

Date:

U.S. Census Bureau, Director
4600 Silver Hill Road
Washington, DC 20233

Dear Director:

My household recently received the American Community Survey (ACS). I am shocked at the breadth and depth of the information requested, and am outraged at the Census Bureau's contempt for my privacy. This survey goes far beyond the constitutional mandate of a decennial census, both in the frequency of its administration and the scope of questions asked. Therefore, I respectfully request that you take appropriate measures to end the Census Bureau's distribution of this survey or at least stop telling people that they are required to respond.

I find it hard to see how many of these questions have any direct bearing on government functions, and I certainly don't think the Census Bureau's interest in my answers is worth more than my right to keep such highly personal information to myself. I also wonder why the ACS collects piecemeal information about habits such as my commute to work, when any data the federal government needs about traffic and other factors could be obtained more comprehensively and accurately through studies of publicly-available information. Similarly, matters such as water usage and public health are better understood through data from the agencies created to deal with those issues. Perhaps most disturbingly, this survey is an identity thief's dream come true, and you should know that government bureaucracies cannot keep even classified information secure.

I believe that the Census Bureau's authority to collect the type of information collected on the ACS is subject to legal challenge and that requiring a response violates my First Amendment right to freedom of speech and my Fourth Amendment right to privacy against unreasonable warrantless searches. As the "First Amendment...forbids abridgment of the freedom of speech," the U.S. Supreme 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."¹

Additionally, the "right to be left alone" has been characterized as "the right most valued by civilized men," and "every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment."² The United States Supreme Court has indicated that citizens' constitutional right to privacy is implicated by the government's collection of massive amounts of private information.³ The information required of citizens by the ACS raised precisely these concerns based on the sheer breadth of coverage.

¹ *Janus v. Am. Fed'n of State, Cnty., & Mun. Emps., Council 31*, 138 S. Ct. 2448, 2463 (2018).

² *Olmstead v. United States*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting).

³ *Whalen v. Roe*, 429 U.S. 589, 599-600 (1977).

The Supreme Court has also recognized that privacy concerns may be heightened where a summary of private information about a person is stored in a single file,⁴ such as how my answers to the ACS would be stored. Regardless of the ultimate fate of my answers to this survey, the data released by the Census Bureau could be deanonymized, thereby making personal information about me identifiable.

Moreover, Title 13 of the U.S. Code allows for monetary penalties only when inquiries are within the scope of questions included in the complete census, and only if the Secretary has published a determination that the information requested “is needed to aid or permit the efficient performance of essential governmental functions or services, or has significant application to the needs of the public, business, or industry and is not publicly available from nongovernmental or other governmental sources.”⁵ The ACS’s inquiries clearly fall outside of that scope.

Therefore, I respectfully request that the Census Bureau cease and desist from calling me or visiting my home or neighbors regarding my response to the ACS. I consider such attempts by field representatives to contact me by phone or in person at my residence after giving you this notice to be trespassing and stalking, which I could report to the police. I will be closely monitoring any Census Bureau field representatives who still try to contact me, and I will log any and all indiscretions they commit (including looking through my windows to check whether I am home, approaching my residence from the back or sides, calling at unreasonable hours, or otherwise unduly invading my privacy and/or making me feel threatened). I further respectfully repeat my request that the Census Bureau stop mandating responses to the American Community Survey, out of consideration for my right to privacy. I am considering contacting my representatives in Congress to do the same, and I am prepared to explore my legal options if the Census Bureau persists in demanding my response to the ACS.

Sincerely,
Resident of:

⁴ See *United States Dept. of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 764 (1989)

⁵ 13 U.S.C. § 225