Mathematics and Redistricting

Trinity College, Fall 2019 (Kyle Evans)
Prison Gerrymandering

1 minute introduction from Oz (HBO)
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- U.S. Census counts prisoners as citizens of the town of the prison, not as citizens of the towns they come from
- Many states use the Census data in redistricting for equal populations (as well as for demographic data)
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- U.S. Census counts prisoners as citizens of the town of the prison, not as citizens of the towns they come from
- Many states use the Census data in redistricting for equal populations (as well as for demographic data)
- By the way...most prisoners can't vote
Criminal Disenfranchisement Laws Across the United States

Status Key:
- **Red**: Permanent disenfranchisement for all people with felony convictions
- **Pink**: Permanent disenfranchisement for at least some people with criminal convictions
- **Blue**: Voting rights restored upon completion of sentence, including prison, parole, and probation
- **Light Blue**: Voting rights restored automatically after release from prison and discharge from parole (people on probation may vote)
- **Green**: Voting rights restored automatically after release from prison
- **Orange**: No disenfranchisement for people with criminal convictions

Source
Mass Incarceration Statistics

• The U.S. has the highest % of people in prison in the world
• Currently over 2 million people in prison (just under 1% of population)
• U.S. has 5% of world’s population and 21% of world’s prison population
• Expanded to probation and parole, 1 in 37 adults are in the correctional system (over 7 million people)
## Mass Incarceration and Race

### Table: Race Composition of U.S. Population and Prison Population

<table>
<thead>
<tr>
<th>Race</th>
<th>White</th>
<th>Black</th>
<th>Hispanic</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. population</td>
<td>64%</td>
<td>13%</td>
<td>16%</td>
</tr>
<tr>
<td>U.S. prison population</td>
<td>39%</td>
<td>40%</td>
<td>19%</td>
</tr>
</tbody>
</table>

(2010 Census)
Mass Incarceration and Race

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<tbody>
<tr>
<td>CT population</td>
<td>71%</td>
<td>13%</td>
<td>10%</td>
</tr>
<tr>
<td>CT prison population</td>
<td>30%</td>
<td>43%</td>
<td>26%</td>
</tr>
</tbody>
</table>

(2010 Census)
Distorted Census data

Due to how prisoners are counted and that most prisons are located in rural areas, we have misleading Census data about:

• Population growth / decline of communities
• Race and ethnicity statistics
• Gender ratios (92% of prisoners are male)
• Per-capita income statistics
Prison Gerrymandering

“There are many ways to hijack political power. One of them is to draw state or city legislative districts around large prisons — and pretend that the inmates are legitimate constituents.”

Grouped set of problems:

• Increased voting power for residents in rural towns with prisons
• Decreased voting power for residents in cities where prisoners are from
• Clear racial implications based on prison population demographics
Prison Gerrymandering

Connecticut State House District 52
- Towns: Somers and Stafford
- Contains 2 state prison facilities
- 10% of the district’s population consists of prisoners
- 87% of the district’s Black population consists of prisoners
Connecticut Constitution:

“No person shall be deemed to have lost his residence in any town by reason of his absence therefrom in any institution maintained by the state.”
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An extreme example in Iowa
Prison Gerrymandering Laws

• (2010) The first laws changing where prisoners are counted were passed by New York and Maryland for the 2011 redistricting cycle
  • MD: “majority-minority” district in 1980s
  • NY: representatives from districts with prisons opposed criminal reform to maintain seats
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• (2019) Washington and Nevada pass similar laws to take effect for the upcoming 2021 redistricting cycle
MOMENTUM IS BUILDING

No longer hidden, the problem of prison gerrymandering is on the national agenda.

- State law prohibits prison gerrymandering.
- State has passed a resolution calling on the Census Bureau to end prison gerrymandering.
- Counties, cities and school boards confirmed to have avoided prison gerrymandering.
- State law prohibits or discourages local governments from engaging in prison gerrymandering.
- States have introduced legislation abolishing prison gerrymandering.
Prison Gerrymandering Court Cases

• (2012) Supreme Court upholds Maryland’s law “No representation without population”
• (2016) District Court in Florida rules prison gerrymandering unconstitutional for a local County Board district
• (2016) District Court in Rhode Island rules prison gerrymandering unconstitutional for a City Council, but overturned by Court of Appeals
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• (2018) NAACP and Yale Law sue Connecticut for using prison gerrymandering, first time this practice has been challenged statewide
Federal Appeals Court: NAACP Prison Gerrymandering Suit Can Proceed

The National Association for the Advancement of Colored People (NAACP) won an important ruling today that allows its federal suit challenging Connecticut’s discriminatory practice of counting incarcerated people where they are imprisoned, rather than in their home districts, to proceed. This marks the first time any federal appeals court has held that plaintiffs alleging such a practice — known as "prison gerrymandering"— can move forward.

The suit, NAACP et al. v. Merrill, was filed in June 2018. Plaintiffs, including the NAACP Connecticut State Conference and individual NAACP members, allege that Connecticut’s practice of prison gerrymandering violates residents’ constitutional rights under the one-person, one-vote principle in the Equal Protection Clause of the Fourteenth Amendment. The suit seeks to compel Connecticut to amend its redistricting practices to count incarcerated people in their home legislative districts instead of the districts where they are imprisoned, to which they often have no other connection.