

Testimony of Dr. Johanna Foster

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Before the

Senate State Government, Wagering, Tourism and Historic Preservation Committee

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Thank you, Chairman Whelan, and members of the Committee, for holding this hearing here today. My name is Dr. Johanna Foster, and I am a member of the Integrated Justice Alliance (IJA) Steering Committee. The IJA is a solution-oriented collective of informed, cross-sector partners who advocate for effective public policies before, during, and after incarceration in New Jersey. I also hold a Ph.D. in sociology, and am a member of the Department of Political Science and Sociology at Monmouth University, where I teach and research in the areas of race and class discrimination. I have a particular academic focus on the problems of institutional or structural inequalities, and it is this expertise that I bring to my work with the IJA.

On behalf of our member organizations in the Integrated Justice Alliance, I am here today to urge you to support Senate Bill 1055: Ending Prison-Based Gerrymandering in New Jersey.

Senate Bill 1055 would end the fundamentally unfair practice of giving extra representation to the people who live near prisons and diluting the votes of all other New Jersey residents.

As we have heard, the U.S. Census Bureau counts prisoners as if they were residents of the districts where the prisons are located rather than at their home addresses even though New Jersey prisoners cannot vote, and are generally not a part of the community that surrounds the prison. In fact, researchers estimate that, nationally, the Census Bureau has counted almost 2 million people in the wrong place because they failed to count prisoners as members of their home communities.

In our commitment to protecting the principles of democracy in our state, it is imperative that we recognize the heart of why this practice is problematic: Assigning incarcerated people to the census block that contains the prison, rather than the census block that contains their home address, also results in a significant enhancement of the weight of a vote case in districts with prisons and dilutes the votes of residents in districts that do not count prisoners as part of their total population.

This is an overlooked quirk in the way the Census counts our prison population, but a quirk that has serious consequences nonetheless for the reproduction of structural inequalities in our state.

This problem of weighing or diluting votes in any district by miscounting prisoners is sometimes hard for people to fully appreciate. After all, we know prisoners cannot vote, so why should it matter where they are counted? However, it is *precisely* because prisoners are not true constituents of the districts in which they are so often counted that we cannot, in good conscience, use them in the process of assigning political power. To do so is to inadvertently use the over 28,000 state and federal prisoners in New Jersey to enlarge legislative districts unfairly.

Moreover, because a significant number of prisoners are not incarcerated in their home districts, their absence due to incarceration weakens the political power of their home neighborhoods and strengthens the power of the residents of other districts in ways that was surely not the intent of the Census Bureau.

For example, earlier this year, with the release of the new Census data, we learned that although nearly two-thirds of the state prison population in 2010 came from just Essex and Camden County alone, it is Cumberland, Burlington, and Mercer counties that house the largest of the total state prison populations, with Cumberland County housing state prisoners at almost 3 times the rate of all other counties in the state.

If we look at the 2010 census data by legislative district, we see a similar pattern. The latest census data show that the location of state and federal prisons in New Jersey are limited to only seven legislative districts, namely districts: 1; 3; 15; 19; 23; 29; 30.

In the three legislative districts that housed the largest number of state or federal prisoners at the time of the 2010 Census enumeration, between 90 and 95 percent of those incarcerated are not actually residents of the districts but counted as such.

The state is not powerless. Our neighbors of Maryland, New York and Delaware have all passed legislation to eliminate prison-based gerrymandering. New Jersey should join them in giving each resident equal access to government, where political power is based on the actual number of residents, not the presence of a prison in the district. New Jersey itself has already taken a step in this direction. New Jersey law requires school board districts to exclude the prison population when apportioning school boards that have 9 or more members. We can do more.

In closing, I urge the Senate Committee to take action today to fully end the fundamentally unfair practice of prison-based gerrymandering in our state.

Thank you.