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Source of document: ATTN: FOIA Office
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UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

March 5, 2021

This letter is in response to your correspondence, dated January 3, 2021, to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on January 3, 2021, and have assigned to it tracking number DOC-CEN-2021-000614. We are responding under the FOIA to your request for:

- Records regarding the Secret Service request that the Census Bureau to provide information about the people in a neighborhood where they hoped to move President Truman during White House renovations in 1950. This request was denied by Ed Goldfield.
- Records concerning four FBI Special Agents search warrant request for Census Bureau records from the Colorado Springs office in 1980.

Enclosed are five (5) documents (42 pages) that are responsive to your request; these records are fully releasable under the FOIA. There are no charges for these records.

Please contact Sharel Miller or Deloris Reed of my staff by telephone at 301-763-2127 or by email at census.foia@census.gov if you have any questions regarding your request.

Sincerely,

Vernon Curry

Vernon E. Curry, PMP, CIPP/G
Freedom of Information Act/Privacy Act Officer
Chief, Freedom of Information Act Office

Enclosures

Enclosures

1999 To: Th. Prewitt
from Bill McCarroll.

Census Bureau Rejects Efforts to Compromise Confidentiality of Decennial Census Data

Bureau Turns Down Secret Service Request for Completed 1950 Census Questionnaires

Date of Document	Type of Document, etc.
Feb. 1, 1980	Memo for the File, Ted Clemence
Sept. 26, [1980]	Note from T[hodore] G. C[lemence] to C. L[ouis] K[incannon]

Shirley Houston
History Staff
2/8/99

February 1, 1980

MEMORANDUM FOR THE FILE

Ted Clemence

On January 12 an article appeared in the Chattanooga Times based on an interview with Ms. Ruth Harmon, DOM, in which she discussed confidentiality, and stated: "In 1950, when then President Harry Truman was moving out of the White House while it was remodeled, he wanted information from the census bureau to check up on his neighbors for security reasons. His request was denied."

I asked Fred Bohme to check this out, and he obtained the following information from Ed Goldfield (census official at the time).

Two representatives of the Secret Service came to Goldfield in confidence, asking to see census records for Spring Valley, in NW D.C., as they were considering moving Truman to that area.

Goldfield denied the request. They were upset and went off to check the law. Government attorneys advised them that Goldfield was correct. They returned to discuss other options, e.g., was there data that would shed light on the neighborhood.

They ultimately obtained an unpublished block tabulation from the 1950 census (citizenship was a 100-percent item in 1950) from which they concluded there were too many foreign-born in the neighborhood for security purposes, and subsequently located Mr. Truman in the Blair House.

Goldfield reports that he did not mention this incident outside the Bureau until 1969, in a conversation with Allen Westin, then chairman of the American Civil Liberties Union. ACLU was preparing a "blast" against the 1970 census and Goldfield sought to persuade him that personal records are protected fully by Census; he used the Truman story to influence Westin to make a balanced statement.

It seemed advisable not to publicize this incident unless there is more notice of it than heretofore; although it is a good story, it is not so long ago, and may cause a perception that "Presidents will always try" to set aside the rules.

9/26 -- CLK

This should be the same story Art Young told this week. I will ask him where he got it. It's plausible, but too informal to acquire status of cannonization; no support documents that Fred Bohme or I know of.

TGC

I'd not hesitate to use it in an informal setting.

LE
He appeared in Ruth Harmon, 1 stated: "In 19 of the White I from the cens

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*Ted.
Great! I'd like
a concise statement
about "Resisting the
FBI in Denver"
for 1970. That + the
Japanese information
paper sent to SW
for file R*

PRIVACY AND CONFIDENTIALITY IN THE U.S. CENSUSES--A HISTORY¹

Frederick G. Bohme
and
David M. Pemberton

The Census Bureau's firm commitment to maintaining the confidentiality of completed census forms was dramatically conveyed to census employees in the Colorado Springs, CO, District Office and the Denver Regional Census Center (RCC) on Wednesday, August 13, 1980. Late that afternoon, four FBI agents arrived at the District Office armed with a search warrant authorizing them to seize census documents, including completed questionnaires, in the course of their investigation of a case involving alleged questionnaire falsification and payroll fraud. An experienced census employee recognized the seriousness of this challenge to census confidentiality and alerted her superiors at the Denver RCC. She also tried to persuade the FBI agents that their warrant did not supersede the section of the U.S. Code that prohibits disclosure of confidential information to those who are not sworn census employees. About 90 minutes later, a census supervisor arrived in Colorado Springs, assessed the situation, and reported back to her boss at the RCC, who contacted Bureau headquarters in Suitland, MD. The Census Bureau's director, Vincent Barabba, recognized the potentially disastrous situation into which both the FBI and the Census Bureau had stumbled, and immediately began tracking down his counterpart at the FBI, Judge William Webster. Barabba finally reached Webster at a Washington, DC, restaurant, where he was eating dinner. After a brief flurry of telephone calls to their subordinates in Colorado, the two men agreed that a mutually satisfactory conclusion could be reached while the disputed questionnaires remained in the custody of the Census Bureau. Barabba dispatched a senior official to Colorado Springs to negotiate the details of the agreement. Ultimately, the documents were placed in a secure room protected by two locks, with one key held by the FBI and the other by a local census official. Under this arrangement, only sworn census employees were allowed to enter the room, but an FBI agent had to be present when the door was opened. While the door was unlocked, an agent was stationed outside the room to monitor the activities of census personnel. The Census Bureau brought in experienced enumerators from outside the Denver area to reinterview the respondents in the area where the alleged fraud had taken place and compare the original questionnaires with those from the recanvass. Census officials prepared a report that described all significant discrepancies uncovered

but did not reveal any confidential information (Associated Press 1980; Barabba 1980; Clemence 1986; Colorado Springs Gazette Telegraph 1980).

The organization responsible for taking U.S. censuses has not always been as assiduous in its efforts to safeguard the confidentiality of the data it collected. Indeed, the laws governing census taking between 1790 and 1840 required that the assistant U.S. marshals (who were responsible for data collection between 1790 and 1870) post the returns in "two of the most important places" in their enumeration districts (Wright and Hunt 1900: 131-47).² The idea was that anyone not enumerated could come forward and be added to the list.

Initially, U.S. censuses collected information and produced statistics the federal government needed for a few specific purposes: to reapportion seats in the House of Representatives, to levy taxes based on population, and to assess the country's military potential in the event of war. However, by the middle of the nineteenth century, policy makers at all levels of government, professional statisticians, and social scientists came to view the census as a marvelous opportunity to gather information on an increasing variety of demographic and economic topics (Anderson 1988; Cohen 1982). As the amount of information collected in censuses grew, so did the potential for abusing privacy (an individual's right not to reveal personal or proprietary information) and confidentiality (the census organization's responsibility not to disclose that information, once collected, to anyone else). Early nineteenth-century restrictions attempted to protect the confidentiality of individuals and companies responding to economic censuses. Concern about the protection of demographic records arose somewhat later and remained more rudimentary until the twentieth century. With the advent of computers and increasing demands for data for small areas, such as census blocks, the Census Bureau's emphasis has focused not only on protecting the confidentiality of the original census records, so they could not be used to anyone's detriment, but also on making certain that no individual or firm can be identified in the published tabulations. This paper will describe the evolution of confidentiality in relation to census information over the past two hundred years.

