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94-24 TABULATION OF POPULATION FOR PURPOSES OF
APPORTIONMENT OF STATE LEGISLATIVE BODIES

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HEARING

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BEFORE THE

SUBCOMMITTEE ON CENSUS AND POPULATION

OF THE

COMMITTEE ON

POST OFFICE AND CIVIL SERVICE

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

H.R. 1753

A BILL TO AMEND SECTION 141 OF TITLE 13, UNITED STATES CODE, TO PROVIDE FOR THE TRANSMITTAL TO EACH OF THE SEVERAL STATES OF THE TABULATION OF POPULATION OF THAT STATE OBTAINED IN EACH DECEN-
NIAL CENSUS AND DESIRED FOR THE APPORTIONMENT OR DISTRICTING OF THE LEGISLATIVE BODY OR BODIES OF THAT STATE, IN ACCORDANCE WITH, AND SUBJECT TO THE APPROVAL OF THE SECRETARY OF COMMERCE, A PLAN AND FORM SUGGESTED BY THAT OFFICER OR PUBLIC BODY HAVING RESPONSIBILITY FOR LEGISLATIVE APPORTIONMENT OR DISTRICTING OF THE STATE BEING TABULATED, AND FOR OTHER PURPOSES

APRIL 29, 1975

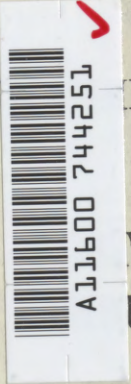
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TABULATION OF POPULATION FOR PURPOSES OF APPORTIONMENT OF STATE LEGISLATIVE BODIES

TUESDAY, APRIL 29, 1975

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
SUBCOMMITTEE ON CENSUS AND POPULATION,
Washington, D.C.

The subcommittee met at 9:30 a.m., in room 311 of the Cannon House Office Building, Hon. Patricia Schroeder (chairwoman of the subcommittee), presiding.

OPENING STATEMENT OF CHAIRWOMAN PATRICIA SCHROEDER

Mrs. SCHROEDER. The Subcommittee on Census and Population is considering H.R. 1753 this morning, a bill which authorizes the States to request from the Secretary of Commerce population tabulations for geographic areas—such as precincts—to assist them in the legislative redistricting or reapportionment process. At present, the Census Bureau can provide data on such political units as counties, townships, cities and towns and even city wards—but cannot readily provide statistics on one of the most essential political units—the precinct.

H.R. 1753 is identical to legislation reported by the Post Office and Civil Service Committee and passed by the House in the 93d Congress.

This morning the subcommittee is interested in supplementing testimony received at the series of hearings held on this legislation in 1973 and in learning what progress may have been made by the Census Bureau in their discussions with groups outside the Bureau on the vital issue of the availability of statistics for reapportionment. As pointed out in the 1973 hearings, the States have faced a number of problems in attempting to work with the data presently available from the Bureau—among these, enumeration districts too large to be used effectively by officials in their legislative redistricting, and difficulty in defining the boundaries of these enumeration districts.

The process of legislative apportionment and redistricting—be it for the purposes of Federal, State, or local elected representation—is a keystone of the American democratic process. Equal representation is a basic right of all citizens, a right upheld by the highest court in the land. I am hopeful that today's hearing will bring us closer to the resolution of some of the problems the States have faced in the past in carrying out the vital function of legislative districting.

The first witness this morning is the past chairman of this committee, Congressman Richard C. White from Texas. We are delighted to have you here. Welcome.

STATEMENT OF HON. RICHARD C. WHITE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

Mr. WHITE. Thank you, Madam Chairman and members of the subcommittee, I certainly appreciate this opportunity to appear before you on a bill which was considered by this subcommittee last term when I chaired it. At that time we had received persuasive testimony from a number of State officials and Members of Congress, including Hon. Harold Runnels. It became apparent that there were many problems arising on the subject of the Census Bureau furnishing to the States population tabulation data required for their legislative redistricting.

My bill seeks to amend the present law in this area in two major ways.

First, the present law, section 141 of title 13, United States Code is silent as to any duty of the Census Bureau to provide population tabulation information to the States in support of State legislative redistricting—the law now only requires the Census Bureau to tabulate total State population for the decennial apportionment of U.S. Representatives required by the Constitution of the United States.

The Supreme Court of the United States applied its historic “one man, one vote” ruling to the composition of State legislative bodies almost 10 years ago. Yet title 13 has not, in that interval, placed any affirmative duty of the Census Bureau to utilize its vast statistical resources to assist the States in this important area. As a result, State redistricting authorities have had access only to standard Census Bureau tabulations and services in carrying out their legal responsibilities. Unfortunately, there is strong evidence that the Bureau’s tabulations and services have not proven adequate in all instances.

Indeed, in most cases, Census Bureau geographical levels are not at all usable for redistricting purposes, in that they are not conterminous with State political subdivision levels, such as precincts. A good illustration of this problem is the not uncommon case of a noncontiguous Census Bureau enumeration district divided into myriad, nonconnecting portions.

My bill seeks to remedy this situation. Under its provisions, the authorities responsible for legislative redistricting in each State would submit to the Census Bureau a plan describing those geographic areas for which tabulations of population are desired for redistricting purposes. Such plans would be submitted no later than 2 years prior to the date of an upcoming decennial census and would be required to conform to certain preestablished criteria and limitations set forth by the Census Bureau. These criteria and limitations, intended to insure that the State tabulation plans remain within the technical capabilities of the Bureau, would be transmitted to relevant State officials not later than 4 years before the date of an upcoming decennial census. The bill grants the Bureau the authority to amend, after close consultation with the State officials involved, any plan determined to be in violation of the Bureau’s preestablished criteria and limitations.

The bill directs the Secretary of Commerce to complete and transmit to the various States tabulations of population for the areas identi-

fied in the approved State plans as expeditiously as possible after the taking of a decennial census.

The bill also provides that, in any event, such data shall be transmitted to the States no latter than 1 year after the census date.

H.R. 1753 is the result of our attention to the needs of, and complaints voiced by, the several groups interested in this area. I am confident it will have a significant import in meeting the data needs of State officials involved in the complex redistricting process. I am also confident that the bill, by leaving final approval of tabulations plans with the Secretary of Commerce, will not impose an unworkable and undesirable burden on the Census Bureau.

During the previous Congress, the House passed this legislation, and I am hoping that early action on this measure by this House will enable the Senate to consider this bill in a timely manner.

Again, thank you for this opportunity to appear before your subcommittee.

Mrs. SCHROEDER. Thank you, Congressman White. The main thing that I wanted to ask you is: How strongly do you feel about how many years we should have these plans submitted prior to the census taking?

Mr. WHITE. Four years is what the bill provides, I think. Then the 2 years, we tried to break that accordingly considering the legislative bodies usually meet every 2 years rather than every year. Many of them meet every 2 years. So we make our break accordingly, 4 years and 2 years.

Mrs. SCHROEDER. I was wondering whether it might not be better to do it 3 years prior so you would have it a year before the legislative body went into effect.

Mr. WHITE. If you had a body from the State, that would be advisory or a body that could determine those lines. It would have delegated powers depending upon the laws of each State. Then it would be all right. I guess we were contemplating that the legislative body itself would be the recommending body.

Mrs. SCHROEDER. So if it were changed from 2 years to 3 years, you would not have any great objection?

Mr. WHITE. No; not as long as it worked out in consonance with the various State legislative processes.

Mrs. SCHROEDER. OK. Thank you very much.

Mr. WHITE. Thank you.

Mrs. SCHROEDER. The next witness this morning is the Honorable Harold Runnels from New Mexico. Welcome.

STATEMENT OF HON. HAROLD RUNNELS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Mr. RUNNELS. Thank you. Madam Chairman, I want to thank you and the other members of this subcommittee for providing me with the opportunity to testify today in behalf of H.R. 1753.

I originally introduced legislation in this area, H.R. 9290, on July 16, 1973, in response to a request made by the New Mexico State Legislature. At this point, I would like to have that request, in the form of Senate Joint Memorial 7, inserted in the record.

Mrs. SCHROEDER. Without objection, so ordered.

[The State resolution follows:]

SENATE JOINT MEMORIAL NO. 7 OF THE LEGISLATURE OF THE
STATE OF NEW MEXICO, 31ST LEGISLATURE, 1ST SESSION

A JOINT MEMORIAL PERTAINING TO A PLAN FOR THE TABULATION OF POPULATION
IN THE FEDERAL DECENNIAL CENSUS NECESSARY TO FACILITATE THE APPORTION-
MENT OF STATE LEGISLATURE BODIES

Whereas, the census enumeration district established in New Mexico for the tabulation of population in the federal decennial census are poorly designed, difficult to identify, sometimes noncontiguous and generally ill-suited for purposes of apportioning or electing legislative bodies; and

Whereas, Representative Jame A. McClure, Idaho, introduced on June 29, 1972, in the 92nd Congress, second session, H.R. 15773 to amend Title 13 United States Code, by providing for the transmittal to each of the several states, in accordance with a plan and form approved by the governor thereof, of a tabulation of total population of that state obtained in each decennial census and required for the apportionment of the legislative bodies of that state;

Now, therefore, be it resolved by the legislature of the State of New Mexico that the New Mexico congressional delegation be urged to support or, if necessary, sponsor legislation similar to H.R. 15773 of the 92nd Congress in the 93rd Congress so that the apportionment of state legislative bodies may be facilitated in compliance with the 14th Amendment to the Constitution of the United States; and

Be it further resolved that copies of this memorial be transmitted to each member of the New Mexico delegation in congress and to the Governor of this State.

ROBERTO A. MONDRAGON,
President, Senate.

JUANITA PINO,
Chief Clerk, Senate.

WALTER K. MARTINEZ,
Speaker, House of Representatives.

