

Testimony of Vincent P. Barabba
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When things are perceived as real they are real in their consequences

The Thomas Theorem, formulated by William Isaac Thomas and Dorothy Swine Thomas in 1928, stated:

“If men define situations as real, they are real in their consequences”

In essence, the Thomas Theorem surfaces the potential that when incorrect situations are perceived by people as real, they are real in their consequences.

So today, over 90 years after the theorem was formulated, we are faced with the consequences of that theorem. That is, based on the President’s actions a portion of our population, some of whom are here illegally or are of a minority group, perceive that by filling out the Census Form they will be placing themselves in danger – the consequence of which will be that they will be less likely to fill out the Census form and therefore not be counted in the 2020 Census.

The real problem of the President’s current action is that by re-introducing his illegal desire of only counting citizens using the many approaches he has taken is to ensure that he achieves his real objective. That is, to make sure less people will be counted in states with large minority populations which did not support President Trump or the positions he has taken. If this occurs those areas will have their representation in Congress and other legislative districts reduced as well as receive fewer government approved allocations based on the Census count.

However, the incorrect perception of possible direct harm by filling out the form by non-citizens is not correct. It is not correct because it is against the law (Title 13 of the U.S. Code) for any Census Bureau employee to disclose or publish any census or survey information that identifies an individual or business. This is true even for inter-agency communication: the FBI and other government entities do not have the legal right to access this information. Violating the confidentiality of a respondent is a federal crime with serious penalties, including a federal prison sentence of up to five years, a fine of up to \$250,000, or both. In fact, when these protections have been challenged, Title 13's confidentiality guarantee has been upheld.

A personal experience during the taking of the 1980 Census will serve as an example of how the Census Bureau and other agencies work together to follow Title 13.

On Wednesday, August 13, 1980. Late that afternoon, four FBI agents arrived at the District Office in Colorado Springs 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.

A census employee recognized the seriousness of this challenge to census confidentiality and 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.

I was immediately informed of the situation, recognized the potentially disastrous situation into which both the FBI and the Census Bureau had stumbled, and contacted the Director of the FBI. After a brief flurry of telephone calls to employees in Colorado, we agreed to a mutually satisfactory conclusion that could be reached while the disputed questionnaires remained in the custody of the Census Bureau. 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 the census personnel.

The Census Bureau brought in experienced Census Bureau 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 Bureau officials prepared a report that described all significant discrepancies uncovered but did not reveal any confidential information.

So, even though the Citizenship will not be added to the 2020 Census, it is important to correct the perception that the individual's information, gathered through other sources, will be used with Census Information and be made available to other agencies of government that might cause them harm. With this misperception corrected it will have a positive effect on encouraging all inhabitants of the United States to stand up and be counted.

I served as the Census Bureau Director through appointments by Presidents of both the Republican and Democrat Parties. In 1980 I had the honor of providing the Secretary of Commerce with the Census Bureau's statement showing the population of the United states and the number of Representatives to which each state is entitled which he then forwarded to the President. I was also proud of the fact that our outreach program to low income and minority population led to an estimated count of nearly ninety-seven percent of our population. The 1980 Census was also a clear demonstration of the non-partisan manner in which the Census should be conducted, The 1980 Census was designed and planned during a Republican Presidency and successfully implemented as designed and planned during a Democratic Presidency.

It will be up to the Congress and the press to make sure that the disinformation being created by the President be addressed forcefully and that his true motivation be made clear. The Census belongs to the people not the President. The entire population of persons in the United States should participate willingly in the 2020 Census and use the moment to reaffirm our Founder's intent that everyone be counted.