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Constitutional Q&A: American Community Survey

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In an age when the government has significant technological resources at its disposal to not only carry out warrantless surveillance on American citizens but also to harvest and mine that data for its own dubious purposes, whether it be crime-mapping or profiling based on race or religion, the potential for abuse is grave. As such, any attempt by the government to encroach upon the citizenry's privacy rights or establish a system by which the populace can be targeted, tracked and singled out must be met with extreme caution.

The U.S. Census Bureau's American Community Survey (ACS), while seemingly benign, raises significant constitutional concerns.

Empowered by Congress with greater powers to amass information about citizens, the Census Bureau introduced the ACS in 2005. Unlike the decennial census, which is basically limited to a simple head count every ten years for the purpose of establishing representation in Congress, the ACS is sent on an ongoing basis to about 3 million homes every year at a reported cost of hundreds of millions of taxpayer dollars.²

The Census Bureau claims that individuals who receive the ACS must complete it or be subject to monetary penalties under 13 U.S.C. § 221, which states in relevant part: "Whoever...refuses or willfully neglects...to answer, to the best of his knowledge, any of the questions on any...survey provided for by subchapters I, II, IV, and V of chapter 5 of this title...shall be fined not more than \$100. Whoever...willfully gives any answer that is false, shall be fined not more than \$500." This means that if a person answers every question except one on the ACS, they are still in violation of that statute. Despite the maximum fine being stated as \$100 in the statute, the Census Bureau has threatened people that they could be fined up to \$5,000 for not fully answering the ACS based on the Bureau's legal theory that "Title 18 U.S.C. Section 3571 and

¹ The Rutherford Institute, a national nonprofit civil liberties organization, is deeply committed to protecting the constitutional freedoms of every American and the integral human rights of all people through its extensive legal and educational programs. The Institute provides its legal services at no charge to persons whose constitutional and human rights have been threatened or violated. The Institute's mission is twofold: to provide legal services in the defense of civil liberties and to educate the public on important issues affecting their constitutional freedoms.

² Jill Wilson, "R.I.P., Census Long Form," *New Republic*, May 12, 2010. <https://newrepublic.com/article/74934/rip-census-long-form>.

Section 3559...amends Title 13 U.S.C. Section 221;"³ but it is unclear if a court would agree with the Census Bureau's interpretation. And some have questioned whether each unanswered question could qualify as a separate violation, but it is likewise unclear whether a court would agree with such a reading of the statute.

Although the Bureau states on the first page of the ACS and often in correspondence that "Your response is required by law," no reports have surfaced of individuals actually being penalized for refusing to answer the survey. In a 2022 class action lawsuit challenging the statutory authority and constitutionality of requiring responses to the ACS, the Census Bureau confirmed that no one has ever been prosecuted for failing to answer the ACS and that it would not prosecute the two plaintiffs who refused to answer the ACS. Due to this "paucity of enforcement," the U.S. District Court for the Western District of Washington dismissed the lawsuit brought against the Census Bureau and the Department of Commerce because it concluded the lawsuit's claims were not ripe for consideration without a specific and genuine threat of prosecution (i.e., more than the Census Bureau simply stating that a response to the ACS is required by law).⁴ In its findings, the court stated that "there is no specific threat that the Census Bureau or the DOJ [Department of Justice] intends to prosecute the Plaintiffs, or any individual for that matter," and "Defendants [the Census Bureau and Department of Commerce] assert...that no one has ever been prosecuted for failure to complete the ACS."⁵ However, this ruling does not mean that the Census Bureau could not change course and start seeking to prosecute people for failing to complete the ACS.

Estimated by the Census Bureau to take 40 minutes for the average household to complete, the ACS contains some of the most detailed and intrusive questions ever put forth in a census questionnaire. These concern matters that the government simply has no business knowing, including questions relating to respondents' bathing habits, home utility costs, fertility, marital history, work commute, mortgage, and health insurance, among others. For instance, the ACS asks how many persons live in your home, along with their names and detailed information about them such as their relationship to you, marital status, race and their physical, mental and emotional problems, etc. The survey also asks how many bedrooms and bathrooms you have in your house, along with the fuel used to heat your home, the cost of electricity, what type of mortgage you have and monthly mortgage payments, property taxes and so on.

