Outside Witness Testimony

Andrew Reamer, Research Professor, George Washington Institute of Public Policy, George Washington University, Washington, DC


Regarding the American Community Survey, Census Bureau, U.S. Department of Commerce

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Chairman Culberson, Acting Ranking Member Honda, and members of the Subcommittee, I am writing in support of the President’s budget request for $251 million to conduct a mandatory response American Community Survey (ACS) in Fiscal Year 2017.

As a research professor at the George Washington Institute of Public Policy, I focus on policies that promote U.S. economic competitiveness. From this perspective, I find that a fully functioning ACS is essential to the health of the nation’s economy and democracy and the efficiency of its national, state, and local governments. I also encourage the Subcommittee to recognize that, as Canada’s recent experience demonstrates, elimination of the mandatory response requirement will ensure the non-usability of ACS data for large swaths of U.S. geography and substantial misallocation and waste of billions of dollars in federal spending.

The Census Bureau is actively seeking to minimize respondent burden through engaging the services of the National Academy of Sciences. I ask the Subcommittee to read the National Academy’s findings and the Census Bureau’s response when they are available.

I wish the Subcommittee to understand that concerns about the invasiveness of the ACS and its predecessor questions in the decennial census have been expressed in Congress on a regular basis since the questions were first proposed in 1790 by Congressman James Madison and revisions were suggested in 1800 by Vice President Thomas Jefferson. Even so, for 226 years, Congress has continuously supported a mandatory response to ACS-type questions.

For the Subcommittee’s edification, I am attaching interactions on the House floor in 1790 and 1850 regarding the value of census questions for public policy and concerns about privacy. I ask it to please note that in 1850, congressional members seeking to remove the mandatory response did so out of fear that the information collected would be used against the maintenance of slavery.

I very much appreciate the opportunity to provide this testimony, hope the Subcommittee finds it of value, and look forward to the Subcommittee’s decision with regard to the ACS.
Tuesday, February 2.

Theodore Bland, from Virginia, appeared and took his seat.

The engrossed bill for securing the copyright of books to authors and proprietors was read the third time; but, on motion, was recommitted to Messrs. Boudinot, Sherman, and Sylvester.

Census of the Union.

Mr. Foster, from the Committee to whom was recommitted the bill providing for the enumeration of the inhabitants of the United States, reported the bill with amendments; and the House proceeded to the consideration thereof.

Mr. Livermore apprehended this plan was too extensive to be carried into operation, and divided the people into classes too minute to be readily ascertained. For example, many inhabitants of New Hampshire pursued two, three, or four occupations, but which was the principal depended upon the season of the year, or some other adventitious circumstance; some followed weaving in the spring and summer, but the making of shoes was the most predominant in the fall and winter; under what class are these people to be thrown, especially if they joined husbandry and carpenter's work to the rest? He was confident the distinction which the gentleman wished to make could not be performed; he was therefore against adding additional labor, and consequently, incurring additional expense, whether the work was executed or not. Besides this, he apprehended it would excite the jealousy of the people; they would suspect that Government was so particular, in order to learn their ability to bear the burthen of direct or other taxes, and under this idea, they may refuse to give the officer such a particular account as the law requires, by which means you expose him to great inconvenience and delay in the performance of his duty.

Mr. Sedgwick understood, when the bill was recommitted, it was intended to specify every class of citizens, into which the community was divided, in order to ascertain the actual state of the society. Now, he had to ask, why it was not extended further? He thought the learned professions should be returned, as well as the others, and would furnish as grateful information as the return of any other. The state of society could be ascertained, perhaps, in some degree, from observing these proportions.

Mr. Madison.—If the object to be attained by this particular enumeration be as important in the judgment of this House, as it appears to my mind, they will not suffer a small defect in the plan to defeat the whole. And I am very sensible, Mr. Speaker, that there will be more difficulty attendant on the taking the census, in the way required by the constitution, and which we are obliged to perform, than there will be in the additional trouble of making all the distinctions contemplated in the bill. The classes of people most troublesome to enumerate, in this schedule, are happily those resident in large towns, as the greatest number of artisans live in populous cities and compact settlements, where distinctions are made with great ease.

I take it, sir, that in order to accommodate our laws to the real situation of our constituents, we ought to be acquainted with that situation. It may be impossible to ascertain it as far as I wish, but we may ascertain it so far as to be extremely useful, when we come to pass laws, affecting any particular description of people. If gentlemen have any doubts with respect to its utility, I cannot satisfy them in a better manner, than by referring them to the debates which took place upon the bills intended collaterally to benefit the agricultural, commercial, and manufacturing parts of the community. Did they not wish then to know the relative proportion of each, and the exact number of every division, in order that they might rest their arguments on facts, instead of assertions and conjectures? Will any gentleman pretend to doubt but our regulations would have been better accommodated to the real state of the society than they are? If our decisions had been influenced by actual returns would they not have been varied, according as the one side of the other was more or less numerous? We should have given less encouragement in some instances, and more in others; but in every instance, we should have proceeded with more light and satisfaction.

