

Outside Witness Testimony

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**Prepared for the Subcommittee on Commerce, Justice, Science, and Related Agencies,
Committee on Appropriations, U.S. House of Representatives**

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

March 30, 2016

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.

H. of R.]

Census of the Union.

[FEBRUARY 2, 1790.]

States, in the State of North-Carolina, returned with amendments, in which the Senate requested the concurrence of the House; these amendments were agreed to, except one amendment only.

By the amendments of the Senate to the foregoing act a clause is introduced for the purpose of further suspending the operation of the tonnage act, respecting the vessels belonging to Rhode Island, till the first day of April next.

TUESDAY, February 2.

THEODORE BLAND, from Virginia, appeared and took his seat.

The engrossed bill for securing the copy-right of books to authors and proprietors was read the third time; but, on motion, was recommitted to Mess. 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 one 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 or 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-

FEBRUARY 3, 1790.]

Rule of Naturalization.

[H. or R.]

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 some other 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 the 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. TUCKER 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 requisite besides the bare oath; that is, 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 what 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 talent; 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, who framed the Constitution, 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. Bigotry and superstition, or a deep-rooted 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

got into a loan upon uncommonly reasonable terms. Is it not right, wise, that whenever the United States propose to borrow money that they should be able to exhibit, in an authentic form, the immense amount of property, real and personal, that is always responsible for the payment of the debt? Is it not desirable to know the mineral resources of the country? Both in peace and in war, the industrial pursuits of the country? The machinery of the country and its mechanical science and skill, with a view to their protection and encouragement? The gentleman from Georgia, the other day, took occasion to say that no government could stand or ought to stand, that brought its power in conflict with the property of the people. The property to which the gentleman referred, is property vested in slaves, which he was pleased to estimate at fifteen hundred millions of dollars. I deemed the expression indefensible, revolutionary; but since the sentiment is advanced in this House, and seems to be entertained by others than the gentleman from Georgia, it is quite desirable to know the ages as well as the numbers of the slaves, with the view of ascertaining their value, and comparing that property with other property which the same gentlemen seem to think deserves no protection, no encouragement. It is quite desirable to know the positive and relative yield of agricultural productions in different sections of the country, in order that we may see whether it be wise to ingraft slavery upon the immense territories which we have lately acquired. I know of no one fact, which the tables prepared by the chairman on the Judiciary would not be useful for us to know. Let there be light, was the command of Infinite Wisdom at the creation of the world. The rule seems to be reversed here, in the government of a small part of the world; and the cry of gentlemen here is, let there be darkness.

There is in the free States a class of men entitled to all the privileges of citizenship there, who, if they set foot in certain other States of this Union, are liable to be imprisoned, and in certain contingencies to be sold as slaves, because it has pleased God not to bestow upon them quite so white a skin as some of us wear. Is it not desirable to know how numerous this class is, with the view of ascertaining the practical value of a great principle of the Constitution? Would it not be worth while, if it were in our power, to ascertain the lineage and the place of birth of the African race, in order, amongst other things, to ascertain whether our laws excluding slaves from foreign parts are violated or observed? Is it not desirable to know the prevalent diseases of the country, whether they result from local causes or unhealthy trades, so that if need there be, we may discourage the unhealthy trade, drain the marsh? Is it not desirable, with reference to the health of the country and our quarantine laws, to ascertain whether diseases are imported, and whether they are the result of unhealthy food, or scarcity, or the crowded state of the vessel? Will not an inquiry into the diseases of the country tend to elucidate these facts? Give us light upon all these subjects; we shall not obtain a surplus of information; and it seems to me that he that underates this statistical information, which is sought by the bill under consideration, has not well considered the elements out of which the character, the power, of a country is made.

