July 15, 2015

Karen Humes, Chief

Population Division

U.S. Census Bureau

Room 5H174

Washington, DC 20233

Dear Karen Humes,

I am a former member of the Vermont House of Representatives (2008-2014) and currently Executive Director of Vermonters for Criminal Justice Reform, and I submit this comment in response to the Census Bureau’s federal register notice regarding the Residence Rule and Residence Situations, 80 FR 28950 (May 20, 2015). I urge you to count incarcerated people at their home address, rather than at the particular facility that they happen to be located at on Census Day.

From my years of experience serving as an elected representative, I am keenly aware that democracy, at its core, rests on equal representation. And equal representation, in turn, rests on an accurate count of the nation’s population. And in my work with Vermonters for Criminal Justice Reform I see the results of how a malapportioned legislative system creates and perpetuates unjust laws.

As you know, American demographics and living situations have changed drastically in the 225 years since the first census, and the census has evolved in response to many of these changes in order to continue to provide an accurate picture of the nation. Today, the growth in the prison population requires the Bureau to update its methodology again.

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. But since then, the number of incarcerated people has more than quadrupled, to over two million people behind bars. 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 the nation’s entire incarcerated population into just 5,393 census blocks that are located far from the actual homes of incarcerated people. In Vermont this means that the residents of places like Burlington, Rutland and Bennington, are instead systematically counted at the location of the state’s seven prisons—or out of state in the private prison in Baldwin, Michigan.

This miscount is unjustifiable anywhere, but **my state exemplifies the incongruity between the Census Bureau’s residence rules and where people actually reside**.While prisoners remain residents of their home address in all states, in Vermont they also retain the right to vote while in prison. So they are represented by, and vote for, their home legislator, but at redistricting time, they are counted toward the constituency total of the legislators who have prisons in their districts.

Currently, four states (California, Delaware, Maryland, and New York) are taking a state-wide approach to adjust the census’s population totals to count incarcerated people at home, and over 200 counties and municipalities all individually adjust population data to avoid prison gerrymandering when drawing their local government districts.

But this ad hoc approach is neither efficient nor universally implementable. It makes far more sense for the Bureau to provide accurate redistricting data in the first place, rather than leaving it up to each state to have to adjust the census’s data to count incarcerated people in their home district.

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 in keeping with changes in society and population realities. Because democracy relies on a population count that accurately represents communities, I urge you to count incarcerated people as residents of their home address.

Sincerely,

Suzi Wizowaty

Executive Director

Vermonters for Criminal Justice Reform