In the first census in 1790, and occasionally after that, some people opposed the census on religious grounds. They cited the Bible (II Samuel 24:1-15), where King David's taking of the census of Israel and Judah resulted in an epidemic that killed 70,000, as a reason to refuse giving any information; they also pointed out that the unwelcome results of other biblical censuses were military service and taxes. However, most Americans cooperated with the first census (there were penalties for refusing) and apparently raised few objections when the assistant marshals posted the returns in their enumeration districts, as Congress directed (Wright and Hunt 1900: 16). In the population censuses, this procedure remained in effect until 1850.

The treatment in the census of manufactures, which began in 1810, was somewhat different. First, response was voluntary and generally remained so until 1880. Congress hoped the respondents would be inclined to cooperate, joining in the members' views of "kindness toward the manufacturing interest in general" (ibid.: 136). The marshals did not post these returns, but did file copies with the U.S. District Court clerks. The results for 1820, both in coverage and quality, were so poor that Congress skipped that census entirely for 1830. By 1840, Congress had learned its lesson, and instructed the assistant marshals to assure respondents to the various nonpopulation questions that no individual or company names would appear in the statistical tables. Further, the assistant was to "consider all communications made to him in the performance of this duty, relative to the business of the people, as strictly confidential" (ibid.: 145).

For the 1850 censuses, no more returns of any sort were posted. The 1850 census act required each assistant marshal to prepare an original and two copies of his returns. The original was to be deposited with the appropriate county clerk. The marshals then were to send one set of the copies to the Secretary of the Interior for processing and transmit the second set to the secretary of the state or territory. We may assume that these documents would come under whatever access rules these local officials specified, but nowhere in the law itself was there any reference to confidentiality. Census procedures, though, were in a sense ahead of the law here. The Secretary of the Interior, newly charged with responsibility for the enumeration, officially reminded the marshals and their assistants about policy:

Information has been received at this office that in some cases unnecessary exposure has been made by the assistant marshals with reference to the business and pursuits, and other facts relating to individuals, merely to gratify curiosity, or the facts applied to the private use or pecuniary advantage of the assistant, to the injury of others. Such a use of the returns was neither contemplated by the act itself nor justified by the intentions and designs of those who enacted the law. No individual employed under sanction of the Government to obtain these facts has a right to promulgate or expose them without authority.

...all marshals and assistants are expected to consider the facts intrusted to them as if obtained exclusively for the use of the government, and not to be used in any way to the gratification of curiosity, the exposure of any man's business or pursuits, or for the private emolument of the marshals or assistants, who, while employed in this service, act as the agents of the Government in the most confidential capacity. When your original copies are filed with the clerks of the courts and secretary of your state, they will be under the control of those officers and subject to the usual regulations of the respective offices, and you can enjoy the same access to them which can be had by every citizen. To the publication of the mere aggregate number of persons in your district there can be no objection ³ (ibid.: 150).

Francis Amasa Walker, superintendent of the 1870 census, informed his assistant marshals that "strict and literal compliance [to the 1850 census act, under which they still operated] in every particular will be enforced," and added:

No graver offense can be committed by assistant marshals than to divulge information acquired in the discharge of their duty. All disclosures should be treated as strictly confidential, with the exception hereafter to be noted in the case of the mortality schedule [where professional review by a local physician was authorized]. Information will be solicited of any breach of confidence on the part of assistant marshals. The

[Department of the Interior] is determined to protect the citizen in all his rights in the present census (ibid.: 156).

The various nineteenth-century U.S. censuses were taken at 10-year intervals, by temporary organizations that suddenly came into being and then were soon forgotten. Dissatisfaction with the way censuses were carried out took a long time to build, but pressures for change became acute both before and after the 1870 enumeration. Data users complained especially about the economic tabulations and questioned the assistant marshals' ability to collect valid statistics either from complex industries or from entrepreneurs who kept few records. The 1870 population census—the first following the Civil War—drew fire, particularly from the Southern states, which complained about gross undercounting that affected their representation in Congress (Anderson 1988: 72ff).⁴

For mainly political reasons, major changes in census taking that might have been instituted in 1870 were delayed until 1880. These changes, once in place, increased the Census Office's control over the enumeration itself, over how the returns could be made more accurate than in the past, and over how they would be protected from abuse. U.S. marshals and their assistants were relieved of census responsibilities. They were replaced by local supervisors appointed by the President with the advice and consent of the Senate. These supervisors were authorized to select indigenous enumerators "solely with reference to their fitness, and without reference to their political party or party affiliations" (Wright and Hunt 1900: 936-43; cf. U.S. Census Office, 1874: 726ff and 1878: 3ff). (The 1890 act allowed veterans preference.) Most inquiries (12,000 or so) not dealing with population or agriculture were turned over to "special agents" who presumably had more expertise in their fields than the marshals and their assistants.

The 1880 census act required the enumerators, on oath, not to disclose any information they collected to anyone except their supervisors; elsewhere in the act (Sec. 12), confidentiality on both the supervisors' and enumerators' parts, however, appeared to be limited to "statistics of property or business." The 1890 act (Sec. 13) removed that stricture and prohibited disclosing "any information." In either case, violation could lead to a \$500 fine. Beginning in 1880, the completed schedules were no

longer to be filed with local officials, but were to be sent through the supervisors directly to the Interior Department in Washington. An amendment to the original 1880 act called for them to (1) prepare lists of the names of the people they had canvassed, with age, sex, and color, and file these lists with the county clerk, (2) advertise in at least three public places where they (the enumerators) would be to make corrections or additions, and (3) "make known to the bystanders, if any...the results of such inquiry for correction and the whole number of persons by him enumerated..." (Wright and Hunt 1900: 942-3). The 1890 act eliminated the filing of name lists, but it allowed local officials to buy such lists, which would include name, sex, age, birthplace, and color or race, at the rate of \$0.25 per 100 names (ibid.: 948).

This same permission appeared in subsequent census acts, varying only in the fee to be charged, and also was extended to individuals to cover "such data from the population schedules as may be desired for genealogical and other proper purposes." No limitations on those data were spelled out, such as who might or might not be eligible to receive them. This was left to the Director's discretion. The long-standing permission to furnish individual data as described above to Governors of States and Territories and to courts of record as well was not removed from the census law (Title 13, Section 8) until 1976.

The only thing clear about the 1880 and 1890 acts, from the perspective of the 1990s, is that the principle of census confidentiality was still evolving, and appeared to be more concerned with information about property or business than with personal characteristics. For example, when members of the general public resisted answering questions, on whatever grounds, about whether they were paupers or convicts, as they had been asked in 1850 and 1860, the census either dropped the items entirely (as in 1870) or moved them to special institutional schedules (as in 1880 and later years).

