

The Impeachment of Census 2000

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(ABSTRACT)

This dissertation is a case study of an agency attempting to continue to operate in terms of an outmoded paradigm, one whose foundation is based on a reference point for decision and action that does not fit the social, political and organizational conditions of postmodernity. The orientation of the study is toward public administration as political process; a political process which reflects the postmodern condition. Postmodern tendencies in culture and society are characterized by a particularly salient “thinning” of reality or development of hyper-reality where communication has lost the check on authenticity found in dialogue. This thinning of the macro culture exists in dialectical contradiction to more robust communities of discourse developing in enclaves in a tendency referred to as neotribalism. These dialectical tendencies lead to “simulated politics,” where political entrepreneurs traffic in symbols rather than deeds and substantive policy making is restrained. This development favors those who benefit from the status quo.

The Census Bureau is the focal agency. It is facing a crisis of legitimacy in its standoff with the Republican-controlled Congress over its plan to use sampling and estimation to produce a statistically adjusted apportionment count for Census 2000. The case of the Census 2000 standoff between technocrats at the Census Bureau, supported by the Democratic Clinton administration and organizations and governmental entities that are adversely affected by census undercounts, and the Republican-dominated Congress, is an example of non-dialogic communication. It is masked by a trafficking in symbols and potentially will most likely lead to maintenance of the status quo in the form of traditional census methodology. This methodology differentially undercounts African Americans, Hispanics, American Indians and Asians, as compared to whites. Republicans compare the Census 2000 plan to use sampling to adjust the census for undercounts to the “Hillary Health Care Model” (a derogatory reference to the First Lady’s involvement in public policy), describing it as a “polling technique,” while Democrats and statisticians cast the argument of Republicans as one of “politicians trying to preserve their domain,” and of playing “racial politics”. The strategy of the Republican Congress appears to be

to discredit the expertise of the Census Bureau and to rely on the legal process and a conservative Supreme Court to derail and nullify the plan for Census 2000, thus causing the agency to revert to the “status quo.” Curiously, the Census Bureau has set itself up for this potential outcome by taking a strategically counterproductive and disastrously adversarial approach to the Congress. The Census Bureau has fundamentally misperceived the contemporary cultural environment and the politics that goes with it. It no longer can represent its own position as nonpolitical, value-free science, representing truth and moral right. This lack of perspective has critically hampered the agency’s ability to negotiate in a political discourse appropriate to postmodernity.

The goal of the study is to make a contribution to furthering organization-environment theory, with emphasis on the political environment. It is this aspect of organization theory generally that has most relevance to Public Administration but that has been least well developed. The dissertation is designed to conform to the traditional Inter-University Case Program (ICP) case study format. As such, the study addresses the broad issue of agency-environment relationship and the role of the public administrator within that environment. As with all ICP-type studies the research does not lead to an “answer.” This is especially appropriate now because in the postmodern condition there is no one answer or truth to be found by rational analysis. Rather, ideas, insights, and various conclusions are offered.

Disclaimer

The opinions described in this dissertation are my own. Nothing contained herein is an official position of the Bureau of the Census of the U.S. Department of Commerce.

Janet Cummings

Dedication

To my husband, Stuart, and daughter, Jessica.

To friends at the Census Bureau.

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Orion White and Cynthia McSwain inspired me to develop an understanding of human subjectivity, postmodern theory and Jungian psychoanalytic theory. Their work in these areas provided a foundation for the direction of my doctoral studies and for much of this dissertation. John Rohr taught me his special understanding of bureaucratic ethics grounded in the Constitution and in the interpretation of Supreme Court decisions. As a result, I became interested in the central questions of this dissertation related to the Census Bureau's plan and the law and the Constitution. Joe Rees supported my interest in case study research and the technique of using a multiplicity of public and political documents and sources. Jay Keller is a friend with whom I have shared the experience of census work for the last 12 of 22 years. He made these years infinitely more thought provoking than those before his arrival.

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CHAPTER ONE

Overview of the Context of the Case and its Analytical Perspective

American society is in transition. From the perspective of economic, political and organization theory the transition is often described as one where there is movement from a period when ways of thinking and organizing have been dominated by a modern, industrial perspective, to a post-industrial or postmodern one. This transition is putting strains on our constitutional system and the strains are most apparent where sharp contrasts exist. One such contrast exists where the world view of “science” overlaps with the “political” one. In organizations where the “science view” of the world prevails, a view which is closely associated with an industrial or mechanistic paradigm, the fundamental assumption is one of the possibility and existence of linear progress, absolute truths and rational planning of ideal social orders under standardized conditions of knowledge and production.(Harvey 1990) Such a perspective stands in sharp contrast to an organization holding and acting upon a “political view” of the world. This view gives primacy to power and the struggle over ideas and values in a political community.

This sharp contrast between these two different and fundamental organizational assumptions and principles is evident in the struggles over Census 2000. The administration of the census is configured by the agency leadership in terms of technocratic utopianism; a view that stands in strong tension to the process that the Constitution mandates. The former Speaker of the House of Representatives, Newt Gingrich, provides sound-bite insight into this tension. According to him, the census proposal “transfers to politicians (meaning the Democratic Party and the Clinton administration) an amount of power that none of the Founding Fathers would have ever agreed to. Don’t ask the people of the United States to rely on politicians to control pollsters to count virtual citizens.”(Eilperin 1998) His perspective contrasts with that of the supporters of the Census Bureau plan who argue that the Census Bureau has an obligation to use the best scientific

methods available. House Democrats as well as members of the administration also argue this as a civil rights issue. Representative Jesse L. Jackson (D-III) implied at a Black Caucus prayer breakfast that the Clinton Administration sex scandal and impeachment debate, which is concurrent to the Census debate, is purely political and specifically about representation of African Americans, “We all know what this is about: the 2000 Census, African American representation and who controls Congress.”(Harris 1998) The result of these opposing positions is gridlock, a stand-off.

A Reading of Events

What is happening in America? What new forms of social organization and process is the collective pattern of consciousness creating? Although the breaking down of old forms is obvious and pervasive, so is the tendency of conservatism and puritanism in America. The philosopher Baudrillard observed during his travels here that only puritans could have invented and developed the America ecological and biological morality—based on preservation, and therefore on discrimination, which is profoundly racial in nature.(Baudrillard 1986). What Baudrillard observed is that American morality is based on a conservative tendency to protect the status quo; to protect those in power and to guard against change. This attitude was evident at the founding of our constitutional government and is described in *The Federalist*, in discussions warning against change induced by passion. Racism is also imbedded in our constitutional heritage. Article I section 2 (the census clause) of the Constitution, for purposes of political representation, excludes American Indians and considers slaves as a category of “other” who are partial (three-fifths) persons.

American morals and values are of central concern to the subject of this research. According to Seymour Lipset, Americans tend to view social and political dramas as morality plays, as battles between God and the devil, so that compromise is virtually unthinkable.(Lipset 1991) In the census debate, each side is trying to cast the other in the role of the immoral evil-doer.

Republicans cast the census technocrats as demonic scientists and academics involved in cloning humans, while Democrats cast Republicans as racists who are only interested in preserving their political hegemony. At the same time as the census is debated, another moral drama involving the investigation of the President by a special prosecutor, Kenneth Starr, and the resulting impeachment by the House of Representatives, and Senate trial is playing out. Here the President is cast as a personally immoral, untrustworthy, liar who should be removed from office. The “immoral president” play is confounding the census play. Census administrators and supporters have cast themselves, and their cause, as virtuous and morally right but they are backed by an “immoral” president. If Clinton, their boss, cannot be trusted, can they?

To understand the dynamics of these dramas, we must examine what stands out about this current period (the latter part of the 1990's) in which the census case study is being played out. This is the period of the Clinton progressive democratic centrist presidency, characterized by a strong U.S. economy but with great uncertainty in the global economy, and while the income gap between rich and poor is increasing. Beginning in 1998 there is increased federal spending after eight years of decline and the first federal budget surplus since 1969 occurred in 1998. It is a period of divided national government. After 40 years of Democratic control of the House, the historic Republican control of the Congress began with the 1994 elections, aided by the Republican “Contract with America.”(Moore 1995) Divided government is punctuated by a tarnished presidency. An on-going presidential sex scandal is perpetuated by a five-year investigation of President Clinton, which originated in allegations of financial misdeeds. The President’s life has become totally exposed.

