



**WASHINGTON BUREAU · NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**  
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July 20, 2015

Ms. Karen Humes  
Chief  
Population Division  
U.S. Census Bureau  
Room 5H174  
Washington, DC 20233

Dear Ms. Humes,

On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I would like to submit this letter as a comment on the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950, issued on May 20, 2015. We strongly support the Census Bureau's counting incarcerated people at their most recent residence prior to incarceration, rather than at the particular facility in which they are incarcerated in on Census day.

As was recently described in its report "The Racial Geography of Mass Incarceration," the Prison Policy Initiative found that stark racial and ethnic disparities exist between incarcerated people and the people in the county outside the prison's walls<sup>1</sup>. The report found that the transfer of African American and Latino incarcerated people to communities very different than their own is a national problem not confined to select states. As a result, hundreds of counties have a 10-to-1 "ratio of over-representation" between incarcerated African Americans and African Americans in the surrounding county — meaning that the portion of the prison that is African American is at least 10 times larger than the portion of the surrounding county<sup>2</sup>.

One example cited in the report is Martin County, Kentucky, which has a ratio of the percentage of its incarcerated population that is African American to the percentage of its non-incarcerated population that is African American of 529, because the 884 incarcerated African Americans make up 56% of the incarcerated population but the 12 African Americans freely living in the county make up only about 0.1% of the county's free population<sup>3</sup>. This large scale census inaccuracy leads to Martin County, and similar counties like this all across our nation, as being considered diverse when they are not. Furthermore, because of felon dis-enfranchisement laws, the non-ethnic population has much more political power than the racial and ethnic minorities who reside among them. As a result, when state legislatures use that flawed data to

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<sup>1</sup> *The Racial Geography of Mass Incarceration*, July 2015, by Peter Wagner and Daniel Kopf, Prison Policy Initiative. Found at <http://www.prisonpolicy.org/racialgeography/report.html>

<sup>2</sup> Ibid

<sup>3</sup> Ibid.

draw legislative districts, they transfer African American political values to districts where African Americans have no voice.

The report concludes by saying that “this large-scale transfer of (African American) and Latino people to areas demographically very different than their homes has even larger effects thanks to a unique quirk in the federal Census that counts incarcerated people as if they were willing residents of the county that contains the correctional facility for redistricting purposes.”<sup>4</sup>

The need for change in the “usual residence” rule, as it relates to incarcerated persons, has been growing over the last few decades; and as clearly demonstrated by the report cited above, the time to update this rule is now. As recently as the 1980s, the incarcerated population in the U.S. totaled less than half a million people. But since then, the nation’s incarcerated population has more than quadrupled to over two million people. The manner in which this population is counted now has huge implications for the accuracy of the Census.

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. When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located.

As the Bureau strives to count everyone in the right place in keeping with changes in society and population realities, it is imperative that the changes proposed to the Residence Rule be updated. Because the NAACP believes in a population count that accurately represents communities, and because it so acutely impacts the people and we serve and represent, we urge you to count incarcerated people as residents of their home address.

Thank you again for the opportunity to comment on the Census Bureau’s Proposed Residence Rule. Should you have any questions or comments on the NAACP position, please feel free to contact me at (202) 463-2940.

Sincerely,



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

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<sup>4</sup> Ibid.