



# POLIDATA Political Data Analysis

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PUBLISHER OF THE POLIDATA® DEMOGRAPHIC AND POLITICAL GUIDES AND ATLASES

## REMARKS

### REMARKS OF CLARK H. BENSEN

#### REAPPORTIONMENT TASK FORCE NATIONAL CONFERENCE OF STATE LEGISLATURES

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We all wish to have the best available knowledge as to how many persons live within the borders of these United States. We all wish to know just where these persons live as well—that is, in which census block they reside. An adjustment of the census might better inform us as to the first but would not improve our knowledge of the second.

Likewise, some of us, perhaps residents of California, Texas or Florida would favor an adjustment as it would likely provide increased federal aid or seats in the U.S. House. Similarly, residents of states such as Pennsylvania, Ohio or Illinois might be against an adjustment which might lessen their share of this federal power.

I believe the Founding Fathers were quite aware of this very interplay of resources and addressed this concern at the Constitutional Convention in 1787.

A note entitled “The Federal Census at the Constitutional Convention: Representation, Taxation, and Objectivity” is hereby submitted for the record, a full copy of which is provided with my remarks. I will summarize a few relevant points.

We have all heard the phrase, “power tends to corrupt; absolute power corrupts absolutely” (attributed to Lord Acton, an English historian paraphrasing in 1887 the words of Eng. Statesmen William Pitt in 1770). George Mason a delegate to the Convention from Virginia, qualified this with regard to concerns raised about the potential for manipulation of the census process by the individual states. “From the nature of man we may be sure, that those who have power in their hands will not give it up while they can retain it. On the contrary we know they will always when they can rather increase it.” (Ferrand, I:578-9)

This view of Mason gains force by history in general. More specific relevant examples for our representation in the United States might be found by the lack of a Congressional reapportionment following the 1920 census or by the grossly malapportioned state legislatures across the nation until the 1960s.

To solve the potential problem for the new nation of having the interested party prepare the numbers by which political power would be apportioned, a linkage was made between representation and taxation. If a state inflated its number of persons to gain seats in the U.S. House, it would pay for the privilege through additional taxation. However, since the adoption of the Sixteenth Amendment in 1913 (allowing for the taxation of income), whatever disincentive the linkage had was lost to the footnotes of history.

Several of the dangers which any adjustment to the federal census bring to the discussion are, in my opinion, in contradiction with the intent of the Framers. It is convenient to argue that an adjustment would be the result of professional statisticians as to how to achieve another approximation of accuracy. However, in the end the degree to which any adjustment is made for any population subgroup, be it racial, economic or geographic, will be reduced to a question of public policy, decided by the Congress. No bureaucratic regulation will shield the operation from Congressional scrutiny.

More importantly, once there has been an *administrative* resolution as to what adjustment is required, there will be nothing to stop the *legislature* from enacting its own guidelines for a future adjustment. This results in exactly the situation which the Framers tried to avoid—the placing of their political destiny before them, where they might be tempted to “sacrifice their trust to momentary considerations.” (Ferrand, I:580)

Since the elimination of direct taxation with the income tax, other than the moral imperative of the public trust, there is no economic disincentive for the Congress to manipulate the numbers for the benefit of those momentarily in possession of power. In fact, there exist several large economic incentives due to



the billions of dollars of federal aid which are distributed, to some degree, on the basis of federal census results. In addition, there are political ramifications due to the shift of potential Congressional seats *among* states and the probable shift of state legislative seats among communities *within* a state.

The unadjusted census numbers may still not account for several millions of Americans and not provide us with the best knowledge of how many we are. However, notwithstanding the logistical and operational considerations of any adjustment to the census numbers, if those in power begin to manipulate the numbers, or the factors used to generate them, for the benefit of themselves or their constituencies, they will be abusing their power in exactly the manner which the Framers initially guarded against.