However, that's not all. The survey also demands to know how many automobiles you own, whether you have trouble getting up the stairs, and what time you leave for work every morning, along with highly detailed inquiries about your financial affairs. And the survey demands that you violate the privacy of others, such as your employer, by supplying some of their names and addresses. The questionnaire also demands that you give other information on the people in your home, such as their educational levels, how many years of school were completed, what languages they speak and when they last worked at a job, among other things.

While some of the ACS's questions may seem fairly routine, the real danger is in how this information could be used by the government or with whom it could be shared.

³ <https://www.census.gov/programs-surveys/acs/about/top-questions-about-the-survey.html>.

⁴ *Murphy v. Raimondo*, 3:22-cv-05377-DGE (W.D. Wash. Jan. 03, 2023) (slip op., at 1, 7, 10, 13).

⁵ *Id.* (slip op., at 9).

The Rutherford Institute has received hundreds of inquiries from individuals who have received the ACS and are not comfortable sharing such private, intimate details with the government or are unsettled by the aggressive tactics utilized by Census Bureau field representatives seeking to compel responses to ACS questions.

The following Q&A is provided as a resource to those who want to better understand their rights in respect to the ACS.

Q: What is the decennial census?

A: The U.S. Constitution requires that a decennial census be conducted every ten years for the purpose of making an “actual enumeration” of the persons within each state.⁶ The purpose of the decennial census is to apportion the 435 members in the U.S. House of Representatives among the several states.⁷ After a decennial census is conducted, states which have increases in population may gain additional seats in the House of Representatives at the expense of other states. For example, in 2013 after the 2010 census, Florida gained two seats in the House, while New York lost two.

Q: What is the American Community Survey (ACS)?

A: The American Community Survey, a questionnaire produced by the Census Bureau, not only asks about the number of persons in a household but also asks a broad range of questions about the activities of the people living in the household. The Census Bureau estimates it will take the average household 40 minutes to complete the survey. Unlike the decennial census which is sent out every 10 years, the ACS is an “ongoing survey” that is sent out on a continuous basis by the Census Bureau.⁸

Q: What kind of questions are contained in the ACS?

A: The ACS contains questions which go far beyond typical census questions about the number of individuals within the household and their age, race, and sex. For instance, the ACS asks about the acreage of your property and any agricultural sales from the property,⁹ your ancestry,¹⁰ your citizenship status,¹¹ your daily commute (including when you leave home and how long it takes to get to work),¹² the computing devices you own,¹³ the fertility of women in the

⁶ U.S. Constitution, Article 1, Section 2, Clause 3.

⁷ The number of seats in the House of Representatives was established by Congress at 435 in 1911 and capped at that amount by Congress in 1929, although the number was temporarily increased to 437 in 1959 when Alaska and Hawaii were admitted to the Union. See *Clemons v. U.S. Dep't of Commerce*, 710 F. Supp. 2d 570, 572 (N.D. Miss.), *vacated sub nom. Clemons v. Dep't of Commerce*, 562 U.S. 1105 (2010).

⁸ <https://www.census.gov/programs-surveys/acs/about.html>.

⁹ https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Acreage_AgSales.pdf.

¹⁰ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Ancestry.pdf>.

¹¹ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Citizenship.pdf>.

¹² <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/JourneytoWork.pdf>.

¹³ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Computer.pdf>.

household,¹⁴ the fuel used to heat your house,¹⁵ the number of rooms in your house,¹⁶ and the year in which your house was built.¹⁷ The ACS questionnaire also demands that persons divulge how many automobiles they own¹⁸ and whether you have trouble getting up the stairs.¹⁹

The survey combines these intrusive questions with highly detailed inquiries about your financial affairs.²⁰ Furthermore, the questionnaire also demands that recipients provide information about their family and other people in their home, such as their educational levels, how many years of school were completed,²¹ what languages they speak²² and when they last worked at a job.²³

With the power of government agents under the USA Patriot Act to secretly enter your home while you are not present and rifle through your personal belongings without a search warrant, it is not only concerning but dangerous to let the government know when you will not be at home.

