

Good morning. I am here today representing Citizen Action of New York. I am also professor of sociology at Colgate University and Executive Director of Democracy Matters, a state-wide student organization. I want to add my voice as strongly as possible to those urging this committee to adhere to the law passed last August by the NY legislature that would – for purposes of redistricting – count prisoners in their home communities, NOT in the location of their incarceration.

The passage of this historic bill last August ending prison-based gerrymandering was a resounding victory for fundamental fairness and equal representation for all New Yorkers. This bill's passage corrected a serious distortion of democracy and of the principle of one person one vote. As you contemplate redistricting in New York, the drawing of legislative districts consistent with the mandate of this bill is critical to ensure that the outcome of the process is to be fair.

I am sure that you know that prison-based gerrymandering is a concern throughout the country. It artificially inflates population numbers and therefore the political influence of some districts with large prison populations, at the expense of other districts.

This is especially serious in New York where over 60,000 persons are in prison. And most seriously it violates the New York state Constitution that reads “For the purpose of voting, no person shall be deemed to have gained or lost a residence...while confined in any public prison.”

Drawing fair legislative districts through the reapportionment process is important in ensuring the racial and political balance of a district. Since the vast majority of people in prison are African-American or Latino, prison-based gerrymandering disproportionately punishes families and communities of color by denying their fair political representation. Last year's legislative decision to end prison-based gerrymandering was a significant civil rights achievement. Now we must implement it to the full extent of the law.

New York is and should be a model for other states. Thirteen of our upstate counties – where many prisons are located -- have already taken the initiative to correct Census data

for the purposes of determining their citizens' fair representation in the legislature. We applaud their decisions. But this process must include all of New York. New York State is and should be a model for other states. But if we fail to enforce the law and fully implement the legislature's courageous decision to end prison-based gerrymandering, I am concerned that our state will be a laughing stock. We will be known as the place where the legislative reapportionment process itself refused to adhere to the law, instead engaging in unfair and indeed, undemocratic, redistricting. But even more important than our national reputation is the fact that unless we count incarcerated persons in their home communities for purposes of redistricting, we deny our own citizens fair and equal representation in the political process – a right that is at the heart of our democracy.

I spend a great deal of my time talking with students and young people about politics. Unfortunately many of them are deeply cynical about politics and politicians generally and about what goes on in their own state in Albany specifically. We need these young people to vote and to fulfill their responsibilities as engaged citizens in a democracy. Sadly, too many of them turn away, citing government dysfunction. What could be more dysfunctional than if this year's redistricting process remains unfair as it has in the past, despite the passage of a law that would make it a model of fairness and equality? By ensuring implementation of this bill, by following the mandated process whereby the Department of Corrections works with the legislature to count prisoners in their own communities, we can hold up a shining example to young people and indeed to all New Yorkers that we have a state and a legislative process of which we can be proud.

Thank you.

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