Language has become central to the issue of whether the President perjured himself; the language of the lawyers involved, including the President himself, has been described as postmodern and is seen as a game. The scandal is accompanied by accusations of obstruction of justice and a House Judiciary Committee party-line vote to impeach while the public seemed disconnected from the media hype and is giving the president high job approval ratings in public opinion polls. At the

point of the impeachment debate the stock market began wild fluctuations and an impending recession was predicted. But the market recovered and reached record highs in late November 1998.

The public reaction to the President's predicament is the subject of much theorizing, but there is not a consistent understanding of it. Some members of the media interpret this phenomenon as the public seeing "two Bill Clintons." But the linguist Deborah Tannen thinks there is simply a disconnect between "Real people" using their common sense on one hand, and the media, the pundits and the politicians on the other—a group that has been taken over by the Washington "legalistic" mind set. (Ringle 1998) Syndicated columnist Steven Roberts describes the American public as "profoundly ambivalent" and asserts that the capacity of the American public to hold ambivalent opinions should never be underestimated. (Roberts 1998). The liberal publication "The Nation" attributes the mixed public reaction to the sophistication of the American people, which has been underestimated. "It is a glorious moment in the centuries-long struggle against window-peepers and puritans who have blighted so many lives." (Cockburn 1998)

In addition there is a generalized national mood of public mistrust of government. Dissatisfaction with the federal government rose from 53 percent of those surveyed by a Washington Post/Harvard/Kaiser poll in January 1998 to 57 percent in August 1998. (Morin and Broder 1998) This compares to the 1960s when there was strong trust in government and 76 percent of those polled expressed a high degree of trust. (Morin and Balz 1996) Mistrust of government is combined with a public life characterized by divisiveness and deadlock, violence, malice and addiction to conspiracy theory. As evidence of deadlock, there was an historic federal government-wide shutdown as a result of the fiscal 1995 appropriations process when Democrats and Republicans could not come to closure. The possibility of government shutdown has become a recurring political issue each year Congress and the administration have difficulty agreeing on a budget.

Further, acts of violence towards government are not uncommon. Bombing of large government buildings seems to be a preferred method of terrorists. Examples include the unsolved bombing at the Olympics in Atlanta, Georgia in 1996 (which may be linked to bombings of abortion clinics), and the federal building bombing in Oklahoma City in 1995 by Americans associated with right-wing militia. Terrorists bombed a U.S. military installation in Saudi Arabia, and two U.S. embassies in Africa in 1998. Guards were shot and killed in the U.S. Capitol building in 1998 by a gold prospector frustrated by government regulations. Standoffs between Federal law enforcement authorities and militia and radical right wing or anti-government cult groups resulted in deaths in Ruby Ridge, Idaho and Waco, Texas in 1992 and 1993 respectively. Here we clearly see violence directed against symbolic targets, enacted generally in military command-style.

Finally, coupled with frustration, mistrust, and violence towards big-government is a trend toward devolving political power and control over program decision making from centralized federalism to decentralized state and local government. This replacement of traditional liberal and social democratic doctrines of the left and free-market ideas of the right is often dubbed as a “Third Way.” President Clinton’s “new progressivism” is an example of the uneasy, even contradictory alliance of “left” and “right” tendencies, expressed in “third way” decentralization. For instance, during the Clinton administration the Congress passed historic Welfare Reform legislation transferring responsibility for the program to the states, and Unfunded Mandates legislation—which restrains Congress from legislating unfunded requirements on state and local governments. The Democratic president signed and supported these Republican initiatives. In addition, the Los Angeles race riots in 1992 focused attention on the 1960s and 1970s health and welfare programs legacy of President Johnson’s Great Society. Public concerns that some of these programs may have contributed to erosion of community, independence, and other values such as ability to own property and to achieve economic and social betterment through individual effort, led to cutting back such programs and devolution of many to the state and local governments.

Along with legislative “reforms,” or rollbacks of large-scale social programs, the Clinton

Administration pursued its own policy initiatives to cut the Federal government's role. Vice President Al Gore headed the administration government reform program for reinventing government called the National Performance Review (which was renamed the National Partnership for Reinventing Government.) It promised to cut red tape, improve services, and save billions of dollars. This program was developed in response to localized taxpayer revolts and demands for improved and streamlined government services. The federal program mimicked similar programs already operating at the state and local level and was based on ideas promulgated by David Osborne and Ted Gaebler.(Osbourne and Gaebler 1993)

Another indicator of leadership coming from the state, not national level politics, is the source of successful presidential candidates in recent years. For the 30 years since Franklin Roosevelt's death, no president had emerged from a governorship to the White House. But starting with the successful candidacy of Jimmy Carter through that of President Clinton, (a span of more than 20 years,) only George Bush did not launch his presidency from a statehouse. States are trendsetters financially as well, having become more fiscally independent. In 1960, state and local government general revenues were half of those of the federal government but by 1993 the state-local sector was raising \$.95 for every \$1.00 of federal money (excluding trust funds and transfers.) Thus, state and local governments are expanding their own revenue streams, even as anti- big government rhetoric labels the Federal government as the evil "tax collector."

Another indicator of the declining privilege of federal authority and egalitarian values (usually associated with the Democratic Party) can be read in the text of recent Supreme Court decisions. A conservative Supreme Court is assuming the role of constitutional border patrol, and is "more skeptical of federal authority than any other court in recent history."(Mauro 1997) Of the nine members, seven were appointed by Republican presidents. A national mood of disenchantment and legal challenges to affirmative action is resulting in the erosion of affirmative action policy. In 1996, the bellwether state of California eliminated race and gender preferences in state contracts, employment and school admissions. During the 1994-1995 Supreme Court year, a Black majority

voting district in Georgia was struck down in *Miller v. Johnson*, and a Kansas City school desegregation plan was rejected in the *State of Missouri v. Jenkins*. The 1994-1995 term was a turning point for the court. It was the first time in a post-Warren court era that five conservatives spoke boldly in a unified voice on a range of constitutional questions. (Biskupic 1995) The retrenchment continued in 1998 when the Court allowed Cincinnati to ban laws that protect gay people from discrimination, deciding not to take the case. This refusal leaves in place a lower court decision that appears in conflict with a 1996 Supreme Court decision that struck down a Colorado constitutional amendment that would have excluded homosexuals from the protection of every Colorado state law. The 1998 action took place at the same time that a gay University of Wyoming student was brutally murdered in a hate crime that sparked demonstrations around the country, both for and against gay rights.

One way to sum up the strikingly changed national political and social climate of the 1990s is provided by Steven Roberts. This nationally-syndicated columnist describes the period beginning in the late 1960s through the present as a Republican era. Before the Democratic Party lost the South, legislation had been passed by a coalition of conservative southern Democrats and Republicans in the House. When the South went Republican in the early 1990s, the trend towards conservative values in politics clearly emerged. Republicans gained control of the statehouses in the 10 largest states, and 32 of 50 governorships became Republican. The ambivalence of the electorate is demonstrated in the electoral margins of presidential races. Since 1968, the average vote for the winner in eight presidential elections was only 43 percent of the national vote. (The only Democrat to break 50 percent was Carter after Watergate.)

Other factors are contributing to shifts in national power bases and the articulation of public concerns. Race is the unspoken, but clearly omnipresent stimulus to many of the legislative initiatives and Supreme Court decisions outlined above. The declining majority of white Americans is the key. The proportion of the nation's population born in foreign countries is climbing, with immigrants making up 9.7 percent in 1997. In fact their numbers have tripled since

1970, rising from 9.6 million to 26.3 million, (an estimate based on the March, 1998 Census Bureau Current Population Survey.) Immigration levels are a point of political controversy. Opponents of immigration believe this tide is harmful while proponents note its coincidence with the economic boom. The largest influx comes from Central and South America and the Caribbean, and the second largest is from the Philippines, China and Hong Kong. The traditional concept of the U.S. society as a melting pot, and assimilation as the end-point of all new-comers is breaking down. Instead, the concept of multiculturalism is being advanced as a way to “celebrate” and comprehend the ethnic diversity of contemporary America. Still immigration is not as high as it was earlier in the century when, in the early 1900s, fifteen percent of the population was foreign born.