One way to increase census accuracy and lessen potential privacy-invading contact with an enumerator is to allow the respondent to fill out his or her own census return. This practice is largely accepted today, but only after a century's testing of (a) the respondent's ability to do this and (b) the census organization's ability to control coverage without a house-to-house canvass. Even then, enumerators must complete those cases where the respondent is unable (or unwilling) to comply.

Both the 1880 and 1890 census acts allowed enumerators to distribute census schedules to householders to puzzle over and fill out ahead of Census Day if this seemed advisable to speed up the canvass, but it appears that in both of these censuses, the materials did not arrive in time for any significant use of that proviso. For one thing, there was considerable grumbling that this would double the enumerators' work. Francis A. Walker, who superintended the 1870 census and had proposed "prior schedules" even then, argued that these could be delivered by mail if "legal service" on the part of the marshals did not have to be proved, and that these forms' use would lead to more accurate responses. Several assistant marshals informally distributed "prior schedules" in 1870, reportedly with considerable success (Report of the Superintendent 1871: xxvii; 1878: 13-14).

For the first and last time for some years to come, the 1890 census employed in place of the big census schedules, individual household questionnaires, called "family schedules," which certainly would have lent themselves to advance distribution. (Subsequent censuses had "absent-family schedules" that could be left or handled by mail. There was no use of a "nonresident schedule" in the census until 1930, when about 10,000 such reports were turned in and transferred to the families' usual place of residence for enumeration. Almost half of these reports came from California and Florida (Annual Report 1930: 10)).

An innovation, instituted with an eye toward minimizing an enumerator's invading his or her neighbor's privacy, was the use of a mailout/mailback form in 1890 for reporting farm or home mortgage indebtedness. Census headquarters sent a separate questionnaire, called a "circular," by mail to any householder reporting that such a mortgage existed, with the request to complete and return the form in the same way. The response, however, was discouraging, and the results were never published.

Largely because of the tight time schedule, the practice of using a "prior schedule" was not even attempted in 1900, when the scope of the censuses had been cut back considerably over 1890 and much of the nonpopulation canvassing had been turned back to the population census enumerators. In 1910, however, the Census Bureau (now a permanent agency) again tried the idea in cities of 100,000 or more inhabitants. Enumerators there distributed population schedules to households a day or two

before Census Day, April 15, but still were required to transfer any results to their big schedules when they made their official visits later (Annual Report 1911: 10). There was a separate agriculture schedule for each farm that year, and in this case, the mail carriers distributed them for later enumerator pickup. Management's opinion was that this helped in the "outreach" campaign, which had been crowned with the first Presidential proclamation on the census, and in which President Taft unequivocally promised confidentiality for all the information collected (the same words appeared in subsequent decennial proclamations):

The sole purpose of the census is to secure general statistical information regarding the population and resources of the country, and replies are required from individuals only in order to permit the compilation of such general statistics. The census has nothing to do with taxation, with army or jury service, with the compulsion of school attendance, with the regulation of immigration, or with the enforcement of any national, State, or local law or ordinance, nor can any person be harmed in any way by furnishing the information required. There need be no fear that any disclosure will be made regarding any individual person or his affairs. For the due protection of the rights and interests of the persons furnishing information, every employee of the Census Bureau is prohibited, under heavy penalty, from disclosing any information which may thus come to his knowledge (Proclamation 1910).

Advance distribution did not seem to be of any particular benefit with regard to the 1910 agriculture census, though; the Bureau tried again in the 1920's with a bit more success but still no commitment.

For the 1900 census, the ban on considering political affiliation in hiring enumerators disappeared (although each candidate had to prove that he or she could fill out a census schedule by doing so at home and handing it in), but the need for everyone to keep all census information confidential continued (with a possible \$500 penalty) remained. Local officials still could obtain lists, as in 1890, on a cost-reimbursable basis (Wright and Hunt 1900: 950ff.).

The 1910 act reestablished the ban on political preference in hiring, limited any examination to job-related fitness, and increased the fine for violating confidentiality to a maximum of \$1,000 and/or two years in prison. Further, the law specifically prohibited the Bureau from publishing any data in which an economic establishment might be identified (Census Bureau Legislation 1936: 48ff). ⁵ This had never been spelled out by statute before. The 1930 act (Section 28) extended this prohibition to identifying individuals as well (ibid.: 34). ⁶ (The possibility of individual disclosure through the 1930 census publications was rather remote, but it was addressed in the 1940 census; see the discussion of "disclosure analysis" on p. 18 below.)

Census confidentiality—or perhaps the maintenance of privacy—left something to be desired in 1910. There were numerous cases of over- and under-counting that had to be investigated and resolved; management found that in some areas, unauthorized third parties had collected (or compiled) census data about individuals and handed these over to enumerators, who simply transcribed them to their official schedules and collected (and probably split) the fees. Management called for legislation to prohibit such practices, as indeed they were in the 1920 act (Section 29)(ibid.: 44).

Just exactly how confidential the original census records themselves are has been subject to increasingly tight interpretation over the years. When the Census Bureau became a permanent agency in 1902, it permitted the public unrestricted access to the census records from 1790 through 1880. Apparently the only reason the 1890 and 1900 schedules were withheld at the time was that there were about 12.6 million family schedules for 1890--so many that they could not be bound into volumes (of which an estimated 30,000 would have been required), and the 1900 schedules were still in the process of being bound into some 2,800 volumes. (In 1921, before the age of microfilming, virtually all the 1890 population schedules were lost to fire and subsequent water damage.) Since many of the older volumes were in bad condition due to frequent handling, the Bureau decided in 1904 to stop all public access and offer instead census transcripts, certified if required, for a small fee. Aside from the usual genealogical interest in the individual census records, more and more Civil War veterans needed transcripts to prove their ages for pension purposes.

For a slightly different purpose, this need spilled over into World War I. Here, the Census Bureau did considerable work in furnishing transcripts to the Department of Justice, local draft boards, and individuals, especially in connection with cases where the individuals had been arrested for draft evasion. Men who were in doubt about their ages, and therefore their liability to register, also obtained transcripts as needed. As registration was required of all males between specified ages, either the prosecution or the defense needed to prove age. The Bureau also provided the U.S. Provost Marshal General with national estimates (using the 1910 census as a benchmark) of the number of men in various age groups, for comparison with the registration figures. The Solicitor General, in an opinion dated June 26, 1917, held that, as the census law then stood, the "Director of the Census might, in the exercise of his discretion, furnish to the officials in charge of the execution of the Selective Service Law, information in regard to the names and ages of individuals, as it did not appear that any person would be harmed by the furnishing of such information for the purpose for which it was desired" (Cited in Magie 1920).⁷ In a similar situation in 1920, the Department of Justice asked census officials in Toledo, OH, to provide information about individuals' citizenship from the 1920 Census of Population (then underway) for use in deportation cases that the Department of Labor had instituted. Here, the Solicitor General followed a line of guidance similar to the one cited above, but noted that the Director might also take into consideration whether the request would interfere with the progress of the census. The opinion also pointed out that the 1920 census act prohibited the Director from disclosing information from private business concerns, it did not restrict his discretionary disclosure of individual information (by the Director, but not by any other Census Bureau employee without the Director's permission) from the population and agriculture censuses:

