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IN MY OPINION

Fred
Grimm

fgrimm@
MiamiHerald.com

Putting the con in constituent

There's nothing a state rep loves more than a captive audience. Except for a captive constituency.

North Florida pols have packed their state House districts with a particularly low-maintenance category of citizens. The kind who don't show up at townhall meetings clamoring about too much traffic or lousy parks or crumbling bridges or under-funded schools or the need for more cops on the beat. They never, ever complain about too few cops.

Best of all they don't go around town grumbling that folks should vote for that other candidate. They can't. They can't vote. They're state prisoners.

They're the great gift urban counties ship up to state representatives in Florida's rural prison belt, whose districts encompass Sumter or Bradford or Baker or Hardee or Calhoun and other counties where incarceration is a major local industry and inmates represent a sizeable chunk of the local population.

Come time to redistrict, every 10 years, those inmates — most of them big city homies — are counted along with the local population, making prisoners a valuable political commodity and consigning elected officials, particularly state reps, political power out of whack with their actual voting constituency.

Peter Wagner, who as director of Prison Policy Initiative has led a 13-year national crusade against prisoner-based gerrymandering, cited a couple of particularly egregious house districts in the Panhandle. He said the rural House Districts Five and Seven include the state's largest inmate population.

"Districts are supposed to have about 156,677 people," he said. "But District Seven met that target by including 19,825 people in correctional facilities, and District Five used 12,915. That's 12.6 percent and 8.2 percent respectively. So every 87 people in District Seven are represented in the capital like 100 people somewhere else," he said. And in District Five, 92 people have the same political influence in the House of Representatives as 100 citizens down in Miami.

New York did away with its infamous prison-based gerrymandering in 2010. So has Maryland. But Wagner noted that the districts in Florida are even more warped.

Imagine then, if inmate counts distort state House districts, how they must be skewing district representation for rural city and county governments. After the 2000 census, the Prisoner Policy Initiative found a county commissioner in Calhoun with 48 percent of his constituents behind bars. In Jefferson County one commissioner had 29 percent of his district behind bars, while 25 percent of a commission district in Baker County, and 20 percent of another in Hardee County, wore prison jumpsuits.

Earlier this month, Nancy Abudu, the director of legal operations for the ACLU in Florida, cautioned the school board in Hamilton County, with about 14,000 residents, including 2,600 locked up in state prisons: "If the new school board districts are based on unadjusted Census Bureau data, the few actual residents who live near the prison would have more say in local government than anyone living any-

(over)

where else in the county.”

She warned that “based on our research, if the board were to use Census data, without adjusting for the prison population, the district with the prison in it would likely have less than a hundred actual residents while every other district would have nearly 3,000.”

Back in 2001, Gulf County commissioners sought advice from the state attorney general’s office wondering if they could exclude the county’s hefty prison population when they drew up new districts. The AG’s office said no, that in fact state law required that the county

include the prisoners.

So Gulf County commissioners took the sensible course. They ignored the attorney general’s opinion.

“They don’t pay taxes, they don’t have the right to vote, there is no reason to count them,” longtime commissioner Nathan Peters Jr. told a reporter with Newhouse Newspapers.

A few other counties have also stopped considering prison head counts when they redraw county commission lines. The attorney general’s 2001 opinion did suggest “as this question is controlled by state law, the legislature may wish to consider whether Florida’s prison

population should be included in population counts for purposes of redistricting.”

The late state Sen. Larcenia J. Bullard of Miami gave it a shot in 2010, but her bill “requiring the legislature to adjust federal decennial census figures to include prisoners in the geographic areas where they last resided before incarceration rather than the facility where they were residing at the time of the federal census redrawn...” didn’t get so much as a committee hearing.

The problem, Wagner said, evolved gradually over the years until a booming prison population began to seriously skew state and

local representation. In the years between the 2000 Census and the one in 2010, Florida’s inmate population grew some 42 percent, while the state’s overall population expanded by 17 percent.

But Florida legislators seem reluctant to meddle with a redistricting formula and that ever-so-perfect gerrymandering software that has created so many unassailable districts for its members. It’s not about creating equitable representation. It’s about avoiding anything that might put safe legislative seats at risk.

As Wagner said, “They’re just afraid they might screw up the outcome.”