Q: How will this information be used?

A: The Census Bureau states that information from this survey is used to assist a wide variety of entities, from federal, state, and local governments to private corporations, nonprofit organizations, researchers, and public advocacy groups. The Bureau lists over thirty different categories of questions on its website and offers an explanation on how the information is to be used.²⁴ For 12 of those categories, the information is used to assist private corporations. For another 22, the information is used to aid advocacy groups, and in nine of those cases, the Census Bureau states that the responses will be used by advocacy groups to “advocate for policies that benefit their groups,” including advocacy based on age,²⁵ race,²⁶ sex,²⁷ and marital status.²⁸

Thus, information obtained through the ACS is not simply used to inform government policy in a neutral manner, but is also being provided to private actors for the purpose of promoting corporate and/or political agendas.

For this reason, when House Republicans sought to “effectively make it voluntary by prohibiting the government from enforcing criminal penalties...against people who refuse to participate in the ACS” back in 2015, “[m]ore than a dozen business groups, including the U.S. Chamber of

¹⁴ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Fertility.pdf>.

¹⁵ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/HomeHeatingFuel.pdf>.

¹⁶ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/StructureRooms.pdf>.

¹⁷ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/YearBuilt.pdf>.

¹⁸ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Vehicles.pdf>.

¹⁹ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Disability.pdf>.

²⁰ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/MortgageSMOC.pdf>.

²¹ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/EducationalAttainment.pdf>.

²² <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Language.pdf>.

²³ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/WorkStatus.pdf>.

²⁴ <http://www.census.gov/acs/www/about/why-we-ask-each-question/>.

²⁵ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Age.pdf>.

²⁶ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Race.pdf>.

²⁷ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Sex.pdf>.

²⁸ <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/MaritalStatusHistory.pdf>.

Commerce, wrote to lawmakers...to urge them to keep participation in the survey mandatory,” stating ““There simply is no other source of high-quality, detailed socioeconomic information that is comparable across time and geography, allowing us to analyze current and trending markets and community needs and to plan future investments accordingly.””²⁹

A concern raised by the Brookings Institute is the use of ACS information by law enforcement for “crime mapping,” a surveillance tool used to predict crime and preemptively target certain neighborhoods for policing. It is “most effective” when “analysts can see the relationship between various types of criminal incidents (e.g., homicides, drug dealing) and neighborhood characteristics (risk factors such as poverty, population density, and vacant housing), pinpoint where crimes are most likely to occur (hot spots), and focus police resources accordingly.”³⁰ The Brookings Institute notes that because the ACS provides data every year, rather than every ten years, crime mapping is more effective and cheaper.

Q: Are my responses kept confidential?

A: While the Census Bureau claims that an individual’s information will be kept strictly confidential,³¹ it does require a recipient to put their name on the survey, ostensibly for the purpose of asking follow-up questions in the event of missing or incomplete answers.³²

This means your answers to the ACS are not anonymous, even if it is forbidden by law to share your individual responses. The ACS questionnaire is to contain the name, age, sex, race, and home address of each person at the residence, along with the phone number of the person who fills out the form.³³

This raises significant concerns, because even if it is a violation of law to share this information gathered through the ACS, the employees of the Census Bureau have it, and similar laws have not prevented the disclosure of confidential information from the government. Indeed, classified documents from when Joe Biden was Vice President were found in his home garage,³⁴ and classified documents from when Donald Trump was President were found in a public ballroom and bathroom at his Mar-a-Lago resort.³⁵ Additionally, an Air National Guard member, who worked as an IT professional, was charged with “abus[ing] his top secret clearance by illegally

²⁹ Russell Berman, “The American Community Survey Sparks a Partisan Fight,” *The Atlantic*, June 9, 2015; <https://www.theatlantic.com/politics/archive/2015/06/republicans-try-to-rein-in-the-census-bureau/395210/>.

³⁰ Andrew Reamer, “To Take a Bite Out of Crime: Safeguard the Census,” <https://www.brookings.edu/opinions/to-take-a-bite-out-of-crime-safeguard-the-census/>.

³¹ <http://www.census.gov/programs-surveys/acs/about/is-my-privacy-protected.html>.

