

# TULSAWORLD

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## Prisons can inflate districts' influence

■ A researcher says Oklahoma voters get unequal representation.

**BY MICHAEL OVERALL**

World Staff Writer

On a map of county commissioner districts in Osage County, the border of District 1 zig-zags along rather predictably until it passes north of a state prison near Hominy.

Suddenly, the line veers south to throw a hook around the Dick Conner Correctional Center, capturing the inmate population as “residents” for the district.

For the past nine years, Massachusetts-based researcher Peter Wagner has been trying to prove that many states, including Oklahoma, use prisons for “gerrymandering.”

Padding their populations with people who can't vote in local elections, the districts are artificially inflating their own political clout, Wagner says.

SEE PRISON A4



### House districts with prisoners

Seven state House districts meet federal minimum population requirements only because they include prisoners as local residents:

**HD 13 (parts of Muskogee and Wagoner counties):** census population of 34,459 includes 1,829 prisoners

**HD 18 (parts of Pittsburg and McIntosh counties):** census population of 34,389 includes 2,111 prisoners

**HD 22 (Murray County and parts of Garvin, Pontotoc, McClain and Cleveland counties):** census population of 34,099 includes 2,569 prisoners

**HD 55 (Washita County and parts of Kiowa, Caddo and Canadian counties):** census population of 34,472 includes 2,594 prisoners

**HD 63 (Tillman County and parts of Comanche County):** census population of 34,448 includes 2,081 prisoners

**HD 88 (part of Oklahoma County):** census population of 34,153 includes 2,427 prisoners

**HD 90 (part of Oklahoma County):** census population of 34,205 includes 1,753 prisoners

Source: prisonersofthecensus.com

# PRISON:

"This isn't a problem that's easy to get people excited over."

FROM A1

"I knew somewhere there had to be a smoking gun, a case so blatant that nobody could deny it," he says. "I found it in Osage County."

## 'Who cares?'

On Monday, Wagner and a fellow researcher at the Prison Policy Initiative will release a report called "Importing Constituents: Prisoners and Political Clout in Oklahoma."

In an advanced copy obtained by the Tulsa World, Wagner singles out seven state House districts and 16 county commissioner districts for allegedly gerrymandering around prisons.

In other words, if inmates weren't counted as "residents," the districts would be too small to satisfy federal standards for "one person, one vote," Wagner says.

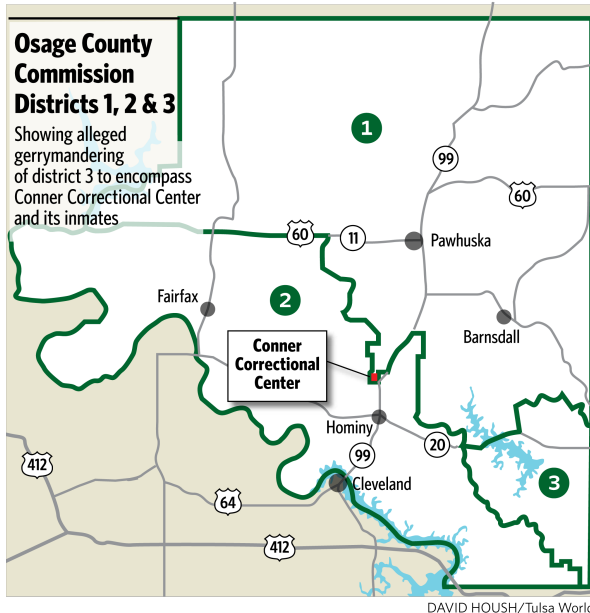
Federal law, along with U.S. Supreme Court precedents, requires districts to be essentially equal in population — deviating no more than 5 percent above or below average.

"The question is always, 'who cares?'" says Wagner, who is the executive director of the Prison Policy Initiative, which describes itself as a nonprofit, nonpartisan think tank. "This isn't a problem that's easy to get people excited over.

