

Diluting democracy: Census quirk fuels prison expansion

The Census counts prisoners — barred by law from voting in 48 states — where they are incarcerated, swelling the population of rural prison areas. When the state legislature uses the “phantom” population of rural prisoners to draw new district lines, democracy comes up missing.

To ensure that every person’s vote counts equally, legislative districts in the United States are redrawn every 10 years after the Census so each district contains the same number of people. Only slight deviations from exact population equality are allowed, and only to protect common “communities of interest.” But the situation in many prison communities more closely resembles “communities of *opposing* interests”: the interests of urban people involuntarily present in rural prisons are most often very different from people living on the other side of those prison walls. Allowing rural communities to take in urban prisoners *only* for purposes of the Census increases the value of rural votes and turns the whole idea of One-Person-One-Vote on its head.

Many effects:

- Rural prison-hosting counties get an extra population on paper to cover up their otherwise declining population
- Urban prisoner-exporting districts lose population
- Rural legislators can devote more attention to their “real constituents”
- Urban legislators must serve both constituents living in their districts and their family members incarcerated far away
- Rural voters gain legislators and urban voters lose them
- State policy priorities are skewed toward the interests of rural residents in prison hosting areas and against the interests of urban residents

In New York:

- New York City loses 43,740 residents to the districts of upstate legislators
- All prisons built since 1982 have been built upstate.
- With the prisoners as “population”, 7 upstate state senate districts are short more than 5% of their required size, in violation of Supreme Court rulings
- All 7 of these districts belong to rural Republicans
- Some upstate towns are mostly prisoners: The majority of Dannemora, NY’s population is housed in its supermax prison. Almost half (3,000) of the town of Coxsackie’s population (7,000) is in prison.
- The leading defenders of the Rockefeller Drug Laws requiring long mandatory prison sentences are upstate Senators Volker and Nozzolio, heads of the Committees on Codes and Crime, respectively. The prisons in their two districts account for more than 17% of the state’s prisoners.

Throughout the country:

Research into the impact on legislative districts in other states is ongoing, but it is clear that many states have a large geographic disparity between where convicted people reside and where they are incarcerated.

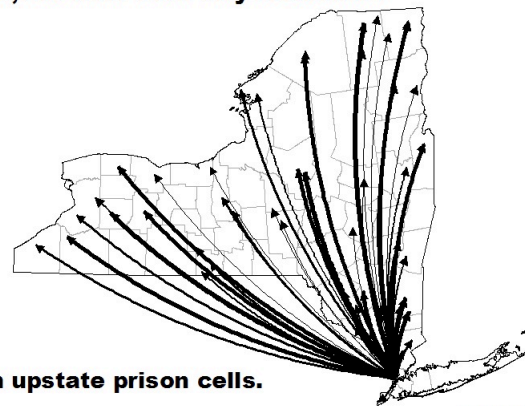
- Sixty percent of Illinois’ prisoners call Cook County (Chicago) home, yet 99% of the state’s prison cells are outside the county.
- Los Angeles County supplies 34% of California’s prisoners, yet only 3% of the state’s prisoners are incarcerated there.
- Philadelphia is the legal residence for 40% of Pennsylvania’s prisoners, but the County contains no state prisons.
- Wayne County (Detroit) is home for 20% of Michigan’s population. Almost 30% of the state’s prisoners are from Wayne County, but only 11% of the state’s cells are there.

This fact sheet is based on *Importing Constituents: Prisoners and Policy Clout in New York* (April 2002),

(<http://www.prisonpolicy.org/importing>) and research published as *Facts of the Week* on PrisonersoftheCensus.org, an online clearinghouse for information on how Census counts of prisoners distort our society and democracy.

--Peter Wagner, April 11, 2004

Q: Where did the Census Bureau count 43,740 New York City residents?



A: In upstate prison cells.

Where is New York’s incarcerated population?

