Dear Karen Humes,

Grassroots Leadership 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.

Grassroots Leadership fights to end for-profit incarceration and reduce reliance on criminalization and detention through direct action, organizing, research, and public education. We are interested in ensuring fair political representation for the communities hardest hit by incarceration.

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 Census 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 nation’s incarcerated population has more than quadrupled to over 2 million people. 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 a population that is disproportionately male, urban, and African American or Latino into just 5,393 Census blocks that are located far from the actual homes of incarcerated people. In Illinois, for example, 60% of incarcerated people have their home residences in Cook County (Chicago), yet the Bureau counted 99% of them as if they resided outside Cook County.

When this data is used for redistricting, prisons artificially inflate the political power of the areas where the prisons are located. In New York after the 2000 Census, for example, seven state senate districts only met population requirements because the Census counted incarcerated people as if they were upstate residents. For this reason, New York passed state legislation to adjust the population data after the 2010 Census to count incarcerated people at home for redistricting purposes.

In addition to New York, three other states (California, Delaware, and Maryland) are taking a similar statewide approach, and over 200 counties and municipalities 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. The Massachusetts legislature, for example, concluded that the Massachusetts state constitution did not allow it to pass similar legislation, so it sent the Bureau a resolution in 2014 urging the Bureau to tabulate incarcerated persons at their home addresses. *See* The Massachusetts General Court Resolution “Urging the Census Bureau to Provide Redistricting Data that Counts Prisoners in a Manner Consistent with the Principles of 'One Person, One Vote'” (Adopted by the Senate on July 31,2014 and the House of Representatives on August 14, 2014).

While Grassroots Leadership is a national organization, we have identified specific inaccuracies flowing from the Bureau’s current method of counting incarcerated persons in the state of Texas, where we are based. In two districts (District 13 near Walker County and District 8 near Anderson County), almost 12% of each district’s 2000 Census population is incarcerated. As a result, each group of 88 actual residents in these two districts is given as much political clout as 100 people elsewhere in Texas.

In February 2013, we called upon the Census Bureau to change this practice, and we once again urge you to count incarcerated people as residents of their home address, ensuring a population count that accurately represents all communities.

Thank you for this opportunity to comment on the Residence Rule and Residence Situations and your work to count everyone in the right place in light of changes in society and population realities.

Sincerely,