ALBERT ROMERO,
Chief Clerk, House of Representatives.

MR. RUNNELS. Looking back at my testimony presented in September of 1973 in support of my original bill, I note a sentence that read in part, "I am not wed to the exact language which now appears in H.R. 9290." How true that statement was. Since that date, three new versions of H.R. 9290 have been introduced, the latest one being H.R. 1753 which we are concerned with today. Congressman White, the former chairman of this fine subcommittee, is now the prime sponsor of this legislation, and I hope our joint efforts will be successful in having this bill enacted into law.

The purpose of this proposal is to provide each State with those census figures which can be used in the apportionment of its legislative bodies. The census figures which are now provided to each State by the Bureau of the Census have proven to be unusable by some States, and I will use the map on display before the subcommittee to explain why the census figures, as currently compiled, are unusable.

The Bureau of the Census divides up each State into enumeration districts. According to what I have been able to learn, the boundaries of these districts are drawn to create an area which one person can cover in taking the census. The Bureau attempts to have each enumeration district include about 800 people in rural areas and 1,000 people in metropolitan areas.

There are several reasons why the census figures and thus, these enumeration districts are not readily adaptable to State reapportionment needs.

In the first place, the enumeration district figures cannot be divided up since the districts are often the smallest unit areas of tabulation. Thus, a State cannot accurately determine the population of a precinct where that precinct is smaller than an enumeration district or where parts of the precinct lie in several enumeration districts.

In the second place, New Mexico has found that the ideal size of a precinct for voting purposes is not more than 600 people. Thus, the enumeration districts are always larger than our precincts. In short, it would even be difficult to redraw our precincts to fit the Bureau's enumeration district boundaries.

In the third place, our State has found that many of the Bureau's enumeration districts do not include adequate facilities for a polling place. A primary consideration in creating a precinct in New Mexico is that it contain a suitable location in which to locate voting machines and all of the other equipment and space needed at a poll. Schools and other public buildings have proven to be the best location for our polls.

In the fourth place, we have found that the boundaries of the Bureau's enumeration districts are often difficult to describe, much less map out and convey to the average voter. Several years ago, the New Mexico Legislative Council was informed by the Bureau that at least 22 of the enumeration districts in our State have no definite boundaries. Apparently, there are no boundary descriptions for these enumeration districts.

Finally, let's consider the case where enumeration districts are composed of parts which are not contiguous. A perfect example of how the Bureau's figures can be unusable may be found in looking at some of the enumeration districts in McKinley County, N. Mex. These enumeration districts lie in and around the city of Gallup. One of these districts is divided into not 2, not 4, but 11 separate and non-contiguous parts. I'm sure that you all will agree that it would be somewhat difficult to use the population figure for the enumeration district for the reapportionment of New Mexico's Legislature.

At this point, Madam Chairwoman, I'd like to discuss one of the problems which the Bureau has apparently encountered in trying to use State precincts instead of enumeration districts. The problem apparently has been that some States change their precincts frequently, and thus, make it impossible for the Bureau, with the long period of advance planning which it requires, to keep up with the precinct changes and then modify its plans accordingly.

H.R. 1753 would go a long way toward solving that problem by requiring each State to submit a plan to be followed by the Bureau in taking the tabulation in each State 2 years before the census date. That would give the Bureau adequate leadtime while also keeping each State from changing its precinct boundaries during the 2-year period. If a State wants to use the plan it has submitted, it will have to avoid any changes for 2 years. This 2-year requirement is an attempt to accommodate the Bureau while allowing the States to, in effect draw the boundaries of enumeration districts.

In summation, Madam Chairwoman, what we are considering today is legislation which would have the Bureau tabulate its census figures in a manner which will benefit the States in apportioning their legislative bodies. This bill will not have the Federal Government dictate

any apportionment matters to the States. It will only insure that the figures which are provided are usable for apportionment purposes.

A bill identical to H.R. 1753 was passed by the House of Representatives last year only to lie unacted upon in the other body. I hope we are more successful with H.R. 1753.

Mrs. SCHROEDER. Thank you again. I think your testimony was very clear and I certainly understand what your complaint is. And I appreciate your pushing so hard on this issue because as we near the 1980 census, we are going to be right back in the same box.

Mr. RUNNELS. I can only use my State as an example. But when it was first brought up in this subcommittee 2 years ago, the members of the subcommittee, when they got to checking with their own States, if they were not already aware of the problem, they found out there were problems in their States the same as there is in New Mexico. So it is not just a unique situation.

Mrs. SCHROEDER. When you said that the size of a precinct in your State is not more than 600 people, does that mean voters?

Mr. RUNNELS. That means voters; yes.

Mrs. SCHROEDER. So you really are confused then.

Mr. RUNNELS. That's correct. But of course you can use the rule of thumb as to how many people are in a household as far as voters. And I will have to go back and explain this so you will understand.

New Mexico has all voting machines. I am sure you are well aware of the wide open spaces and how far apart many of the counties and the little cities are. Sometimes you have to wait 3, 4 or 5 days for the results of elections. But we now have in New Mexico all voting machines. And it just passed all print-out type voting machines and these are improving the situation in our State.

Mrs. SCHROEDER. Thank you very much. I also want to welcome Congressman Lehman. Do you have any questions?

Mr. LEHMAN. In our congressional district, we have a great variation in the size of the precincts. When you run for office, you might lose in one precinct 25 to 24; and in the next precinct, you might win 800 to 600. Can we, by your proposal, better balance out these precincts? Is there any point in which we can better balance out these precincts; is that part of the whole thrust?

Mr. RUNNELS. I don't think this bill is trying to tell the States exactly how to do their precincts. We are only using our State as an example and the rural areas. The more rural they get, of course, the smaller the precincts. But in States where they have voting machines and where you create a precinct, a voting machine will only take care of so many people, you know, if you have a State law that says you can only stay in the polling place 3 minutes. So you have to figure it out as to how many machines and how many people a precinct will accommodate.

Mr. LEHMAN. We don't have the urban and rural precincts. We have highrises and single family dwellings. One highrise would be a precinct and that precinct might have 2,000 voters in a single highrise.

Mr. RUNNELS. I think you could group your precincts together. I think all we need to do here is—We have had rulings where we have one man, one vote. Then it gets real hard if you have no accurate figures as to if you are going to give representation to these people. And you have to tie somehow a voting precinct to your population figures if

you are going to get to the one man, one vote. Then how you break it down is left to your States. But we have got to get to the point where you can use some kind of figures by the Census Bureau when they are not contiguous and you have got them scattered all over heck and half acre, there is no way you can use accurate figures. Then some judge comes along and says you are not apportioned right and it is a hodge-podge as to what figures you are using. And you are trying to do the best you can to comply with the law.

Mrs. SCHROEDER. Do you mind if we also put your map in the record?

Mr. RUNNELS. I certainly do not. I would like to have it put in the record.

Mrs. SCHROEDER. Without any objection, we will put the map in the record.

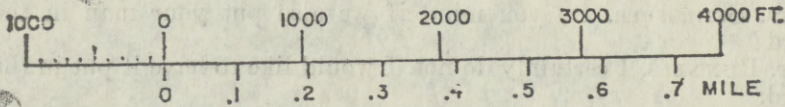
Mr. LEHMAN. I won't object.

Mrs. SCHROEDER. Thank you very much Congressman Runnels. We really appreciate your testimony.

[The map referred to follows:]

GALLUP

MC KINLEY CO., NEW MEXICO



COMPILED FROM MAP NO. 68-A-10298 8 68-0611'S
BUREAU OF THE CENSUS

MC KINLEY Co
GALLUP, N. MEX. 20-13569

ALL E. D. NUMBERS PRECEDED BY 031-

1970 E.D.'S 16 TO 27

CORPORATE LIMITS -----

ENUMERATION DISTRICT ~~~~~

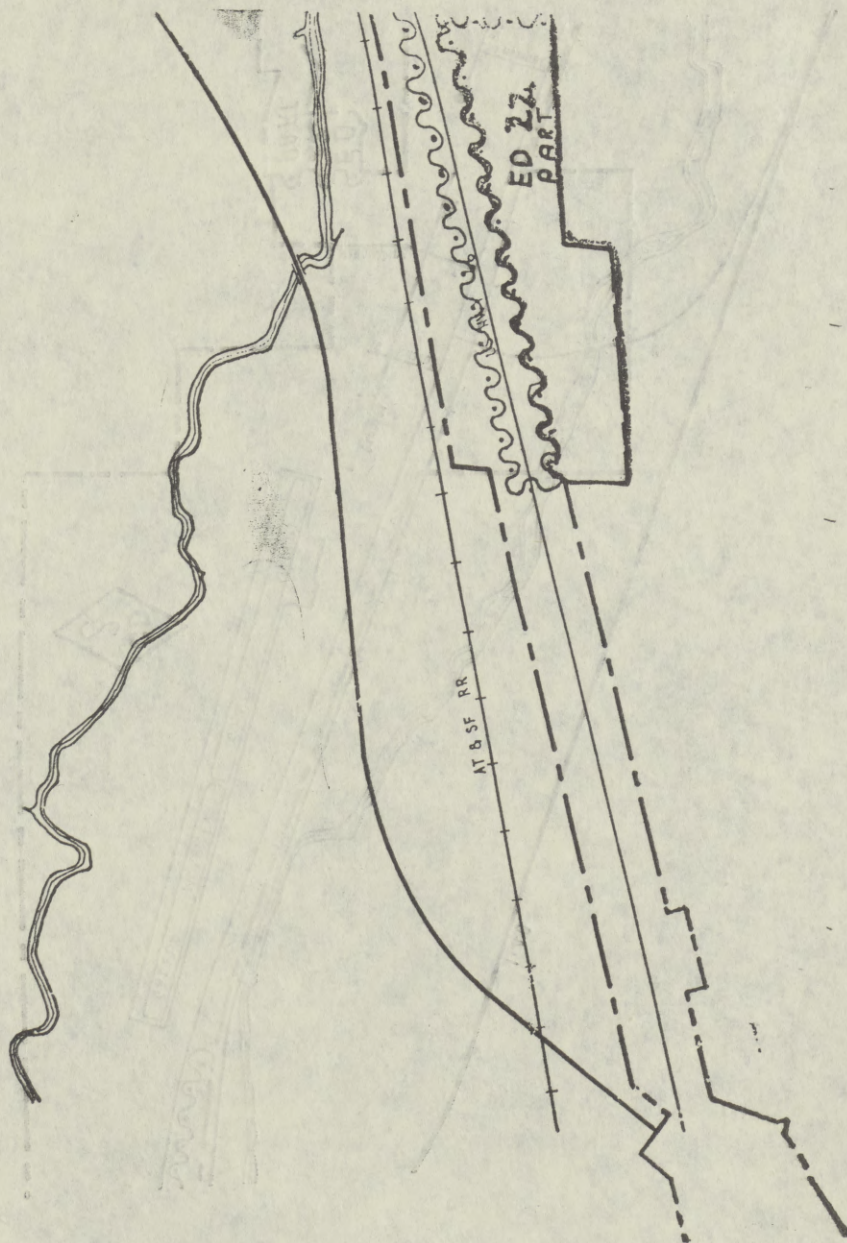
1960 CORPORATE LIMITS WHERE DIFFERENT
FROM PRESENT LIMITS. ● ● ● ● ●