Mr. WOODWARD said, he apprehended that the gentleman who had just resumed his seat [Mr. CLARKE] had given an intimation as to what was the true object of asking a great variety of the inquiries contained in this bill. It was to know what facts might be alleged in derogation of a certain description of labor in a certain portion of this Union. It was not necessary for the gentleman to have made the intimation; other gentlemen had been more prudent in discussing this question. 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 particular parts of the bill was to procure and circulate over the country themes for abolition declamation. Who doubted that it was for that purpose? The object was to select the blemishes in the social system of the South, and harp upon these until the imagination of the country should be wholly prepossessed, and every favorable feature lost sight of. In this way any community in the world might be scandalized and brought into disrepute.

Mr. Woodward of South Carolina

But he would not dwell upon this subject; other occasions might be presented for this purpose. He proposed, for the present occasion, to look into the constitutional power of Congress, which he conceived had not yet fully been developed 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, "but all duties, imposts and excises shall be uniform throughout the United States." Taxes were not enumerated in the list which came under the proviso: taxes, duties, imposts and excises were to be laid and collected, but duties, imposts and excises were to be uniform. What was the object of that distinction? It was to distinguish between the subjects of direct taxation which were to be apportioned upon one principle, and the other three forms of taxation which were to be apportioned upon another principle. Taxes, here, meant direct taxes, and direct taxation was a taxation upon persons or upon lands which could be ascertained by enumeration and through geographical science. The latter could be as well ascertained by a person residing in the city of Washington as by any deputy surveyor who might be sent into any particular State. Capitation or direct taxes (which were synonymous in the Constitution) should be apportioned to federal numbers; duties, imposts and excises should be uniform, i. e. according to wealth. There was no necessity of ascertaining the value of the property in a State with a view to levying duties, imposts or excises. An enumeration of the inhabitants was necessary for the purpose of capitation, and it was necessary to know the quantity of land for the purpose of a direct tax upon it. Would they need the aid of a censor to ascertain the number of inhabitants and the amount of geographical area? It was ridiculous for the gentleman to look to this as a source of knowledge. As a measure of legislation it had been imposed upon Congress by the Constitution, but no well informed man ever looked to such a source for light and knowledge: they were more securely derived from other sources. The statistics of the States, certain known laws of relation between population and wealth in the same country, where conditions were identical, or the difference of conditions well understood and appreciated, would be a safer reliance for accurate knowledge than the returns of any United States censor.

Mr. STRONG interposing, (and the floor being yielded for explanation,) said he desired to ascertain the gentleman's views, for he (Mr. S.) hoped to have an opportunity of being heard more at length upon the subject. He wished to know whether the gentleman from South Carolina held, that Congress, in exercising the power of laying a direct tax (assuming what the gentleman had already declared, that it was a capitation or a land tax) was required to impose an equal tax upon land which was worth one dollar an acre, and that which was worth two hundred dollars an acre? and if it were not so, whether the inquiries relative to the value of property in lands contained in these schedules were not necessary? And secondly, he would like to ask the gentleman whether, in order to obtain anything like an uniform, equal tax throughout the country by an excise, it was not necessary to know what the personal property was?

Mr. WOODWARD (resuming) said they could not discuss every point that arose under a question in an hour, and he confessed he could not consent to any gentleman's indicating the particular topics which he should discuss. He did not mean to be discourteous. He would, however, notice one of the inquiries of the gentleman in regard to the value of the lands. He said that the attempts of the United States to survey each man's land, and fix the value of it, was never thought of and never would be thought of. The aggregate amount of a tax upon land was apportioned among the States irrespective of the value of their lands. Rich land or poor land, sand-barren or alluvion, a State had to pay so much, if it had so many federal population. How the tax should be distributed among the people of a State, was a question of internal justice and equality, and would depend upon the relative valuations which the local government would place upon different descriptions of land. What greater security could a people have that justice would be done them in this respect, than to have the matter left with their own local government, where each class of land-holders

would be represented, and could see that justice was done them?

