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updates

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COUNTING PRISONERS

They cannot vote, but nearly 72,000 prisoners help tip the balance of power in the New York State Legislature. This is possible because, for purposes of the U.S. decennial Census, inmates are counted where they are imprisoned and not in the neighborhoods where they were living prior to being incarcerated.

“Each decade, state and local governments update their legislative districts on the basis of population,” notes Peter Wagner, executive director of the [Prison Policy Initiative](#), based in Easthampton, Massachusetts and supported by a \$200,000 grant from the Public Welfare Foundation. “But when they use Census data that counts thousands of people in the wrong place, democracy suffers.”

In fact, according to Prison Policy Initiative, some two million people are counted in the wrong place. This is another direct result of American criminal justice policies that rely heavily on incarceration. But it also distorts the democratic process by

inflating the population of rural areas where prisons tend to be located and diluting the population of urban districts where the prisoners came from and where they are likely to return after serving their time.

These demographic changes result in real legislative power shifts in New York, Ohio, Texas and other states. In New York, for example, at least seven State Senate districts are able to meet minimum population requirements because of prisoners counted within those districts. But since the prisoners cannot vote, the State Senators from those districts are not beholden to them as they would likely be to other constituents.

In addition, those legislators — and the sparsely populated communities they represent — gain power and influence at the expense of poor, urban districts that will have to try to meet the needs of former prisoners once they return home.

This issue of prison-based gerrymandering is receiving renewed attention as the latest Census count for 2010 draws near.

Mr. Wagner points out that the issue can have an enormous impact on local government as well. Anamosa, Iowa, with a population of about 5,500, is home to the Anamosa State Penitentiary (pictured below), with more than 1,000 inmates. The prison, called “The White Palace of the West,” because it is made

from light-colored stone from a nearby quarry and has castle-like features, is a physically imposing structure – and more.

The fact that inmates have been counted as part of the Census and that the prison and a handful of other public buildings take up a lot of space in the town's Ward 2, led to distinctly imbalanced voting representation for that area.

In an interview with Iowa Public Radio, City Administrator Patrick Callahan admitted that, in Ward 2, "You only have a small pool of 140 people who have a vote on the city council. Whereas the rest of the wards, it's over 1,400 people for one vote on the city council. So you do not have the 'one man, one vote' principle that you normally strive to achieve."

One beneficiary of the imbalance was Danny Young (pictured above), a backhoe operator for Jones County, which includes Anamosa. Although he did not intend to run for the City Council in 2005, there were no other candidates from Ward 2 and he was elected with two write-in votes – one from his wife and one from a neighbor.

Four years later, Mr. Young and others supported the replacement of Anamosa's ward system with an at-large system where each of the four Council members must earn votes throughout the city. Still, Peter Wagner cites the old Anamosa as

“one of the most important examples of prison-based gerrymandering in the country because it had a district that was almost entirely prisoners.”

The Census Bureau has recently agreed to create a special file with prison data counts. It is a possible step toward counting prisoners where they lived prior to being incarcerated and should at least allow state and local governments to make redistricting decisions on the basis of better and more timely information.

As Mr. Wagner puts it, “If we want state legislatures to respond to the will of the people, we need to ensure that the legislative districts are based on where the people reside, not where the state built its prison cells.”

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Public Welfare Foundation
1200 U Street, NW
Washington, DC 20009-4443

www.PublicWelfare.org
info@publicwelfare.org

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For media inquiries, please contact Diane Camper, Communications Officer,
202-965-1800 ext. 242 dcamper@publicwelfare.org

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