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July 15, 2015

Karen Humes
Chief, Population Division
United States Census Bureau
Room 5H174
Washington, DC 20233
Via email: POP.2020.Residence.Rule@census.gov

Dear Ms. Humes:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we appreciate the opportunity to provide comments in response to the Census Bureau's Federal Register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). The Leadership Conference considers a fair and accurate census, and the collection of useful, objective data about our nation's people, housing, economy, and communities, among the most significant civil rights issues facing the country today. Today, the growth and disbursement of the prison population requires the Census Bureau to update its methodology with respect to the "usual place of residence" of incarcerated people, so that the size and power of the communities that host the prisons are not inflated at the expense of others. Therefore, we urge you to count incarcerated people as members of the community from which they come and not as members of the community in which they are incarcerated on Census Day.

The Census Bureau counts people in prison as if they were residents of the communities where they are incarcerated at the time of enumeration, even though they remain legal residents of the places they lived prior to incarceration. Because census data are used to apportion political representation at all levels of government, this practice gives extra political influence to people who reside in legislative districts that contain prisons and dilutes the votes cast in all other districts. This vote dilution is particularly extreme for urban and minority communities that have disproportionately high rates of incarceration.

The need for change in the "usual residence" rule, as it relates to incarcerated persons, has been growing over the last few decades. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million.ⁱ Since then, the nation's incarcerated population has more than quadrupled to over two million people.ⁱⁱ The manner in which this population is counted now has huge implications for the accuracy of the census and the fair allocation of political representation and governmental resources.

By designating a prison cell as a residence in the 2010 Census, the Census Bureau concentrated a population that is disproportionately male, urban, and African-American or Latino into just 5,393 census blocks that are located far from the actual homes of incarcerated people.ⁱⁱⁱ In Illinois, for example, 60 percent of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99 percent of them as if they resided outside of Cook County.^{iv}

When these data are used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven State Senate districts only met population requirements because the census counted incarcerated people as if they were upstate residents. For this reason, the New York State Legislature passed legislation to adjust the population data after the 2010 Census to count incarcerated people at their home of record (that is, the place they resided before incarceration) for redistricting purposes.^v

The composition and structure of America's population and households have changed dramatically in the 225 years since the first census. The census has evolved in response to many of these changes, in order to continue providing an accurate picture of the nation and to help policymakers meet society's needs. Because The Leadership Conference supports a population count that accurately represents communities, we urge you to count incarcerated people as residents of their pre-incarceration household. We stand ready to work with you to ensure that the voices of the civil and human rights community are heard in this important, ongoing national conversation.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations as the Bureau strives to count everyone in the right place, to reflect enormous demographic shifts, changes in the prison infrastructure, and the urgent needs of communities. If you have any questions about these comments, please contact Corrine Yu, Managing Policy Director, at 202-466-3311.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

ⁱ NAACP, Criminal Justice Factsheet, available at <http://www.naacp.org/pages/criminal-justice-fact-sheet>.

ⁱⁱ *Id.*

ⁱⁱⁱ Prison Policy Initiative, Detailed Demographics of Correctional Populations Now Available for Nation (Sept. 13, 2011), <http://www.prisonersofthecensus.org/news/2011/09/13/sf1/>.

^{iv} Demos, *Testimony of Ben Peck, Senior Legislative and Policy Associate, Demos Before the National Advisory Committee on Racial, Ethnic and Other Populations of the U.S. Census Bureau on: The Census Count and Prisoners: The problem, the solutions and what the Census can do*, (Oct. 26, 2012), available at <http://www.demos.org/publication/census-count-and-prisoners-problem-solutions-and-what-census-can-do>.

^v Demos and Prison Policy Initiative, *States are Authorized to Adjust Census Data to End Prison-based Gerrymandering and many already do* (updated September, 2010), available at <http://www.prisonpolicy.org/factsheets.html>.