Now duties, imposts, and excises were required by the Constitution to be uniform throughout the United States—that was, that the same law should exist for all the States, and that property, wealth should be the criterion of taxation, requiring all persons in all communities to pay according to their wealth and not according to their federal numbers. Now what necessity had Congress for this information in levying this sort of taxation upon wealth? Was it necessary? It would be convenient, but was it, in the language of the Constitution, "necessary and proper?" for the language of the Constitution was not necessary or proper, but necessary and proper. It was not necessary and proper to know the amount of property and wealth in order to know how to levy taxes. Could they not levy a tax of ten cents per gallon upon whiskey without knowing the whole amount of whiskey in the United States?

But suppose that this knowledge was wanted—suppose it was necessary and proper, was our censor, he asked, a more reliable authority than the State authorities? Would gentlemen assume that a State Legislature—the Senate and House of Representatives of a State, sanctioned by all the authorities of a State—were less likely to give true information than was the censor appointed by the Federal Government? The gentleman from New York wanted the information from federal officers. A sovereign State was unworthy to be trusted, was too mendacious to be relied upon in the transactions of this Government. It was a matter of convenience he (Mr. W.) conceded, but in no scale a matter of necessity or proper—while it should be both.

But to go a little further: admitting that the General Government had to obtain this information, the information sought, according to gentlemen's own view of the subject, should be confined to that which was itself the subject of taxation—if the taxing power was what it was intended to exercise. The taxing power ought not to have a greater scope than the subject of the power. What had the subject of taxation to do with the institution of a censorship modeled after that of Rome—for putting all manner of indelicate questions to persons touching the private family relations, manners, morals, &c.? That was what was proposed. Gentlemen did not confine themselves to what was the subject of their power. Now, gentlemen who talked of incidental power, misconceived the nature of things. There could be no such thing as an incidental power. Incidence was between the different parts of the same subject, and all the incidents made the whole subject. The power was one and indivisible, and covered the whole subject with all its incidents. Take for instance the coinage of money: the subject consisted of everything necessary and proper to coining—buildings, machinery, laborers, and chemical tests. There was not a distinct power for each one of these incidents, but a single power covering the whole. Mr. Madison gives this exposition of the method of construing the Constitution. Nothing could be more evidently true. An opposite method violated every law of human science and reasoning. Each power in Congress was a whole and complete power, as much so as any power in a State. It must not, however, transcend its subject. It would be absurd to suppose that any power could properly do so.

Could they send your censor to inquire of an old maid how old she was, and to require her to tell upon oath; and if she did not that she should be fined, indicted?

Mr. THOMPSON, of Pennsylvania, said there was no such provision in the bill.

Mr. WOODWARD said if he was mistaken, he thanked the gentleman for the correction. But at all events, if they exempted her from affidavit, they did not from fine, and imprisonment if she did not pay it. A woman who had borne an illegitimate child had to tell it; if she refused she was to be fined. [He here read the sixteenth section of the bill.]

Mr. THOMPSON said there was no provision in the bill as to children born. If, when the gentleman came to read it, there was anything in it so illegitimate as the gentleman's argument, he would himself give up the bill.

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. THOMPSON. 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 Senate bill.

Mr. WOODWARD. 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 refined mind that revolted from having everything made known in regard to private family relations, even where there was no guilt or scandal. What families did not conceal from one another, or from friends? They were unwilling to have proclaimed in the market, or spread upon public archives. How old a person was, how much property he had, how many children his wife had lost, were questions annoying to a sensitive mind, even when put by a private person, and much more so when demanded with a penalty by a censor of Government for publication. Having gone thus far, who knew where they would stop? Go read the history of the Roman censorship; see, from a modest beginning, what an odious tyranny it became in process of time—the most odious with which the Roman people was oppressed. Compare its progress, from its beginning to its ending, with the progress you have made thus far, and see in how short a time you will reach the greatest excess. Next you will inquire into all church matters—who go to church, how often, &c.

