

ENGROSSED HOUSE
CONCURRENT
RESOLUTION NO. 1101

By: Cotner and Ferguson of
the House

and

Kerr of the Senate

A Concurrent Resolution requesting Congress to enact statutes providing that the census enumeration not use a statistical adjustment; and directing distribution.

WHEREAS, Article I, Section 2 of the United States Constitution, for the purpose of apportioning representation in the United States House of Representatives, directs that "the actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by law direct"; and

WHEREAS, the decennial census mandated by the United States Constitution is employed for purposes of determining the number of presidential electors each state is entitled to have in the Electoral College which elects the President, the drawing of districts at the federal, state, and local levels of government, and the allocation to the states of monies within many federal grants; and

WHEREAS, the method employed by the federal government in conducting the "actual enumeration" required by the United States Constitution for each of the twenty censuses conducted in the history of the United States has been to count the number of persons who are eligible to be counted in the enumeration; and

WHEREAS, the courts have long recognized and accepted that the enumeration is not without errors, one of which is the undercounting of certain population groups or certain geographical areas of the United States; and

WHEREAS, the major purpose of the census is to ensure distributive equality among the states for purposes of representation in the Congress and Electoral College; and

WHEREAS, the United States Bureau of the Census has in recent enumerations made extensive efforts to reduce the undercounts in affected racial and ethnic minority populations as part of the actual enumeration and counted 98.4% of the nation's population in the 1990 enumeration; and

WHEREAS, a number of states and local jurisdictions filed suit in federal district court in 1988 to force the United States Secretary of Commerce to employ a statistical adjustment in the 1990 enumeration and contended that the decision not to use a statistical adjustment was unconstitutional and contrary to federal law; and

WHEREAS, an interim stipulation in said suit provided that the Secretary of Commerce would reconsider the possibility of a statistical adjustment; and

WHEREAS, the Secretary of Commerce decided in July 1991 against an adjustment since it would "abandon a two hundred year tradition of how we actually count people" and that it would not necessarily make the census better; and

WHEREAS, the plaintiffs in the case appealed the decision in federal district court and the states of Oklahoma and Wisconsin joined with the Secretary of Commerce in defending his decision; and

WHEREAS, the State of Oklahoma contended, in part, that the decision whether or not to employ a statistical adjustment should be made by Congress; and

WHEREAS, the United States Supreme Court ruled on March 20, 1996, in favor of the Secretary of Commerce and the states of

Oklahoma and Wisconsin and commended the Census Bureau for successfully counting 98.4% of the population and reinforced that it is the responsibility of the Congress, which has delegated its authority to the Secretary of Commerce, to conduct the actual enumeration; and

WHEREAS, announced plans for the 2000 enumeration indicate that a statistical adjustment will be employed, primarily for cost reasons, in lieu of an actual enumeration; and

WHEREAS, the use of a statistical adjustment will erode further participation in the census and will result in a series of lawsuits over the methodologies employed and the errors that will result which will cause political confusion in the states for years after the enumeration is announced in December 2000 that could cause states and political subdivision to redraw districts, which will cost those jurisdictions considerable tax dollars, each time courts rule against the government's adjusted enumeration.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 45TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Congress should assume its constitutional responsibility rather than to delegate that responsibility to the United States Secretary of Commerce, regarding whether or not an adjusted census will be used in the 2000 and subsequent enumerations.

THAT in order to avoid confusion and contentious litigation that will result from a statistical adjustment, the Congress should enact legislation regarding the conduct of the enumeration in 2000 and in subsequent enumerations shall not employ a statistical adjustment.

THAT the Congress should require that the enumeration in 2000 and in subsequent enumerations shall be conducted exclusively by field enumerators and that the questions asked in the enumeration shall be restricted to those necessary for reapportionment purposes.

THAT copies of this resolution shall be distributed to the members of the Oklahoma Congressional Delegation, the clerks of the United States House of Representatives and Senate, the United States Secretary of Commerce, and the presiding officers of the legislative assemblies in each state.

Adopted by the House of Representatives the 30th day of April, 1996.

of _____ Speaker _____ of the House
Representative
s

Adopted by the Senate the ____ day of _____, 1996.

Senate _____ President _____ of the