

# Battle looms over 2010 Census

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✓ Elliot Stonecipher of

Shreveport, known for his work on polls and demographic issues, is playing Paul Revere these days.

If he's right, a looming problem with the 2010 Census could lead to abuse and could affect the 7th Congressional District, which has been represented in something like its current Lafayette-to-Lake Charles shape long enough to have been represented by men named Domengeaux, Edwards and Breaux.

On a macro level, Stonecipher and LSU constitutional law instructor John S. Baker recently published an op-ed piece in the *Wall Street Journal* to sound the alarm. They say undocumented immigrants could have a distorting effect on congressional reapportionment and, on a micro-level, cause Louisiana to lose a

seat (from seven to six).

Immigrants of all varieties tend to congregate in certain states to such a degree that, for instance, California's House delegation could number 57 if everyone is counted. If only citizens are counted, California would have 48 House seats.

This is disputed by Myrna Perez of the Brennan Center for Justice at the New York University School of Law, who blogged that Baker and Stonecipher miscalculated. California will be lucky to keep its 53 House seats, she said.

The House of Representatives will have 435 members no matter what. If a handful of immigrant-rich states gain, the other states must lose.

In a visit last week to Lafayette, Stonecipher focused on

Louisiana. He said Louisiana's congressional map could be bent out of shape by a sort of perfect demographic storm: the presence of undocumented laborers in the New Orleans area; Census Bureau rumblings about a more loosely regulated "special census" in southeast Louisiana parishes; the potential for abuse; and the 1st Congressional District's status as the only black-majority district in the state. Federal law generally forbids the dilution of minority voting strength.

The upshot would be that the 1st District would grow much larger geographically to encompass enough people for a congressional district, and larger still if it must have a black majority. So the other districts must be changed, too. One possible outcome is that Lafayette's

congressional district stretches southeast to Houma-Thibodaux instead of west to Lake Charles, Stonecipher said.

Stonecipher's solution for many of these problems is to stop counting noncitizens for reapportionment purposes. The short census form that all households fill out does not ask for citizenship status, so it can't be used to exclude noncitizens. But the American Community Survey, an ongoing Census Bureau sampling effort that will replace the old long form, does.

And that means mathematical sampling will take on a constitutional role that has been opposed by conservatives, who have traditionally advocated an actual "enumeration" as outlined in the U.S. Constitution.

Altercations may ensue.