The policy of this bill was to lay the foundation for a system of direct taxation. Mr. W. then proceeded to show that the resources of the country by imposts were gradually diminishing. Imposts (he said) were a tax not upon wealth, but upon the difference between domestic and foreign cost of production. This difference was continually diminishing in the United States, and would presently vanish, and with it the foundation of imposts. What was now a revenue duty, would presently be a prohibitory duty. To raise revenue, therefore, 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 commercial relations, and industrial and agricultural pursuits at home. We had a climate comprehending every climate of Europe—a soil capable of producing everything that belonged to the soil of Europe, and at a cheaper rate than any other country in the world. Look at the article of sugar. Twenty years ago sugar would have borne an impost duty of one hundred per cent. What was the state of the case now? Half of that sum would amount to an absolute prohibition; and in five years hence, sugar might be exported from the United States, and would be incapable of bearing any duty. In Louisiana, Texas, and the southwestern 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. BAYLY (in his seat) and exported to—

Mr. WOODWARD, (continuing.) Exported—yes, exported to the end of the world in ten years from this time. And if in ten years hence, any duty at all should be laid upon that article, it must be an export duty. Had Congress the right to lay such a duty? But he would not dwell on this particular branch of the subject. What he contended for was, that this information was not desired with a view to impose taxes, and that we could not, from the power to enumerate the people, derive the power to enumerate the property—one being expressed in order to be created, the other should have been expressed if it was designed to be created. But admitting the principle that we could take the value of property, there was no authority to go beyond it. Under the Constitution of the United States, the word "census" was defined. So was the word "treason." I left everything else to be defined by political science. It defined "census" and "treason" in order to limit them. The word "census" it defined in the first instance, and then, in a subse-

quent clause, it said "census" or "enumeration." That was a special census. A census literally defined, comprehended more than an enumeration; but our census was a mere enumeration, and this particular census which was mentioned in the Constitution, was defined to be an enumeration. And well might the framers of the Constitution have been careful in defining the extent of the power—remembering, as they did, all fresh from the study of Roman history and of political history everywhere—well might they be cautious, when they remembered the character under the Roman government of that censorship which was commenced and half developed in the bill under consideration. If gentlemen limited themselves to an enumeration of the value of property, the bill would not be so objectionable. If they went beyond that, they would disappoint themselves. He made no threats. But there were hundreds of thousands of persons in the United States, who would not answer the questions which this insolent censorship might put to them. He would not answer them. No obtrusive officer should come into his house and ask for this information. He would not answer, and hundreds of thousands of others would not. He would go to the extent of fixing property and its value; but all this insolence, all this curiosity should receive no indulgence from him. If the people should be called upon simply to give this information, of their own free will, it was probable they might do so. But when it came upon them in the form of a demand—when fines were to be levied upon them if they did not tell how they got sick, how they died, and how they got cured—if they would not tell all about their marriages, all about the birth of their children—and when they were told that unless they answered all these things, they would go to jail, the case assumed an entirely different aspect. This was one objection to the bill—that the information sought for in these particulars would be unreliable; it would not be full and perfect. There was once a member here who refused to vote. It was attempted to make him vote. Did the attempt succeed? And was it less clear that the right existed to make that member vote, than to make a woman tell how old she was? Which was the clearest right? And if, in the former case, there was a failure, how was it to be expected that in the latter the attempt should be successful? If the point was yielded in this House, would gentlemen contend for it with a woman? These things were all odious. The inquisitorial officer was, of all others, and under every Government, the most odious. It was a bore to be catechised by anybody—but for a family to be intruded upon by a Government officer and asked a thousand questions was insufferable; and the country would resist it. It was this which made the Roman Empire odious—and it was this which would make this Government odious. And he had made these remarks to show that information thus collected would be unreliable, because it would not contain the whole truth.

