

STATE OF ALASKA
THE LEGISLATURE

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Resolve No.

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Relating to the 2000 decennial United States census and to the development of redistricting data for use by the state in legislative redistricting.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Constitution of the United States requires an enumeration of the population every 10 years and entrusts the Congress with overseeing each decennial enumeration; and

WHEREAS the sole constitutional purpose of the decennial census is to apportion the seats in the United States House of Representatives among the several states; and

WHEREAS an accurate and legal decennial census is necessary to properly apportion the seats in the United States House of Representatives among the states and to create legislative districts within the states; and

WHEREAS 13 U.S.C. 141(c) mandates that the Bureau of the Census provide each state with basic tabulations of population (P.L. 94-171 data) within one year after the decennial census date; and

WHEREAS the Alaska State Legislature believes that Article I, Section 2, Constitution of the United States, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an "actual enumeration," meaning a physical headcount of

the population, and prohibits reliance on estimates of the population for purposes of apportioning seats in the United States House of Representatives among the several states; and

WHEREAS legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

WHEREAS the United States Supreme Court, in *Department of Commerce v. United States House*, slip. op. no. 98-404, 1999 WL 24616, 67 U.S.L.W. 4090, ruled on January 25, 1999, that 13 U.S.C. 195 prohibits the proposed use by the Bureau of the Census of statistical sampling in the determination of population for purposes of apportioning seats in the United States House of Representatives among the several states; and

WHEREAS the appellees in *Department of Commerce v. United States House* established standing partly on the basis of a claim of expected intrastate vote dilution due to the proposed use by the Bureau of the Census of statistical sampling; and

WHEREAS the use of census data adjusted by means of sampling or other statistical methodologies in redistricting by the State of Alaska could raise serious issues of vote dilution and violate "one-person, one-vote" legal protections, expose the state to protracted and costly litigation over redistricting, and ultimately result in a court ruling invalidating the redistricting plan; and

WHEREAS the Alaska State Legislature believes that a person, once enumerated, should not be counted by sampling or other statistical methodologies for purposes of redistricting; and

WHEREAS every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population possible, including appropriate funding for state and local census outreach and education programs and post-census local review;

BE IT RESOLVED that the Alaska State Legislature calls on the Bureau of the Census to conduct the 2000 decennial census consistent with the ruling in *Department of Commerce v. United States House* and with the Constitution of the United States; and be it

FURTHER RESOLVED that the Alaska State Legislature calls on the Bureau of the Census to conduct a physical headcount of the population and not to use random sampling techniques or other statistical methodologies that add persons to or subtract persons from the census counts in developing redistricting data under P.L. 94-171 for use by the states in intrastate redistricting; and be it

FURTHER RESOLVED that the Alaska 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 or subtract persons; and be it

FURTHER RESOLVED that the Alaska State Legislature requests that Alaska be given P.L. 94-171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the United States House of Representatives, derived from a physical headcount of the population, and not adjusted using random sampling techniques or other statistical methodologies that add persons to or subtract persons from the census counts; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration of the population, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally.

COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable William M. Daley, Secretary of the U.S. Department of Commerce; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.