

Governor Acts to End Prison-Based Gerrymandering

Finally we have a measure of elementary fairness in drawing New York State's legislative districts. The Legislature - in passing the long awaited budget bill (A9710) - included a provision mandating the state to count incarcerated prisoners in their home communities for the purpose of drawing district lines rather than in the districts where the prisons are located. The law means that New York is the first large state in the nation to prohibit what is known as "prison-based gerrymandering." It's nice to see New York leading the way with something that we can be proud of.

Prisoners as "Residents"

New York State has previously drawn legislative districts counting people in prisons as "residents" of those districts, although they cannot vote. This use of the non-voting prison population awarded greater representation to upstate districts that contain prisons at the expense of the home communities of those incarcerated. The result is to diminish the electoral clout of these communities. Given the overwhelming number of black and brown inmates in state prisons - about 70 percent - this is an instance of people of color being used to shore up the political fortunes of white elected officials and white majority communities.

The process of counting prisoners in the districts where they are incarcerated always had an "Alice in Wonderland" quality to it. Nobody believed that these upstate politicians really "represented" prisoners.

This seems like a throwback to the era of slavery in the United States, when slaves could not vote but were counted as three-fifths of a person in determining the number of members of the House of Representatives. Seven upstate Senate districts manage to meet the current minimum population requirements only by counting incarcerated persons as residents of the district.

We applaud the efforts of State Senator Eric Schneiderman and Assemblyman Hakeem Jeffries, chief sponsors of the legislation, and Governor Paterson for signing off on it. A broad based coalition of organizations, including the Community Service Society, worked to get the legislation adopted. Special thanks also to the Prison Policy Initiative for leading this reform nationally.

Home Address Counts

Data from the state Department of Corrections will identify the home addresses of prisoners and include them in the population counts for those places for the purposes of state and local redistricting. Any prisoner whose residence before incarceration was outside of New York State or whose address cannot be identified will not be counted for these purposes.

City residents have been victims of bogus census counts and stolen political and economic power in recent decades. The main reason was due to the Rockefeller Drug Laws, which greatly expanded the prison population. The U.S. Census Bureau still allows inmates to be counted as

residents of communities where they are incarcerated rather than their home communities, inflating some legislative districts and affecting the distribution of public resources.

So the struggle for equitable representation and funding is far from over. This legislation is a step in the right direction but, unfortunately, it affects only the drawing of state legislative districts and local districts, not the distribution of state or federal funds or redistricting for the House of Representatives. Thus, depriving the city of its fair share of representation and government funding continues.

City Loses Billions

Because the law does not change the way Census information about residence is collected, no federal funding based on Census data will be affected. This cost New York City billions of dollars in federal aid over the past decade alone. It is a policy that the city's congressional delegation should be fighting to correct. The city provides far more in tax monies to Washington than it gets back in funding.

Human Rights Bill

The Legislature has sent the governor a bill that will help thousands of New Yorkers with criminal histories fight illegal discrimination. S4687/A8012 gives people with criminal histories who face discrimination from public agencies the same opportunities to seek redress for human rights violations as those facing other forms of discrimination. While this law will help all people with criminal histories find and keep jobs, it will have a particular impact on communities of color. Studies have shown that people of color with criminal histories face even higher levels of discrimination in the job market. We strongly urge Governor Paterson to sign this bill into law.

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