Mr. CARTTER said he saw no particular propriety or impropriety in the introduction of the church statistics into the census bill: statistics relating to the various denominations are periodically ascertained and published by the religious bodies themselves, and nothing can be added to the information already possessed by means of the census. As no information is to be derived that we do not already possess, the less the Government has to do with religion the better: with this view I am not disposed to support this branch of the bill. Nor am I disposed to vote for any question in the schedule that is unnecessary to elicit information or that would offend delicacy. I am compelled however, to differ from the gentleman from South Carolina, [Mr. WOODWARD,] in the assumption that an inquiry as to the name of a man, woman, or child is impertinent or impudent. A name is given to a person for the purpose of entitling the person, and none are reluctant to be recognized by it but those who have done something to disgrace it. But over the etiquette of the matter there can be no great difference of opinion. There is no gentleman upon this floor who is disposed to insult his constituents; and I apprehend these objections are taken, not because the matter in itself is objectionable, but with the view of defeating one of the objects of the bill. Whatever may be my vote upon the immaterial details of the bill, I am willing and anxious to vote for all its sub-

stantial inquiries, and forward as far as I am able its principal objects.

The tables embrace a call for information of a substantial character. A proper answer to them will furnish knowledge necessary to a proper understanding of the rapidly-unfolding resources and diverse interests of the country—information important to the citizens of the nation in their daily business relations, and indispensable to a correct discharge of our duty as Representatives of the people. We enact no law that does not affect the interests of some portion of the country, especially appropriations affecting the Treasury. It is obvious to every member here, that the correct discharge of legislative duty must depend upon a full understanding of these varied interests of the country.

The constitutional doubts which have been expressed by several gentlemen as to the power of Congress in providing a law for the enumeration of the inhabitants of the United States, to also provide for ascertaining its wealth, have presented no difficulty to my mind. The course of argument which they have found it necessary to pursue in resisting the passage of this bill, acknowledges indirectly the power. It is acknowledged by all, that if we were engaged in the work of creating a law by the force of which direct taxes were to be imposed, it would be constitutional to inquire into the value of the property, and the character of the interests to be taxed. In a word, the power to tax involved the power, and enjoined the duty, of ascertaining and understanding the subject of taxation. This argument, although designed to explain away the constitutional power to call for statistical information in this connection, in my judgment, confirms it. If the power to levy direct taxes, imposts and excise duties—power expressly given in the Constitution—implies the necessity and authority to inquire into the subject of tax, impost, and excise, the same reason and authority will justify the inquiry insubordinate to the legislative enforcement of indirect taxation through customs. This Government is exercising the highest power of sovereignty in taxing and collecting from the industry of this country, or some other, annually, the sum of from thirty-five to forty-five millions of dollars. I am aware that there is a school of political economists, who have endeavored to inculcate the doctrine that this sum, the product of revenue and protective imposts, is not a tax upon the consumer, and does not reach the people in the form of taxation. That it is created out of nothing, and felt nowhere.

I am not a disciple of this faith. I believe this sum to be a tax, and a tax upon the consuming portion of our people, and especially that portion not engaged in the fabrication of the merchandise protected by the economy of the tariff. If correct in this view of the subject, and I have no doubt the sentiment is the judgment of a majority of the House, we are exercising the power of taxation every session of Congress; and as an incident to its exercise, have the right and obligations of duty to require that we should be informed of the various interests affected by tariff imposts, and their relations with each other. Sir, if there are reasons in the process of direct taxation for ascertaining the condition of the interests affected—a proposition conceded—there are double reasons for acquiring the same knowledge in the imposition of indirect taxation through a tariff. In the first instance, the tax-payer is admonished by a direct demand for money, that he is paying tribute to the Government, and that admonition is transferred from him to his representative, the result of which could not be otherwise than a watchful guardianship over the public treasury and faithful economy in its disbursement. In the latter case, the tax is drawn from the consumer insidiously and insensibly by way of meat, drink and clothing, daily, from the first day of January to the last day of December, morning, noon and night. The fund thus imperceptibly extracted is irresponsibly expended.

There is a method of ascertaining tangibly where this taxation falls, and when ascertained, equalizing its burdens. An important item in the process is a full disclosure of the various resources and wealth of the Republic, which is the first step to a correct knowledge of the wants of the people representing these various interests. For instance, it is a part of the current business history of this