Legislation Details (With Text)

File #:	Res 2261-2009	**Version:**	*	**Name:**	Census Bureau to enforce a decennial census enumeration policy in which incarcerated juveniles and adults are counted in keeping with the “one person, one vote” principle inherent in the Fourteenth Amendment of the Constitution.
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Civil Rights
On agenda:	11/16/2009				
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Title: Resolution calling upon the United States Census Bureau to enforce a decennial census enumeration policy in which incarcerated juveniles and adults are counted in keeping with the “one person, one vote” principle inherent in the Fourteenth Amendment of the Constitution, to insure that resources for the general welfare of all citizens are equitably and appropriately distributed.

Sponsors:

Indexes:

Attachments: 1. Committee Report 11/19/09, 2. Hearing Transcript 11/19/09, 3. Hearing Testimony 11/19/09, 4. Committee Report 12/21/09, 5. Hearing Transcript 12/21/09, 6. Hearing Transcript - Stated Meeting 12/21/09

Date	Ver.	Action By	Action	Result
11/16/2009	*	City Council	Introduced by Council	
11/16/2009	*	City Council	Referred to Comm by Council	
11/19/2009	*	Committee on Civil Rights	Hearing Held by Committee	
11/19/2009	*	Committee on Civil Rights	Laid Over by Committee	
11/19/2009	*	Committee on Immigration	Hearing Held by Committee	
11/19/2009	*	Committee on Immigration	Laid Over by Committee	
12/21/2009	*	Committee on Civil Rights	Hearing Held by Committee	
12/21/2009	*	Committee on Civil Rights	Approved by Committee	Pass
12/21/2009	*	City Council	Approved, by Council	Pass

Res. No. 2261

Resolution calling upon the United States Census Bureau to enforce a decennial census enumeration policy in which incarcerated juveniles and adults are counted in keeping with the “one person, one vote” principle inherent in the Fourteenth Amendment of the Constitution, to insure that resources for the general welfare of all citizens are equitably and appropriately distributed.

By Council Members Seabrook, Barron, Comrie, Fidler, Foster, Jackson, James, Koppell, Mealy, Vann, Palma, Arroyo, Liu and Rodriguez

Whereas, On January 10, 1867, the State of New York ratified the Fourteenth Amendment to the United

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States Constitution, which repealed the three-fifths compromise, a relic of the pre-abolition period that counted only sixty percent of the enslaved population for the purposes of apportionment in the House of Representatives; and

Whereas, The Fourteenth Amendment also broadened the definition of citizenship to include former slaves and their descendents, and guaranteed all citizens the rights to due process and equal protection by the government; and

Whereas, In the 1960s, the Supreme Court determined that the Equal Protection Clause of the Fourteenth Amendment supported the rule of "one person, one vote," which sought to avoid lopsided representation in government by requiring that in each state the legislative districts contain similarly-sized populations; and

Whereas, The United States Census currently counts incarcerated individuals as residents of the census tract in which they are imprisoned; and

Whereas, Over two million people are currently serving time in correctional facilities throughout the United States; and

Whereas, Most correctional facilities in the United States are not located in or close to the prisoners' pre-incarceration census tracts; and

Whereas, Despite being home to just one-fifth of the country's population, non-metropolitan areas account for three-fifths of new prison construction; and

Whereas, Only two states permit incarcerated individuals to vote in elections, and both states require that the person vote via absentee ballot from their pre-incarceration address; and

Whereas, Including non-voting prison populations in a correctional facility's census tract artificially

strengthens the voting power of that tract's non-prisoner population at the expense of the residents of the prisoners' pre-incarceration census tract; and

Whereas, Inaccurate census data further disadvantages certain communities by reducing their share of government resources that are distributed on the basis of population size; and

Whereas, Excluding prisoners from their pre-incarceration census tract disproportionately harms Black and Latino communities, who experience higher rates of incarceration than other racial groups; and

Whereas, Including prisoners in a correctional facility's census tract also compromises the accuracy of the data since nearly 800,000 people in local jails are either awaiting trials or serving short sentences; and

Whereas, The New York State Constitution explicitly states that no person shall be deemed to have gained or lost a residence, by reason of his or her presence or absence while confined in any public prison; and

Whereas, The inclusion of incarcerated individuals in a correctional facility's census tract results in disproportionality, malapportionment and urban underrepresentation in the United States House of Representatives and the New York State Legislature; and

Whereas, This practice is a nullification of the principles of "one person, one vote," of the equal protection clause and of the inherent voter protections found in the Fourteenth Amendment, Fifteenth Amendment, Nineteenth Amendment, Twenty-Fourth Amendment and all subsequent voter rights resolutions adopted by the United States Congress; and

Whereas, Congressman Edolphus Towns, in his capacity as the Chair of the Committee on Oversight and Government Reform, and Congressman William Clay, in his capacity as the Chair of the Sub-Committee on the Census, have the ability to initiate procedures within the Congress that would lead to a house resolution enforcing a fair decennial Census enumeration policy; and

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Whereas, For the sake of our city's most disenfranchised communities, it is imperative that incarcerated juveniles and adults be counted in the census tract of their pre-incarceration residence; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Census Bureau to enforce a decennial census enumeration policy in which incarcerated juveniles and adults are counted in keeping with the "one person, one vote" principle inherent in the Fourteenth Amendment of the Constitution, to insure that resources for the general welfare of all citizens are equitably and appropriately distributed.

DMB

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