U.S. Census Bureau

Attn: Karen Humes

Re: Prison-Based Gerrymandering July 15, 2015

Dear Karen Humes,

The Formerly Incarcerated and Convicted People’s Movement (FICPM) submits 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). We 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.

The FICPM is a coalition of activists, organizers, and organizations led by formerly incarcerated people. Most, if not all, of us were at one time counted as parts of jurisdictions where we did not live. These political subdivisions are places where we were taken to in chains and herded into cages. The political leadership where we were held against our will often drew their power from our presence. Not only by the promise of jobs through prisons, but also through the fear associated with “Tough on Crime” politics. We have been used as boogeymen to fear, and an oppressive response to our very existence is propositioned as the best method for staying safe. This practice continues.

Of course, political posturing is not the only way convicted people have been used to build power. We consider it nothing short of perverse that our bodies are used to over-inflate the population of a prison jurisdiction. The entire point of apportionment is for representation of an equal number of people by elected leaders. Without representation, there is no point in apportionment and no purpose to the U.S. Census Bureau other than a collection of demographic figures. As previously stated, the “representation” an incarcerated person receives from their unelected leader is inverted to their interests.

There are roughly 80 million Americans with a criminal conviction. Our presence, whether incarcerated or not, is no longer something to be ignored. Millions of us lack voting rights (and typically are not advised when, if ever, they are restored) and are actively discriminated against in housing, employment, travel, and other areas of life. The state and federal governments have stripped our American citizenship away, whether incarcerated or not.

In recent years, many in government have come to realize that this denigration of 80 million people, disproportionately People of Color, has gone too far. They have learned this through organizing, media, legislation, and litigation. Both the Bush and Obama Administrations have sought to address some of these now-mainstream problems, culminating in the Federal Interagency Task Force’s imperative for each Agency to address its own role in capsizing our democracy.

It may seem easy to anticipate the motivations and goals of the FICPM, as we seek nothing more than democracy and equality for all Americans. The motivations and goals of prison wardens and local politicians are generally simple to understand, given their roles and historical actions. What we hope to see change is the motivations and goals of everyone else, particularly people whose own democracy is being eroded. This includes the malapportioned communities we are being taken *from*, and extends to an entire nation that prides itself on being the model democracy for the world. Prison-based gerrymandering should have been eradicated like South African Apartheid, and we believe it is your Constitutional duty as those charged with protecting and balancing our democracy.

We thank you for taking public comment on this important issue.

Sincerely,

Dorsey Nunn, President

Formerly Incarcerated & Convicted People’s Movement