³² <https://www2.census.gov/programs-surveys/acs/about/qbyqfact/2016/Name.pdf>.

³³ Form ACS-1(INFO)(2023) (05-16-2022) at 1-7; <https://www2.census.gov/programs-surveys/acs/methodology/questionnaires/2023/quest23.pdf>.

³⁴ Ben Gittleson, *More classified documents found in garage at Biden’s Wilmington home, White House says*, *ABC News*, Jan. 12, 2023; <https://abcnews.go.com/Politics/classified-documents-found-bidens-wilmington-home-garage-white/story?id=96390141#:~:text=%22During%20the%20review%2C%20the%20lawyers,residence%20garage%2C%22%20he%20said,>.

³⁵ Hannah Rabinowitz and Dan Berman, *Here’s where Donald Trump allegedly kept classified documents at Mar-a-Lago*, *CNN*, June 9, 2023; <https://www.cnn.com/2023/06/09/politics/heres-where-donald-trump-allegedly-kept-classified-documents-at-mar-a-lago/index.html>.

sharing U.S. intelligence assessments and other sensitive information on Discord, a social media platform popular with video game players.”³⁶ If the government cannot ensure the laws are followed to keep classified documents and sensitive information confidential, then ordinary people certainly cannot have any confidence that the Census Bureau can keep their information protected.

Similarly, the FBI was found to have violated its own standards by conducting thousands of improper queries into data gathered through the Foreign Intelligence Surveillance Act (FISA) to find information on American citizens even though “the searches were not likely to find foreign intelligence information or evidence of a crime,” and an internal audit of data searches found a compliance rate of only 82%.³⁷

Even if every government employee actually follows the law and does not impermissibly remove, share, or search the data, it could still be subject to hacking and mistaken disclosure. For example, the personal information of 237,000 current and former federal government employees was exposed in a data breach because of a hack at the U.S. Transportation Department earlier this year, two breaches at the U.S. Office of Personnel Management in 2014 and 2015 compromised sensitive data belonging to more than 22 million people, and hackers breached nine U.S. federal agencies in 2021.³⁸ And for over ten years, millions of emails associated with the U.S. military, several of which contain sensitive information including medical and tax records, and some of which were sent by military staff and U.S. intelligence, were mistakenly sent to the country of Mali, which is allied with Russia, due to a typo in the email address, despite repeated warnings to the U.S. government.³⁹

Beyond that, while the Census Bureau claims to “employ statistical methodologies to ensure that the statistics we release do not identify individuals or businesses,”⁴⁰ there could still be a risk that the aggregate data released by the Census Bureau could become deanonymized. For example, in a simulation using the Census Bureau’s data-anonymization approach from the 2010 decennial census, 605 transgender teenagers were able to be identified by combining datasets.⁴¹ While the Census Bureau might be working to improve privacy protections, it has acknowledged that “it’s not possible to have a 100% decrease [in the identification rate]. They believe that there’s always some sort of chance disclosure.”⁴²

³⁶ Devlin Barrett and Shane Harris, *Leak suspect indicted on new counts of mishandling classified material*, The Washington Post, June 15, 2023; <https://www.washingtonpost.com/national-security/2023/06/15/jack-teixeira-indicted-discord-leaks/>.

³⁷ Eric Tucker, *FBI broke rules in scouring foreign intelligence on Jan. 6 riot, racial justice protests, court says*, Associated Press, May 19, 2023; <https://apnews.com/article/justice-department-fbi-surveillance-75c466a64e838ab12eacf96f6335f3cd>.

³⁸ David Shepardson, *Data of 237,000 US government employees breached*, Reuters, May 15, 2023; <https://www.reuters.com/world/us/data-237000-us-government-employees-breached-2023-05-12/>.

³⁹ Emma Roth, *‘Millions’ of sensitive US military emails were reportedly sent to Mali due to a typo*, The Verge, July 17, 2023; <https://www.theverge.com/2023/7/17/23797379/mali-ml-typo-us-military-emails-leak>.

⁴⁰ “Is my privacy protected?” <https://www.census.gov/programs-surveys/acs/about/top-questions-about-the-survey.html>.