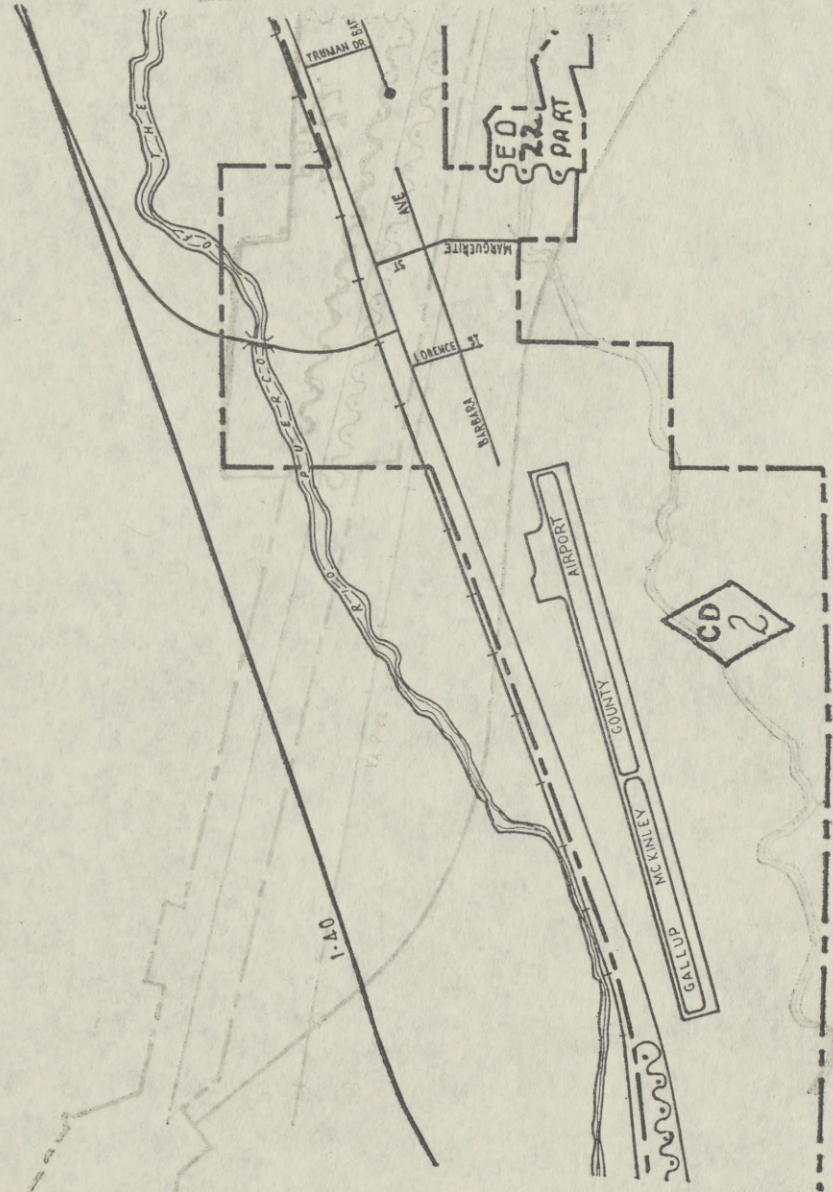
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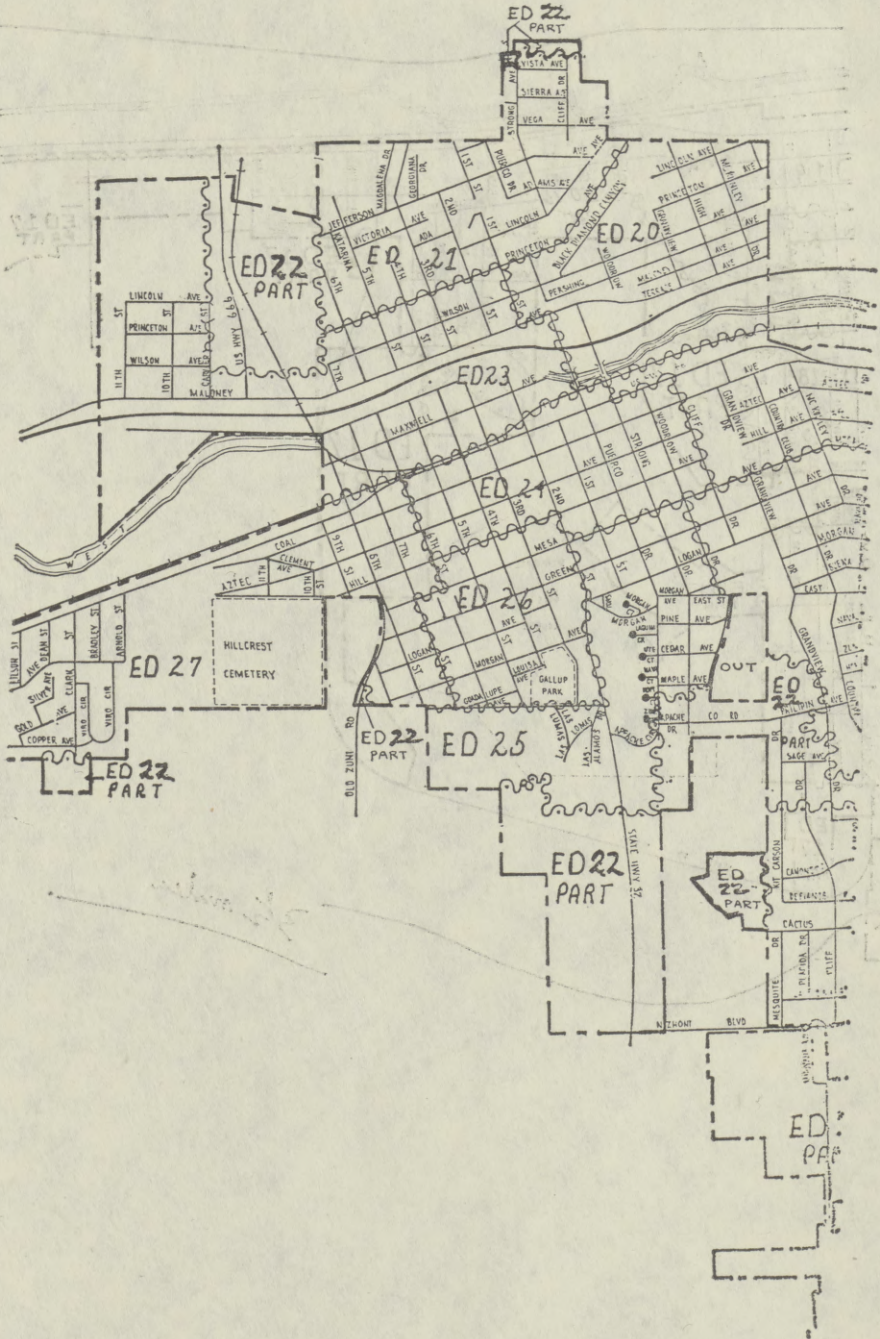
ED 17 (9 PARTS)