Gender diversity has also become a significant concern for organizations such as American corporations and government. There is increasing recognition of the importance of female talent as well as the role of women in the economy and their political power as voters. Numbers measuring women’s participation in full-time waged work are rising, but most do not progress to the top of the salary scale or to C.E.O. status in U.S. organizations. In 1997 only 2.5 percent of the most highly compensated executives in Fortune 500 companies were women.(Clever 1998) In 1990 in the Federal Senior Executive Service, only 11 percent were women. Similarly, in the 106th Congress only 9 women serve in the Senate (9 percent) and 56 in the House (13 percent).The Glass Ceiling is still a problem.

One characteristic of the fragmented nature of American public discourse in the 1990's is the rise of “identity politics.” “Identity politics” has replaced class and ideology based politics. “Sheer being” is now the basis for political insight and authority. Identity politics is fragmented among gender, race, ethnicity, nationality, and sexual orientation categories. An individual can have multiple memberships across categories. Fragmentation prevents unity and, thus the key issue of differential access to economic and political power is elided.(di Leonardo 1994)

In addition, the tendency towards hyper-reality in public discourse is growing. Hyper-reality is the merging of the real and the unreal, has been created by the introduction of the mass communication technologies of movies, radio, television, video and personal computers, and the internet. In a state of hyper-reality, words lose their capacity to signify and instead become self-referential, that is, meaningful only in a narrow context not shared by everyone or else fleeting in the sense that there is nothing beyond the moment to digest.(Fox and Miller 1995) Postmodern writers have used the term “ hyper-reality” to describe places like Salt Lake City, Los Angeles, Las Vegas, Orlando, and Atlantic City. In places like these consumerism and entertainment merge as “shoppertainment”(Topolnicki 1998), such as in Mall America, Baltimore’s Harbor place, Disney World, and so on. Visual and sensory stimulation are linked to the spending of money, and constitute the defining moments or “experience” of “real life” in postmodern America.

Hyper-reality also relates to political discourse. As society suburbanizes and the working class shrinks, the traditional divisions of class politics diminish, political loyalties become fluid as social ties to the traditional institutions of urban centers decline. Instead society is increasingly influenced by mass media rather than political, social and religious institutions. The media of hyper-real discourse, and in particular political discourse, are monologic, because there is no conversation, only communication. Claims offered in the public discourse are fatuous and trivial. As a result, politics becomes symbolic, dominated by gestures and icons. For example, the Republican “Contract with America’s” ten points symbolically reference the Bible’s ten commandments, and ten articles of the Bill of Rights. The number “ten” represents a turning point, and all inclusive law, order, dominion; a return to unity.(Cooper 1978) The battle is about how to manipulate public opinion. The strategy is the way issues are framed. Substance has been subsumed.

The increasing number of communications media outlets has led to a significant rise in globalization, which means, actually, the dominance by a small number of news corporations and consequent homogenization of news coverage. Along with globalization, networks, and virtual

reality comes total exposure and total openness to the world. Yet, U.S. media professionals learned from Woodward and Bernstein during the Nixon administration's Watergate scandal that the way to make a career is to expose people's misdeeds and "bring people down." This contributes to the politics of scandal.(Roberts 1998) As striking evidence of this trend, on October 4, 1998 in the midst of the Clinton sex-scandal, Larry Flynt, publisher of Hustler magazine, ran a full page ad in the Washington Post offering up to one million dollars for information on adulterous sexual encounters with a current member of Congress or high ranking government official.(Flynt 1998)

In summary, the patterns in American society include a strengthening of the values and politics of the right; a politics of scandal and deadlock; total exposure of public figures; mistrust and violence towards government; an ascendancy of state and local government; ambivalence of the electorate; identity politics, multiculturalism and fragmentation; hyper-reality (a blending of the real and unreal); and a predominance of "scandals" or morality dramas. This is "Postmodernism," and as such precludes further claims based on irrelevant assumptions.

This condition contrasts with the "modern" environment of earlier ICP studies. One case in particular, the Eisenhower era *Battery Additive Controversy*(Lawrence 1962), provides an interesting point of comparison. In that case, a technical sister agency of the Census Bureau, the National Bureau of Standards (NBS), which is also within the Department of Commerce (and now called the National Institute for Standards and Technology) became enmeshed in a national controversy over its testing of a commercial battery additive powder. That controversy involved the Republican administration, the Democratic Congress, the media, business lobbyists, other government regulatory agencies, academics and universities, and the National Academy of Sciences. But in the *Battery Additive* case the scientific community prevailed and "saved" the head of the NBS. He had been asked to resign by the Republican administration over the controversy, as the agency was challenged regarding its scientific accuracy by a businessman who owned the battery additive company. Further testing of the additive by a National Academy of

Sciences committee upheld the work of NBS and found the additive to be worthless. In a “modern” environment, the invocation of “science” as a superior discourse can sometimes work well as a technique used by administrative agencies to preserve their power. Such is not the case in a postmodern environment.

Epistemology

What do these observations mean to the concepts of ontology and epistemology and the way we understand public organizations? Contemporary western thought is circumscribed by two competing pre-Socratic cosmologies that provide the most general conceptual categories for organizing thought. The Heraclitian view that all is flux, change, and transformation is a metaphor that seems to capture the contemporary scene. Heraclitus’ view contrasted with that of his successor, Parmenides, who insisted on the permanent and unchangeable nature of reality. Parmenidean thought paved the way for the emergence of modern scientific thought.(Chia 1996) Its ontological commitment is to being-realism. It elevates reason over the senses and permanence over change. But this mode of thought seems disconnected from the conditions of contemporary society.

Because U.S. society is fragmented and increasingly diverse, the old centers of political alliance have splintered, communication has become one-way and symbolic, centralized authority (the federal government) is under attack, and states and localities have become the model of governance for the future. But perhaps most significantly, the concept of “reality” and truth is breaking down as we become inundated by fleeting symbols, one-way communication, and saturated by total exposure to public dramas. These are all attributes of the postmodern condition of society. If one accepts the validity of the description of society’s condition as postmodern, then organizations and individuals adhering to an ontology and epistemology at odds with these conditions are not likely to be capable of comprehending or functioning within the conditions of postmodernity. The incommensurableness of this type was described by Thomas Kuhn in *The*

Structure of Scientific Revolutions. He used the phrase “paradigm” meaning a strong network of commitments—conceptual, theoretical, instrumental, and methodological—to name an entire constellation of beliefs, values, and techniques shared by members of a given community.(Kuhn 1962)

As a result of the postmodern condition, old patterns and paradigms of public organizations and institutions appear to be breaking up under the stresses of instability and turbulence. As Patricia Ingraham observed in *New Paradigms for Government: Issues for the Changing Public Service* (Ingraham and Romzek 1994), as the United States moves into the twenty-first century, there is a profound dissatisfaction with many of the institutions of government, and much of the past decade saw serious attacks on the principle of government itself. The problems that government deals with are becoming more complex as political and economic environments become increasingly turbulent. Given the wide agreement in the field that the political conditions of governance are changing, it seems that the model or paradigm of governmental administration must also change. As Charles Fox and Hugh Miller conclude, the orthodox theory of government administration is dead as an acceptable model (Fox and Miller 1995). They define this orthodoxy as the enduring prescription of neutral public administration ascribed to Woodrow Wilson, Frederick Taylor, and Max Weber, who formulated theories of, respectively, the principles of separation of politics and administration, scientific management, and the theory of hierarchical control. Orthodoxy characterized a period philosophers identify as *high modernism*. It is a 25-year period surrounding World War II, when the West’s industrial economy matured, and the ideology of technology and electoral-style procedural democracy prevailed in culture and politics. However, orthodoxy is still with us and has a certain inertial power derived from a nostalgic craving for certainty and structure.

