



**National
Urban League**

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***Empowering Communities.
Changing Lives.***

September 1, 2016

Karen Humes
Chief, Population Division
U.S. Census Bureau
Room 6H174
Washington, DC 20233
Via email: POP.2020.Residence.Rule@census.gov

**RE: Proposed “2020 Census Residence Rule and Residence Situations”
[Docket Number 160526465-6465-01]**

Dear Ms. Humes:

As national leaders of civil rights organizations committed to the social and economic empowerment of communities color, we write to express our outrage and strenuous objection to the Proposed 2020 Census Residence Criteria and Residence Situations Rule that the Census Bureau (Bureau) released on June 30, 2016. Once again, the Bureau has inexplicably ignored the need to change the “usual residence” rule to address the incarceration epidemic in this country.

The decennial Census—the largest peacetime mobilization operation in the U.S.—is essential in advancing equality of access and opportunity in virtually every social and economic sector. It determines the economic and political empowerment of our communities, and the allotment of federal monies that support our communities. Declining indicators like jobs, housing and asset building demonstrate that this last decade has been very difficult for the population and communities that we advocate for and represent.

The goal of the Census Bureau is to provide the best mix of timeliness, relevancy, quality and cost for the data it collects and services it provides. Additionally, the decennial census is supposed to tell us who we are and where we are going as a nation. Therefore, it should be axiomatic that the decennial census would count inmates as part of their home community. The Bureau must reconsider its proposed 2020 Census Residence Criteria and Residence Situations Rule.

In 2014, there were nearly 1.6 million Americans in state or federal prison.¹ Of the male population, an estimated 37% were black, 32% white and 22% Hispanic; of the female

prison population, 50% were white and 21% black.² The detrimental implications of the Bureau's proposed "usual residence" rule will once again be devastating to the communities we serve. The practice of counting inmates at their correctional facility mandates that politicians, policymakers and advocates not accurately account for more than a million American residents as they make vital decisions. As a result, policy, politics, economics and demographic trends only give a distorted picture of this nation's economic and social health.

It is a well-documented fact that the rate of incarceration in the United States is much higher than that of any other country in the world. The consequences that this mass incarceration has on low-income urban communities are profound. Findings from a 2014 Annual Review of Sociology article regarding incarceration, prisoner reentry, and communities highlighted that,

[a]lthough almost all communities are touched to some degree by prisoner reentry, poor urban communities bear a disproportionate share of the burden, both in terms of prison admissions and releases. As a result, the criminal justice system now touches nearly as many people in poor communities as the education system or the labor market. Many former prisoners return to communities to live alongside other former prisoners, which carries implications for competition for scarce resources, criminal opportunities, and the effectiveness of formal and informal social control.³

Every week America's state and federal prisons release over 10,000 ex-offenders totaling more than 650,000 annually.⁴ Overwhelmingly, they will return home without any financial or social resources to aid in a successful re-entry. In 2007, Congress recognized the importance of creating opportunities to support the re-entry of ex-offenders by passing the Second Chance Act of 2007 (SCA). SCA provides federal grants for programs and services that work to reduce recidivism and improve offender outcomes. The Bureau's proposal to count inmates in their prison location rather than their home community ensures that re-entry programs will not have the accurate demographic data they need to succeed.

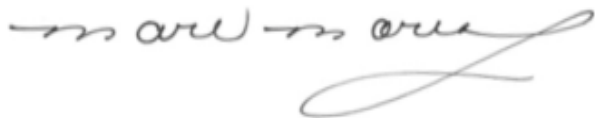
Not only does the Bureau's proposed rule damage the efficacy of re-entry policies and services, but it also undermines the constitutional guarantee of "one person, one vote" unanimously upheld by the Supreme Court in *Evenwel v. Abbott*, by diluting the representational equity of a prisoner's home community. In *Evenwel*, the Court specifically noted, "nonvoters have an important stake in many policy debates and in receiving constituent services."⁵ A local governing body cannot represent inmates nor can they affect them with local regulations. Inmates are literally not a part of that community in any manner absent their forced physical location.

Two recent U.S. District Courts decisions also affirm that the Census Bureau should change the "usual residence" rule to count inmates as part of their home community and not at the location of the prison. In March 2016, a U.S. District Court judge in Florida ruled against

prison gerrymandering finding that by counting inmates who lacked a fundamental and necessary “representational nexus” with the county district, the County violated the “one person, one vote” principle in the Constitution’s Fourteenth Amendment. Similarly, in May 2016, a U.S. District Court judge in Rhode Island, also ruled against prison gerrymandering because of the lack of representational nexus with the local government.

We strongly urge the Bureau to change the “usual residence,” rule. The 2020 Census must not disenfranchise almost 1.6 million American residents. An accurate representational count is the only way to ensure that all who use census data will have the requisite statistics to undergird effective public policy.

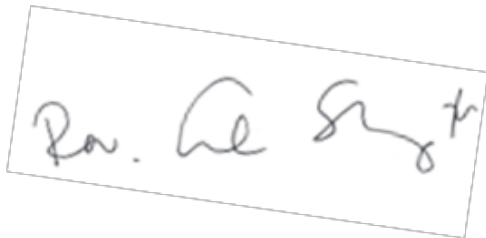
Sincerely,



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National Urban League



Hilary O. Shelton
Director, Washington Bureau &
Senior VP for Policy and Advocacy
NAACP



Rev. Al Sharpton
Founder & President
National Action Network
Participation



Melanie Campbell
President & CEO
National Coalition on Black Civic

¹ Carson, E, Ann, Ph.D., Bureau of Justice Statistics, Prisoners in 2014, September 17, 2015. Accessed at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5387>.

² Bureau of Justice Statistics, Summary Prisoners in 2014, September 2015. Accessed at http://www.bjs.gov/content/pub/pdf/p14_Summary.pdf.

³ Morenoff, Jeffrey D., and David J. Harding. “Incarceration, Prisoner Reentry, and Communities.” *Annual review of sociology* 40 (2014): 411–429. *PMC*. Web. 22 Aug. 2016. Accessed at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4231529/#R82>. (Internal citations deleted).

⁴ United States Department of Justice, Prisoners and Prisoner Re-Entry. Accessed at https://www.justice.gov/archive/fbci/progmenu_reentry.html

⁵ *Evenwel v. Abbott*, 578 U.S., 18-19 (2016). Accessed at https://www.supremecourt.gov/opinions/15pdf/14-940_ed9g.pdf.