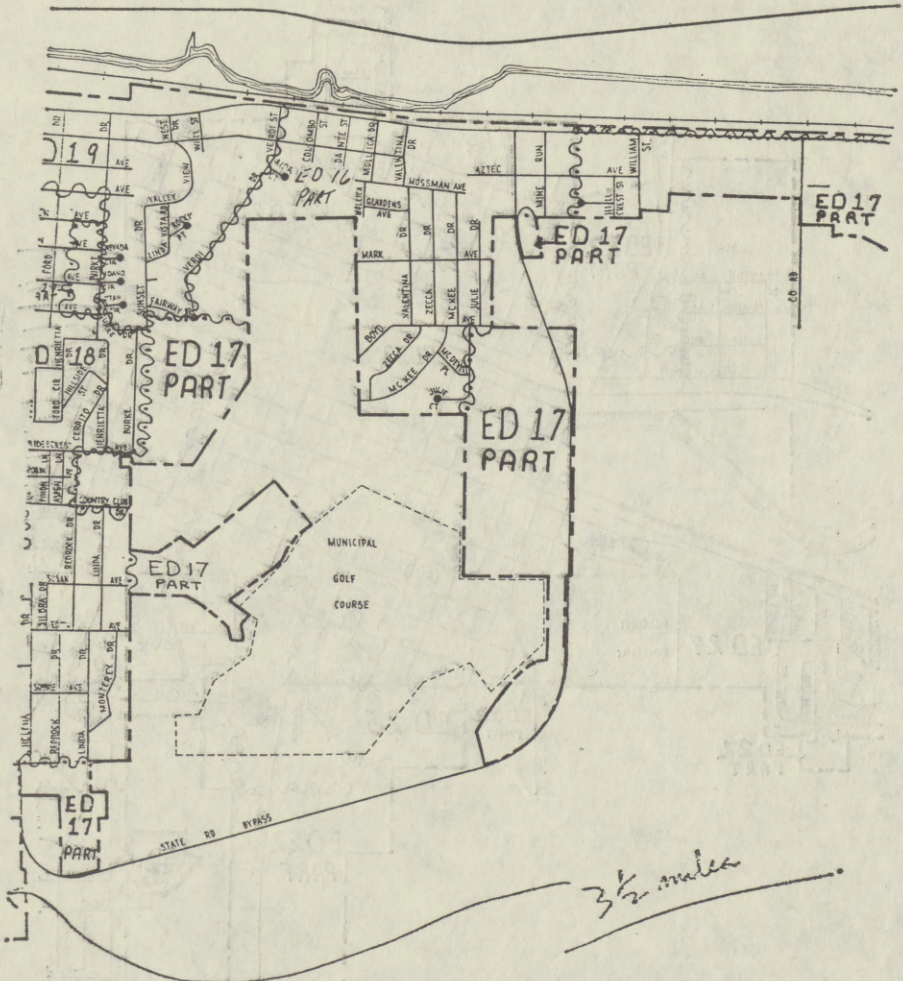
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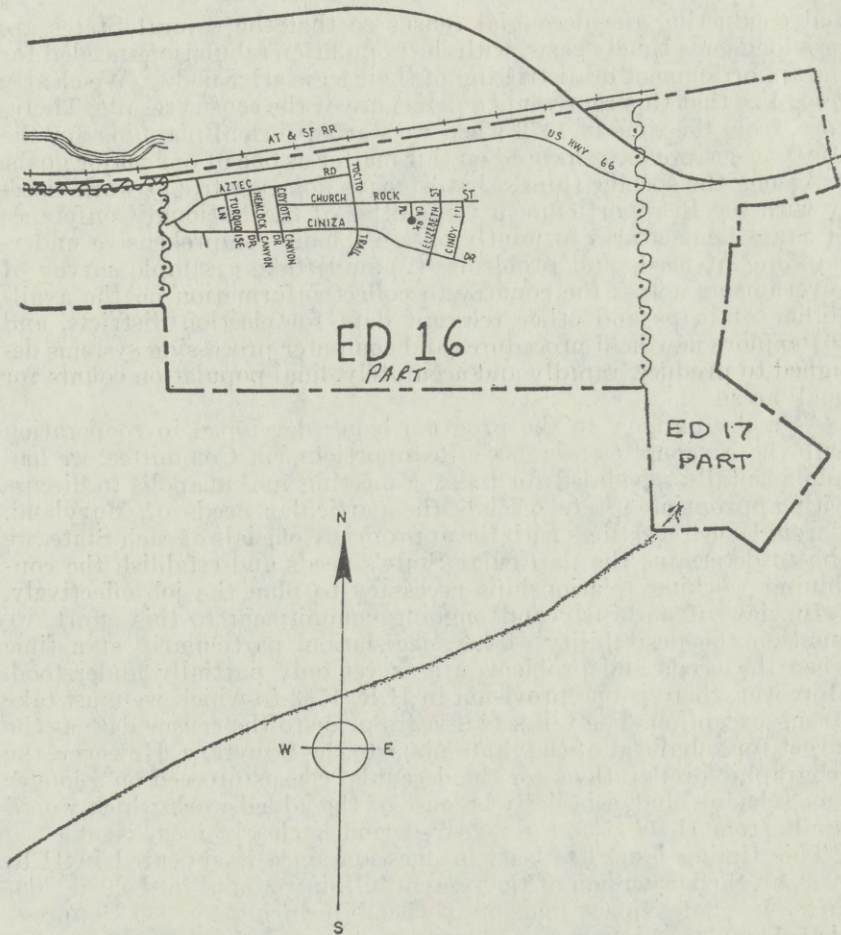
ED 16 (2 PARTS)











Mrs. SCHROEDER. The next witness is Mr. Robert Hagan, Deputy Director, Bureau of the Census.

STATEMENT OF ROBERT L. HAGAN, DEPUTY DIRECTOR, BUREAU OF THE CENSUS; ACCOMPANIED BY DAVID L. KAPLAN, ASSISTANT DIRECTOR FOR DEMOGRAPHIC CENSUSES

Mrs. SCHROEDER. You are accompanied by David Kaplan; is that correct?

Mr. HAGAN. That's correct.

Mrs. SCHROEDER. Welcome.

Mr. HAGAN. Thank you, Mrs. Chairwoman, I appreciate the opportunity to appear before the subcommittee and to comment on H.R. 1753. We note that an identical bill, H.R. 5053, was recently introduced and our comments thus also apply to that bill.

The Census Bureau fully agrees with the purpose of the proposed legislation, namely that all feasible efforts should be made in planning

and conducting the decennial census so that the several States are provided, on a timely basis, with the population tabulations needed for the apportionment or districting of their legislative bodies. We clearly recognize that this represents a prime use of the census results. Therefore, from the time in 1973 when we started formal planning for the 1980 census, we have focused on this matter as one of our major goals.

Among the specific things that we have done are to (1) work closely with the Reapportionment Committee of the National Conference of State Legislatures to jointly obtain a more comprehensive understanding of needs and problems, (2) undertake a sample survey of governments across the country to collect information on the availability of maps and other relevant data for election districts, and (3) explore new field procedures and computer processing systems designed to produce, rapidly and accurately, final population counts for small areas.

As a preliminary to the program being developed in cooperation with the National Conference's Reapportionment Committee, we had coincidentally scheduled for today a meeting in Annapolis to discuss with appropriate State officials the particular needs of Maryland. Through such meetings with the appropriate officials of each State, we aim to determine the particular State's needs and establish the continuing working relationships necessary to plan the job effectively.

In view of our early and ongoing commitment to this effort, we question the desirability of new legislation, particularly at a time when the needs and problems are as yet only partially understood. Moreover, there is one provision in H.R. 1753 to which we must take strong exception. The bill sets 2 years prior to the census date as the target for submittal of the State plans to the Secretary. However, the geographic preparations for the decennial census proceed on a longer time schedule and, especially because of the added work which would result from H.R. 1753, the 2-year period is clearly insufficient.

This timing issue has been in question since it appeared in H.R. 9290, an earlier version of the present bill, introduced in the 93d Congress. In a subsequent revision of that bill during the 93d Congress, H.R. 11869, the timing was changed to 3 years, a reasonably acceptable date. When H.R. 13340 was then introduced, the date moved back to 2 years and so remains in H.R. 1753.

Our views on this extremely important issue were expressed in the letter of May 16, 1974, to Chairman Dulski from Mr. Parrette, then Acting General Counsel of the Commerce Department, regarding H.R. 13340:

This bill creates a very clear possibility that the Bureau can find itself, on April 1, 1978, seeing for the first time the detailed plans of a larger number of States. These plans would have to be reviewed, departures from the criteria identified, and the necessary alternations worked out in "close" consultation with the State officials. The time pressures would then be intense since, after a particular plan is finally approved, it has to be carefully integrated into the existing standard geographic system. For the Bureau, such time pressures can translate into the highly unsatisfactory situation of increased errors in the geographic system. For the States, such time pressures can translate into inadequate consideration by the Bureau of their individual needs because the Bureau will obviously have to curtail drastically the scope and timing of consultation.

In the event that H.R. 1753 is reported by the subcommittee, we strongly recommend that the target date for submittal of the State plans be 3 rather than 2 years before the census date. It would also be

appropriate that the subcommittee report specifically recognize our concerns and urge the States to maintain close contact with the Census Bureau during the formulation of their plans so as to minimize later problems.

It should be emphasized that because of our advanced planning now underway, the Bureau will be able to accommodate reasonable State requirements more effectively than was the case after the 1970 census. However, enactment of the bill could result in expectations that might exceed our capabilities during the latter half of calendar year 1980. If all of the States took maximum advantage of the potential for information for small areas, we could be expected to produce, within a short time frame, accurate data for over 170,000 election districts and more than 2 million blocks. This type of workload, adapted to the different requirements of many of the States, could add several million dollars to the total cost of the 1980 census.

In closing, I should like to reiterate our belief that the proposed legislation is not necessary at this time. Moreover, because of the timing issue which we have described, this legislation could hamper the efforts to attain the goal we are all aiming for.

Thank you, Mrs. Chairwoman. I will be happy to answer any questions.

Mrs. SCHROEDER. Thank you. In the 1973 hearings, you mentioned the census tract key persons who worked in the Bureau setting up the different districts. I am wondering what effort you have made to make them more conscious of precinct boundaries.

Mr. HAGAN. They are made aware, of course, of the plans for the census. Regarding the attention that we plan to give to State legislative redistricting requirements, they are also aware of that. However, their role is largely one of maintenance of existing boundaries following the rules we set for establishing tracts. These rules have been in effect for many years and precede the election or precinct boundary question. Typically they would not follow election precinct boundaries. It would only be coincidental. However, we have made the tract key persons aware of this.

Mrs. SCHROEDER. But you have not made any real effort to rethink your historical perspective on how you draw the district lines?

Mr. HAGAN. We are reviewing it. But we have not made any decisions along that line.

Mrs. SCHROEDER. When will you be finalizing the enumeration districts?