Modernism is the societal paradigm out of which orthodox public administration theory evolved. Modernism is now understood as being in its late crisis stage and is being replaced by post-modern social conditions and heterodox, subjectively-based theory. Post-modern theory in

particular developed in opposition to modernism. Hence modernism contrasts with post-modernism chiefly in conflicting claims for reason. Modernism privileges rationalism; postmodernism claims the ecstatic and irrational. To clarify these terms, David Farmer draws analogies between modernity and postmodernity and Apollonian-Dionysian distinctions. He also points to the left brain-right brain distinction, and the male-female components that Freud and Jung believe constitute a person.(Farmer 1995) The generic quality of these oppositions suggest the scope and depth of change facing society and its institutions of governance in the post-modern era.

The Census 2000 program provides the basis for a case study that captures the contemporary social and governmental situation. It concerns an agency attempting to continue operating by a modernist, objectivist paradigm within a post-modern environment of turbulence, complexity and hyper-reality. As such, the Census Bureau actions appear to show strong parallels to the orthodox theory of responsible governance as set out by Carl Friedrich.(McSwite 1997) In that theory (as read by Herman Finer in the famous 1940 Friedrich-Finer public administration theory debate) the administrator plays the essential role, one that cannot be replaced or even completely directed by the legislative function. The responsibility of the official ultimately is not political but moral. The quality of administration and policy making depends upon the official's sense of responsibility to the standards of her profession. The public and political assemblies are seen as not understanding the issues of policy well enough to provide beneficial commands in terms of policy. Agency officials may rightly pursue new, different policies to counteract those advocated by members of the elected legislatures.(McSwite 1997) Friedrich's entire argument (as does the Census Bureau's) rests on the belief that the scientific approach can provide unambiguous answers to policy questions.

In the Census 2000 debate, the opposing position, taken by the Republican Congressional leadership, shows strong parallels to Herman Finer's model of governance. Finer believed that the political process can produce a binding policy preference that can serve as a clear standard of

accountability for technical implementation. There is no *trust*, or the need for such, of public administrators in this model. Hence, the Congressional leadership expresses publicly its distrust of the Census Bureau, and dismisses its attempts to exercise its “professional judgement” in deciding to use statistical estimation and sampling techniques for the apportionment count as inappropriate. In fact, it accuses Bureau officials of statistical scheming, intentional withholding of information and unresponsiveness to Congress, the political process, and the people. As a result, the Congress legislated a bipartisan monitoring board for Census 2000, established a new oversight subcommittee for the census, and invited lawsuits against the Census Bureau. It based its opposition to statistical estimation for the apportionment count on Constitutional and Public law.

The Law and the Plan for Census 2000

Because administrative agencies are grounded both in politics and in law, and that is what makes them different from private sector organizations, legal reference points for the dissertation and the public policy issue it describes are as follows:

Paragraph 3 of Article I section 2 of the Constitution

The actual Enumeration shall be made within three Years after the first meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they (Congress) shall by Law direct.

The Census Act, as amended in 1976 contains two provisions that relate to sampling:

Section 195, Title 13, United States Code

Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary (of Commerce) shall, if he considers it feasible, authorize the use of the statistical method known as ‘sampling’ in carrying out the provisions of this title.

Section 141

The Secretary shall, in the year 1980 and every 10 years thereafter, take a decennial census of population as of the first day of April of such year, which date shall be known as the decennial census date, in such form and content as he may determine, including the use of sampling procedures and special surveys.

These citations are important to the Census 2000 debate because the census plan is at odds with them by some interpretations. Although the statistical method of sampling has been used in a number of ways throughout the census process for the past several censuses, such as in quality control operations and in collection of additional demographic and economic information for non-apportionment purposes, the 2000 census plan is unique in its two proposed uses of sampling not used previously, both of which would affect the apportionment count.

First, census interviews would **not** be completed for all known households. Although census questionnaires would be delivered to all known households, all non-responding households would **not** be followed-up to collect the missing census information, as they have been in previous censuses. Only 90 percent of all known households would be “actually enumerated.” This major change is primarily a cost- and time-saving one. The design uses sampling for the “basic headcount,” which is the apportionment count. The Census Bureau estimates that without sampling for the basic headcount, 34 million housing units would require a personal visit for non-response follow-up. With sampling, that number will be 22.5 million.

The census data for the remainder (11.5 million) would be created from those that were enumerated by using statistical methods. The benefits of this use of sampling are savings in cost and time to complete the basic headcount, along with less expenditure of resources of all types, including fewer census enumerators (which is an important point, given the tight labor market.) One drawback is that sampling error is introduced into the census data and the data may become

less accurate at small geographic units, such as for census blocks, and small governmental jurisdictions, although it is believed to be increasingly accurate at higher or larger geographic units such as for Congressional districts, for large cities and for states.

Second, that estimate of the total population would then be adjusted for the undercount using an additional sampling and estimation operation. The undercount occurs for basically two reasons: people and housing units are missed because the people intentionally are hiding from the census and want to be left out, or they are unintentionally missed due to errors or bias in the process. The undercount adjustment procedure uses a second method of statistical sampling and estimation, called integrated coverage measurement (ICM), which is a costly and some say error-prone methodology. It is known by another name—“capture, recapture”—because it is adapted from a method used to study animals and other living organisms in the wild. In this procedure a portion of households are independently listed and enumerated in a follow-up survey, in addition to being enumerated in the census. The results of both are compared, and the census is “adjusted” based on results of the survey. The benefit is greater accuracy of the census at “higher” levels of geography, especially at the state and national level. Again, a disadvantage is potentially less accuracy because of sampling error, especially at lower levels of geography such as for small jurisdictions, and blocks. It probably does not “capture” people who are “hiding” from the census, such as undocumented aliens, people living in illegal housing, criminals and others who seriously mistrust government. Also, it increases the cost of the census. In addition, its technical feasibility is questionable, in part because the survey must be extremely large, much larger than any survey ever conducted (750,000 households) and produce an unusually high level of accurate results. It remains to be seen if it can be completed on time and can deliver the level of accuracy that has been promised, especially, consistently for all states.

The Census Bureau believes that its goal is to produce the most accurate census possible. It believes that there exists a “Constitutional command to the Census Bureau” in this regard, and that sampling will improve the accuracy of census counts for census tracts, Congressional

Districts, States and for the national total. (1997) The Bureau also believes that its plans are not illegal or unconstitutional. It cites a 1994 Department of Justice opinion (authored by a Clinton political appointee, Walter Dellinger, Acting Assistant Attorney General) which concludes that “Neither the Constitution nor the Census Act precludes the Bureau from making the proposed statistical adjustments of ‘headcount’ data in the decennial census for the year 2000.”(Dellinger 1994) But as Republicans pointed out, this issue had never been decided in the Supreme Court. The last sentence on the last page of the Census Bureau’s 1997 “Report to Congress” (known as the Riche report) says it all: “The decision to use sampling as planned in Census 2000 is a *rational decision...*” [emphasis added] that falls within its broad discretion in the methods it uses to take the census.(1997)

The Paradigm of the Census Bureau

Functionalism is the paradigmatic standpoint that seems to best describe the thinking of the Census Bureau. The underlying unity of the functionalist paradigm is described by Burrell and Morgan (Burrell and Morgan 1979) as assuming the standpoint of the observer and attempting to relate what they observe to what they regard as important elements in a wider social context. It is based upon an underlying postulate of purposive rationality. A specific conception of science underlies the paradigm, in particular one that sees the possibility of objective enquiry capable of providing true explanatory and predictive knowledge of a real external reality. It assumes that scientific theory can be assessed objectively by reference to empirical evidence and attributes objective independence to the observer—an ability to observe what is, without distortion affecting it. Further, it assumes there are general external and universal standards of science that can serve as a basis for determining what constitutes an adequate explanation of what is observed. Science provides a frame of reference for structuring and ordering the social world, similar to that found in the natural world. The methods of science are used to generate explanations of the social world consistent with the nature and philosophy of science itself. All in all, science is a tool for imposing order and regulation upon the social world, from the standpoint of the observer. As Thomas Kuhn

observed, scientific communities share a strong, unwritten rule of scientific life that prohibits appeals to heads of state or to the populace at large in matters scientific.