⁴¹ Ashleigh Hollowell, “How the U.S. Census Bureau’s work to improve data privacy can be a lesson for enterprises,” VentureBeat, Dec. 15, 2022; <https://venturebeat.com/data-infrastructure/how-u-s-census-bureaus-work-to-improve-data-privacy-is-a-lesson-for-enterprises/>.

⁴² *Id.*

Q: Are you required by law to fully complete the American Community Survey?

A: Federal law makes it mandatory to answer all questions on the ACS. A refusal to answer any question on the ACS or giving an intentionally false answer is a federal offense.⁴³ The Census Bureau also maintains that responding to the ACS is mandatory and that recipients are legally obligated to answer all questions.⁴⁴

Q: Is there a penalty for refusing to answer American Community Survey questions?

A: The law requiring answers to the ACS provides that a person who fails to answer “shall be fined not more than \$100.”⁴⁵ Despite the maximum fine being stated as \$100 in the statute, the Census Bureau has threatened people that they could be fined up to \$5,000 for not fully answering the ACS based on the Bureau’s legal theory that “Title 18 U.S.C. Section 3571 and Section 3559...amends Title 13 U.S.C. Section 221;”⁴⁶ but it is unclear if a court would agree with the Census Bureau’s interpretation. And some have questioned whether each unanswered question could qualify as a separate violation, but it is likewise unclear whether a court would agree with such a reading of the statute. While The Rutherford Institute has been made aware of Census Bureau agents engaging in harassing tactics and threatening behavior, to date, we are unaware of the Census Bureau having levied any financial penalties for non-compliance with the ACS.

Q: Has the government prosecuted persons for refusing to answer the American Community Survey?

A: According to a federal court decision issued in January 2023, "there is no specific threat that the Census Bureau or the DOJ [Department of Justice] intends to prosecute the Plaintiffs, or any individual for that matter," and "[the Census Bureau and Department of Commerce] assert...that no one has ever been prosecuted for failure to complete the ACS."⁴⁷ Additionally, a Census Bureau representative was quoted in a 2014 report as saying that the Bureau is “really not in the business of prosecuting people who don’t comply.”⁴⁸ However, a refusal to answer the survey still violates the letter of the law and a prosecution could be brought if the government decides to change course and adopt a policy to do so.

Q: How does the Census Bureau typically ensure that people complete the survey?

A: Those who do not answer the ACS risk repeated overtures—by mail, by phone and in person—from Census Bureau employees seeking to compel a response. Typically, the Census

⁴³ 13 U.S.C. § 221.

⁴⁴ <https://www.census.gov/programs-surveys/acs/about/survey-is-mandatory.html>.

⁴⁵ 13 U.S.C.A. § 221(a).

⁴⁶ <https://www.census.gov/programs-surveys/acs/about/top-questions-about-the-survey.html>.

⁴⁷ *Murphy v. Raimondo*, 3:22-cv-05377-DGE (W.D. Wash. Jan. 03, 2023) (slip op., at 9).

⁴⁸ Gardner Selby, “Americans Must Answer U.S. Census Bureau Survey by Law, Though Agency Hasn’t Prosecuted since 1970,” *Politifact*, <http://www.politifact.com/texas/statements/2014/jan/09/us-census-bureau/americans-must-answer-us-census-bureau-survey-law/>.

Bureau will telephone those who do not respond to the survey and may visit their homes to coerce the targets to respond.

In the past, the Census Bureau boasted a 97% response rate to the survey via these methods,⁴⁹ but critics argue this constitutes harassment. One recipient who did complete the survey but whose answers were misplaced by the Census Bureau wrote about his experience. First, a Census Bureau employee left a note at his apartment asking him to contact her. When he did, the employee asked him to allow her into his home. When he refused, the employee “turned up twice unannounced at my apartment, demanding entry, and warning me of the fines I would face if I didn't cooperate.”⁵⁰ Only after he filed a complaint with the Census Bureau did the agency realize he had actually completed the survey, thus ending its attempts to enter his home.

Q: Does everyone in the United States receive the American Community Survey?

A: The ACS is not sent to all households. The Census Bureau uses sampling methods to select households that represent a cross-section of the population of the United States. According to the Census Bureau, it randomly selects 3.5 million households each year to complete the ACS.