Under the law[,] the Director[']s relation to the information gathered by the Government for census purposes seems to be in the nature of that of a custodian or guardian, who is to see that it is used for the purposes for which it was gathered and not for private purposes to the harm or detriment of the person or persons from who it was obtained under the implied promises that it would be considered confidential.⁸

... and the Bureau Narrows the Rules

In 1921, a number of the States and local institutions started campaigns to reduce illiteracy in this country. They soon had the statistics from the 1920 census on the subject, and realized that not only did the Bureau have the data, but also names and addresses. A number of States and organizations found funds, and the Bureau put clerks to work compiling lists for them from the census records. Since then, we have interpreted confidentiality much more strictly. Anyone applying for a census transcript is entitled to his or her own record and that of his/her minor child, but for anyone else must have a signed authorization. For a deceased person, a death certificate or similar evidence must be presented, as well as proof that the applicant is either a direct blood-line descendant or an heir. Thus, census transcripts are not available either to collateral descendants (such as the niece of a maiden aunt) or to someone trying to find out who was living in a particular household. Even the release of a name requires an authorization, although normally the transcript will show the householder's name in addition to that of the applicant and his/her relationship to that householder.

In 1930, the Women's Bureau (a Federal agency) asked the Census Bureau for a list of the names, addresses, occupations, and employment status of women living in Rochester, NY. Perhaps given a heightened concern about confidentiality, the Census Bureau referred the request to the Attorney General, who decided such information could not be released.⁹ It was on the strength of this opinion that the Bureau turned down the War Department's telephoned request in 1942 for the names and addresses from the 1940 census of Japanese living in Western States. What the Census Bureau did do, however, was to give the War Department stacks of punchcards (which had no names or addresses) identifying such persons by census tract or other small area--information readily available to anyone in the published reports, but in more convenient form. The military authorities thus knew where to concentrate their efforts to intern these people, but in no case did the Census Bureau, contrary to law, furnish information about individuals that could be used to their detriment. Similar requests from law-enforcement or security agencies have been routinely turned down: These include identification of foreign-born persons in a particular Washington, DC subdivision where an official residence was being

considered, and confidential verification--without authorization from the suspects for a census search--of U.S. residence addresses claimed as alibis in drug or immigration cases.

Even the address lists used in the census are confidential. In the litigation that followed the 1980 census, the City of New York obtained a district court order requiring the Census Bureau to turn over its address registers for the city (not the household questionnaires) so that local officials might compare the listings with their own records. The Bureau director at the time, Vincent Barabba, refused. In 1982, the case (Baldrige et al. v. Shapiro) ultimately reached the Supreme Court, which decided in the Bureau's favor: Address lists could not be disclosed, either through civil discovery or the Freedom of Information Act.¹⁰

Parallel situations, not highlighted in census history, demonstrate the tension between privacy and confidentiality, the personal risk in providing information versus the public need to know. One might cite a municipality's use of data on the average number of persons per room in housing units in a given census block to pinpoint possible zoning violations; a draft board comparing the number of males in certain age groups by census tract with its registration figures for the same area; and so on.

Protecting the Original Records

Confidentiality became an issue in the economic censuses, only in a different way. Not long after the 1958 census, the Federal Trade Commission (FTC) asked the St. Regis Paper Company for its file copies of the census of manufactures reports it had completed in recent years. The company refused, maintaining that the file copies came under the same guarantee of confidentiality against "purposes of taxation, investigation, or regulation" as the originals. (The Census Bureau had given respondents file copies routinely in the economic censuses and surveys taken by mail for many years, a practice that made it much easier to discuss and reconcile reported figures if questions arose. Often, because of the timing or the nature of the specific inquiry, the returns contained estimates that would not appear in the respondents' accounting records, but were of interest to the FTC.) The FTC pursued the issue through the courts until, in December 1961, the Supreme Court ruled that the census law did not protect the copies that respondents had retained.¹¹ The implications here for the economic censuses

and surveys were serious, as it appeared that respondents generally would be reluctant to furnish information, especially in the form of estimates or approximations. As a result of this experience, Congress amended Title 13 (the statute under which the Census Bureau operates) specifically to extend census confidentiality to file copies.

Until the mid-twentieth century, Congress enacted legislation for each decennial census and for the other censuses and surveys occurring in the intervening years. In 1954, however, the census laws were codified in Title 13, U.S. Code, and the Bureau has operated under that ever since. While Title 13 assures confidentiality for all records in the Bureau's custody (except those for the census of governments, which are taken from public documents), it nowhere states how long that confidentiality shall last, to the point where perpetual confidentiality has been assumed. Many Bureau records, including those from the population and housing, agriculture, and economic censuses, make their way into the custody of the National Archives, which by law receives Federal agencies' records. Once in Archives custody, such records come under Title 44, the code under which the Archives operates. Here, by a special 1952 agreement with the Census Bureau, microfilm copies of the population census records--those containing information about individuals--are released for public use after 72 years (a figure based on the precedent that the National Archives opened the 1870 and earlier records to the public shortly after receiving them in 1942). By law (Title 44, Section 2107), most other agency records more than 30 years old and not in current use must be transferred to the Archives, where they are made available for public use as soon as practicable unless some further restriction is placed on them. Thus, a person has access, for example, to as many pages of the 1910 Federal population census as he or she wants on microfilm furnished by the Archives, but can get from the Census Bureau only a transcript of his or her own 1910 record, or of other people's records for which specific authorizations are submitted.¹² On the other hand, existing paper or microfilmed records from much later economic censuses, which identify the responding firms, can be used at the Archives without any restriction except the required 30-year time lapse.

The Privacy Question Again in the Twentieth Century

The privacy issue was among those frequently raised when people objected to answering the decennial census in the twentieth century. There were few attacks against specific inquiries, however, until 1940, when the census first asked about personal wage and salary income. Public resistance was echoed in Congress, where there were unsuccessful attempts to delete this item as well as one on the presence in the housing unit of a toilet or privy.¹³ The Census Bureau moved to ease the situation by allowing respondents to mail in their income data rather than give them to the enumerators. The agency's stress in this, though, was on assuring confidentiality.¹⁴ For 1950, the census asked the income question only for a 25-percent sample of the population, and enumerators apparently encountered little trouble persuading respondents to answer or to complete and mail in an optional questionnaire on income.¹⁵

During the decade of the 1960's, various Members of Congress proposed census legislation involving matters of individual privacy versus public need, of citizens' freedom to give or withhold information about themselves, and of the government's obligations once it possessed these data. In 1967, there were efforts both within and outside Congress to limit the mandatory census to such items as name and address, age, relationship to the head of the household, sex, marital status, and visitors in the home at the time of the census. All other questions would be on a voluntary basis, including those concerning race. This was the substance of legislation sponsored by Rep. Jackson E. Betts (R.-Ohio) and supported by a number of his fellow Members. In other measures proposed, the imprisonment penalty for false information or refusal to reply would have been eliminated, and the penalties for wrongful disclosure by Census Bureau employees increased.¹⁶

