



NEW YORK STATE SENATOR

Eric T. Schneiderman

Rev. Al Sharpton, Sen. Eric Schneiderman, Assm. Hakeem Jeffries Join Forces With Coalition To Announce New Statewide Campaign To End Prison-Based Gerrymandering Before 2010 Census

ERIC T. SCHNEIDERMAN January 28, 2010

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NEW YORK – The Rev. Al Sharpton, Senator Eric T. Schneiderman and Assemblyman Hakeem Jeffries joined forces with a statewide coalition today to announce a new organizing campaign plan to end prison-based gerrymandering in New York State before the 2010 Census.

The coalition's goal is to organize across the state to pass Senator Schneiderman's bill that would require New York State to count incarcerated persons in their home communities--rather than in the districts where they are incarcerated--for purposes of drawing legislative district lines. If passed, it would be the first law in the nation to count prisoners in their home communities for districting purposes.

"It's an absolute injustice that New York currently counts people in the districts where they are incarcerated, rather than in their home communities. I am proud to be here to join forces with Sen. Schneiderman, Assm. Jeffries and this coalition to end this unconstitutional practice. If we do not act soon, it will be 10 long years for another opportunity to right this wrong. We cannot afford to wait," said Rev. Al Sharpton.

"Equal representation under the law benefits everyone," said Senator Eric T. Schneiderman, the lead sponsor of the bill to end prison-based gerrymandering. "The practice of counting people where they are incarcerated undermines the fundamental principle of 'one person, one vote' - it's undemocratic and reflects a broken system. This legislation is as simple as it is fair: it requires that legislative districts at every level of government contain an equal

numbers of residents. The time to act is now.”

Assemblyman Jeffries is the bill's lead sponsor in the Assembly.

“This bill is necessary to break the back of the prison industrial complex where certain communities benefit from the criminalization of young people who disproportionately come from low-income neighborhoods across the state. Prison-based gerrymandering is unfair, unethical and unconstitutional, and we will not rest until the process is changed,” said Assm. Jeffries.

Because New York draws legislative districts around prisons and counts the people confined there – who can't vote – as residents of the prison, New York in effect uses the non-voting prison population to award greater legislative representation to districts that contain prisons at the expense of the communities that most incarcerated people call home. In one Assembly district in New York, 7 percent of its “residents” are in prison.

Allowing communities to take in populations by force just to inflate legislative districts with prisons, violates any sense of equal protection or fundamental fairness. It also creates perverse incentives for elected officials to support harsh mandatory minimum sentences, like the now-reformed Rockefeller Drug Laws.

“Prison-based gerrymandering continues to cheat needy communities of fair and equitable representation across the state of New York. This archaic formula perpetuates traditional electoral disparities by insuring that many men and women of color be counted by the U.S. Census in counties where they are incarcerated as opposed to where they resided at the time of their arrest. This practice cheats neighborhoods of much needed resources as well as a fair share of political representation,” said Assemblyman Adriano Espaillat, a co-sponsor of the bill.

“Home is where the heart is. I believe the census should count prisoners where they come from – and where they will most often return. Home is where the census should count everyone – including our incarcerated populations,” said New York City Councilmember Robert Jackson.

The new coalition was represented by Citizen Action of New York, The Public Policy and Education Fund, The Prison Policy Initiative, New York Civil Liberties Union, Demos, Common Cause, the Brennan Center for Justice, Fortune Society, Bronx Defenders, Praxis Project, Correctional Association of New York, Community Service Society, New York City AIDS Housing Network (NYCAHN), Malcolm X Grassroots Movement, Center for Law & Social Justice, Nu Leadership Policy Group, Prison Families of New York and Exponents. The announcement was followed by a statewide organizing meeting that included more than 50 community-based organizations focused on passing this legislation.

Andrew Sloane, NYC AIDS Housing Network leader said, "Having people counted where they are imprisoned instead of where they're from hurts low-income communities & communities of color by taking away their political representation. My family lost so much by losing me for ten years. Why did they, and my community, also have to lose part of their political identity? This is not just an upstate versus downstate issue. For ten years I was moved from Sing Sing in Ossining, Greenhaven in Stormville and Fishscale in Beacon. Every place I moved I met people from urban areas like Buffalo, Syracuse, Rochester and New York City. All of us knew our bodies were being used to draw political lines, while our hearts, beliefs & political views were missed back home."

"Today marks a very important milestone in New York's attempts to get a fair, accurate and democratic count of all New York residents in the upcoming census," said Steven Carbo, Senior Program Director at Demos. "We applaud State Senator Eric Schneiderman and Assembly Member Hakeem Jeffries for their leadership in getting incarcerated persons counted as residents of their home communities, as directed by the state constitution. We will continue to rob those neighborhoods of population-based political power if we exclude prisoners from their census count."

Eddie Ellis, executive director, Center for NuLeadership on Urban Solutions, Medgar Evers College, CUNY, said, "This critical piece of legislation speaks to the fundamental principle of a participatory democracy, namely: 'one man/woman, one vote.' In addition to violating the constitution of the state of New York regarding residency, the current census counting process for incarcerated people also violates the 'one man/woman, one vote' principle in as much as it assigns disproportionate representation to certain counties to the detriment of others. As such, this process must be changed."

"When the Census tallies incarcerated people at prison locations far from home, the picture of the American civic community is distorted, with profound ramifications for our democracy," says Erika Wood of the Brennan Center for Justice. "The policy gives public officials in prison districts an incentive to build their districts on the backs of 'ghost voters,' packing in prisoners who count toward the district size but who are not permitted to vote."

"New York State is undermining the core American principles of fairness and equal representation by pretending that inmates are legitimate constituents of the districts where they are incarcerated," said New York Civil Liberties Union Executive Director Donna Lieberman. "Our state must end this corruption of the political process and count all New Yorkers as members of their home communities."

"Common Cause/NY applauds Senator Schneiderman and Assembly Member Jeffries for their leadership in righting an obvious wrong," said Susan Lerner, Executive Director of Common Cause/NY. She added, "In order to achieve fairly drawn legislative and congressional districts and insure the efficient use of scarce government resources, it is essential that the census miscount of incarcerated New Yorkers not be the basis for redistricting and distribution of resources. Article II, Sec. 4 of our state constitution demands no less."