"But this is about the basic democratic principle of equal representation."

In Alfalfa County, for example, each county commissioner is supposed to represent roughly 2,000 people.

District 3, however, would barely include half that many people without the inmates



DAVID HOUSH/Tulsa World

at the Crabtree Correctional Center, who can't vote.

Wagner concludes that every 54 voters in District 3 have the same political weight as 100 voters in other districts.

"Look at it this way," he says: "If you don't live in a district with a prison, your vote simply doesn't count as much."

## 'Quickest solution'

Congressional and state Senate districts are too large for prison populations to make much difference, so Wagner confines his analysis to state House and county commissioner seats.

Even then, prison populations used to seem negligible. The 1980 Census, for example, counted only 4,595 prison inmates in Oklahoma, according to Wagner's report.

By 2000, the Census counted five times that many inmates in Oklahoma — and suddenly, a single prison could boost the population of a state House district by several percentage points.

The prison population now includes more than 24,000

inmates.

"That's why nobody was talking about this problem until recently," Wagner says. "Because, until recently, it wasn't a problem."

For the 2010 Census, Wagner recommends that Oklahoma — and other states — simply ignore prison populations when drawing district maps.

"Basically, pretend they don't exist," he says. "That's the easiest, quickest solution for now."

He might be surprised to know that Osage County Commissioner Clarence Brantley, from the "smoking gun" District 1, agrees with him. At least in principle.

"They don't get to vote in my district," he says, "so prisoners shouldn't be counted as residents."

Unfortunately, Brantley says, it's not that simple.

## 'On the radar'

Most of Osage County's population is clustered in the southeast corner of District 2, on the outskirts of metropolitan Tulsa.

To encompass an equal

## County commission districts most distorted by prison population

County	Commission district	Total district population	Prison population	Vote enhancement
Alfalfa	3	2,116	981	46%
Atoka	1	4,407	1,409	32%
Beckham	1	6,720	1,534	23%
Blaine	3	4,046	1,329	33%
Caddo	1	10,192	762	7%
Canadian	3	28,972	1,671	6%
Comanche	1	39,428	2,136	5%
Craig	2	5,044	410	8%
Hughes	1	4,780	968	20%
Jefferson	3	2,273	191	8%
Muskogee	3	23,713	1,549	7%
Okfuskee	1	4,085	675	17%
Osage	1	14,494	1,310	9%
Pittsburg	2	14,929	2,082	14%
Woods	1	3,082	431	14%
Woodward	3	6,286	514	8%

Source: Prison Policy Initiative

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population, District 1 sprawls across the entire northern half of the county. As a result, Brantley's district maintains nearly 1,000 miles of county roads, compared to roughly 250 miles of roads in a smaller district.

"Is that fair?" he asks. "The truth is, some of these rural districts are too big to manage."

Stop counting inmates, and they'll have to grow even big-

ger, he says.

"Frankly," he admits, "I haven't been able to think of a good solution."

State House District 13 faces a similar dilemma with the Jess Dunn Correctional Center and several other prisons.

Without counting inmates, the district would be too small. But even with the inmates, to reach enough people the district stretches

from part of Broken Arrow to Warner, 70 miles southeast.

Living so far apart, the constituents often have little in common with each other, says District 13 Rep. Jerry McPeak.

"At one point," McPeak says, "my district is only two miles wide. The shape is ridiculous."

The Legislature will have to redraw district maps after the 2010 Census.

"And let's hope we can bring some logic to the process," McPeak says. But he stops short of saying whether inmates should count or not.

"Honestly," he says, "I haven't thought about it before because it's not an issue that's even been on the radar."

With this week's report, Wagner hopes to change that. He's focusing on Oklahoma partly because the state is usually one of the first to redistrict after each Census, so what happens here could start a trend nationwide.

"I'm trying to spark a conversation," Wagner says. "It's going to be up to the people of Oklahoma to decide where that conversation takes us."

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