The gentleman from Massachusetts, (Mr. Sedgwick) has asked, why the learned professions were not included: I have no objection to giving a column to the general body. I think the work would be rendered more complete by the addition, and if the decision of such a motion turned upon my voice, they shall be added. But it may nevertheless be observed, that in such a character they can never be objects of legislative attention or cognizance. As to those who are employed in teaching and inculcating the duties of religion there may be some indelicacy in singling them out, as the General Government is proscribed from interfering, in any manner whatever, in matters respecting religion; and it may be thought to do this, in ascertaining who, and who are not ministers of the Gospel. Conceiving the extension of the plan to be useful, and not difficult, I hope it may meet the ready concurrence of this House.

Mr. Page thought this particular method of describing the people, would occasion an alarm among them; they would suppose the Government intended something, by putting the Union to this additional expense, beside gratifying an idle curiosity; their purposes cannot be sup-
posed the same as the historian’s or philosopher’s—they are statesmen, and all their measures are suspected of policy. If he had not heard the object so well explained on this floor, as one of the people he might have been jealous of the attempt, and as it could serve no real purpose, for he contended, if they were now acquainted with the minutia, they would not be benefited by it. He hoped the business would be accomplished in another way.

Mr. Madison thought it was more likely, that the people would suppose the information was required for its true object, namely to know in what proportion to distribute the benefits resulting from an efficient General Government.

The schedules were now agreed to by the House, and the bill, with an alteration respecting the allowance to the Marshal of Maine, was ordered to be engrossed.

A message from the Senate, with the bill for giving effect to the laws of the United States in the State of North Carolina, was received: whereupon, the said bill was ordered to be enrolled, and Messrs. Gilman and White were appointed a committee for that purpose.

WEDNESDAY, February 3.

The engrossed bill for enumerating the inhabitants of the United States was read a third time, and then ordered to lie on the table.

RULE OF NATURALIZATION.

The House then went into a Committee of the whole on the bill establishing an uniform rule of Naturalization. Mr. Baldwin in the Chair. The first clause enacted, that all free white persons, who have, or shall migrate into the United States, and shall give satisfactory proof, before a magistrate, by oath, that they intend to reside therein, and shall take an oath of allegiance, and shall have resided in the United States for one whole year, shall be entitled to all the rights of citizenship, except being capable of holding an office under the State or General Government, which capacity they are to acquire after a residence of two years more.

Mr. Tuckey moved to strike out the words “and shall have resided within the United States for one whole year;” because he conceived it the policy of America to enable foreigners to hold lands, in their own right, in less than one year; he had no objection to extending the term, entitling them to hold an office under Government, to three years. In short, the object of his motion was, to let aliens come in, take the oath, and hold lands without any residence at all.

Mr. Hartley said, he had no doubt of the policy of admitting aliens to the rights of citizenship; but he thought some security for their fidelity and allegiance, was necessary besides the bare oath. The only way he thought an actual residence of such a length of time as would give a man an opportunity of esteeming the Government from knowing its intrinsic value, was essentially necessary to assure us of a man’s becoming a good citizen. The practice of almost every State in the Union countenanced a regulation of this nature; and perhaps it was owing to a wish of this kind, that the States had consented to give this power to the General Government. The terms of citizenship are made too cheap in some parts of the Union, to say, that a man shall be admitted to all the privileges of a citizen, without any residence at all, is that can hardly be expected.

The policy of the old nations of Europe has drawn a line between citizens and aliens: that policy has existed to our knowledge ever since the foundation of the Roman Empire; experience has proved its propriety, or we should have found some nation deviating from a regulation inimical to its welfare. From this it may be inferred, that we ought not to grant this privilege on terms so easy as is moved by the gentleman from South Carolina. If he had gone no further in his motion than to give aliens a right to purchase and hold lands; the objection would not have been so great; but if the words are stricken out that he has moved for, an alien will be entitled to join in the election of your officers at the first moment he puts his foot on shore in America, when it is impossible, from the nature of things, that he can be qualified to exercise such a talents but if it was presumable that he was qualified by a knowledge of the candidates, yet we have no hold upon his attachment to the Government.

Mr. Sherman thought that the interests of the State where the emigrant intended to reside ought to be consulted, as well as the interests of the General Government. He presumed it was intended by the Convention, that Congress should have the power of naturalization, in order to prevent particular States receiving citizens, and forcing them upon others who would not have received them in any other manner. It was therefore meant to guard against an improper mode of naturalization, rather than foreigners should be received upon easier terms than those adopted by the several States. Now, the regulation provided for in this bill, entitles all free white persons, which includes emigrants, and even those who are likely to become chargeable. It certainly never would be undertaken by Congress to compel the States to receive and support this class of persons; it would therefore be necessary that some clause should be added to the bill to counteract such a general proposition.