Mr. HAGAN. It begins a couple years before the census when we start placing on maps all the political and statistical boundaries for a particular country that we plan to observe. We usually begin this operation at least 2 years prior to the census. For legislative redistricting, it would probably precede that. Perhaps 2½ years.

Mrs. SCHROEDER. Is this description of an ED correct, that is, about 800 people or 1,000 depending on whether it is an urban or rural area?

Mr. HAGAN. Between 1,000 and 1,100 in the urban areas and slightly less in the rural, perhaps 900.

Mrs. SCHROEDER. It is based upon how many areas one person can cover?

Mr. HAGAN. That is one of the rules. I would like for the record to state what an ED is at this point. The procedure we follow in a

given county is to superimpose on a county map all the political boundaries which we must observe in tabulating the census. This would include, of course, city or village limits, townships or other minor civil division limits. To that, we add our statistical boundary information such as tracts and we identify areas for block tabulations. Within this framework of boundaries we define administrative work units for our enumerators. These are called EDs and most fit within this network of boundaries I have described. Approximately equal ED sizes enable us to complete the census at approximately the same time in most areas. We usually hire one interviewer for each district.

Mrs. SCHROEDER. But what you are saying is that it is impossible to also superimpose the precincts?

Mr. HAGAN. It is not impossible, but it is a tremendous problem as we see it. Precinct boundaries are much more poorly defined than some of the EDs we have described. We have done some research with precinct boundaries information to determine whether maps are available and whether these maps can be produced in more than one single copy that one could look at. Frequently these boundaries are unmapable.

Mrs. SCHROEDER. I think that is where I am leading. I heard in your testimony that we did not need legislation. One of the reasons I think that we would want to pass legislation would be to tell the States they have a couple years to get their precinct boundaries in order which would help you if you were to utilize them.

Mr. HAGAN. It would make it much more workable for the Bureau if such provisions were explicit in the legislation.

Mrs. SCHROEDER. More of a mandate to the States?

Mr. HAGAN. That's correct. We see some real problems here in working with all the various States.

Mrs. SCHROEDER. But don't you think that if the States knew that the Census Bureau was going to take these into account because of this legislation, the legislators would be much more apt to review their whole process?

Mr. HAGAN. I am sure that would be true in a number of States. In fact, our preliminary discussions with some State officials have given us the same feeling, that they would be responsive if they were aware of our needs. And that is exactly what we are trying to do in the advance discussions we are conducting now.

Mrs. SCHROEDER. I want to ask you about the Redistricting Advisory Committee. Has this been established?

Mr. HAGAN. I would like Mr. Kaplan to comment on that. He has been directly involved in this committee.

Mr. KAPLAN. When you speak of a redistricting advisory committee, we had such plans at one time. But then we discovered that we would be much better off by establishing the State-by-State contact. To bring together a number of people in an advisory committee just didn't seem to focus sufficiently. And after discussing this with the Reapportionment Committee, we came out the same way—to focus State-by-State because each State is an individual.

Mrs. SCHROEDER. So you are meeting State-by-State. You mentioned Maryland. Have you been to others?

Mr. KAPLAN. No. Maryland is the first State in the Reapportionment Committee of the National Conference. Perhaps about a dozen States

are represented. So we have had the first touching of base through that technique.

Mrs. SCHROEDER. There was also mention of an alternative and that would be that the Bureau might publish with the 60-day review and comment period all the enumeration districts so that States could offer comments and suggestions for improvement before the enumeration districts were finalized for the next census. Do you have any feeling about that?

Mr. HAGAN. I would like Mr. Kaplan to comment on that.

Mr. KAPLAN. The publication of all the enumeration districts is something that would be pretty difficult. There are some 250,000 enumeration districts and they are all mapped. What we have done with the enumeration districts is to try to develop techniques of getting local input to this. This has been a little spotty in the past because we have not been able to establish all the appropriate contacts.

One of the questions that we are raising up in Annapolis this morning is how we could get a systematic approach to input for the drawing of enumeration districts within the State of Maryland. So I think that we would try to approach it that way in the formulation rather than in a later publication which might swamp everybody.

Mrs. SCHROEDER. Does anyone have any idea as to what the cost of implementing this legislation might be as it is now written?

Mr. HAGAN. Several millions of dollars. I would say the minimum would be perhaps \$2 million and the top might be \$10 million. The reason for the range is that we still don't have a full understanding of how many States would participate and how many units within a State we would have to identify separately. So it is a little difficult to give you a precise estimate. But several millions, I think, is a good estimate at this point.

Mrs. SCHROEDER. Do you have any questions, Mr. Lehman?

Mr. LEHMAN. No; I don't. But in talking about boundaries, we have political boundaries and we have precinct boundaries and we have census tract boundaries. It gets to be very confusing. I would like to see that as much as possible political boundaries, precinct boundaries, and census tract boundaries are as coordinated as possible.

Mrs. SCHROEDER. I want to ask whether the problems of the noncontiguous enumeration districts are going to continue in the 1980 census.

Mr. HAGAN. Yes; this is a problem. I am concerned about how frequently this question comes up. The noncontiguous ED's are a fairly small percentage of the total. The reason they exist principally around the periphery of smaller cities is that we were providing special tabulations to the cities for the last two censuses to show how much growth they had obtained by annexation as compared to internal growth. In order to provide that special table, it meant that we had to identify separately all the annexed territory for the preceding 10 years and maintain the city limits at the time of the last census as one ED boundary and then extend it out to the limit of the annexed area at the time of the next census.

Now frequently this results in much fragmentation around the periphery of a city. In order to hold down the costs of a census, we made a decision which resulted in quite a bit of criticism. The decision being that where the geographic tabulation codes for these fragmented pieces were identical, in other words, it was in the same town-

ship, the same ward or whatever and where we could take these discrete pieces and assign it the same ED number, we did this. This was probably counterproductive in the sense that this particular device became a problem in using ED data for election or redistricting purposes. We can correct that problem. In fact, we plan to.

Having gone through the post-1970 period of criticism, we do plan to adjust our system so that these will become separately identified ED's. It was an unfortunate circumstance affecting the use of these data after 1970. If I could comment on the issue of ED splits, I think that is another one that is a pervasive issue. An ED split results from emergency action taken very late, frequently in the field, because the planning information we had regarding the size of an ED was inaccurate. Initially we might plan that an ED would contain the 1,000 people we would want to assign and because of inaccurate maps or other information, we arrive in the field and find there are 5,000 people there. In order to adjust to these situations, we have to give our field organization some emergency procedures to split that assignment among several enumerators. This is the way an ED split is generated.

For our own tabulation purposes, inasmuch as there were no other political lines or anything violated, ED splits were added together to simplify processing. But separate totals can be provided for this type of situation and will be provided in 1980. So the split should no longer be an issue.

Mrs. SCHROEDER. Thank you very much for your testimony. I appreciate your coming this morning.

Mr. HAGAN. Thank you.

Mrs. SCHROEDER. The next witness scheduled to testify is still trying to get here. But Mr. Lockard will present his testimony. Welcome, Mr. Lockard. You are representing the Committee on Reapportionment?

STATEMENT OF JOSEPH F. LOCKARD, COMMITTEE ON REAPPORTIONMENT, NATIONAL CONFERENCE ON STATE LEGISLATURES

Mr. LOCKARD. That's correct. My name is Joseph Lockard. I am on the staff of the majority leader of the Pennsylvania State Senate and am a member of the Reapportionment Committee of the National Conference of State Legislatures. I was just told a few minutes ago that I would be a last minute substitute for Alan Norris who is the minority whip of the Ohio House of Representatives and is chairman of the Committee on Reapportionment of the National Conference of State Legislatures. He has been delayed in his arrival. I have a prepared statement which I will read. And I would like to introduce some items for the record and then I have a few additional comments based on things I have heard here this morning.

The National Conference of State Legislatures is the organization which represents all 7,600 State legislators and their staffs across the country. The National Conference of State Legislatures has, Madam Chairman, recently located its national headquarters in the beautiful "Mile High City" which is your home. In locating in Denver, the national organization returns to the city where 50 years ago, State Senator Henry Toll first founded the American Legislator's Associa-

tion. We are all pleased that our fine Denver staff is so well represented in the Congress.

Our Committee on Reapportionment was formed in 1972 to work with the Census Bureau, the Congress, and the States so that the problems encountered in attempting to reapportion both congressional and State legislative districts after the 1970 census could be avoided in 1980.

Madam Chairman, you do not need to be told that the apportionment of legislative districts lies at the heart of our system of representative government. We must not forget that the reapportionment process determines not only such relatively mundane questions as how Republican or Democratic our districts are or whether or not a potentially strong primary opponent is moved out of our district, but also such major questions as whether or not minority groups have a voice in their Government commensurate with their share of the population or whether Congress and the legislatures adequately represent large-scale population movements and shifts.

Since the Supreme Court decisions of the 1960's which held that failure to follow the "one man one vote" principle constituted denial of equal protection of the laws, the 99 legislatures of the States and numerous State and Federal courts have spent countless hours drawing and redrawing congressional and State legislative boundaries. I would venture to guess however, that 70 or 80 percent of the man-hours spent on this task are devoted to the physical and technical problems of drawing the lines and matching the populations, while only relatively small amounts of time are spent debating the merits or the politics of each apportionment plan.

Unfortunately this task is made doubly difficult by serious inadequacies in the population data supplied by the Census Bureau. It is difficult enough to draw legislative boundaries which will at the same time satisfy the courts and a majority within the legislature without having to cope with such problems as population enumeration districts made up of noncontiguous pieces of territory, enumeration districts which bear little relationship to political boundaries, or release of population data only a few weeks before some States are constitutionally required to reapportion themselves.

For these reasons we are pleased to appear before you to testify on H.R. 1753. In the course of our meetings thus far, the National Conference of State Legislatures' Committee on Reapportionment has worked to define and specify the problems the States have had with 1970 census data. Our committee has held meetings and discussions with representatives of the Census Bureau to discuss these problems and to determine possible solutions.

