

TEXAS CIVIL RIGHTS PROJECT

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July 14, 2015

Karen Humes,
Chief of the Population Division
U.S. Census Bureau
Via email to POP.2020.Residence.Rule@census.gov

Re: Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015)

Dear Ms. Humes,

The Texas Civil Rights Project respectfully submits these comments in response to the Census Bureau's federal register notice regarding the Residence Rule and Residence Situations 80 FR 28950 (May 20, 2015).

We strongly urge you to count incarcerated people at their home addresses rather than their prison addresses, because the current system grossly distorts the census results. This is particularly true in Texas.

- Texas consistently is at or near the highest rate of incarceration in the United States.
- Most convictions are in Texas' urban areas, but most prisons are in very rural areas.
- African Americans are disproportionately affected: they represent only 11.8% of the state population but 31% of the prison population.

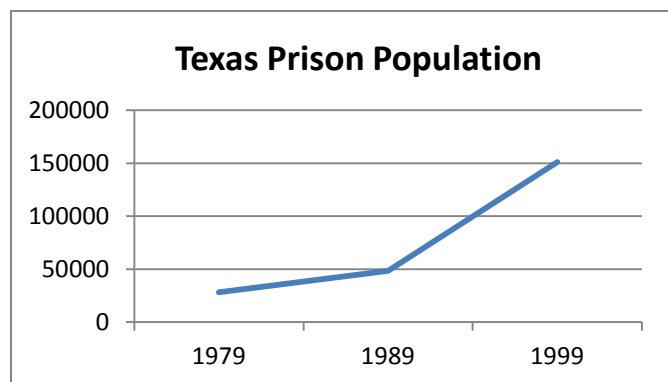
When the census counts inmates at their prison addresses, it reinforces state political dynamics which contribute to the phenomenon of mass incarceration in Texas.

A. Texas' prison population has grown vastly since 1980

In 1978, Texas' prison population was 24,575.¹

The 2014 prison population was 150,361.² That is a **511%** increase in 36 years.

The increase is largely the result of the state legislature creating longer and longer sentences for the same crimes.



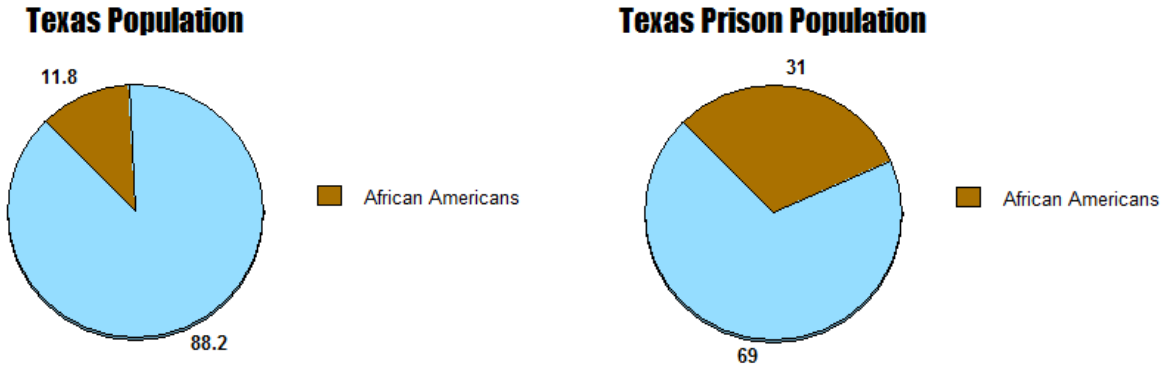
¹ *Ruiz v. Estelle*, 503 F. Supp. 1265, 1275 (S.D.Tex 1980).

² TDCJ Statistical Report FY 2014, available at http://tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf.

B. African American residents are disproportionately affected.

African Americans represent roughly **11.8%** of the Texas population.

However, they represent about **31%** of Texas' prison population.