Interest in all of these issues reached a crescendo in 1968 and 1969. There was much discussion in hearings and on the floor of Congress, in the newspapers, and in other media--discussion of the nature, purpose, and implications of such inquiries as those on the number of children ever born to a woman and on bathroom facilities, as well as of the burden placed on the respondents in completing the detailed sample questionnaires. In April 1969, the Secretary of Commerce moved to quiet concern by informing Members of Congress of a number of changes in the 1970 census. The wording of the

responses to questions on kitchen and bathroom facilities ("Do you have complete kitchen facilities?" "Do you have a flush toilet?" "Do you have a bathtub or shower?") was changed from "Yes, but shared with another household," to "Yes, but also used by another household" to avoid implications that the Bureau was interested in discovering who used the facilities (e.g., "With whom do you share your shower?"). The size of the census sample for these particular questions was reduced from 25 to 20 percent, so that fewer households would be required to answer in the first place. Despite the earlier campaigns, resistance to the 1970 census, in the form of willful nonresponse or obstruction, was minimal.¹⁷

Privacy, Confidentiality, and Automation

During the 1970's and extending into the 1980's and now into the 1990's, public attention focused more on the potential abuse of privacy and confidentiality in the possible establishment of national computer data banks and/or invasions such as those uncovered during the Watergate investigations in 1973-74. The resultant Privacy Act of 1974 allowed individuals to correct or amend their own records held by public agencies, but exempted statistical records (such as the census) on the grounds that they did not affect individual rights or obligations. In the case of the census, these records were confidential by law (Title 13, U.S. Code) anyway.

In 1977 and 1978, Congressman William Lehman (R.-Florida), introduced legislation that would have radically changed census content and procedures, including some items about personal characteristics, but his proposals did not reach the floor of the House.¹⁸ The 1980 census question on household relationship was not changed significantly over the one in previous censuses, except that instead of designating a "head of the household," the respondent could select anyone in whose name the home was owned or rented and show everyone else's relationship to that person (now called the "householder").¹⁹ Changes in living patterns since the 1970 census revealed significant increases in the number of "POSSLQ's"--"persons of the opposite sex sharing living quarters"--not related to each other by blood or marriage. A similar question in the 1990 census,²⁰ from which it would be possible to tabulate as well the number of same-sex persons sharing housing units at small-area levels (e.g., a

census block), gave rise to objections from gay and lesbian activist groups that reporting household relationship might lead to the identification--intentional or not--of homosexuals, and that this would be an invasion of privacy most easily resisted by refusing to respond to the census.

Disclosure avoidance, or **disclosure analysis**, is the method the Census Bureau uses to thwart anyone from identifying a particular respondent's data by analyzing published census or survey tabulations and, especially, by manipulating the linear relationships between them. Early on, the Bureau prevented disclosure in the economic area by presenting the data in broad or grouped ("collapsed") categories, by withholding other figures, or by suppressing certain cells (deleting and so marking the table entries). In general, the process was one where subject-matter specialists "eyeballed" the tables prior to publication and manually censored any suspicious number.²¹

Disclosure was no particular problem in the 1930 population census publications; the addition of the words "or individuals" to the 1930 census act applied most immediately to the issue of releasing personal data to third parties, as discussed above. There were no published tabulations for 1930 below the level of census tracts, wards, or similar areas of 5,000 to 12,000 people, and for these, cross-classification was limited. The Bureau tabulated--but did not publish--housing data, including the occupants' race and number of persons per room, by census block for 1940 for 191 cities; the Works Progress Administration prepared analytic maps from these data in 1943-44. The agency started withholding summary data from its demographic census reports, beginning with those for 1940, when the risk of disclosure appeared high. By 1960, the Bureau had developed statistical routines for avoiding indirect disclosure. In such cases, simple counts of population or housing units for the small area in question would be published, but information about those persons or units would be suppressed.²²

The Bureau began using an electronic computer (UNIVAC I) in 1951, and this vastly increased both users' and our ability to cross-tabulate data. Further, it became possible to build disclosure analysis into the tabulation process by prescribing, for example, the frequency with which particular characteristics would have to appear in order to be published. By establishing a so-called "threshold

rule," a known person's income could not be discovered by looking at county-level income data cross-classified by sex and occupation. The need for disclosure analysis became even more necessary when we began issuing public-use microdata files. This occurred first with punchcards containing selected statistics from the 1950 Censuses of Population and Housing, and then, for the 1960 and later censuses, with either summary tape files or samples of the raw data with personal and geographic identification removed. In all of these areas, the Bureau's disclosure analysis has become increasingly sophisticated. It has been extended to data furnished by or to other Federal agencies. Research in recent years has concentrated on ways to publish more information for small areas by using techniques such as random rounding or exchanging household statistics among census blocks instead of suppressing the data.²³

Balancing Private and Public Statistical Needs

The American public has many statistical interests, and over the years the census has been called upon to satisfy them, even though the responses might be suspect and the resultant data not even valid. At various times, the Bureau has been asked to include a question on religion. Such an inquiry was tried once in the Current Population Survey in the 1950's, with adverse results and reactions. (There were censuses of religious bodies as late as 1936, which gathered statistics about congregations.) People have difficulty reporting other items, such as social security numbers, with any degree of accuracy, as nice as it would be to use these numbers for linking records in longitudinal studies. These numbers once were considered privileged information, but in recent years they have been used so widely for school registration, credit card verification, on bank checks, etc., that they no longer present a privacy issue. Census questions on citizenship have been routine for many decades, but efforts in recent times to identify undocumented aliens through the census have had to be resisted not only as invasions of privacy but also as a danger to a complete count. Commercial interests as well as pet owners have lobbied occasionally for a census question on the number of dogs and cats. Such an inquiry probably would not invade privacy, but it is doubtful that the results would serve a **national** interest--at least not now.

The Census Bureau's policy in soliciting suggestions from its users and in offering census questionnaire content to Congress for approval is that each item must fulfill a national data need and that valid data can be collected with reasonable success. A strong element in all of this is how respondents perceive the census: Does it invade our privacy? Will the replies assuredly be kept confidential? Will the results be beneficial? As the Census Bureau holds information about each of us, do we need to be concerned over data access, computer crime, and the spread of computer "viruses"? As will be seen in the history of these issues over the past 200 years, the census's sensitivity and individual reaction continue to change, and each decade brings a new chance to strike a balance between the risk for the individual and the public's "need to know."

Biographical Note

Until his retirement at the end of 1993, Frederick G. Bohme was chief of the History Branch in the Data User Services Division of the U.S. Bureau of the Census. David M. Pemberton is acting chief of the History Branch.