The result of our studies is this pamphlet entitled, "Improving the 1980 Census." This pamphlet goes into detail on several recommendations, all of which are not germane to H.R. 1753. As a summary, I believe it is fair to conclude that our committee believes strongly in light of the court decisions of the 1960's and the experience of reapportioning after the 1970 census, steps need to be taken to insure that the Census Bureau is as responsive to the needs of those responsible for legislative redistricting as it is to the demands of demographers, historians, or other interests. We should not lose sight of the fact that

the only constitutional mandate for decennial census is for the purpose of congressional reapportionment.

I quickly add here that nothing said here should be construed to be critical of the Census Bureau. We have been very pleased by the attentiveness to our concerns which they have shown.

Turning back to our pamphlet, I should like to direct your attention especially to the following points:

(1) Recommendation 3 (p. 4), paragraph 4 requests that data be sent on a priority basis to States with early deadlines for redistricting. This issue is specifically addressed in H.R. 1753 to the committee's satisfaction.

(2) Recommendation 5 (p. 7) which requests census data on a block basis.

(3) Recommendation 8 (p. 9) requesting sufficient funds from Congress for an accurate and complete census.

(4) Recommendation 9 which requests congressional review of Census Bureau policy toward counting college students and military personnel.

While recommendations 5, 8, and 9 are not dealt with by H.R. 1753, we believe they merit this subcommittee's careful consideration and study. Our committee and staff extend our full support and cooperation in any of your endeavors.

Representatives of our committee testified before this subcommittee last session on H.R. 9290. Several changes are reflected in H.R. 1753 which we support. We would like to suggest that line 24 on page 2 include transmittal of the data to the presiding officers of the legislature as well as the Governor. This is a minor point, but we believe Congress can certainly appreciate that information does not always flow automatically from an executive to a legislative branch, whether at the State or Federal level. We would appreciate your consideration of that change.

In conclusion, the National Conference of State Legislatures supports H.R. 1753 and urges this subcommittee to act on it at an early date.

That concludes the formal statement. I would like to add that I was very pleased to hear the testimony of the Congressmen this morning, both Congressman White and Congressman Runnels. They put their finger right smack on the problem. The impetus for this legislation originated in the Senate of New Mexico which was faced with the problem. It happens to be the bill which was introduced by Congressman Runnels. We didn't know anything about it and we, at the same time, had the problem under study. When we learned of it, we got in touch with Congressman White who at that time was the chairman of this subcommittee which you now head and got involved in the bill, made suggestions and testified here and were pleased to join in his effort.

Now I would like to introduce a resolution from the State of North Dakota, the 44th Legislative Assembly of the State of North Dakota. This is Senate Concurrent Resolution No. 4075 which has to do with the census boundaries and this has just come to our attention. It has been circulated to all the legislatures throughout the country by the Legislature of North Dakota. Following that, I have House Joint Resolution No. 37 which sprang unassisted from the Tennessee Legislature. This is a concurrent resolution which passed both houses of the

State of Tennessee and was signed by Governor Blanton. I would like to make those part of the record. They totally support this position. They want the census taken on a precinct basis. And I am sure nobody from the NLC or the committee knew of these efforts. North Dakota is not represented on the committee. And Tennessee has not been that active in the work of the committee. So one would have to say that these are spontaneous actions representing problems that have developed in the field.

I would like to comment very briefly on the testimony of the Census Bureau this morning in the sense that he was talking about their work with the State of Maryland. Maryland is unique in that it is a State in which the Governor has the responsibility for reapportionment and redistricting. In all other States with the possible exception of Alaska, that responsibility rests in some manner with the legislature. So therefore the problems of discussing the possibility of getting useful information from Maryland is somewhat limited because the people who have to provide it or who use it are totally different from those in the rest of the States.

I would also like to call your attention to this use of enumeration districts in which the impression was given that for every 600 to 1,000 persons, one could get a breakdown on an enumeration district basis. Gov. Kenneth Curtis, at that time the Governor of Maine, submitted evidence to the committee that appeared in the record that he could not get a breakdown below an 82 township level. There is something called the CCD, the County Census Divisions. This came to the committee's attention almost by accident and we checked into it. Dave Kaplan, who was about to come out to Lexington, Ky., to attend a meeting of the NLC's reapportionment committee brought along some copies of this book which is called County Census Divisions Past, Present, Future. Our committee had been functioning for about 2 years up to that point in time, and it had never been called to our attention nor had we ever developed any information that the census is taken on two different bases in this country.

In most of the States, it is taken on a basis of the minor civil divisions, the boroughs, townships, counties, et cetera. However there are 22 States where the Census Bureau has set up their own concept of how the State should be divided up. This was originated in the Pacific Northwest. I believe the State was Washington in the late 1940's before the computer came into existence. And it was an attempt to simplify the addition and the pencil work that was required to get totals. It was conceived that what should be considered is trading areas. Now this results in some very interesting things. This means that it is impossible to comply to the standards of the Supreme Court of the United States. While this is a shifting target, I think most people would agree that at the State legislative level plus or minus 15 percent is the outside limit. But in Wyoming, you are forced to exceed that by at least 60 percent or you are required to go to a multimember district situation. The courts are beginning to frown on multimember districts. It is certainly not clear what they are going to do. They are certainly permissible at the present time. But the whole area of reapportionment has shifted so much since the first decision of *Baker v. Carr* in 1963 that at times one hardly recognizes it. It so happens that I have been involved in congressional reapportionment in Pennsylvania subsequent

to the 1950 and 1960 censuses and in legislative apportionment after the *Baker v. Carr* decision, in response to a court suit known as *Drew v. Scranton* which we were involved in bringing about, and then subsequent to the 1970 census.

The history of the Census Bureau goes back, of course as far as the country and it was originally started out as it was put under the jurisdiction of the courts, the taking of the census. And it was taken by U.S. Marshals. That evolved into a Bureau of the Census.

Then, about the turn of the century, when the Commerce Department was created, it was placed in the Commerce Department. I don't know that the Census Bureau would ever admit it, but they, as a result of the three-quarters of a century, have become oriented to the needs of business rather than to the needs of the political organizations, and the States, and the counties and the people who now, under the leadership of the U.S. Supreme Court, have been forced to face a matter which in many cases had remained dormant in a great many jurisdictions.

The way these census enumeration districts evolved without any consideration of the use to which they must be put to provide legitimate information to legislative bodies in accordance with the Court's requirements have not really been faced up to, as yet.

I believe that the States are far ahead of the Census Bureau on this, and I would trust that the Congress will find it possible to work with the States in their request.

I would add one thing, that it is our general plan—I have talked with the legislative leaders in Pennsylvania on this, that we expect to put through some kind of a bill which will in effect freeze the precincts for a 2-year period of time. The counties, of course, set up the precincts in Pennsylvania. They are not set up at the State level. It is counties. It is done by petition of the court, and it is our intent to freeze those for a 2-year period commencing approximately 2 years before the taking of the census.

To increase it beyond the 2-year period seems to me questionable, because if one freezes the thing, there is so much growth in suburban areas of a large State that it is hard, it will be hard, to comply with the requirement.

Mrs. SCHROEDER. Thank you, Mr. Lockard.

I wanted to ask several questions.

One of the reasons, as you probably heard from the Census Bureau, that they prefer not to have this bill enacted is that they feel it is very difficult in some States to have the precincts clearly delineated so they can put that down on their maps to start determining their EDs.

Do you think the States could draw those precinct lines clearly, or have you had any experience knowing how well they are drawn in most States?

Mr. LOCKARD. I can speak authoritatively only about Pennsylvania in this situation, and I can speak with very substantial authority about the city of Philadelphia.

There was a commission appointed to realine the ward boundaries which have not been realined since the consolidation of 1854, and I did that in about 1963 or 1964. It had been over 100 years, and we found no problem in defining everything. Everything is mapped. Anyone can buy a map with all the precincts right on it.

So on the State level, in the various courthouses, I have often gone into them, and I have never had any difficulty getting a set of maps. Sometimes it takes several maps. For some townships and suburban areas there are special township maps, but it is not hard to do.

Now, in an effort to overcome this problem, the National Conference of State Legislatures has developed a model law providing for the States to require mapping, and that has been circulated to all the legislative leaders in the country, with a request that at the earliest practical time they have that put through their legislature so there would be a body of statute law in all the States requiring mapping and requiring the whole solution to the problem.

Mrs. SCHROEDER. Do you know how many States have passed this?

Mr. LOCKARD. No. It has only gone out in the past few weeks. And I doubt that there has been much activity as yet. I don't think there has been time for it. I feel certain there will be substantial activity.

Mrs. SCHROEDER. Could you tell me how many States your organization represents?

Mr. LOCKARD. All the States are members. The State legislators are members of the Conference.

Mrs. SCHROEDER. You mentioned the timetables of the States, and how soon after the census they are required to reapportion.

Could you give the subcommittee some idea of what that gap is?

Mr. LOCKARD. Yes. What we did was in an effort not to have this exclusively the work of a few persons who might have had some knowledge, we appointed a subcommittee, a working subcommittee of this reapportionment committee, and I happened to serve on that subcommittee.

We attempted to tap the brains of the foot soldiers who had done the reapportionment. Philip Burks, who is a staff director of the Iowa State Legislative Bureau, came to Washington, as I did, and we joined forces here and got on a national WATS line here that the NLC had. We called around in all the States and got the names of the persons who did the work. We didn't want the person who signed the report. We wanted the troops who did the work, no matter what their status was. We explained that the committee had come up with a 13-page questionnaire. We knew that if we sent a 13-page questionnaire out, it was going to go into the waste basket. And we called to their attention the need for this. We got from them a very remarkable response of over 70 percent.