Q: Is this an unconstitutional invasion of privacy?

A: A court has not yet determined this issue, but there are significant and legitimate questions concerning the authority of the government to require, under threat of prosecution and penalty, that persons answer questions posed by the ACS. The ACS is not part of the enumeration required by Article I of the Constitution, and that constitutional provision only applies to a decennial census for purposes of counting the number of people in each state every ten years. As noted, the ACS seeks much more information than the number of persons in a household.

In other contexts, the U.S. Supreme Court has ruled that citizens have no obligation to answer questions posed by the government and are free to refuse to do so.⁵¹ The Court has explained that the “right of personal privacy” includes “the right to shield information from disclosure”⁵² and “the right of the individual...to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person.”⁵³ And as the “First Amendment...forbids abridgment of the freedom of speech,” the Court has “held time and again that freedom of speech includes both the right to speak freely and the right to refrain from speaking at all.”⁵⁴

These same principles might also apply to questions posed by the ACS and Census Bureau field representatives. However, because the government has not brought a prosecution for a refusal to respond to the ACS, and because the lawsuit challenging the ACS was dismissed as not being ripe, the question of a person’s constitutional right to refuse answering the ACS has not yet been decided by a court.

⁴⁹ <http://www.sciencemag.org/news/2015/04/will-kinder-gentler-census-survey-placate-congressional-foes>

⁵⁰ Daniel Freedman, “The Orwellian American Community Survey,” *The Weekly Standard*, <http://www.weeklystandard.com/article/431469>.

⁵¹ *Florida v. Royer*, 460 U.S. 491, 498 (1983).

⁵² *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2267 (2022).

⁵³ *Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972).

⁵⁴ *Janus v. Am. Fed'n of State, Cnty., & Mun. Emps., Council 31*, 138 S. Ct. 2448, 2463 (2018) (emphasis added).

Q: What are my options for objecting to the ACS survey as an intrusion on my Fourth Amendment rights?

A: If you receive notice that you have been selected to respond to the ACS and you desire to assert your right of privacy, you can voice those objections by writing a letter to the Census Bureau. The Rutherford Institute has developed a form letter that you may use or modify in standing up against the government's attempt to force you to disclose personal information. You only need to include the household address of where you received the ACS on a letter to the Census Bureau—you do not need to state your name.

You may also call or send a letter to your U.S. senators and U.S. representative, calling on them to pass legislation to make answering the ACS voluntary rather than mandatory and to stop the Census Bureau from sending field representatives to contact people when they choose not to answer the ACS.

However, sending a letter objecting to the ACS does not relieve you of the statutory obligation to fully and honestly answer the ACS under 13 U.S.C. § 221. And while the Census Bureau has not had anyone prosecuted for failing to answer the ACS as of 2022, if it were to change course and start prosecuting people who do not respond, then stating that you are refusing to answer the ACS, indicating that you will not answer the ACS, or even acknowledging that you have received the ACS could be used in a prosecution against you. For this reason, many people have chosen to simply ignore the Census Bureau's attempts to have them answer the ACS until the Bureau closes out the survey and stops contacting them, rather than sending a letter or telling the Bureau that they are refusing to answer.

So, if you are contacted by Census Bureau employees, either by telephone or in person, demanding your response to the ACS, you could try to avoid making such statements by politely, but firmly, telling them in response to any question (even about if you are a resident there, your name, whether you received the ACS, etc.) simply that you are not comfortable talking with them or with them being on your property, and ask that they leave immediately and not return or contact you any further in person or by phone. Be sure to document any interactions you have with Bureau representatives for your own files.

If you believe you are being unduly harassed by a Census Bureau employee, either by telephone or in person, you should carefully document the time, place and manner of the incidents and you could choose to file a complaint with the U.S. Census Bureau.

Defending your rights

Contact The Rutherford Institute to see if we can help defend your rights if they are violated by the government. For over a quarter century, we have assisted, without charge, persons deprived of their liberty by government officials.

Should you have further questions or need legal assistance in exercising your constitutional rights, please contact the Legal Department at legal@rutherford.org.

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