

**Testimony of Lewis Webb,**  
**Member, Integrated Justice Alliance**  
**Before the**  
**Apportionment Commission of New Jersey**  
**February 13, 2011**

Thank you, members of the Commission, for holding this hearing here today. My name is Lewis Webb and I am the Program Coordinator for the Healing and Transformative Justice project at the American Friends Service Committee, and also a member of the NJ Integrated Justice Alliance, a solution-oriented group of organizations that generates and supports effective public policies before, during, and after incarceration in New Jersey. With me this afternoon is Nicole Plett, Vice President of the New Jersey Regional Coalition, also a member organization of the Alliance.

We recognize and appreciate that you have heard previous testimony in Camden, Toms River, and Newark from five other member organizations in the Alliance who have shared their deep concern for the threats to fair representation raised by prison-based gerrymandering. We are here today with the aid of newly released 2010 Census data that will hopefully allow us to make these concerns even more clear to members of the Commission. We also hope to make the possible solutions to this problem clear this afternoon as well.

Stating the problem again, for the benefit of the members of the public present today, the U.S. Census Bureau counts prisoners as if they were residents of where the prisons are located rather than at their home addresses, even though New Jersey prisoners cannot vote, and are generally not a part of the community that surrounds the prison. In fact, researchers estimate that, nationally, the Census Bureau has counted almost 2 million people in the wrong place because they failed to count prisoners as members of their home communities.

Assigning incarcerated people to the census block that contains the prison, rather than the census block that contains their home address, also results in a significant enhancement of the weight of a vote cast in districts with prisons and dilutes the votes of residents in districts that do not count prisoners as part of their total population.

This problem of weighting or diluting votes in any district by miscounting prisoners is sometimes hard for people to fully appreciate. After all, we know prisoners cannot vote, so why should it matter where they are counted? However, it is precisely *because* prisoners are not true constituents of the districts in which they are so often counted that we cannot, in good conscience, use them in the process of assigning political power. To do so is to inadvertently use the over 28,000 state and federal prisoners in New Jersey to enlarge legislative districts unfairly.

Moreover, because a significant number of prisoners are not incarcerated in their home districts, their absence due to incarceration weakens the political power of their home neighborhoods and strengthens the power of the residents of other districts in ways that was surely not the intent of the Census Bureau.

For example, earlier this week with the release of the new Census data, we learned that although nearly two-thirds of the state prison population in 2010 came from just Essex or Camden County alone, it is Cumberland, Burlington, and Mercer counties that house the largest proportion of the total state prison populations, with Cumberland County housing state prisoners at almost 3 times the rate of all other counties in the state.

If we look at the 2010 census data by legislative district, data which the Alliance is submitting to the Commission today for your review, we see a similar pattern. The latest census data show that the location of state and federal prisons in New Jersey are limited to only seven legislative districts, namely, districts: 1; 3; 15; 19; 23; 29 and 30.

The legislative district that housed the largest number of state or federal prisoners at the time of the 2010 Census enumeration was Legislative District 30, which includes Garden State, A.C. Wagner Correctional Facilities and FCI-Dix that together hold over 7600 incarcerated adults.

Second to Legislative District 30 is Legislative District 3, which includes Southwoods Correctional Facility and FCI-Fairton that together hold nearly five thousand people.

And third is Legislative District Number 1, which includes Bayside and Southern State Correctional Facility, that together house well over 4400 incarcerated individuals.

In all three of these legislative districts, between 90 and 95 percent of those incarcerated are not actually residents of the districts but counted as such.

One of the lessons these numbers from the current Census teach us is that if we don't make adjustments to the population counts to consider the location of prisons and the multiple districts represented by the people within those facilities, then we are enhancing the votes of residents living in one district that houses large numbers of incarcerated people from other districts, while diluting the votes of those from all other districts.

In the documents we submit for the record today, we include a table prepared by analysts from the Prison Policy Initiative that lists the exact census block group and tract locations for all of the state and federal prisons, the total adult population, and the racial and ethnic breakdowns for each facility in that state. In addition, we are also submitting a map that identifies and illustrates the current prison population count by legislative district based on the 2010 Census data.

We understand that the Commission is facing serious pressure to work quickly and fairly. In our remaining minutes, then, I turn the floor over to Nicole Plett, who will clarify what we are asking the Commission to do to solve this problem.