



The Census and the Constitution

The Census Bureau estimates that the life cycle cost of the 2010 Census will be from \$13.7 billion to \$14.5 billion, making it the costliest census in the nation's history. Suppose you suggest to a congressman that given our budget crisis, we could save some money by dispensing with the 2010 census. I guarantee you that he'll say something along the lines that the Constitution mandates a decennial counting of the American people and he would be absolutely right. Article I, Section 2 of our constitution reads: "The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct."



What purpose did the Constitution's framers have in mind ordering an enumeration or count of the American people every 10 years? The purpose of the headcount is to apportion the number of seats in the House of Representatives and derived from that, along with two senators from each state, the number of electors to the Electoral College.

The Census Bureau tells us that this year, it will use a shorter questionnaire, consisting of only 10 questions. From what I see, only one of them serves the constitutional purpose of enumeration — namely, "How many people were living or staying at this house, apartment or mobile home on April 1, 2010?" The Census Bureau's shorter questionnaire claim is deceptive at best.

The American Community Survey, long form, that used to be sent to 1 in 6 households during the decennial count, is now being sent to many people every year. Here's a brief sample of its questions, and I want someone to tell me which question serves the constitutional function of apportioning the number of seats in the U.S. House of Representatives: Does this house, apartment, or mobile home have hot and cold running water, a flush toilet, a bathtub or shower, a sink with a faucet, a refrigerator, a stove? Last month, what was the cost of electricity for this house, apartment, or mobile home? How many times has this person been married?

After each question, the Bureau of the Census provides a statement of how the answer meets a federal need. I would prefer that they provide a statement of how answers to the questions meet the constitutional need as expressed in Article I, Section 2 of the U.S. Constitution.

The Census Bureau also asks questions about race, and I want to know what does my race have to do with apportioning the U.S. House of Representatives? If I'm asked about race, I might respond the way I did when filling out a military form upon landing in Inchon, Korea in 1960; I checked off Caucasian. The warrant officer who was checking forms told me that I made a mistake and should have checked off "Negro." I told him that people have the right to self-identify themselves and I'm Caucasian. The warrant officer, trying to cajole me, asked why I would check off Caucasian instead of Negro. I told him



Written by [Walter E. Williams](#) on February 19, 2010

that checking off Negro would mean getting the worse job over here. I'm sure the officer changed it after I left.

Americans need to stand up to Washington's intrusion into our private lives. What business of government is the number of times a citizen has been married or what he paid for electricity last month? For those who find such intrusion acceptable, I'd ask them whether they'd also find questions of their sex lives or their marriage fidelity equally acceptable.

What to do? Unless a census taker can show me a constitutional requirement, the only information I plan to give are the number and names of the people in my household. The census taker might say, "It's the law." Thomas Jefferson said, "Whensoever the General Government (Washington) assumes undelegated powers, its acts are unauthoritative, void, and of no force."

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