Acknowledgements

Earlier versions of this article were presented at the American Statistical Association annual meeting in Atlanta, GA, on August 20, 1991, and at the Social Science History Association meeting in New Orleans, LA, on November 2, 1991. The authors wish to thank Margo Anderson, several Census Bureau colleagues, and the anonymous reviewers for this journal for their helpful comments. The views expressed in the article are attributable to the authors and do not necessarily reflect those of the Census Bureau.

Notes

1. Earlier versions of this article were presented at the American Statistical Association annual meeting in Atlanta, GA, on August 20, 1991, and at the Social Science History Association meeting in New Orleans, LA, on November 2, 1991. The views expressed in the article are attributable to the authors and do not necessarily reflect those of the Census Bureau.
2. Wright and Hunt 1900: 131-99 reprints instructions, circulars, and related correspondence sent to marshals and assistant marshals (1820, 1830, 1840, 1850, and 1870) and to enumerators (1880 and 1890).
3. General Francis Amasa Walker, superintendent of the 1870 census, criticized the 1850 practice of depositing copies locally: "The knowledge on the part of the people that the original sheets of the census were to be deposited among the records of the counties to which they relate, has added almost incalculably to the resistance which the inquiries of the census have encountered. It is useless to attempt to maintain the confidential character of a census under such circumstances. The deposit of the returns at the county seat of every county constitutes a direct invitation to impertinent or malicious examination. No proper purpose can be served by this copy of the census returns. All the use to which it can be put must be improper and mischievous." (U.S. Census Office, 1871: xxviii).

For the decennial census years beginning with 1850, and more or less annually after 1878, the superintendent of the census submitted annual reports to the Secretary of the Interior. These reports, which the Government Printing Office published, usually are cataloged under the author heading, U.S. Census Office or Bureau of the Census, and provide useful background information for anyone studying the agency from an administrative standpoint. The annual report series continues into the twentieth century, with detailed information from the permanent Bureau's director to the appropriate departmental secretary. From 1950 on, however, the published information is limited to a summary in the Secretary of Commerce's annual report to Congress.

4. The 1870 census figures were corrected in 1890, far too late to do anything about the South's House seats in 1872, when reapportionment took place.
5. In 1953, the Attorney General held that the Bureau might furnish other federal and state statistical agencies with the industrial classification codes it had assigned to particular establishments without violating the census law, provided this would not lead to any later identification of confidential information (McGranery 1953).
6. The Act authorizing the 1930 census added "or individual" to the earlier wording that dealt only with data furnished by "any particular establishment" (Census Bureau Legislation 1936: 34).
7. Cited in letter, E.R. Magie, Acting Solicitor, to the Secretary of Commerce, January 15, 1920.

8. Ibid. There is no record that the requested information was ever delivered to the Justice Department. In 1976, the "detriment" clause was amended (Title 13, Section 8(c)) to permit using respondent information in prosecuting alleged violations of Title 13. The meaning of "proper purpose" and "detriment" has been questioned on occasion. In one case in recent years, an individual brought suit against a State board of health that refused to issue delayed birth certificates showing one race because the agency had found 1870 and 1880 census records listing in the public library listing a different race for the plaintiff's father and grandfather. The State was upheld on appeal in May 1963 (State ex. rel. James Lytell vs. Louisiana State Board of Health).

9. Attorney General William D. Mitchell to the Secretary of Commerce, 36 Op. Atty. Gen. 362, Sept. 29, 1930. The Census Bureau's legal adviser, Matthew E. Erickson, cited this opinion in responding in the negative (letter to P. Schilla, Feb. 16, 1971) to an inquiry from California Rural Legal Assistance as to whether the Bureau might furnish the courts with individual census data for use in jury selection.

10. 455 U.S. 345 (1982).

11. 368 U.S. 208, 82 S. Ct. 289.

12. This restriction does not apply to censuses taken by the individual States (cf. Henry J. Dubester, State Censuses: An Annotated Bibliography of Censuses Taken After the Year 1790, by States and Territories of the United States [Washington, DC: Government Printing Office, 1948; reprinted 1969 and 1975]) where the States retain custody of the records, nor to non-Federal census records in the Archives' possession. For example, the Puerto Rico Planning Board took economic and demographic censuses of the island in 1935; their records are in the National Archives' Federal Records Center in Suitland, MD, and open to public use.

The rationale behind the Bureau's archival policy during the period discussed above is set forth in Edwin D. Goldfield, "Preservation of Confidential Source Records," unpublished paper presented at the Conference on the National Archives and Statistical Research, Washington, DC, May 27-28, 1968.

13. A few weeks before Census Day, Senator Charles W. Tobey (R.-VT) urged Americans to "protect their constitutional rights and demand the removal of the offensive questions: 'I predict that if they insist upon this snooping campaign there won't be jails enough to hold the American people who will have the courage to cry "Hold! Enough!"'" There was some public response, but not enough to cause deletion of the questions. U.S. House of Representatives, Confidentiality of Census Information, Report to Accompany H.R. 12884, 91st Cong., 1st Sess., Report No. 91-407, p. 5.

14. U.S. Bureau of the Census, 200 Years of U.S. Census Taking: Population and Housing Questions, 1790-1990 (Washington, DC: Government Printing Office, 1989), p. 69.

15. Ibid., pp. 74-75.

16. U.S. Bureau of the Census, 1970 Census of Population and Housing, Procedural History, series PHC(R)-1 (Washington, DC: Government Printing Office, 1976), p. 1-16.

17. Ibid., pp. 1-14 and 1-16.

18. U.S. Bureau of the Census, 1980 Census of Population and Housing: History, series PHC80-R-2 (Washington, DC: Government Printing Office, 1986-1989), pp. 10-4 to 10-7.

19. 200 Years of U.S. Census Taking..., p. 89.

20. Ibid., p. 100.

21. Cf. Lawrence H. Cox, Sarah-Kathryn McDonald, and Dawn Nelson, "Confidentiality Issues at the United States Bureau of the Census," Journal of Official Statistics, Vol. 2, No. 2 (1986), pp. 135-160; U.S. Department of Commerce, Office of Federal Statistical Policy and Standards, Statistical Working Paper 2, Report on Statistical Disclosure and Disclosure-Avoidance Techniques (Washington, DC: Government Printing Office, 1978), passim.

22. Sherry Courtland, "Census Confidentiality: Then and Now," Government Information Quarterly, Vol. 2, No. 4 (1985), pp. 407-418; Paul T. Zeisset, "Making Decennial Census Data Available," ibid., pp. 419-431.

23. Brian Greenberg, "Disclosure Avoidance Research at the Census Bureau," 1990 paper presented at the 1990 Annual Research Conference, Bureau of the Census, Arlington, VA, March 18-21, 1990, pp. 1-23.

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The Washington Post

Census Statistician Edwin D. Goldfield Dies at 87

By Joe Holley
Washington Post Staff Writer
Tuesday, October 11, 2005

Edwin D. Goldfield, 87, a retired statistician with the U.S. Census Bureau and a leader in the field of census statistics, was found dead Sept. 27 at his home in Temple Hills. Mr. Goldfield, who lived alone, was discovered by friends when he failed to show up for an appointment. According to the Maryland medical examiner's office, he died of cardiovascular disease.

