



Everything New Orleans

Census Bureau knocks Sen. David Vitter's proposal to ask about immigration status

By Jonathan Tilove

October 13, 2009, 11:03PM

The Commerce Department and Census Bureau declared Tuesday that an amendment by Sen. David Vitter, R-La., to require the **2010 census** to ask all persons their citizenship and immigration status would scuttle any chance that the census could be done on time and would cost taxpayers hundreds of millions of dollars.

The warning came even as the Senate Democratic leadership sought to head off a vote on the Vitter amendment to the Commerce, Justice, Science Appropriations bill. An effort by the leadership to invoke cloture failed Tuesday evening, with the fight over whether to vote on the Vitter amendment, which he co-sponsored with Sen. Robert Bennett, R-Utah, expected to resume today.

Vitter portrays his amendment as a last-ditch effort to protect the political power of Louisiana and other states with relatively small populations of people who are either not citizens or are not legal residents in the United States, and keep Louisiana from losing one of its seven congressional districts in the coming reapportionment.

The decennial census, required by the Constitution to count all "persons," is used for the purposes of congressional apportionment and legislative redistricting. The result is that places with more people -- regardless of their status -- get more representation.

Or as Vitter put it in floor debate on his amendment last week, "States that have large populations of illegals would be rewarded for that. Other states, including my home state of Louisiana, would be penalized."

Vitter said that in addition to Louisiana, the states of Indiana, Iowa, Michigan, Mississippi, North Carolina, Oregon, Pennsylvania and South Carolina "would lose out." He challenged the senators from those states, "if you vote against this amendment, then you are voting against the interests of your state."

By far the biggest winner under the existing system is California, followed by Texas, New York and Florida.

But opponents of the measure described it as ill-advised, and in its intent, both unconstitutional and discriminatory.

The Census Bureau, and the Commerce Department of which it is a part, said that 425 million of the 600 million census forms already had been printed, and that even adding an addenda sheet with the Vitter question also would require rewriting software code, reprogramming scanners and retraining census workers to the tune of hundreds of millions of dollars.

A statement released this week by six former census directors also noted that the bureau also would have to scrap its \$400 million outreach and promotional campaign built on the simplicity of the census short form's



Scott Threlkeld/The Times-Picayune

U.S. Sen. David Vitter portrays his amendment as an attempt to keep Louisiana from losing one of its seven congressional districts in the coming reapportionment.

10 questions, a campaign that in many cases also explicitly promises that the form does not ask about immigration status.

Adding this new question now, they wrote, "would put the accuracy of the enumeration in all communities at risk."

The fear is that households in which some folks are not legal will avoid enumerators, who then also will miss the legal people, including American-born children, living in the same household.

But perhaps, said Arturo Vargas, executive director of the **National Association of Latino Elected and Appointed Officials**, that is the point.

"It's intended to suppress the count of Latinos," said Vargas, a member of the **Census Advisory Committee** who was in New Orleans Tuesday to talk to foundation representatives about the census.

Under the amendment, the census still would be obliged to count everyone, but the additional information about citizenship and legal status then could be used to adjust the number that is used for the purpose of apportionment and redistricting, a move that would inevitably wind up before the Supreme Court for constitutional adjudication.

Steven Camarota, director of research at the **Center for Immigration Studies**, said that as a practical matter, the Vitter-Bennett amendment comes too late, but that "Vitter's concern is legitimate" and Louisianians are "right to worry" about a loss of power the way the current count is applied to reapportionment.

Camarota noted that, according to **2009 Current Population Survey**, there are about 21.3 million noncitizens among the nation's 305 million people. About half that 21.3 million are living here legally and about half are not. But, because those populations tend to be more concentrated in certain states, those states gain political power in ways that, he said, raise legitimate questions about democratic representation. In a study a few years ago, Camarota found that while in some states it took 100,000 votes to get elected to Congress, in a couple of districts in California, there were so few citizens that a candidate could get elected with 35,000 votes.

"We're losing a member of Congress because of this," said **Elliott Stonecipher**, a pollster and demographic analyst from Shreveport, who has written extensively on the subject. While Stonecipher supports adding the citizenship question to the short form, he does not think it is a good idea to ask about legal status, which he feared would "suppress response."

Roy Beck, executive director of **Numbers USA**, which supports lower immigration levels, said the group supports Vitter-Bennett because its members think that the power that accrues to communities whose population is inflated by those who are not in the country legally, "leads local and state officials to protect their illegal populations."

.....

Jonathan Tilove can be reached at tjtilove@timespicayune.com or 202.383.7827.

© 2009 NOLA.com. All rights reserved.