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Democrats seek to remove prison population from Census

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ALBANY - The Democratic-led state Legislature and a coalition of groups are looking to remove prisoners from the population count for the U.S. Census and for redistricting in 2012, lowering the population in many upstate Republican legislative districts.

The proposal calls for counting prisoners in their hometowns, rather than in the districts in which they are incarcerated. The prison population count is significant in some rural districts: Seven state Senate districts, five of which are controlled by Republicans, wouldn't meet minimum population requirements without including prisoners.

Advocates for the legislation, sponsored by New York City Democratic Assemblyman Hakim Jefferies and Sen. Eric Schneiderman, charged that it is unconstitutional that prisoners, who often reside in urban areas, are counted as residents of upstate districts solely to boost up the population of legislative districts.

The state has about 58,000 inmates in 67 prisons. If passed, the bill would be the first in the nation to count prisoners in their home communities for redistricting purposes.

"This is not an upstate-downstate issue," said Schneiderman, saying the upstate cities of Buffalo, Rochester and Syracuse are also hurt by the population counts.

"This is not something that is divided along geographical lines. It's really a matter of the poor communities the prisoners come from losing their voting strength."

But Republicans claimed that Democrats are trying to do cut the GOP's influence in the state. Whoever controls the state Legislature after this November's elections will draw the legislative district lines for state and congressional seats in 2012 for the next ten years. The Census count will begin this year.

"It would obviously impact funds and representation," said Sen. Joseph Griffo, R-Rome, Oneida County, who has one of the state's largest prison populations - about 3,500 prisoners -- in his district.

Griffo said Democrats should be consistent if they want to remove the prison population from the upstate districts: They should also remove college students and military officers, who also are counted as living in the places where they go to school or serve.

He said local communities incur costs by hosting prisons, such as police and health-care services, and it would be unfair to remove them from the rolls.

"It makes me uneasy about when you have one-party rule and one region domination. I think this is what it reflects more than anything," Griffo said.

Prison Policy Initiative, which advocates that inmates be counted in their hometowns, found in 2002 based on 2000 census data that five Senate districts rely on the prison population to meet the

minimum standards for the roughly 306,000 people needed for a Senate district.

The districts including the ones held by Republican Sens. Griffo; James Seward, R-Milford, Otsego County; Sen. Betty Little, R-Queensbury, Warren County; Michael Nozzolio, R-Fayette, Seneca County; and Dale Volker, R-Depew, Erie County.

Two Democratic Sens. Darrell Aubertine, D-Cape Vincent, Jefferson County, and David Valesky, also rely on prisoners to fill out their district.

A follow-up report by the group in 2007 found that 13 counties - including Chemung, Dutchess and Orleans -- remove the prison population when drawing district lines for local representatives. But 16 counties - including Erie, Livingston, Monroe, Ulster, Wayne and Westchester - do.

In counties that do count the inmate population, the impact can be pronounced.

The report's the most blatant example was in Livingston County outside Rochester: The large prison population in Groveland gives Town Supervisor James Merrick more than twice the voting power on the county Board of Supervisors than he would otherwise have.

But Merrick downplayed the added influence, saying there isn't much dispute on the county board.

The Rev. Al Sharpton was among supporters who spoke at a news conference this morning advocating for the Democratic measure. He said the bill is the "voter rights and civil-rights issue" of the year in New York.

He said the prison population is used to boost up districts where the representatives vote against the interests of the people who are incarcerated, such as delaying action to repeal the decades-old strict drug sentencing laws. Democrats repealed much of the Rockefeller-era drug laws last year.

"This is a real civil-rights issue, where you use people's bodies to count against their interests. There's nothing more blatant than that," he said.

Schneiderman said he hoped the measure would pass this year, in time for the next reapportionment of districts.