Now working through the Lexington office, and I believe it was the University of Kentucky computer there, that material was all cross-tabulated, and we got the complaints in from the field from the widest possible group of people who had actually dealt with the material. Our report basically stems from a collection of these data from the persons in the field—of course, as screened through the members of the committee.

Mrs. SCHROEDER. I see Mr. Norris finally joined us. We are right at the very end, but welcome. I am sorry you had trouble getting here.

Mr. NORRIS. My apologies for being held up. I appreciate your accommodating myself and TWA's plane schedule.

Mrs. SCHROEDER. One of the recommendations of the Reapportionment Committee was that April 1 not be designated as the official census day.

What date would that committee suggest?

Mr. LOCKARD. In going through the history of the censuses, and I have gone back as far as 1790, they were not all taken on April 1.

For example, the census of 1920 was taken on January 1. The census results were so bad in 1920 that they did not reapportion Congress until after the 1930 census had been taken.

In 1928 the Congress enacted a bill which set up the method by which you determine the format for reapportioning the seats. That seems like a very innocuous thing. And of course the formula is that you take the first 50 and distribute them one to a State, to fulfill the constitutional requirement that each State have one member.

The real crunch comes when you get down to the 435th seat. Now, it so happens that in 1970 the difference between Oregon getting the 435th seat and the State of Arkansas getting it was only 202 persons. If Oregon had 202 more persons, they would have gotten it.

Now, you might say it was just bad luck. But it so happens that after the 1960 census, we were convinced in Philadelphia we had been grossly undercounted. We proposed to have another count. And I don't think they took it seriously. I came down and met with Dick Stanton and with Ross Eckler, I believe his name was. And they quickly agreed that Philadelphia had been undercounted by 5 percent, which happens on a basis of 2 million to be 100,000 persons. They would agree with this automatically, without even questioning it. And I pointed out that this represented two seats in the State legislature which at that time was controlled by a single vote. Of course, this impressed them not at all. It was very impressive to us. And consequently we have looked at the procedures of the census to find out the allocations of persons.

Now, if one reads the census material of the instructions, you find out, for example, and this has come to our attention also from a professor from Old Dominion University in Norfolk, where they have a big problem with what is known as the home porting of sailors which affects the composition of the senate of the State of Virginia—you get sailors who are off in the south Atlantic being represented in Virginia because the requirement for sailors, for military personnel, is that the last place you are in the United States is considered your residence. This happens to swell the areas that have port of embarkations in them.

For example, this swells the total for the State of California and the State of New Jersey. But conversely, anybody who is drafted or enlists from the State of Colorado is subtracted. It so happens that the Pennsylvania hard coal fields and soft coal fields as well have for a great many years provided a lot of soldiers and sailors to the force of the United States. And we don't think it is quite crooked that a negro who enlists from the ghetto area of north Philadelphia and happens to be stationed in one of the Southern States, Mississippi or some similar States on census day, April 1, in a year ending with zero, be attributed to a racist Congressman to save his seat and at the same time subtract from the area of the person that he would like to represent.

That is one of the problems that we have discussed. Now, the fact remains that there has never been any congressional expression so far as we can find out on this subject of residence. We recognize it is a

difficult problem. The next meeting of the Reapportionment Committee, which is to be held in Denver in the next 6 or 8 weeks, is to be devoted exclusively to this subject. We know it is not an easy thing, but we think that it needs some congressional leadership.

For example, in the case of an institution for the mentally retarded, or an institution for persons suffering from mental illness, these people are permitted to vote; and the same thing goes for persons confined in prisons under certain circumstances. For example, if they are untried, or they are there for certain crimes, they are permitted to vote. There is a great fear at the local levels, and this extends to college towns, that persons who are not really of the local population exist, at least the potential for controlling the election exists.

Now, whether it is actually taking place or not, I am not in a position to say. But certainly this fear is constantly expressed, and it would seem that some attention ought to be given to this total subject. And there ought to be some legislative intent expressed. It may not be possible to dot all the I's and cross all the T's, but again, it might be possible to nail a great deal of it down.

Mrs. SCHROEDER. I thank you very much.

Mr. NORRIS, did you have anything you wanted to add?

Mr. NORRIS. Madam Chairwoman, if I understood your remarks to me as I came in, you were about to conclude the hearing anyhow.

So I will not bore you with my prepared remarks. I understand my staff has already submitted one copy of my testimony, and I hope they have submitted my real testimony in which I attempt to make several points on just a couple minor changes that I would suggest in the bill.

Let me just make a few quick remarks, if I might.

I was handed, as I walked in, a statement made by Mr. Hagan, of the Bureau of the Census, which in effect opposes passage of H.R. 1753, and I must confess that that surprises me somewhat.

As this subcommittee may know, last year in November H.R. 13340 passed the House under suspension and was either in identical form or nearly identical form to the present H.R. 1753. We understood at least in recent months that there was no opposition to this legislation. We would respectfully disagree in principle with the idea that no legislation is necessary.

I am not mad at them for changing their mind, but I think Congress does have to take the lead here. What we have envisioned is legislation that really draws minimum standards and guidelines, and that is all H.R. 1753 does.

It was developed in concert with the Bureau of the Census. They raise the question now of extending that 2 to 3 years. That is something we want to think about, if that is necessary. It only points up even more the necessity for action on this bill in this session of Congress. We just can't put it off.

I would again point out that H.R. 13340, as it passed the House of Representatives, did contain the 2-year provision, so I am not real sure why the shift in directions there, and I would like the committee to understand that we are very appreciative of the cooperation extended to us by the Bureau of the Census, especially Mr. David Kaplan, who has worked very closely with us and been very helpful to us.

We would agree that many of the problems have been worked out. That is why all we are asking for is general guidelines. I think you

have got to establish legislative intent in this area, and at least the minimum areas. That is what H.R. 1753 calls for.

Mrs. SCHROEDER. I think the Bureau of the Census wants to respond. Is that correct?

Mr. HAGAN. That is correct.

While it is possible to address a few of the major points, in view of the timing I am going to ask Mr. Kaplan to respond to some of these.

And we may like to submit later for the record some responses to other points that Mr. Lockard raised.

Mr. KAPLAN. With regard to the CCD's, this program arose because of problems with the minor civil divisions. In a number of States, the minor civil divisions are no longer operative. Their boundaries are not known in many States.

So the Bureau, in order to provide statistics, developed this program a number of years ago. Census counting divisions exist now, I believe, in 21 States. They are put together in cooperation with the state. We approach the Governor's office to start this. It is nothing we do by ourselves. We approach the Governor's office, and through his office we work together. We certainly agree that, given what happened during the 1960's, we have to go back into these 21 States and see whether minor civil divisions have to be recognized.

For example, in the State of Georgia, I believe there are some 1,600 minor civil divisions called militia districts. The question in Georgia is: Are those operative today? Do the people who need redistricting data require figures for the militia district? Or are they a dead issue?

Mrs. SCHROEDER. Or use the precincts. That might be a feasible alternative.

Mr. KAPLAN. Yes, you are right on that score.

Incidentally, with regard to these census counting divisions, where they are large or even where they are small they are subdivided by enumeration districts, so if one is 8,000 population, they are broken down by enumeration districts into pieces of perhaps 500 or 1,000, et cetera.

The point Mr. Lockard made about the residence definition is really a very valid point and deserves being addressed. We are working closely with the conference on this matter. We will be at the Denver meeting. This deserves some very careful consideration, and we need input on that.

Military personnel on board ship are classified on the basis of the home port of that ship. Other military, for purposes of congressional apportionment, are classified according to the base where they are stationed or, if they are overseas, according to their home State.

This was something new for 1970. We did try, as part of the program in 1970, to meet new needs for redistricting to prepare the data in a new form so that those people could get the figures rapidly.

A so-called MEDList was prepared on computer tape. The MEDList had in it enumeration district population numbers. I think that virtually every State got a copy of that. This was our attempt to meet rapidly the need for enumeration district population counts.

I think we all look forward to 1980 to understanding the need better and to develop our techniques to meet those needs.

Mr. SCHROEDER. I have one question I want to ask you while you are back.

I know there are four or five States which hold their election in odd-numbered years, and I was wondering whether or not you can get information to those States for their statewide election like, say, 8 months after the census count.

How long does it take you to get the information back to the States for their use?

Mr. KAPLAN. We will try to arrange our work on a priority basis.

One of the recommendations in the booklet Mr. Lockard read is for the Bureau to try to arrange its work on a priority basis to meet the needs of particular States. And we will try to do so; to the extent that the situation in any one State is very complicated, we will have some problems.

Mrs. SCHROEDER. If the uniform mapping law were to take effect in most States, wouldn't that help along your problems with this bill?

Mr. HAGAN. That would help, if that were to come about.

Mr. Kaplan has informed me that New Mexico has initiated a law of this type.

The other issue, in addition to uniform mapping, would be our ability to use these boundaries, particularly in the rural areas, so that interviewers could find them on the ground and we wouldn't cause errors of another type to occur. If there is an indefinite boundary that cannot be located other than by an engineer, then we are in a risky position sending two interviewers out there with only 2 days of training and telling them to find it on the ground themselves.

That is the problem we have with the indefinite nature of many of these precinct boundaries in rural areas. So it is the nature of the boundary as well as the freezing or uniformity of boundaries.

Mrs. SCHROEDER. In the mapping law, I would think they could put language in to make that less of a problem.

Mr. HAGAN. I would hope so.

Mrs. SCHROEDER. So you could do it by roads or highways or section lines, or something?

Mr. HAGAN. Something that is uniquely identifiable in that particular State. It varies, of course, by parts of the country.

Mrs. SCHROEDER. I have no further questions, and I thank all the witnesses for coming.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

[The two State resolutions which were submitted by Joseph F. Lockard follow. The booklet entitled "Improving the 1980 Census," was retained in the subcommittee files.]

