

**January 3, 2006 – Letters**

**Voting Inequities**

To the Editor:

Re "Phantom Voters, Thanks to the Census" (editorial, Dec. 27):

It is true that the communities of origin for many prisoners are disenfranchised when their incarcerated members are counted as living in remote prisons when districts are drawn up. Around the country, the political power of the largely white, rural districts where prisons have been built in the last 30 years is unfairly amplified by nonvoting prisoners.

If, however, as you suggest, the principle involved is "one person one vote," then wouldn't the more just solution be to let prisoners vote?

**Philip N. Cohen**

Chapel Hill, N.C., Dec. 27, 2005

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**December 27, 2005 – Editorial Desk**

**Phantom Voters, Thanks to the Census**

The first Constitution took for granted that enslaved people could not vote, but counted each slave as three-fifths of a person for the purpose of apportioning representation in Congress. This inflated the voting power of slaveholders and gave them much more influence in legislative matters than their actual numbers warranted. No American would knowingly tolerate such an arrangement today. But a glitch in the census that inflates the populations of some state legislative districts -- thus exaggerating their voting power -- has led to a contemporary version of that problem. It involves counting prison inmates in the district where they are confined rather than where they actually live. The Census Bureau could fix this problem in a heartbeat, so it needs to get a move on.

The culprit is a provision in the census that counts prison inmates as "residents" of the institutions where they are held, often for relatively short periods of time. Denied the right to vote in all but 2 of the 50 states, the inmates are nonetheless treated as voters when the State Legislatures draw up legislative districts. This practice mattered little 30 years ago, when the prison population was tiny. But with about 1.4 million people in prison today, it can be used to shift political power from one part of the state to another.

A startling analysis by Peter Wagner of the Prison Policy Initiative found seven upstate New York Senate districts meeting the population requirements only because inmates were included in the count. The Republican Party in New York relies on its large upstate delegation for its majority in the State Senate -- and for its political power statewide. New York is not alone. The Prison Policy Initiative's researchers found 21 counties nationally where at least 21 percent of so-called residents lived behind bars.

By counting these nonvoting inmates as residents, the prison counties offend the principle of one person one vote, while siphoning off political power from the home districts to which the inmates will return as soon as they are released. Since inmates are jobless, their presence also allows prison districts to lower their per capita incomes, unfairly increasing their share of federal funds earmarked for the poor. Congress, which has just caught on to this, recently gave the Census Bureau 90 days to file a report on the feasibility of counting inmates at their homes of record rather than in prison. At the same time, a committee overseen by the National Academy of Sciences has been studying the residency issue and is expected to make its final report this spring. But why does the bureau need another study to decide whether it wants to uphold the one-person-one-vote principle? The bureau should get to work immediately on procedures that would allow it to count inmates where they actually live -- and get those procedures locked in place by the 2010 census.