Recognition of the existence of a uniquely competent professional group and acceptance of its role as the exclusive arbiter of professional achievement has further implications. The group's members, as individuals and by virtue of their shared professional training and experience, must be seen as the sole possessors of the rules of the game or of some equivalent basis for unequivocal judgements. To doubt that they shared some such basis for evaluations would be to admit the existence of incompatible standards of scientific achievement. That admission would inevitably raise the question whether truth in the sciences can be done. (Kuhn 1962) p.168

Other factors support the Census Bureau's view of itself as a scientific organization operating in a functionalist paradigm. One such corollary is the pattern of personality types in the organization. The personality types of its staff are the ones typical of scientists, researchers and planners. For example, Ian Mitroff worked with the Census Bureau, and its director Vincent Barabba, during the Census undercount debate prior to the 1980 census. He used Jungian personality typology in planning workshops, ironically, for a Year 2000 Strategic Planning Program. In the mid-1970's he found the Bureau to primarily be a Sensing-Thinking (ST) organization. ST types tend to prefer to work on concrete, specific, already defined technical/scientific problems. They are practical and orderly. They believe that moral or ethical (and perhaps value-laden and political) issues are meaningless in themselves because they cannot be formulated precisely, impersonally and technically. (Mitroff 1977) In another instance, an employee of the Census Bureau's Human Resources Division gave the executive staff Myers-Briggs personality tests in 1992 and 1996. The executive staff were all found to be "NTs" (intuitive - thinking.) They are problem solvers interested in ideas and concepts such as strategic planners and researchers. (Slattery 1998)

Once again personality tests were administered to Census Bureau executive staff at a Federal Executive Institute retreat in October 1998. All members were shown to rank very high as controlling and low in trust and sharing. They were told this was because they rose in their careers because they were good technicians, but they had not learned how to "let go," or delegate.

The problem-solving and decision-making protocols of the Census Bureau also reveal its self-definition as a scientific organization. The paradigm of the Census Bureau is closely linked to the discipline of economics, and the perspective of the Census Bureau is grounded in economic decision-model theory. The approach is scientific, systems theory based and/or grounded on linear cost-benefit analysis. It is characteristically a fact-value dichotomy, with primary emphasis on facts translated into numbers and mathematical models. In this light, David Dery describes economic solutions as “Pseudo Solutions”(Dery 1984) because the economist, equipped with his model of choice, his “magic way of looking at problems,” lays out goals, sets out alternatives, estimates the costs and benefits of each alternative, and then chooses the one that will yield the greatest excess of benefits over costs. The decision-maker “solves” the problem by “maximizing” the value of the outcome. Yet, the economic model overlooks an important issue, which is that as one selects among alternative means, the alternative solutions fall within the limits of the definition of the problem.

In the Census scenario, the definition of the problem by the Census Bureau is presumed to be superior among all other alternatives. The Census Bureau has accepted a definition of the problem (with the 1990 census as the benchmark for which the 2000 census must correct) as they must take a census that counts everyone, that corrects for the undercount that it (Census) measures itself. It must achieve what it defines as perfection. It also must balance costs by using statistical methods to estimate people rather than knock on all doors and conduct costly personal interviews of all households. The Census Bureau defines the “problem” they are solving with the 2000 census plan as **high cost** and **high undercount** resulting from limitations of traditional census methodology, to be solved by use of more advanced/more scientific statistical methodology.

In contrast, the Republicans have now defined the “problem” of census taking in today’s world as a social problem, using evidence like low voter participation. They contend that the problem of census participation reflects a condition of society to be accepted, or dealt with using traditional means such as encouraging people to participate with more outreach and advertising and more

census enumerators. Republicans propose to increase census funding for these purposes. In January 1999, Republicans announced a Congressional commitment for the 2000 census called “America Counts Today” (ACT) which proposed to fund 100,000 additional census enumerators to work exclusively in the hardest-to-enumerate areas, add \$300 million to the advertising budget to target hard-to-count areas, and triple the number of census partnership specialists who work with minority communities.(Miller 1999)

The Census Bureau, however, justifies its plan as the preferred (i.e. most scientific) outcome of cost-benefit analysis. Cost-benefit analysis is part of a cult of efficiency with roots in Bentham’s utilitarianism, an ethical stance supporting the greatest good for the greatest number. However as Kelman argues, it is amazing that economists can proceed with unanimous endorsement of cost-benefit analysis as if unaware that their conceptual framework is highly controversial in the discipline from which it arose—moral philosophy. Kelman believes utilitarianism is a minority position among contemporary moral philosophers.(Kelman 1992)

The cost-benefit (welfare economics) approach deals with conflicting values by reducing all values to a simple metric of economic efficiency in monetary terms. All choices are seen as technical (as opposed to political.) Still, Bobrow and Dryzek advise that the approach is uncomfortable with, and does not fit too well within, political reality, or with the values imbedded in a democratic order.(Bobrow and Dryzek 1987)

Interestingly, Kenneth Prewitt, the Census Bureau director appointed in late 1998, discussed this very issue twelve years prior to becoming director. He published a chapter in Alonso and Starr’s, *The Politics of the Numbers*, on “Public Statistics and Democratic Politics.”(Alonso and Starr 1987) It contains a discussion of democratic theory and the troubling tendency of arguments about statistical formulas to become a substitute for democratic discussion of the principles of equality and justice. He identified three troubling aspects of current developments related to measurement policies. First, he observes that assigning the statistical system responsibility for

group classification and resource allocation ends up transforming the thing being measured into its statistical indicator. Second, he notes that statistics can make invisible groups at the margins of social life where measurement often fails. Third, and most troubling to Prewitt, is the shift away from a system of representation and public policy based on the individual citizen, toward one based on representation of demographic aggregates. This shift invites the allocation of benefits based on group membership rather than individual accomplishment or need. To some observers this undermines the fundamental premise of liberal democracy.

Another discussion of public policy and numbers appears in Deborah Stone's *Policy Paradox: The Art of Political Decision Making*. To Stone, no number is innocent because it is impossible to count without making judgements about categorization. Every number is a political claim about where to "draw the line." (Stone 1997) Clearly, the contention over census administration is not merely one of accuracy, or enumeration.

Although numbers, counting and quantitative representation of problems are routinely assumed to be neutral, Stone provides a summary chart that highlights why this assumption is false:

Why Counting is Political

1. Counting requires decisions about categorizing, about what (or whom) to include or exclude.
2. Measuring any phenomenon implicitly creates norms about how much is too little, too much, or just right.
3. Numbers can be ambiguous, and so leave room for political struggles to control their interpretation.
4. Numbers are used to tell stories, such as stories of decline ("we are approaching a crisis").

5. Numbers can create the illusion that a very complex and ambiguous phenomenon is simple, countable, and precisely defined.
6. Numbers can create political communities out of people who share some trait that has been counted
7. Counting can aid negotiation and compromise, by making intangible qualities seem divisible.
8. Numbers, by seeming to be so precise, help bolster the authority of those who count.

Source: Deborah Stone, *Policy Paradox: The Art of Political Decision Making* (Stone 1997)

The Postmodern Condition at Odds with the Census Bureau Paradigm

The census debate revolves around a highly ambiguous issue that cannot be resolved by rationalism. The central question remains: is a statistically adjusted census number a fact or a value? At a more basic level the quarrel is between Science and Politics which are each demanding a privileged voice over the other. This illustrates one facet of the postmodern paradox: that facts and values are not independent entities. And fundamentally, it demonstrates that there are no privileged discourses in a postmodern world.

