/2010/03/01/so-how-do-you-handle-prisons/>

Advancement Project
All of Us or None
American Association of People with Disabilities (AAPD)
American Civil Liberties Union
American Civil Liberties Union of Connecticut
American Civil Liberties Union of Maryland
American Civil Liberties Union of Massachusetts
American Federation of Teachers
American Friends Service Committee, Arizona Area
American Friends Service Committee, Healing Justice Program - Northeast Region
AmericanTribune.org
Anahola Homesteaders Council
Architects / Designers / Planners for Social Responsibility
ARISE - A Regional Initiative Supporting Empowerment
Arise for Social Justice
Arkansas Voices for the Children Left Behind
Asian American Justice Center
Black and Pink
Black Leadership Forum
Black Student Alliance at Yale
Boston Workers Alliance
Brennan Center for Justice
Bronx Reentry Working Group
California Prison Moratorium Project
Californians United for a Responsible Budget (CURB)
Campaign for Youth Justice
Campaign to End the Death Penalty
Campaign to End The New Jim Crow
Casa De Esperanza
Celebrities For Justice
Center for Community Alternatives
Center For Law And Social Justice, Medgar Evers College, CUNY
Center for Living and Learning
Center for NuLeadership on Urban Solutions
Central Appalachian Prisoner Support Network
Chicago Appleseed Fund for Justice
Chicago Lawyers' Committee for Civil Rights Under Law, Inc.
Chicago Legal Advocacy for Incarcerated Mothers (CLAIM)
Citizen Action of NY
Citizens Against Recidivism, Inc.
Citizens Union
Civic Trust Public Lobbying Company
Coalition for Effective Public Safety in Massachusetts
Coalition for Prisoners' Rights
College and Community Fellowship
Common Cause

Common Cause California
Common Cause Connecticut
Common Cause Minnesota
Common Cause New York
Common Cause Rhode Island
Communities Against the Prison Industrial Complex
Community Action Partnership
Community Alliance on Prisons
Community Alliance on Prisons - Maui Chapter
Community Party - Hartford, CT
Conservatives for Social Change
Correctional Association of New York
Cover Girls For Change
Creative Empowerment NFP
Crossroad Bible Institute
CURE - Alabama
CURE - Colorado
CURE - FACES-New Mexico
CURE - Louisiana
CURE - Michigan
CURE - Nevada
CURE - New Mexico
CURE - New York
CURE - SORT - Sex Abuse Treatment Alliance
CURE - Virginia
CURE - Women Incarcerated
CURE International
Democracy North Carolina
Dēmos
Direct Action for Rights & Equality
Disability Rights Vermont
Drug Policy Alliance
EPOCA
Fair Elections Legal Network (FELN)
FairVote
Families & Allies of Virginia's Youth
FedCURE
Fight For Lifers West, Inc.
Formerly Incarcerated & Convicted People's Movement
Gambill on Justice
Georgians for Alternatives to the Death Penalty
Getting Answers 4 U
Grassroots Leadership
Greenpoint Legacy, LLC
Healing Communities Network
Health through Walls

Human Rights Defense Center
Insight Prison Project
Integrated Justice Alliance of New Jersey
International Community Corrections Association
J. B. Charlex
John Howard Association of Illinois
Just Detention International
Just Do What Works
Justice for Families
Justice Now
Justice Policy Institute
Justice Strategies
Juvenile Justice Project of Louisiana
Kalpulli Turtle Island Multiversity
LatinoJustice PRLDEF
Lawyers' Committee for Civil Rights Under Law
League of Women Voters of the United States
Legal Action Center
Legal Services for Prisoners with Children
LifeCause
Lifers' Group, Inc.
MALDEF
MassVOTE
Middle Ground Prison Reform
Minnesota Second Chance Coalition
NAACP
NAACP Legal Defense Fund
NAACP National Voter Fund
NALEO Educational Fund
National African American Drug Policy Coalition, Inc.
National Alliance For Prisoners Rights (NAFPR)
National Association of Criminal Defense Lawyers
National Association of Social Workers
National Council for Urban Peace and Justice
National Employment Law Project
National Resource Center on Children and Families of the Incarcerated (formerly Family and Corrections Network)
National Urban League
National Welfare Rights Union
New Jersey Association on Correction
New Jersey Tenants Organization
New Vision Organization, Inc.
Nonprofit VOTE
Norfolk Lifers' Group
Ohio Justice and Policy Center
Ohio Voter Fund

Out Now

Papa Ola Lokahi (Native Hawaiian Health Board)
Partnership for Safety and Justice
Pennsylvania Institutional Law Project
Pennsylvania Prison Society
Philadelphia Jewish Voice
Philly Jail Support Collective
Picture Projects Inc.
Poverty & Race Research Action Council
Prison Action Network
Prison Families Anonymous
Prison Policy Initiative
Prisoners Are People Too, Inc.
Prisoners' Legal Services of Massachusetts
Prisoners' Legal Services of New York
Prisons Foundation
Progressive Public Affairs
Project Vote
Public Policy and Education Fund of NY
Racial Justice Action Center
Racial Justice Project at New York Law School
Racial Profiling Grassroots Organization of Kansas
Reconciliation, Inc.
Resource Information Help for the Disadvantaged (RIHD)
Sagewriters & the Global Kindness Revolution
Solid Ground
Solidarity Committee of the Capital District
Southeast Michigan Census Council
Southern Center for Human Rights
Southern Coalition for Social Justice
Statewide Poverty Action Network
Still Here Harlem Productions, Inc.
StopPrisonAbuse.org
StoptheDrugWar.org
Students for Social Justice and Institutional Change, Smith College
TakeAction Minnesota
Tamms Year Ten
Target Area DevCorp
Texas Civil Rights Project
Texas Criminal Justice Coalition
Texas Jail Project
The Action Committee for Women In Prison
The Bridging Group
The Center for Church and Prison, Inc.
The Church of Gethsemane
The Fortune Society, Inc.

The Leadership Conference on Civil and Human Rights
The Lewisburg Prison Project
The Lionheart Foundation
The Minnesota Council on Crime and Justice
The Praxis Project
The Prison Birth Project
The Real Cost of Prisons Project
The Sentencing Project
The Springfield Institute
The Wei
U.S. Conference of Mayors
United Church of Christ/Justice and Witness Ministries
United Congress of Community and Religious Organizations
UO Prison Justice
Urban Justice Center
Voice of the Ex-offender
Voices Of Community Activists & Leaders (VOCAL-NY)
Voter's Legislative Transparency Project
W. Haywood Burns Institute
Washington Association of Criminal Defense Lawyers
Washington Lawyers' Committee for Civil Rights
Watchingpolitics
Women on the Rise Telling HerStory (WORTH)
Working Narratives
X-Offenders for Community Empowerment