Let me briefly introduce myself. I am Gordon Welty, Professor of Sociology at Wright State University. I have been a consultant to Gallup International, to Spelman College in Atlanta, to the Office for Civil Rights in Washington, and to the U.S. Department of Labor. In each case my work has been related to the issues I will address today. I have testified as an expert witness before the Foreign Relations Committee of the U.S. Senate, before several committees of the Ohio General Assembly, and other public bodies. I have a number of publications which bear on themes which are germane to today's topic. I speak today as a charter member of the Montgomery County Rainbow Coalition, through which I have worked in the Jesse Jackson campaigns and the Dean Lovelace campaigns.

Let me move directly into my comments. An enumeration of population was recognized as necessary for representative government, and was stipulated in Article I, Section 2 of the U.S. Constitution. At that time, more than two centuries ago, no one had even a glimmer of the notion of scientific sampling with determinate error terms. Hence the Founding Fathers specified that the census be a 'head count,' a total enumeration of the population, to be conducted on a decennial basis. It should be remembered, however, that the Founding Fathers also provided for the 'adjustment' -- if I may use that term -- of the actual tally. A chattel slave was to count for three-fifths of a free person in the early census. Of course this particular 'adjustment' was eliminated by Section 2 of the Fourteenth Amendment to the Constitution. But the notion that the tally itself was the final enumeration ("number") for political purposes, above and beyond any adjustment, would appear to be foreign to the original intent.

When we examine the current provisions of the Ohio Constitution, we find similar latitude. Article XI, Section 2, stipulates that "the whole population of the state [...] shall be divided" or apportioned into ratios of representation for the state House of Representatives and the state Senate. And how will the whole population be determined? The Constitution informs us that it will be based on the "federal decennial census or, if such is unavailable, such other basis as the general assembly may direct." The question then seems to be one of the availability of the census, a point to which we will return. In any case, latitude is again provided for 'adjustment' of any proposed tally or "count" which would purport to represent the whole population of Ohio.

That brings us to a consideration of misenumeration. This problem can clearly occur, and does occur, when a specific tally does not reflect the actual population. Indeed, i.e. would expect that some misenumeration would always occur, hence the issue is really not that of absolute accuracy but one of the tolerable limits of misenumeration. How much error can we accept? And for what purpose? The U.S. Bureau of Census has undertaken to
develop a series of safeguards in its ongoing efforts to control misenumeration, to keep it at an acceptable level. I don't want to focus on the technical issues here; instead I want to consider briefly how misenumeration, particularly what is called net underenumeration, affects the ability of categories of population to express their political interests. I will restrict my comments to the case of African American and white categories of population, since these are most relevant for Dayton and Montgomery County.

At least since the Second World War, there have been recurring problems with census underenumeration. Were the incidence of this problem a constant, let us say two percent undercount for each and every category of the population, it would be a matter of indifference for the purposes of legislative apportionment and congressional districting. This constant underenumeration would be 'tolerable' for these political purposes, at the same time that it would likely exceed tolerable limits of accuracy for other, scientific purposes.

But the incidence of underenumeration is variable across several crucial categories of population. The underenumeration of African Americans has been more serious than that of whites. Since the Second World War, underenumeration of African Americans has been two to three times that of whites, for any given decennial census. To some extent, this underenumeration can be attributed to the difficulty of getting enumerators to access the respondent living in the inner city. They hesitate because of fear, and find the respondent reticent when they do go in.

Moreover, the underenumeration of males -- Black or white -- has been more serious than that of females. During this same time period, underenumeration of males has been about one and one-half that of females. To some extent, this underenumeration can be laid to the weaker household attachment of males from the teens up to and through the forties.

These two factors combine -- note that this is an empirical point -- with the result that the underenumeration of African American males has been the most serious of the categories of population we are considering.

Differential underenumeration leads to underrepresentation of interests, so it follows that the more serious underenumeration of African American males means that their political interests are inadequately represented in this political system. They have become politically underinfluential, sometimes bordering on political powerlessness.

Were this differential underenumeration constant across time, that is to say from decennial census to census, then it would be possible to make an estimate of the ongoing underinfluence of interests of a given category of population and provide some remedy. Notice that this circumstance undercuts, in a decisive way, the claim that politics can be taken out of the legislative reapportionment process, a claim that our local newspaper made only two weeks ago. Consider the following -- to make an estimate of ongoing underenumeration and political underinfluence requires a study of population categories, which would be conducted externally to the census enumeration. That raises the possibility of a tradeoff between the respondent's privacy on the one hand and the
accuracy of the study on the other hand. The resolution of that tradeoff is a matter of policy that is a matter of politics.

Moreover, to remedy the documented underinfluence of some category of population requires another tradeoff with some other category which is 'overinfluential.' The resolution of such a tradeoff is even more obviously a matter of politics. If the currently well documented underinfluential status of African American males, with reference to the state House of Representatives, is to be remedied, then the relative influence of some other category must be diminished. Constitutionally, there are precisely ninety-nine members of the state House, and six more can't be added just because it has been documented that there has been a consistent underenumeration of six percent, let us say, of some category of population.

Likewise, if Dayton is currently underenumerated more severely than any other Ohio city -- as appears to be the case -- hence is politically underinfluential in comparison to Columbus, say, a remedy will require a tradeoff between Dayton and Columbus. All this is a matter of politics.

Let me just remark that differential underenumeration does not appear to be constant over time. The problem may be becoming more serious from census to census. That further compounds the situation.

How does this bear on the present issues of reapportionment? One issue that seems particularly problematic in this respect is the 1990 Census itself. At present, the federal census alluded to in the Ohio Constitution cannot be considered to be available to us in Ohio. The counts that have been released seem seriously and differentially to underenumerate categories of the population. This is particularly important to us in Dayton. These counts can and must be adjusted to more tolerable levels of accuracy. The technical provisions for this adjustment are in the hands of the Bureau of Census and the U.S. Department of Commerce. As is well known in public policy analysis, GIGO -- that is, Garbage In, Garbage Out. To the extent the assumptions of a plan -- be it a reapportionment plan or whatever -- are inadequate, so will be the plan itself. Without adjustment, it would seem that no plan for reapportionment can be developed.

Of course it would be naive to assume that plans won't be developed, even though they aren't acceptable. So let me first ask the Apportionment Board a question about its criteria. Will this Board require that all plans must make provision to adjust for underenumeration? Then let me offer an alternative. Under the present conditions, when the census counts aren't adjusted, when other bases for reapportionment are undetermined, perhaps the wisdom of Article XI, Section 7 (D) of the Ohio Constitution should prevail. That provides that "district boundaries established by the preceding apportionment shall be adopted to the extent reasonably consistent with the requirements of Section 3 of this Article," that is to say, with the requirement of "substantially equal", sized districts.
After that modest proposal, let me stress that I am not naive. Thus I will close with a final question to the Board -- what is our recourse as citizens when an inadequate plan is presented to the public on September 27, to be voted on by September 30. What is to be our recourse, in the face of an untenable and unacceptable plan for the reapportionment of our General Assembly?