

By: Senator(s) Hewes, White (29th),  
Nunnelee, Moffatt, Huggins, Johnson (19th),  
Kirby, Carter, Hawks, Bean, Scoper, Canon,  
Farris, Robertson, Hamilton, Ross

To: Rules

## SENATE CONCURRENT RESOLUTION NO. 664

1 A CONCURRENT RESOLUTION CONCERNING THE PLAN OF THE U.S.  
2 CENSUS BUREAU TO USE STATISTICAL SAMPLING IN THE DECENNIAL CENSUS.

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

6 WHEREAS, the sole constitutional purpose of the decennial  
7 census is to apportion the seats in Congress among the several  
8 states; and

9 WHEREAS, an accurate and legal decennial census is necessary  
10 to properly apportion U.S. House of Representatives' seats among  
11 the 50 states and to create legislative districts within the  
12 states; and

13 WHEREAS, an accurate and legal decennial census is necessary  
14 to enable states to comply with the constitutional mandate of  
15 drawing state legislative districts within the states; and

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

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

26 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 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 uses of statistical sampling in calculating 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 Mississippi to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Mississippi, and likely result 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

60 education programs; as well as a provision for post census local  
61 review:

62 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF  
63 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That  
64 we do hereby call on the Bureau of the Census to conduct the 2000  
65 decennial census consistent with the aforementioned United States  
66 Supreme Court ruling and constitutional mandate, which require a  
67 physical headcount of the population and bars the use of  
68 statistical sampling to create, or in any way adjust, the count.

69 BE IT FURTHER RESOLVED, That we do hereby oppose the use of  
70 P.L. 94-171 data for state legislative redistricting based on  
71 census numbers that have been determined in whole or in part by  
72 the use of statistical inferences derived by means of random  
73 sampling techniques or other statistical methodologies that add or  
74 subtract persons to the census counts.

75 BE IT FURTHER RESOLVED, That we do hereby demand that the  
76 Mississippi Legislature receive P.L. 94-171 data for legislative  
77 redistricting identical to the census tabulation data used to  
78 apportion seats in the U.S. House of Representatives consistent to  
79 the aforementioned United States Supreme Court ruling and  
80 constitutional mandate, which require a physical headcount of the  
81 population and bars the use of statistical sampling to create, or  
82 in any way adjust the count.

83 BE IT FURTHER RESOLVED, That we do hereby urge Congress, as  
84 the branch of government assigned the responsibility of overseeing  
85 the decennial enumeration, to take whatever steps are necessary to  
86 ensure that the 2000 decennial census is conducted fairly and  
87 legally.

88 BE IT FURTHER RESOLVED, That a copy of this resolution be  
89 transmitted to the Speaker of the U.S. House of Representatives,  
90 Majority Leader of the U.S. Senate, Vice-President and the  
91 President of the United States, and that copies be made available  
92 to the Capitol Press Corps.