Mr. Page was of opinion, that the policy of European nations and States respecting naturalization, did not apply to the situation of the United States. Bioty and superstition, or a degraded prejudice against the Government, laws, religion, or manners of neighboring nations had a weight in that policy, which cannot exist here, where a more liberal system ought to prevail. I think, said he, we shall be inconsistent with ourselves, if, after boasting of having opened an asylum for the oppressed of all
But he would not dwell upon this subject; other points to be made the present issue. He proposed, for the present occasion, to look into the constitutional power of Congress, which he contended had been improperly peered to the House. The power given to Congress in the Constitution was "to lay and collect taxes, duties, imposts, and excises." A proviso was attached to this power, and excise duties were to be uniform throughout the United States.

Taxes were not enumerated in the list which came under the Constitution and excises to be laid and collected, but duties, imposts, and excises were to be uniform. What was the general power and the object of the Constitution? between the subjects of direct taxation which were to be appointed upon one principle, and the other three forms of taxation which were to be apportioned upon another principle. The first principle was the protective principle of a tax on importations, and the second was the direct tax upon persons or upon lands which could be assessed by enumeration and through geographic science.

1: the U.S. could not be as well assessed by a person residing in the city of Washington as by any other tax on any part of the country. The next thing was the power to make and enforce laws for the general welfare, powers would be of the greatest principle in the Constitution? Would it be for the people to secure the peace of the country or to make war? The object of the Federal Government is to secure the peace of the country and to make war? It would be for the people to secure the peace of the country.

There is in the free States a class of men entitled to all the privileges of citizenship there, who, if they see that the laws of the other States of the Union, are liable to imprisonment, and in certain contingencies to be sold as slaves, because it has pleased God to bestow upon them quite as white a skin as some of us wear. Is it not desirable to know how many of these people are in the practical sense? Give us light upon all these subjects, we do not obtain a surplus of information; and it seems to me that he that undertakes this statistical information, which is sought by the bill under consideration, has not well considered the elements out of which the power, the character of a country is made.

Mr. Woodward of South Carolina said he apprehended that the gentleman who had just resumed his seat [Mr. Clark] had given an intimation as to what was the true character of the present inquiry. He did not mean to be understood to mean in the sense of the gentleman, but it was not necessary, because no man could be blind to the fact, that the object of a part of this bill—it was not so with every part of it—but the object of this bill was to tax tobacco, and be properly an excise, and be levied upon every article of manufacture and commerce.

Mr. Woodward said he would state, once for all, that he had not the tables from the Senate.
before him, but only the tables reported by the House committee; and if there was not an inquiry into that subject, he had been misled. He asked the gentleman if there was not an inquiry how many children a woman had borne?

Mr. THOMPSON. There is none. Mr. STEVENS. There is in regard to slaves.

Mr. THOMPSON. I beg my colleague's pardon; there is no such inquiry. There is such a provision in the Slave bill.

Mr. THOMPSON. Then let this part of my speech go for the Senate; they have quite as much need of it there as here, in relation to this subject.

There was a delicacy (Mr. W. continued) in every mind and revelled from having everything made known in regard to private family relations, even where there was no guilt or offence. If a child was produced by another, or from friends? They were unwilling to have proclaimed in the market, or spread upon public notice, the very fact of which so much property he had, how many children his wife had lost, was questions annoying to a sensitive mind, even when put by a private person, and such a more so when demanded with a penalty by a censor for Government publication.

There was to show that the resources of the country by imports were diminishing. Import duties (he said) were a tax not upon wealth, but upon the difference between domestic and foreign cost of production. This difference was continually diminishing. The United States imported annually, and with it the foundation of impost. What was now a revenue duty, would presently be a tax to be paid by the consumer, and all duties must be progressively reduced. But the manufacturing interests could not submit to this reduction. They must, therefore, look out for other sources of revenue; they must look to direct taxes.

He would beg gentlemen to look at one feature in our country that ate interesting. Mr. W. continued—Mr. CARTTER of Ohio—Exported—yes, exported to the end of the world in ten years. The Western portion of the country, owing to the soil, the climate, and the African slave labor, sugar would then be made twenty per cent. cheaper than in any other portion of the world.

Mr. CARTTER (in his seat) and exported to—Mr. WOODWARD, (continuing) Exported—yes, exported to the end of the world in ten years. It is the Western portion of the United States, and would be incapable of bearing any duty. In Louisiana, Texas, the southern portion of the country, owing to the soil, the climate, and the African slave labor, sugar would then be made twenty per cent. cheaper than in any other portion of the world.

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