Questions of knowing and indeterminacy have long been raised in discussions of the census. For instance, Mitroff, Mason and Barabba wrote about the problem of the “epistemic other” in the 1980 census undercount controversy. In fact, the constant theme in the book is epistemology, the modern theory of knowledge and the disconnect between the epistemology of those for and those against statistical adjustment. The authors identified four sets of forces that were acting both independently and collectively to drive the census controversy. These were: (1) the clash between different metaphysical or epistemological world views; (2) the clash between different professional cultures; (3) a complex and interrelated set of focusing issues; and (4) the lack of a generally accepted, agreed upon methodology for handling major policy issues of the complexity and

magnitude of the undercount. However, all four derive from the same basis: the clash of paradigms which the authors identified as number (1). Theoreticians of postmodern philosophy would describe the situation in slightly different terms, as a situation needing equal recognition of the “concrete moral other of practices,” and would recommend accepting and working within an environment of decentered philosophies where one is not privileged over any other.

An unstated assumption or proposition underlying the Bureau’s position is that “increased accuracy leads to increased equity.” This is the Great Society proposition. As Mitroff et al. argued, such propositions are so complex they cannot be validated by traditional means; also they are constantly changing and demand a dynamic response. But the Census Bureau did not act upon these insights. Mitroff, Mason and Barabba urged the Census Bureau to establish additional kinds of advisory panels to broaden the agency-environment interaction. The Bureau has had a history of professional advisory committees, since at least the 1930's New Deal era with the establishment of an advisory committee in conjunction with the American Statistical Association. One of the authors, and former director, Vince Barabba, established minority advisory committees prior to the 1980 Census. However Mitroff, Mason and Barabba urged that advisors should include legal scholars, political scientists, sociologists, and the media, in order to provide a holistic view because the census is not a technical activity to be judged by narrow technical standards. They stated that the Bureau needed to strengthen its capacity to bring its own assumptions to the surface, examine them, and explore their implications. They quote Ackoff’s challenge to policy makers:

In the Systems Age, systems are conceptualized as open and dynamic...Problems and solutions are in constant flux; hence *problems do not stay solved*...solutions to problems become obsolete even if the problems to which they are addressed do not.(Ackoff 1971)

Mitroff et al. wrote their critique through the lens of open systems theory frequently citing C. West Churchman.(Churchman 1979) Their analysis still has value, even though in a postmodern age we might prefer the metaphor of mobile arrangements over systems. But regardless, Mitroff et al’s line of thinking is more in line with Hericlitian philosophy and chaos

theory, that all is flux. But the Census Bureau has not adopted such metaphors, and seems to view the world and the problems and solutions for the census in one way, through statistical adjustment of the census using the methods of sampling that government statisticians began perfecting in the 1930's and 1940's. As the Bureau saw it, the census environment of the late twentieth century presented the problem to which they could apply their New Deal era solution.

Another related issue is the Census Bureau's paradigmatic commitment to what is viewed as truth and accuracy. Prior to 1940 (related to the World War II-period government efforts leading to widespread use of economics and systems theory in public policy) the idea that problems and errors existed in the Census were known and accepted as faults to be lived with. But the class of 1940 at the Bureau, (Morris Hansen, William Hurwitz and W. Edwards Deming) saw problems of accuracy and error as problems to be solved.(Anderson 1988) During the 1940s Hansen and Hurwitz pushed ahead with sampling theory, and sampling and estimation became the "core technology" of the Census Bureau.

Historical accounts of early censuses as well as Supreme Court rulings seem to support the pre-1940s perspective. Distributive accuracy of the census is what is important. In other words the census must result in accurate distribution of power among the states. Total accuracy is not the legal issue, but total accuracy as morality is what the adjustment debate is about. Adjustment would have a relatively small impact on the distribution of congressional districts, since only two or three would potentially shift to other states if the census were adjusted. The bigger shift under an adjusted census is potentially in state legislature redistricting; but that is not a valid legal issue related to the decennial census. In past legal battles, arguments about state legislative redistricting and the 14th amendment have not succeeded.

The contention surrounding the Census 2000 sampling and adjustment issue is difficult to resolve one way or the other. It suggests, in sum, that the Census Bureau and the Congress are locked in an unresolvable Friedrich-Finer debate, their conflict is unresolvable in principle and now in

practice. The final decision on census methodology was delayed at least until June of 1999, and/or the Supreme Court ruling. However, additional lawsuits, anger, and complaints, no matter what the decision, could continue for years after the 2000 census. As a result, both the institutions of the Congress and the Census Bureau lose legitimacy and the public suffers the consequences of a census prepared by a demoralized, confused, stressed and resource-strapped organization. There is the possibility that vast amounts of taxpayer dollars have been and will be wasted. The 2000 census price tag (with sampling but without litigation) is over \$4 billion. American taxpayers are paying for the preparation of two census designs, and the legal bills on both sides of the lawsuit filed by the House of Representatives against the Clinton Administration. Some Bureau staff are concerned that the 2000 census, like the 1920 census, will not be used to apportion the Congress.

This, in a nutshell, is a crisis of modernist governance. As O.C. McSwite argues, both models described above are, at their core, committed to governance by “Men of Reason.” The model works as long as social conditions promote the level of deference that Men of Reason require as figures of authority. The problem is that most postmodern conditions have undercut this. The modernist commitment to rationality and objective truth has brought the social order to a crisis as the vision of technocratic utopianism on which it is based has failed.(McSwite 1997)

The census case study reflects an unhealthy relationship between theory and practice and theory and politics; specifically the theory of sampling and the practice of census taking has collided with the politics of census taking. The theory/practice gap and the insufficiency of scientific theory are discussed by Cheryl Simrell King. The sociology of elitism leads to the tyranny of the theoretical. Theory is placed in an elite position, performed by elites, valued by elites.(King 1998) But the scientific approach valued by elites is limited by its faulty premises of generalization, natural and statistical laws, and inherent decontextualized truths. After all, theory doesn't give a picture of empirical reality. Statistical theory falsifies the truth; the real picture is nothing but exceptions to the rule (e.g. the average family has 2.2 children.) The scientific approach and statistical theory give us ingredients for knowledge but are insufficient without understanding the dynamic of

power, which is its motor. Normative theories that describe and predict the specific from the general are rejected because concepts should be thought of as tools or weapons, the understanding of which is part a matter of seeing who is wielding them and for what purpose.(Skinner 1985)

In this regard, former Census Bureau Director Vince Barabba, who served as the presidentially-appointed director under both a Republican and a Democratic administration (Director May 1973 - September 1976 under Nixon/Ford and July 1979 - January 1981 under Carter) summed up his assessment of the theory/politics gap:

The census is one of the most political things we do. They don't like to use that word, but it is a political event. In my mind, there is nothing wrong with these political decisions, but it started as a political event, it dealt with political issues when it was initially created, and to somehow say, "We are going to get rid of all that," is naive.(Barabba 1989)

In summary, the social context of the case study of Census 2000 is postmodern. However, the paradigms or framing of the argument follows the framing of the Frederick-Finer debate or rational science versus the politics of power relations. The study as a whole contributes to the body of literature on governance and institutional relations in the postmodern era as well as to the body of historical and case study literature on the institution of the U.S. Census.

CHAPTER TWO

Research Contribution, Design and Methodology

The research issue that underlies this study is an illustration of complexity in the postmodern political and social environment. The study examines new forms of control that are changing the nature of politics and life and are replacing hierarchy and traditional institutions. It is illustrative of recent fundamental changes in the dissemination and constitution of knowledge itself, as evidenced in the hegemonic positions occupied by mass media, information systems and technology in public discourse, public life and daily workplaces. In short, the case shows how our society exists in the postmodern condition known as hyper-reality, in which the production and circulation of images is primary. The production and consumption at an exponential rate of media hyped stories dubbed “event journalism” such as the census debate intertwined with the Presidential sex scandal-impeachment, is described in economic terms as increasing returns to scale, network effects, and information contagion. Event journalism succeeds economically.(Cassidy 1998) But “events” polarize and do not lead to understanding or transformation.

Other characteristics of the environment illustrated by the case include divided government, cut-back management/balanced budget, conservatism, anti-federalism, devolution, decentralization, partnership-boundary blurring, public mistrust, interest group politics and neo-tribalism. These characteristics indeed are evidence of the postmodern condition of society.

