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## Census to study how prisoners are counted

### Change could have important political changes in Texas

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AMERICAN-STATESMAN STAFF

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A provision in an appropriations measure signed last week by President Bush that directs the Census Bureau to study how prisoners are counted could have far-reaching implications for the distribution of political clout in Texas.

The provision orders the bureau to examine whether it could count prisoners as living at their address at the time of incarceration instead of at their prison addresses.

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Currently, under the bureau's "usual residence" rule, which counts people where they sleep and live at the time the census is taken, prisoners are counted as living in the community where they are incarcerated rather than in the neighborhood they call home.

Where prisoners are counted — in penitentiaries usually in remote areas far from home — effectively shifts political power, taking federal and state dollars, and social services, from urban areas to rural ones, and ultimately skews a state's public policy agenda, according to academics and researchers who have advocated for the change.

But one Census Bureau official said he is skeptical about changing the method, and some rural lawmakers said the population numbers prisons bring in is critical for bringing government dollars to their regions.

According to "Importing Constituents: Prisoners and Political Clout in Texas," a report based on the 2000 census and released last year by the Prison Policy Initiative, a Massachusetts-based research and advocacy group dedicated to reforming prison policies, Texas has two state House districts that have almost 12 percent of their residents behind bars. Ten Texas counties have more than 20 percent of their citizens in prison. Those prisoners hail primarily from the state's urban areas and typically return to those cities after their release.

"If they're from Houston, it doesn't make sense to count them as members of, let's say, Hartley County," said Bill Cooper, a demographer with FairData, a database for education, environment, housing and poverty-related issues. Hartley is a Panhandle county with at least one-fifth of its 5,537 residents in prison.

Compounding the problem is that prisoners don't have voting rights. A county such as Hartley gets a population boost largely from imported prisoners, but Hartley commissioners (or the state representative or U.S. congressman who represent Hartley) are not accountable to them.

Several years ago, state Rep. Harold Dutton, D-Houston, sponsored legislation that would have counted prisoners according to their pre-incarceration address. The bill, which Dutton says would have added another representative to Harris County, failed in the House after stiff opposition from rural legislators.

Prisoners are critical for pulling down federal dollars and maintaining political power in rural districts, said state Rep. Sid Miller, R-Stephenville.

"Rural voting strength is declining every time we do a census," he said. About 6.5 percent of his district's population is incarcerated. "I don't want to give up any of mine."

But changing the way prisoners are counted will lead "to a better count and a more just distribution of public funds," said Kenneth Prewitt, a professor of public affairs at Columbia University who was the Census Bureau director from 1998 to 2001.

Advocates of changing the counting method say there is plenty of time to adjust the rules by 2010, when the country takes its next census.

"Incarcerated people are easy to find," said Patricia Allard, co-author of a report called Accuracy Counts, published by the Brennan Center for Justice in New York. "It's just a matter of finding out where they lived before they were incarcerated. People have enduring ties to particular communities — their physical presence in a community isn't the only factor to keep in mind."

But Ed Byerly, the head of the population and housing branch at the Census Bureau, said he has studied the issue over the past year and "nothing yet points to changing how people incarcerated are counted," he said. "If you've been ordered by a judge to be in prison, that's where you're living at the time of the census."

Home is "not where your mom is," he said. By following something other than the "usual residence" rule, which has guided census takers since 1790, "You open up a Pandora's box, a free-for-all census, where there's no principle for where people are counted."

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