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EDITORIAL

Jailhouse Blues

The founding fathers envisioned a simple head count when they decreed that the country would conduct a census once every 10 years for the purpose of apportioning representation in Congress. Over the centuries, the question of who lives where has become more complicated. The census already has to determine where retirees with two homes live or how to count people who live in one city and work in another. It should be simpler counting prisoners.

A quirk in the residency rules counts inmates as "residents" of the prisons even though most are held only for brief periods before returning to their actual homes, which are often hundreds of miles away. The current system clashes with the principle of one person, one vote - by artificially inflating the populations of rural electoral districts and leaving the urban areas to which the prisoners will return underrepresented, particularly in state legislatures.

This prison census was less significant 30 years ago, when the prison population was less than 200,000. But mandatory sentencing policies for drug offenses have driven the prison population across the nation to a staggering 1.4 million. These new offenders are overwhelming black and Hispanic people from inner cities. The prison construction boom, however, has taken place mainly in white, rural counties that have since turned prison inmates into a kind of cash crop.

The citizens of large cities like New York, Chicago and Los Angeles have helped to pay the cost of building and maintaining state prisons, which provide much-needed jobs in many rural districts. They did not, however, count on also giving these generally underpopulated areas extra political influence as well.

The nonvoting inmates - sometimes called "imported constituents" - are often counted in rural districts where legislators vote against the interest of their home cities. Their presence in the census count of prison neighborhoods distorts population statistics and creates legislative districts that fly in the face of federal laws requiring districts to be roughly the same size - plus or minus a variation of about 5 percent. A recent series of reports - from the Brennan Center for Justice at New York University, the Prison Policy Initiative in Massachusetts and the Urban Institute in Washington - shows that many states have achieved the appearance of parity by drawing the state legislative districts in rural areas so that they include the largest possible number of inmates. Among the 10 states that have experienced the most prison growth, there are more than a dozen counties where at least one in five "residents" is an inmate.

The simplest and fairest solution would be to permit inmates to fill out census forms with their home addresses instead of automatically counting them as residents of the prison county. Most prisoners will have returned to their hometowns long before the next census rolls around. There, they will often be in need of both government services and political consideration.