

August 30, 2016

Ms. Karen Humes
Chief, Population Division

RE: Proposed Census Residence Rules for Incarcerated Persons

Aloha Ms. Humes:

I am a resident of Maui, Hawai`i, and am submitting comments in opposition to the proposed 2020 Census “residence rules” that would continue to count incarcerated people in the wrong place, ensuring an inaccurate 2020 census.

As way of introduction, I would like to share contextual information that shapes my testimony. **For the past twenty-one years, Hawai`i has transferred incarcerated persons to private-for-profit prisons on the American continent as a “temporary solution” to overcrowding.** Our incarcerated brothers (and formerly sisters too) have been transferred to private prisons in Texas, Minnesota, Mississippi, Tennessee, Kentucky, New Mexico, Oklahoma and Arizona.

In 2014, Hawaii transferred 1328 prisoners or 24% of its incarcerated population to Saguaro Correctional Facility in Arizona under its contract with Corrections Corporations of America.¹ The majority of these men are of Kanaka Maoli² ancestry, the original inhabitants of the Hawaiian archipelago who have a genealogical relationship the lands and waters of Hawai`i.

The men (and formerly women) of Hawai`i who have been transferred to private prisons on the American continent have been exported without their consent. They consider Hawai`i their home, and for many Kanaka Maoli, their ancestral homeland, that has been illegally occupied by the U.S.³

During the past twenty-one years, incarcerated men and women have been transferred from Hawai`i to private prisons in other states, and sometimes, multiple states in any given year.

To count Hawai`i’s incarcerated people in a state that they have been forcibly transferred to against their will, and without any intent to domicile, is irrational.

In addition to being irrational, the proposed rule promotes risk dilution through gerrymandering, and reinforces institutional racism and discrimination against Native Hawaiians.

. ¹ E. Ann Carson, Prisoners in 2014, U.S. Department of Justice (September 2015).

. ² The United States uses the racialized legal term “native Hawaiian” or “Native Hawaiian.”

. ³ In 1993, the United States passed a Joint Resolution, known as the “Apology Resolution, acknowledging U.S participation in the overthrow of Queen Lili`uokalani and the constitutional monarchy. The Resolution also acknowledges that the “indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.”

Native Hawaiians are disproportionately incarcerated in Hawai`i's criminal justice system, and are transferred to private out-of-state prisons at even higher percentages.⁴

Fortunately, the solution is simple. The U.S. Census should count prisoners at their home addresses, where they have the strongest family and community ties, and NOT where they have been forcibly transferred to and incarcerated, thousands of miles away from their home in private-for-profit prisons.

Thank you for the opportunity to comment on the proposed rule.

Sincerely,

Carrie Ann Shirota, J.D.