

State may consider legal action against census bureau

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Count of illegal residents affects congressional reapportionment

By Stephen Largen

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State Sen. Bob Kostelka, R-Monroe, said Wednesday that the state Attorney General's Office is considering taking legal action to stop the U.S.

Census Bureau from using illegal residents in population counts used for congressional reapportionment.

A number of political experts have warned that counting illegal residents for

that purpose, as the Census Bureau has stated it intends to do, will help states like California, Arizona and New York, which have experienced significant gains in population due to an influx of illegal residents, and hurt states like Louisiana, which have not experienced such growth.

Kostelka, the chairman of the Senate and Governmen-



Kostelka

tal Affairs Committee, along with the House and Governmental Affairs Committee

will be charged with redrawing political district lines following the 2010 census. He made the remarks in a meeting with *The News-Star's* editorial board.

"(Legal action) is being considered," Kostelka said.

"They are exploring. That is an issue and not just in Louisiana. They are going to be contacting and communi-

cating with other states that have the same problem."

State Attorney General Buddy Caldwell said a decision has not been made on legal action.

"We're looking into the impact of census issues and how they might impact reapportionment but nothing has

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been decided," Caldwell said.

John Baker, a professor of constitutional law at Louisiana State University and Elliott Stonecipher, a Louisiana pollster and demographic analyst, are considering their own legal action contesting the Census Bureau's use of illegal residents for congressional reapportionment on behalf of municipalities that stand to lose representation.

Caldwell could choose to take action on the state's behalf. Stonecipher and Baker have said using illegal residents could be the difference between the state keeping its seven congressional seats or losing one, though many have said the state is likely to lose one seat anyway.

The Census Bureau has said it will count everyone, regardless of legal status, based solely on where they are on April 1, 2010.

The short-form questionnaire that will be used for the census does not ask about citizenship and Congress has not asked the Census Bureau to count non-citizens separately.

Kostelka on Wednesday reiterated his pledge to do everything in his power to make sure northeastern Louisiana will not be lumped into a congressional district that includes Shreveport in 2012 if the state does lose a seat. If the district is expanded, 5th District U.S. Rep. Rodney Alexander, R-Quitman, would be at a distinct electoral disadvantage if he had to run against a candidate from northwest Louisiana who would be able to draw support from the more populous hubs of Shreveport and Bossier City.

"That's one reason why I asked for and Gov. Jindal

gave me chairmanship of this senate committee because I don't want to see that happen," Kostelka said.

"One of my main interests is in seeing that northeast Louisiana keeps its congressional seat without being combined with either Shreveport or somewhere else. A few years ago we were combined with Shreveport. We don't think that worked. It was certainly not ideal for northeast Louisiana. We were like the tail on the dog; we were outnumbered and so forth."

Kostelka said preserving Alexander's seat is crucial for the entire state because of Alexander's seat on the powerful House Committee on Appropriations. Alexander ascended to that seat following his switch to the Republican Party in 2004.

"Washington goes by seniority and if you've got a senator or congressman that's sitting in a position of power; appropriations, you want to keep that congressman and a lot of people are going to recognize that we need to keep that seat," Kostelka said.

Kostelka said he foresees political tensions between north and south Louisiana legislators and preserving a majority-minority district in south Louisiana as mandated by the Voting Rights Act as the main stumbling blocks that will arise during reapportionment talks.

"We have elections coming up at the end of 2011 and the beginning of 2010 so we've got to get busy in the session," Kostelka said.

"The only thing we can do now is anticipate what they're going to be and begin work on that. The census will tell, the numbers will be there and that's what we'll have to work with."

The state won't know the official results of the census until 2011.