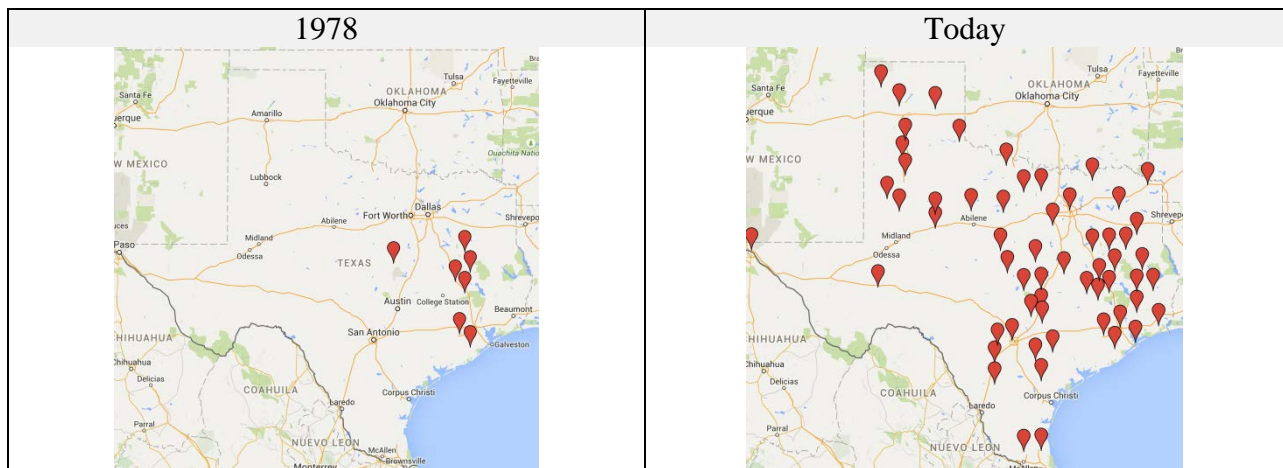


Most Texas prisoners are incarcerated for a short time. Half the people convicted every year are sentenced to two years or less, and another quarter are sentenced to 3-5 years. State law does not permit prisoners to vote, but they become eligible again after being released and finishing parole (if applicable).³

C. Prisoners are mostly from urban areas, but prisons are mostly in rural areas.

In 1978 there were 17 prisons in Texas with a total capacity for 27,253 inmates. They were distributed across **7 counties**.⁴

Today, there are 109 prisons with a total capacity for 160,023 inmates, distributed across **52 counties**.



³ Texas Election Code 11.002(4).

⁴ See Appendix A.

Counting prisoners where they are incarcerated but cannot vote – in regions of the state that are primarily rural, white, and conservative – results in the state government being disproportionately rural, white, and conservative. It simultaneously disenfranchises some residents while empowering others, which creates a snowballing effect for mass incarceration. It is no accident that the Texas prison population has not only grown since 1980, but that the growth continued to accelerate through the 1990's.

As a civil rights advocate, I strongly encourage you to change the current system. Not only would it make the electoral system more representative generally, it might be essential to breaking the cycle of mass incarceration in Texas in our lifetimes.

Sincerely,

Brian McGiverin

Brian McGiverin
Attorney

Appendix A

Prison	Year	Inmate Capacity	County	Total prison capacity
Huntsville	1849	1705	Walker	1705
Wynne	1883	2621	Walker	4326
Jester I	1885	323	Fort Bend	4649
Vance	1885	378	Fort Bend	5027
Clemens	1893	1215	Brazoria	6242
Goree	1907	1321	Walker	7563
Ramsey	1908	1891	Brazoria	9454
Stringfellow	1908	1212	Brazoria	10666
Central (closed 2013)	1909	950		(not counted toward current total)
Darrington	1917	1931	Brazoria	12597
Eastham	1917	2474	Houston	15071
Scott	1919	1130	Brazoria	16201
Ferguson	1962	2421	Madison	18622
Byrd	1964	1365	Walker	19987
Coffield	1965	4139	Anderson	24126
Ellis	1965	2482	Walker	26608
Mountain View	1975	645	Coryell	27253
Beto	1980	3471	Anderson	30724
Crain	1980	2115	Coryell	32839
Hilltop	1981	553	Coryell	33392
Jester III	1982	1131	Fort Bend	34523
Luther	1982	1316	Grimes	35839
Powledge	1982	1137	Anderson	36976
Hospital Galveston	1983	365	Galveston	37341
Pack	1983	1478	Grimes	38819
Terrell	1983	1603	Brazoria	40422
Estelle	1984	3480	Walker	44852
Bridgeport	1987	200	Wise	45052
Michael	1987	3305	Anderson	48357
Skyview	1988	562	Cherokee	48919
Bridgeport	1989	520	Wise	49439
Cleveland	1989	520	Liberty	49959
Daniel	1989	1384	Scurry	51343
Estes	1989	1040	Johnson	52383
Hobby	1989	1384	Falls	53767
Kyle	1989	520	Hays	54287
Clements	1990	3798	Potter	58085
Hightower	1990	1384	Liberty	59469

