

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE CONCURRENT
RESOLUTION 10

By: Williamson of the Senate

and

Reese of the House

AS INTRODUCED

A Concurrent Resolution calling for the Bureau of the Census to conduct the 2000 Decennial Census using a physical head count; opposing the use of statistics to adjust the count; requiring census tabulation data; urging Congress to ensure the 2000 decennial census is fair and legal; and directing distribution.

WHEREAS, the U.S. Constitution requires an actual enumeration of the population every ten years, and entrusts Congress with overseeing all aspects of each decennial enumeration; and

WHEREAS, the sole constitutional purpose of the Decennial Census is to apportion the seats in Congress among the several states; and

WHEREAS, an accurate and legal Decennial Census is necessary to properly apportion U.S. House of Representatives seats among the 50 states and to create legislative districts within the states; and

WHEREAS, an accurate and legal Decennial Census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states;

WHEREAS, Article I, Section 2 of the U.S. Constitution, in order to ensure an accurate count, and to minimize the potential for political manipulation, mandates an "actual enumeration" of the population, which requires a physical head count of the population and prohibits statistical guessing or estimates of the population; and

WHEREAS, Title 13, Section 195 of the United States Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the U.S. population for the purpose of reapportioning the U.S. House of Representatives; and

WHEREAS, legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion U.S. House of Representatives members among the states; and

WHEREAS, the United States Supreme Court, in No. 98-404, Department of Commerce, et al. v. United States House of Representatives, et al., together with No. 98-564, Clinton, President of the United States, et al. v. Glavin, et al. ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed use of statistical sampling to calculate the population for purposes of apportionment; and

WHEREAS, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of "one-person, one-vote"; and

WHEREAS, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the U.S. House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate "one-person, one-vote" legal protections, thus exposing the State of Oklahoma to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Oklahoma, and likely resulting in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

WHEREAS, consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

WHEREAS, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs, as well as a provision for post census local review; and

WHEREAS, Public Law 94-171 requires the Census Bureau to transmit to the various states a tabulation of population for each state for legislative apportionment or districting of that state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Oklahoma State Legislature calls upon the Bureau of the Census to conduct the 2000 Decennial Census consistent with the aforementioned United States Supreme Court rulings and constitutional mandate, which require a physical head count of the population and bar the use of statistical sampling to create, or in any way adjust, the count.

THAT the Oklahoma State Legislature opposes the use of P.L. 94-171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add persons to or subtract persons from the census count.

THAT the Oklahoma State Legislature requires that it receive P.L. 94-171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives consistent to the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical head count of the population and bar the use of statistical sampling to create, or in any way adjust, the count.

THAT the Oklahoma State Legislature urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 Decennial Census is conducted fairly and legally.

THAT a copy of this resolution be distributed to the Census Bureau, the Speaker of the U.S. House of Representatives, the Majority Leader of the U.S. Senate, the Vice President and the President of the United States.

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