FORTY-FOURTH LEGISLATIVE ASSEMBLY OF NORTH DAKOTA—
SENATE CONCURRENT RESOLUTION NO. 4075

INTRODUCED BY COMMITTEE ON DELAYED BILLS

A CONCURRENT RESOLUTION urging Congress to consider and approve legislation relating to the procedures to be utilized by the Bureau of the Census for the 1980 census

Whereas, state legislative apportionment must be undertaken in conformity with the constitutionally required one-man, one-vote standard; and

Whereas, in conducting legislative reapportionment, states must rely on the population data prepared by the Bureau of the Census for each decennial period; and

Whereas, while previous standards of accuracy, timing, and geographic design adequate for the governmental and commercial purposes of the census, such standards are not presently adequate to meet demands which have surfaced from the legislative reapportionment activities of states following the 1970 census; and

Whereas, census enumeration districts utilized by the Bureau of the Census for the 1970 census do not follow minor civil division boundaries; and

Whereas, the 1970 census was taken on a block basis only in cities of over fifty thousand in population, which does not provide smaller cities with accurate data for equitable division into legislative districts; and

Whereas, officials charged with the responsibility of legislative apportionment presently face difficulty in obtaining information needed to perform these duties;

Now, therefore, be it resolved by the senate of the State of North Dakota, the House of Representatives concurring therein, That the Forty-fourth Legislative Assembly strongly urges the United States Congress to consider and approve legislation which would require the Bureau of the Census to establish procedures in the taking of the 1980 census which would increase the amount of time available to the bureau for completion of tabulations within the time requirements of states with deadlines for redrawing legislative boundaries to require the boundaries of census units to follow minor civil division boundaries, to require block statistics for all urban areas with a population of ten thousand or more, and to encourage the bureau to cooperate with all state officials who have legislative reapportionment responsibilities; and

Be it further resolved, That copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation, to the Chairman of the Subcommittee on Census and Statistics of the U.S. House Committee on Post Office and Civil Service, and to the Director of the Bureau of the Census.

HOUSE JOINT RESOLUTION NO. 37

By Steinhauer, Davidson (Robertson)

A Resolution to request the United States Congress to use voting precincts as the base enumeration districts in the 1980 census

Whereas, recent Supreme Court decisions requiring "one man, one vote" have become a vital consideration in providing for air representative government at every level in the United States; and

Whereas, population data provided by the census bureau is the primary basis upon which representative districts for legislative and other governmental bodies are established; and

Whereas, the basic enumeration districts used by the census bureau in the past have not conformed to voting precincts or other readily identifiable areas which might be related to voting precincts have made the process of periodic redistricting extremely difficult and arduous; and

Whereas, voting precincts appear to be of a compact and comparable size which would be readily useable as an enumeration district; and

Whereas, there is pending before the United States Congress legislation to effect this change prior to the taking of the 1980 census; now, therefore,

Be it resolved by the House of Representatives of the Eighty-ninth General Assembly of the State of Tennessee, the Senate Concurring, that this Assembly urge the United States Congress to consider the use of voting precincts as basic enumeration districts for the 1980 and any subsequent census.

Be it further resolved, That a copy of this Resolution be sent to the President of the United States, the Bureau of the Census, and to each member of Tennessee's Congressional delegation, and the presiding officers of each state legislature.

Adopted April 3, 1975.

Approved April 8, 1975.

RAY BLANTON,
Governor.

[The copy of H.R. 1753, which follows was ordered placed in the record along with the Administration reports from Office of Management and Budget and the Department of Commerce.]

[H.R. 1753, 94th Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES

By Mr. WHITE (for himself and Mr. RUNNELS)

A BILL To amend section 141 of title 13, United States Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with, and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The officers or public bodies having initial responsibility for the legislative apportionment or districting of each State may, not later than two years prior to the census date, submit to the Secretary a plan identifying the geographic areas for which specific tabulations of population are desired. Each such plan shall be developed in accordance with criteria established by the Secretary, which he shall furnish to such officers or public bodies not later than January 1 of the fourth year preceding the census date. Should the Secretary find that a plan submitted by such officers or public bodies does not meet the criteria established by him, he shall consult closely with such officers or public bodies in order to achieve the alterations in such plan that he deems necessary to bring it into accord with such criteria. Any issues thereon remaining unresolved after such close consultation shall be resolved by the Secretary, and in all cases he shall have final authority for determining the geographic format of such plan. Tabulations of population for the areas identified in the plans approved by the Secretary shall be completed by him as expeditiously as possible after the census date and reported to the President of the United States for transmittal to the Governor of each State: *Provided, however,* That such tabulations of population of each State shall, in any event, be completed, reported and transmitted to each respective State within one year after the census date."

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 27, 1975.

HON. DAVID N. HENDERSON,
Chairman, Committee on Post Office and Civil Service, House of Representatives,
Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Office of Management and Budget on H.R. 1753, a bill "To amend section 141 of title 13, United States Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with, and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes."

For reasons expressed in the report of the Department of Commerce to your Committee, the Office of Management and Budget feels H.R. 1753 is unnecessary and would be opposed to its enactment.

Sincerely,

JAMES F. C. HYDE, JR.
Acting Assistant Director for Legislative Reference.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., April 3, 1975.

HON. DAVID N. HENDERSON,
Chairman, Committee on Post Office and Civil Service, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Department on H.R. 1753, a bill "To amend section 141 of title 13, United States

Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with, and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes."

As you are aware, this bill is the same as H.R. 13340 which the House passed on November 18, 1974, but on which the Senate took no action. Our views on H.R. 13340 were expressed in the letter of May 16, 1974, to Chairman Dulski from Mr. Parrette, then Acting General Counsel (copy enclosed). Our views on H.R. 1753 are generally the same as those set out in the May 16, 1974 letter.

Since last May, we have continued to work closely with the Reapportionment Committee of the National Legislative Conference (now the National Conference of State Legislatures) to jointly obtain a more comprehensive understanding of needs and problems. The Reapportionment Committee prepared a set of ten recommendations which was adopted by the Conference at its annual meeting in August 1974; a copy of these recommendations has, I understand, been transmitted to your Committee. After the Conference's approval of the recommendations, the Reapportionment Committee began to discuss matters of implementation and, at a meeting attended by Bureau of the Census personnel, plans were initiated, for example, to (1) undertake a program of meetings with the appropriate officials of each state to ascertain the particular state's needs and (2) develop model state legislation for the purpose of having each state designate one office responsible for providing the Census Bureau with the maps and related geographic information required for the enumeration and preparation of the state's reapportionment/redistricting population counts.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the Administration's program.

Sincerely,

KARL E. BAKKE,
General Counsel.

DEPARTMENT OF COMMERCE,
Washington, D.C., May 16, 1974.

HON. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department on H.R. 13340, a bill "To amend section 141 of title 13, United States Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with, and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes."

As stated by Mr. Vincent P. Barabba, Director of the Bureau of the Census in the hearings before the Subcommittee on Census and Statistics in November 1973, the Department of Commerce does not believe that legislation is now necessary on the matter of providing decennial census population tabulations for the purpose of reapportioning/redistricting State legislative bodies. We recognize this purpose as one of the major uses of the census results and we are now working closely with the National Legislative Conference to ascertain the broad range of needs so that an optimal program can be developed for the 1980 census. At this time, however, needs in terms of both content and timing are not fully clarified. Furthermore, the ongoing research efforts may disclose unanticipated needs and considerations which may be especially important in relation to the time deadlines stated in the bill.

There is one aspect of H.R. 13340 to which we must take strong exception; namely, the target date for submittal of the State plans to the Secretary (page 2, line 5). The date of "two years prior to the census date" is not satisfactory. This timing appeared in H.R. 9290, an earlier version of the present bill, and Mr. Barabba commented on it as follows, in the aforementioned Committee hearings (Hearings, page 22): "The geographic preparations for the decennial census

proceed on a longer time schedule and, especially because of the added work resulting from H.R. 9290, the 2-year period is clearly insufficient. The geographic preparation for a census is vital to its success and H.R. 9290, as presently constituted, would endanger those preparatory operations."

In a later version, H.R. 11869, the timing was changed to three years, a reasonably acceptable date. The move back to two years in the present bill reopens this extremely important issue. H.R. 13340 creates a very clear possibility that the Bureau can find itself, on April 1, 1978, seeing for the first time the detailed plans of a large number of States. These plans would have to be reviewed, departures from the criteria identified, and the necessary alterations worked out in "close" consultation (page 2, line 14) with the State officials. The time pressures would then be intense since, after a particular plan is finally approved, it has to be carefully integrated into the existing standard geographic system. For the Bureau, such time pressures can translate into the highly unsatisfactory situation of increased errors in the geographic system. For the States, such time pressures can translate into inadequate consideration by the Bureau of their individual needs because the Bureau will obviously have to curtail drastically the scope and timing of consultation.

However, even if the two-year timing in H.R. 13340 were changed back to the three years, we should like to emphasize our firm belief that legislation is premature now and may turn out to be unnecessary when the needs and possibilities are fully determined.

The cost of H.R. 13340 cannot be closely estimated at this time because the dimensions of the new data product will not be determined until later in the decade. For example, we do not yet know what population statistics all the States really need for legislative redistricting, what general criteria will be established to systematize the product among the various States, what output will finally be decided upon as feasible and useful for each State, and in what form(s) the data will be delivered.

Considering that an additional workload and product are likely for every one of the 50 States, even an incremental expense averaging just \$25,000 per State will mean a total cost of over one million dollars. It appears more likely that the total cost will be several million dollars or, in relative terms, an increase of perhaps one or two percent in the entire budget for the 1980 decennial census.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the Administration's program.

Sincerely,

BERNARD V. PARRETTE,
Acting General Counsel.

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