He began his career at the U.S. Census Bureau in 1940 with what he thought would be a temporary appointment to work on the statistical processing of the decennial census. That temporary assignment stretched into to a 35-year government career. During that time, he was program coordinator for the 1950 Census, chief of the bureau's Statistical Reports Division, assistant director of the Census Bureau and chief of its International Statistical Programs Center.

He also served as staff director of the House of Representatives Subcommittee on the Census, as a consultant to the Social Science Research Council and the Mutual Security Agency and as a member of the editorial advisory board of the International Encyclopedia of the Social Sciences. He led several U.S. delegations to international statistical conferences.

Mr. Goldfield was born in Brooklyn, N.Y., and graduated from the City University of New York in 1938, majoring in mathematics, statistics and economics. He became interested in a career as a statistician while working as an intern in the office of New York Mayor Fiorello H. LaGuardia. He received a master's degree in statistics from Columbia University in 1940 and intended to get his doctorate but instead went to work. He did graduate work in statistics and economics at American University from 1940 to 1946.

He took a federal examination to qualify as a junior statistician and received the second-highest grade in the country. He took the exam a second time and did even better.

A faculty adviser at Columbia urged him to move to Washington and take a temporary job at the Census Bureau, which would allow him, as he recalled in an oral history, "to get in on the 'ground floor' and have that experience, which was available once every 10 years." Except for the temporary assignment with the House of Representatives, he stayed with the Census Bureau until his retirement.

During his years at the bureau, Mr. Goldfield was involved with the changeover from manual tabulation of information to computer tabulation, relying initially on vacuum-tube computers the size of a city block, then optical scanning devices and finally digital computers capable of large-scale data processing.

He also helped implement statistical sampling.

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After his retirement in 1975, he joined the Committee on National Statistics at the National Academy of Sciences. He served as study director for a panel that produced the report "Privacy and Confidentiality as Factors in Survey Response" (1979), and he also served as director of the committee.

Mr. Goldfield retired again in 1987 but remained active in federal statistics. He maintained an office at the Census Bureau, visited the Committee on National Statistics regularly and directed the Census Alumni Association. He was a past president of the American Statistical Society and a fellow of the American Statistical Association.

There are no immediate survivors.

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Oct 11, 2005

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THE WASHINGTON POST

OBITUARIES

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By JOE HOLLEY
Washington Post Staff Writer

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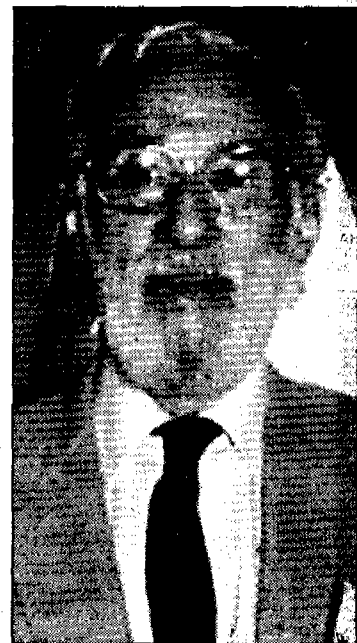
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Edwin D. Goldfield's temporary job at the U.S. Census Bureau in 1940 stretched into a 35-year career.

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Surveyor of U.S. Life Kept His Own to Himself

By Joe Holley
Washington Post Staff Writer
Sunday, October 23, 2005; C10

In the middle decades of the 20th century, Edwin D. Goldfield might have known more about his fellow Americans than anyone else in the nation.

A brilliant statistician with the U.S. Census Bureau from 1940 until his retirement in 1975, he helped make possible many of the information-gathering innovations that transformed the bureau from a counting agency into a sophisticated operation that today compiles and interprets huge amounts of general statistical information about how Americans live and work.

Not that he would ever have divulged what he knew. It's against the law to reveal census information that could identify a person, household or business. Goldfield not only adhered to the law, he was a true believer in privacy.

In 1950, before renovations temporarily closed the White House, Secret Service agents visited the Census Bureau. They told Goldfield they needed to collect information about people who lived near the house where they were planning to move President Harry S. Truman. It was a matter of national security, they insisted.

Can't do it, Goldfield told the Secret Service. The privacy of census respondents was paramount.

Goldfield, who died Sept. 27 of cardiovascular disease at age 87, was himself a private man. A lifelong bachelor, he lived alone in a modest apartment in a working-class neighborhood of Temple Hills. No one knew for at least a day that he had died until he failed to show up for a Cosmos Club luncheon he had arranged for longtime friends from the Census Bureau.

Goldfield, who was born in Brooklyn, N.Y., was brilliant from the beginning, said Claire Afromsky, his cousin. She recalled how he would read stories to another cousin who was three years older, even before the two were school-age.

Another cousin, Gloria Alpert, grew up in the same household. She remembers hearing him pace his room at night while he studied. He was valedictorian of James Madison High School in Brooklyn in 1935 and graduated from City College of New York four years later, majoring in statistics, mathematics and economics.

His nephew Mark Goldfield said his father told him there was a young woman in Ed Goldfield's life many years ago, but his uncle's parents objected to a marriage because she wasn't Jewish. Goldfield acceded to their wishes. Work became his life.

He became interested in a career in statistics while working as an intern in the office of New York

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Mayor Fiorello H. LaGuardia. Goldfield took a federal examination to qualify as a junior statistician and scored the second-highest grade in the country. He took the test a second time and scored even better.

In 1940, a faculty adviser at Columbia University, where he was doing graduate work in statistics, advised him to go to Washington and take a temporary job at the Census Bureau to gain practical experience. The temporary assignment evolved into a career in national statistics that lasted nearly a half-century. He later worked for the National Academy of Sciences, where he headed the Committee on National Statistics.

He arrived at the Census Bureau at an enormously innovative time. Among the changes he helped implement was probability sampling, first used the year Goldfield arrived.

Current Census Bureau Director C. Louis Kincannon, who met Goldfield in 1963, said Goldfield performed "an integrative function" over his long career. He was able to work across categories in the complex process of compiling statistical abstracts and other compendia of information.

"Ed was always asking imaginative questions," Kincannon said. "He could be a bit of a pest sometimes, but he was a sharp guy who went around and talked to people and stayed in touch with leaders of the profession. That gave him an advantage in knowledge and preparation."

He also took part in the changeover in the 1940s and 1950s from tabulating machines, first used in 1890, to punch-card machines invented by former Census Bureau employee -- and IBM founder -- Herman Hollerith. The punch-card machines evolved into computers. As program coordinator for the 1950 Census, Goldfield had at his disposal the pioneering computer known as UNIVAC 1.

For his personal use, he had pencil and paper, Mark Goldfield discovered last week. In going through his uncle's apartment, he found that Ed Goldfield did not own a home computer and had tabulated his taxes over the years by hand.

Growing up, Mark Goldfield would see his uncle occasionally. He remembered him as a quiet, somewhat formal man who always brought small gifts for him and his sister. Ed Goldfield quietly helped pay for their college educations.