Hughes	1990	2984	Coryell	62453
Lewis	1990	2232	Tyler	64685
Roach	1991	1884	Childress	66569
Boyd	1992	1372	Freestone	67941
Briscoe	1992	1384	Frio	69325
Cotulla	1992	606	La Salle	69931
Duncan	1992	606	Angelina	70537
Fort Stockton	1992	606	Pecos	71143
Jordan / Baten	1992	1008	Gray	72151
Marlin	1992	606	Falls	72757
McConnell	1992	2900	Bee	75657
Robertson	1992	2984	Jones	78641
San Saba	1992	606	San Saba	79247
Smith	1992	2234	Dawson	81481
Tulia	1992	606	Swisher	82087
Gurney	1993	2128	Anderson	84215
Jester IV	1993	550	Fort Bend	84765
Lockhart*	1993	500	Caldwell	85265
Lockhart*	1993	500	Caldwell	85765
Polunsky	1993	2984	Polk	88749
Stiles	1993	2981	Jefferson	91730
Torres	1993	1384	Medina	93114
Garza East	1994	2458	Bee	95572
Garza West	1994	2278	Bee	97850
Gist	1994	2276	Jefferson	100126
Glossbrenner	1994	612	Duvall	100738
Havins	1994	596	Brown	101334
Holliday	1994	2128	Walker	103462
Lynaugh	1994	1416	Pecos	104878
Middleton	1994	2128	Jones	107006
Montford	1994	1044	Lubbock	108050
Neal	1994	1732	Potter	109782
Sayle	1994	632	Stephens	110414
Stevenson	1994	1384	DeWitt	111798
Wallace	1994	1448	Mitchell	113246
Allred	1995	3,722	Wichita	116968
Bartlett	1995	1049	Williamson	118017
Bradshaw	1995	1980	Rusk	119997
Cole	1995	900	Fannin	120897
Connally	1995	2148	Karnes	123045
Dalhart	1995	1398	Hartley	124443
Diboll	1995	518	Angelina	124961
Dominguez	1995	2276	Bexar	127237
Formby	1995	1100	Hale	128337

Goodman	1995	612	Jasper	128949
Halbert	1995	612	Burnet	129561
Henley	1995	576	Liberty	130137
Hodge	1995	989	Cherokee	131126
Hutchins	1995	2276	Dallas	133402
Johnston	1995	612	Wood	134014
LeBlanc	1995	1224	Jefferson	135238
Lindsey	1995	1031	Jack	136269
Lychner	1995	2276	Harris	138545
Moore, B.	1995	500	Rusk	139045
Moore, C.	1995	1224	Fannin	140269
Murray	1995	1341	Coryell	141610
Ney	1995	576	Medina	142186
Plane	1995	2291	Liberty	144477
Rudd	1995	612	Terry	145089
Segovia	1995	1124	Hidalgo	146213
Telford	1995	2872	Bowie	149085
Wheeler	1995	576	Hale	149661
Willacy County	1995	1069	Willacy	150730
Mineral Wells (closed 2013)	1995	2103		(not counted toward current total)
Dawson (closed 2013)	1995	2216		(not counted toward current total)
Hamilton	1996	1166	Brazos	151896
Sanchez	1996	1100	El Paso	152996
Young	1996	455	Galveston	153451
Kegans	1997	667	Harris	154118
Lopez	1997	1100	Hidalgo	155218
Travis County	1997	1161	Travis	156379
Ware	1997	508	Mitchell	156887
Woodman	1997	900	Coryell	157787
East Texas	2004	2236	Rusk	160023