These issues involve both ontology and positionality; that is they concern both the reason for existence of the agency, and its access to power. They emanate from a central philosophical question facing Public Administration, framed in a conversation between Hugh Miller and Orion

White: “How can we have any kind of a common world without an idea of the Real?” That is, how can we create a shared sense of the world that will enable us to act? This question reveals that the central issue is epistemological: it involves the controversial belief that a shared sense of the world depends on holding some agreed-upon sense of the Real.(McSwite 1996) When the sense of the Real held by public administrators is the modernist “authoritative real” or Men of Reason and rationalism Real, their ability to act and function in the increasingly turbulent postmodern political environment is impeded, if not completely stalled, since it is out of synch with today’s society, as the case study of Census 2000 will reveal.

To further define the terms that underlie this analysis: the “Real” supports authoritative institutions where the idea of the Real can be authoritatively mediated through official processes of knowing, like the scientific method. In fact, the authoritative Real believes knowledge *is* numbers, as expressed in a lecture by Lord Kelvin in 1883:

I often say that when you can measure what you are speaking about and express it in numbers you know something about it; but, when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meager and unsatisfactory kind: it may be the beginning of knowledge, but you have scarcely, in your thoughts, advanced to the stage of science whatever the matter may be. (Eckler 1972)

In contrast to the rationalists, McSwite describes the opposing position as heterodox and little-understood. Its central organizing principle is the idea that public administration institutions should be open and facilitative.(McSwite 1996) Agencies should not be making and implementing policy, but rather facilitating and participating in a process of governance through collaboration with citizens (meaning all stakeholders.) This includes complex negotiation and understanding of legal, political, and constitutional/procedural loop democracy governmental processes. Careful and continuous “reading” and understanding of the social and political environment is essential to such an approach to public administration. Decisions and actions are thereby based on human relationships and perhaps pragmatism, rather than the authoritative Real’s dependence on facts produced by analysis.

It must be kept in mind that the primary function for counting population is no scientific endeavor. The U.S. decennial census is inherently political because its primary purpose is apportionment of the membership of Congress. From its inception, the process of political representation, including the mechanics of the census, has been caught up in the problem of defining its subject, i.e. its material for analysis, and inevitably raises the question of personhood, of whom to include and exclude, the naming of the “alien other” in the census. An early issue was how to count slaves (and American Indians—although this category was not initially debated) and how to consider them for political apportionment. Later the issue of counting immigrants to the U.S. also presented itself. An examination of the aforementioned issues in the history of the Census Bureau, undertaken in Chapter Three of this study, makes it clear that the same core philosophical, ideological and ethical problems faced at the founding are faced today by the Census Bureau in its planning and administration. It is not an issue that modernist rationalist methods can solve. We will see in Chapter Three that rationalism has not resolved these issues in over 200 years. We must consider the analytical approaches of postmodern philosophy instead. In particular, the term *Alterity* is useful in reference to the question because it shifts the philosophic concern to the concrete ‘moral other’ of political, cultural, linguistic, artistic, and religious practices. Alterity also implies openness to the other; and proposes that administrators should open their decision making to communities and oppose metanarratives and the established order. In effect, public administration would be an anti-administration, aiming towards a diminished scope and role of the conventional methods, practices and mindsets of instrumental administration.(Farmer 1995) If this view is applied to Census 2000, redefining the problem and the tactics required to solve it becomes necessary.

One of the key and controversial goals of Census 2000 is its attempt to put procedures in place to avoid a replay of the public dramas played out in court cases and the media after the last two censuses. The method that has been proposed by the Census Bureau is sampling, that is: The Census 2000 proposed resolution to the undercount of the alien other was designed within the

context of basic power inequality between bureaucracy and those who are lobbying for increased census representation of the alien other. However, Farmer believes that the real customer of an agency is the legislature or other body that sponsors and funds the agency.(Farmer 1995) This is a central paradox: who is the customer for census results? The Congress believes they are the primary customer, as they are delegated this responsibility. The census is an “enumerated power “ of the Congress in the constitution. And in the postmodern consumer society, who calls the shots? Is “consumer demand” the driving force? The Census Bureau’s actions can be read as demonstrating that the Census Bureau believes their primary customers are the groups who brought the adjustment lawsuits against the 1980 and 1990 censuses.

A related paradox is whether being counted in the census is a “right” or an “obligation “ of residents in the United States. Advocates of sampling and adjustment view being counted as a right. The Republican opposition have not directly responded to this. However Peter Skerry, did take the position that cooperation with the census is an obligation required by law.(Skerry 1992) Title 13, United States Code, the Census Act, Chapter 7, Section 221 describes “Offenses and Penalties”. It states that persons over 18 years of age who refuse or willfully neglect “when requested” to answer the questions on any schedule submitted to him... shall be fined not more than \$100. But this begs the issue of people who are never reached or found by the census, so that they, in fact, are never “asked.”

The intellectual tradition that frames the debate, especially from the perspective of the Census Bureau, is that of the functionalist paradigm. Burrell and Morgan describe this paradigm as one where the subject matter is approached from an objectivist point of view. It is characterized by a concern for providing explanations of the status quo, social order, social integration, and need satisfaction. It is pragmatic, and its goal is to understand society in a way that generates knowledge that can be put to use. Thus, it is problem-oriented, seeking to provide practical solutions. As a result, it is committed to a philosophy of social engineering as a basis for social change. Social science based on the functionalist paradigm is rooted in the tradition of

sociological positivism. In short, it reflects the attempt, *par excellence*, to apply the models and methods of the natural sciences to the study of human affairs.(Burrell and Morgan 1979)

It is important to keep in mind that the functionalist understanding of organizations and the policy process has been dominated by systems theory since the World War II period. And in fact, systems theory does appear to be a major conceptual component of the postwar Census Bureau. In general, systems theorists saw organizations as engaging processes of interaction among environmental elements so as to ensure their survival. Systems theorists also searched for order among complex variables by relying on quantitative analytical methods and models to perform their analyses. This approach assumed the underlying explanatory principle of cause and effect relations, and thus was essentially logical empiricist. It can be understood as a form of scientific management in that systems theorists' search for optimal solutions is much like scientific management's "one best way." These models of social relations emphasize stability, control and/or homeostasis created within the context of a deterministic universe. They also express the modern concept that knowledge is power, the power to impose a preconceived (rational) order on society. Indeed, this approach continues to be utilized by many experts and public and private managers. However, most elected officials and the public at large have become skeptical of it.(Dobuzinskis 1992)

Yet, systems thinking is very pertinent to the Census 2000 case study because it underpins the Census Bureau's methodological proposal. Specifically, the estimated "One Number Census, Right the First Time," (a quote used by former Census Director Riche) is an example of the "unifying monad" which modernist thinkers believe is the outcome of a "statistical system." In this model of the Census Bureau organization, goal attainment of the One Number Census was emphasized over all else. Politics was forfeited in favor of "engineering." Mc Swite characterizes the "Man of Reason" operating in the organization as systems paradigm as a kind of Wizard of Oz: a little character masquerading as an all powerful godlike figure who pretends to control everything but actually has no real control.