Mark Goldfield also discovered that his uncle the statistician was "a very, very well-organized pack rat."

Neatly arranged in the small apartment were World War II ration books, tax returns dating to 1940, books and articles about statistics and grade-school drawings that his nephew and niece had sent him more than 40 years ago. He also had held on to a collection of bowling trophies he had won.

Goldfield believed the American people were getting their money's worth from the federal agency he helped shape. "I have the feeling that virtually everything that the Census Bureau produces has benefits that are greater than its cost," he said in a 1991 oral history.

For a frugal man, who until the day he died drove a 1981 Oldsmobile, that was worth noting.

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Biographical Note

Edwin D. Goldfield was a member of the staff of the Bureau of the Census for 35 years (1940-75). His positions at the Bureau included Program Coordinator for the 1950 census, Chief of the Statistical Reports Division, Assistant Director for Statistical Information, Assistant Director for Program Development, and Chief of the International Statistical Programs Center. In addition, he has served as Staff Director for the U.S. House of Representatives Subcommittee on Census and Statistics, Executive Director of the Committee on National Statistics of the National Academy of Sciences, U.S. delegate to international statistical commissions, and member of the Editorial Advisory Board of the Encyclopedia of the Social Sciences. He is a member of Phi Beta Kappa, an elected Fellow of the American Statistical Association, past President of the Washington Statistical Society, and recipient of the Meritorious Service Award of the U.S. Department of Commerce, and author of many statistical articles and reports.

David M. Pemberton has been a historian with the History Staff of the Bureau of the Census since 1985. He was a coauthor of the *History* of the 1980 Census of Population and Housing, editor and coauthor of the *History* of the 1990 Census of Population and Housing, and editor and contributor to the *History* of Census 2000 (in progress). In addition to his work on the history of recent decennial censuses, he manages the Census Bureau's oral history program. He received his Ph.D. from Rutgers University in modern European history and has taught American and European history in colleges and universities in New Jersey, North Carolina, and Washington, DC.

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3/24/70

Does the census invade your privacy? Only in the sense that any questions about yourself, including "How are you?" invade your privacy. We surrender some of our privacy when we choose to live in a society, and establish governments and other organizations to provide services for us. The alternative is to live as a hermit in a cave. The census is not an improper or undesirable invasion of privacy for two reasons. First, your answers to the census questions are strictly confidential by law and cannot be passed along to anyone outside the Census Bureau. Thus, they are not used in any way except the way you authorized them to be used: to be compiled into statistics for your community. Second, the census includes only questions that are needed to provide statistics for important governmental use. No question can be included in the census just to satisfy bureaucratic curiosity, or to benefit business or other private interests.

The census questions are not very prying, anyway. There are no questions about criminal records, politics, religion, credit ratings, or anything like that. Even so, the Census Bureau takes its responsibility for secrecy very seriously. All employees are required to take a solemn oath never to reveal any of the facts about any particular person or family, and all are subject to a law that prescribes heavy penalties, including jail sentences, for violation. There have never been any known cases of violation of this law. The law makes no exceptions — not even the highest government officials or the most urgent government needs can open up the census records, because upholding the irrevocable guarantee of secrecy is of overriding importance. Trust in the confidentiality of the census makes people willing to give complete and accurate answers to the census questions and makes the census statistics complete and accurate.

On some occasions in the past, government officials who may not have been fully aware of how tight the census law is have approached the Census Bureau for individual information and have always been turned down. At the beginning of World War II the War Department decided it would be necessary for reasons of national security to relocate Japanese nationals who lived in the West Coast States. It asked the Census Bureau to provide it with a list of the names and addresses of persons of the Japanese race who were enumerated in the 1940 census. The Census Bureau, in accordance with the census law, refused to provide the list. When the White House was being rebuilt and thought was being given to finding a temporary home for the President in a particular locality of Washington, the Census Bureau was asked to provide information on the persons who lived in that area, to assist in checking them out. Again, the law required that the request be refused.

The new procedures adopted for the 1970 census make it even more private than ever before. In the past, the questions were asked by census takers, called enumerators, who called at each household and wrote the answers to their questions on census forms. The enumerators, of course, were sworn to secrecy, but some people may have been reluctant to tell the answers even to them. Using the mail in 1970 has made it possible for many households to eliminate the question-and-answer interview and fill out the forms themselves and mail them back to the census office.

You might ask why the census could not be made even more secret by omitting the names from the census forms. Theoretically this could be done, but it would be an inconvenient and inaccurate way to take the census.

The listing of names helps to make sure that everyone is counted and that no one is counted twice. One way in which the census office in each locality checks to see that everybody has been counted is to distribute, toward the end of the census-taking period, "Were You Counted?" forms and to have them printed in the local newspapers. Persons who believe they may have been missed put their names and addresses on these forms and send them to the census office, where they are checked against the census questionnaires to see if there are any omissions.

When the data from the census questionnaires are put on computer tape for processing into statistics, the names are left behind. Thus the computer tapes are anonymous. There is one further use for the names, however. A microfilm copy is made of the original census questionnaires before they are destroyed, and the set of microfilm reels is held in a guarded building in a separate location away from Washington -- in Pittsburg, Kansas -- where they can be used for the "Personal Census Records Service," sometimes called "Age Search." Any person, upon his own signed application, can get a transcript of his census record through this service. He can get only his own, and not that of anyone else, not even a relative. People use these transcripts, when they lack birth certificates or other records, to establish proof of age for eligibility for Social Security, to establish citizenship for a passport application, and for other such purposes. Over the years, millions of persons have benefited from this service, and have realized how fortunate they were that they were counted in the census.

1980 Census – Colorado Springs Incident

The census's approach to respondent confidentiality has changed significantly over the past two centuries. For the first several censuses, assistant marshals were ordered to display the individual responses to the census in two public places in their areas. This rudimentary effort at quality control allowed respondents to examine their census results and correct any errors. Over the next two centuries, the Census Bureau's commitment to respondent confidentiality increased dramatically. Title 13 of the U.S. Code prohibits the release of information on individual respondents to anyone outside the Census Bureau.

Consider the following situation. During the 1980 census, the FBI obtained a warrant from a federal judge allowing them to seize completed questionnaires from the Colorado Springs, CO, census office in connection with an investigation of questionnaire falsification. Despite the protests of local census employees, FBI agents did remove several boxes of completed questionnaires as part of their investigation. Director Vincent Barabba of the Census Bureau tracked down the director of the FBI, William Webster, at a Washington area restaurant and persuaded Webster that the confiscation of these questionnaires posed a delicate legal problem. The two agencies agreed that the FBI would return the questionnaires to the local census office and that the investigation could proceed with Census Bureau officials conducting a recanvass of the suspected area where the alleged falsification had taken place and then comparing the results of the original data collection effort with the recanvass. FBI agents were stationed in an adjacent room checking that only census officials went in and out and that the questionnaires remained in the room. Today, as in 1980, the Census Bureau goes to great lengths to protect respondent confidentiality.