

Making Sense of the Census

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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.

Article I, Section 2, United States Constitution.

You'd be forgiven for thinking that your involvement in the decennial Census was complete. After all, the deadline for filing the Census questionnaire was April 1, 2010. Responsible individuals had performed their civic duty. Reapportionment of 385 of the 435 House seats will be conducted in 2011 and Federal funding for the next ten years concerning certain State and local programs will be calculated based upon the population distribution records obtained by the Census.

While you might be done with the Census, the Census Bureau is not yet done with you. The Census did not conclude on April 1, 2010; only the passive portion of the Census ended on that date. Many individuals ignored their legal obligation to respond to the Census and thus the Census Bureau now must conduct the active investigation and enumeration. The mandate of the Census, after all, is to count each and every citizen. The Federal government isn't as easily deterred as some might think.

We are now halfway into the "active" portion of the Census. Through the end of July, Census workers will visit those households that did not return the Census document. Some of these government agents will visit the leasing offices of residential rental communities and demand information about apartments' residents who failed to answer. While this seems intrusive, refusal to provide the information to the Census taker is unwise. Unlike police agencies and other investigative bodies, a Court-issued warrant or subpoena is not necessary for the Census takers to collect the information they seek. Refusal to disclose seemingly private information, although a reasonable initial impulse, is not the right decision.

In order to facilitate the Census, Congress has given certain special powers and privileges to the Department of Commerce and its Census employees. The failure by property management personnel to obey these extraordinary powers carries with it a penalty.

Whoever, being the owner, proprietor, manager, superintendent, or agent of any hotel, apartment house, boarding or lodging house, tenement, or other building, refuses or willfully neglects, when requested by the Secretary or by any other officer or employee of the Department of Commerce or bureau or agency thereof [...] to furnish the names of the occupants of such premises, or to give free ingress thereto and egress therefrom to any duly accredited representative of such Department or bureau or agency thereof, so as to permit the collection of statistics with respect to any census [...] shall be fined not more than \$500.

13 U.S.C. § 223. Take note that the Census worker cannot be barred from the property, despite he/she not being a resident. Unlike police officers, private investigators, and snooping neighbors, the agents of the Census are permitted to obtain the information they seek without so much as a court order. On the other hand, the U.S. Department of Commerce can get such an order, and it would be served by U.S. Marshals. Compliance, as you can well imagine, is much less painful than

obstructionism. If you have legal counsel, do not hesitate to contact your attorney to inquire about the Census worker's demands, but be aware that the attorney will most likely inform you about your obligation to comply.

The Census exercise ends by December, which is when the Department of Commerce must report to the President. At that point, the entire process concludes for another ten years. Some states will gain U.S. Representatives, others will lose them, and many will see the Congressional district boundaries shift in order to maintain proportional representation. While the Census doesn't have an immediate, tangible benefit, you will see the effects over this new decade.