This modernist systems concept is in total contradiction to another perspective on the census, such as the one articulated by Solicitor General Drew Days when he began his presentation to the Supreme Court in *Wisconsin v. City of New York* by saying “ The true population of the United States is unknown and unknowable.”(Anderson and Feinberg 1997) Day’s formulation and choice of terms is distinctly postmodern. Former Census Bureau Director Vincent Barabba also understood the paradox of “Truth” which postmodern philosophers have brought to the forefront. When recounting a conversation in the 1970's with Dr. Robert Hill, then Research Director of the National Urban League, who first proposed Census statistical adjustment to the Census Bureau, Barabba recalled that they would argue about adjustment and “how it would get you further from the truth and towards truth.”(Barabba 1989, p.28)

Modernist, linear systems theory dominated the theoretical scene from the 1950's through the 1970's. Since then there has been a fundamental divergence in theorizing about these processes as systems. Modernist models were limited by their association with the tradition of natural science law and could not be reconciled with the contemporary tradition in the social sciences of interpretivism or subjectivity (that the observer imposes meaning as part of the process of interpretation of “reality.”) (Kronenberg 1995) In addition, according to McSwite, the field of organization theory opened up further in the 1980's and moved away from the rationalist model. McSwite identifies Burrell and Morgan’s *Sociological Paradigms for Organizational Analysis* (Burrell and Morgan 1979) as being responsible for laying the foundation for heterodoxy in the field. However, as McSwite cautions, heterodoxy is possible only when awareness exists of the unacknowledged ideological dimensions in the social sciences. This is precisely what we do not see in the agency’s position in the case study of the Census 2000. That is, it lacks any acknowledgment of the ideological dimensions of its work. As Mitroff, Mason and Barabba wrote after the 1980 census, the Census Bureau “cannot persist in the quaint notion that technical and social matters can be dealt with separately... Thus the Bureau must strengthen its capacity to surface its own assumptions, examine them, explore their implications, and choose those that best

fit its world view.” Clearly the recourse to an explanatory, totalizing system must be explicit, not implicit.

The tradition of understanding knowledge as the subjective ordering of a chaotic world is not new. Pitirim Sorokin wrote in 1937 that we perceive mainly the infinity of individual fragments, and that one of the main ways of ordering the chaos of the whole universe as well as the cultural world is through causal-functional formulas. With these we reduce chaos to a series of comprehensive systems in which we are more easily oriented. This enables us to distinguish more important from less important aspects, and thereby we style and order the world in order not to be lost in its chaos. Similarly, organizations, according to Karl Weick, are inventions of people, superimposed on flows of experience and momentarily imposing some order on the streams. Organizations play a key role in creating the realities which their members then view as “facts” to which they must accommodate. (Weick 1969)

The case study of Census 2000 is a case of a governmental organization ordering its own reality around implicit assumptions. These resulted, by the mid-1990s, in the adoption of a narrow methodological course for the census and foreclosed the ability or intention of allowing for options other than sampling for both the basic headcount and for the adjusted count. From an historical standpoint, the case demonstrates the groundwork being laid for this course in the 1980s, when the majority of Census Bureau leadership supported adjustment, well before planning for Census 2000 took shape. The case also explores the inherently political nature of the census. This historical overview suggests that census administrators’ relying on the politics/administration dichotomy as a basis for census taking in the year 2000 have gravely misunderstood their situation.

In effect, the case demonstrates that a modernist agency perspective, characterized by a belief in science/technicism, and in the unifying monad (the one-number, statistically adjusted census), and a practice structured by top-down bureaucratic decision-making is clearly in tension with a social

environment characterized by the postmodern condition. This, coupled with the Census Bureau's belief in politics/administration dichotomy, contributes to a crisis of legitimacy at the Census Bureau. There are several reasons for this. The agency management may not, at an early stage, have adequately interacted with the environment (both internal and external), in order to grasp the significance of conservative political trends, such as the increasing mistrust of federal government, failure of "great society programs/thinking," organizational chaos due to budget cuts/under staffing, fragmentation and decentralization, and significantly, the concept of "shifting patterns of desire"—relating to the framing of the whole idea of the census and its meaning. If the census is only about political interest, as the current debate is framed, a significant portion of the population has already expressed no desire for political interest. This is shown by low voter turnout. In fact, those most likely to vote are conservatives who share the values of the Republican Party and therefore those who oppose the census plan.

Taking into account the postmodern concepts of "shifting patterns of desire" and "temporary truths," what is the meaning and relevance of the census in the year 2000, the post-industrial age of knowledge, networks, instantaneity, indeterminacy, and anarchy? The case analysis necessarily collapses into a study of paradigms, of unstated assumptions and beliefs held on both sides of the census debate, in order to re-emerge as a complex entity engaged in both the political and psychic metanarratives of our apocalyptic culture.

Contribution of the Dissertation and Research Design

The case study part of this dissertation is designed to conform to the *ICP* case study format, as developed during the Traditionalist school of public administration and is described by McSwite. It flourished beginning with Roosevelt's New Deal, for a period of about 15 years preceding Herbert Simon's modernist revolution. (McSwite 1997) It was founded on the idea that administration involves policy making. The traditionalists largely taught the political aspects of administration through examples documented in the Inter-University Case Program (ICP) studies.

The grounding for a theoretical understanding of the politics of public administration came from sociology; specifically the sociology of interorganizational relations, or organization-environment relations. The Traditionalists acknowledged that agencies had to fend for themselves by managing their public images and by building political alliances in their own “whirlpools of political activity. “At the same time, the Traditionalists cast such activity within the frame of commitment to presidential leadership.

As an ICP type of case, the Census 2000 study emphasizes three things: the context of the case; the description of the case itself and the various general kinds of conclusions to be drawn from them. The conditions of the public administration environment are represented as postmodern, (Fox and Miller 1995), (Wamsley and Wolf 1996), (Farmer 1995)(McSwite 1997). In describing the context of the case as postmodern, it identifies what is different about the organization-environment interface now in the latter part of the 1990s, as contrasted with the earlier decades of the 20th century, and modernism. In the concluding chapter, it suggests how the postmodern, and other theories of subjectivity can help public administrators reconceptualize the context of their work. It demonstrates that public administrators need an understanding of various theories of knowledge and alternative paradigms in order to comprehend, imagine and implement new alternative ways of functioning in public service. Finally, it draws general conclusions from the specific case.

The research design reflects Orum, Feagin and Sjoberg’s definition of a case study. (Feagin, Orum et al. 1991) A *case study* is an in-depth, multifaceted investigation, using qualitative research methods, of a single social phenomenon. The study is conducted in great detail and often relies on the use of several data sources. It uses interviews, participant observations, analysis of documents such as court decisions and legal opinions, congressional testimony, proposed bills and riders in Congress, rationales for appropriations, letters, personal observations/notes, and advisory committee meeting materials, oral histories and other materials from the Census Bureau History Staff, memoranda, Government Accounting Office (GAO) and Office of the Inspector General

(OIG) reports, the National Academy of Sciences reports, professional journal articles, news and magazine articles and editorials and various Internet sources.

The unit of analysis is the set of groups involved in the 2000 census design conflict, specifically the debates over statistical methods/sampling and resulting adjustment of the census. This involves both current and former Census Bureau staff, advisory committee members, various oversight groups such as the Office of the Inspector General (OIG), the Government Accounting Office (GAO) staff, members of Congress and their staffs, the bipartisan “Census Monitoring Board,” members of the media, the Department of Commerce (DOC) and the Office of Management and Budget (OMB) staff, the White House including the President. This “bounded system” of Census 2000 meets Stake’s definition of a case as a complex, functioning thing. (Stake 1995). The case research also encompasses a search for parallels between the present and historical events. It constructs a record of the past in a search for historical continuities and patterns that remain the same or vary over time.

The research focuses on two aspects of the case as identified by Stein (Stein 1952) as appropriate for analysis of administration as politics; tactics and values. The self-referential communication system of the Census Bureau reinforces values held at the Bureau. The Bureau marshaled support from elite technocrats and traditional Democratic Party constituencies. Basically these were the same individuals and groups (the same policy subsystem) the Bureau has been associated with since the 1970's and earlier. The Census Bureau stayed within its own community, a community that shared the same network of commitments—conceptual, theoretical, instrumental, and methodological. Therefore it did not grasp the change in the political and social environment that has been occurring since the 1970's. The tactics also never included substantive bipartisan involvement of the Congress with regard to sampling for the apportionment count and the tactics, therefore, were very high risk.

The case format follows similar traditional case studies published as part of the Inter-University

Case Program involving the politics/administration dichotomy and the science-politics struggle; for example Case #66, *A Question on Religion*, by Charles R. Foster, which describes a somewhat similar situation faced by the Census Bureau for the 1960 Census, when it proposed to include a controversial question on religion on the census questionnaire. Another well-known example of a science-politics struggle, also used as a model and cited in Chapter One, is the case published in this series, # 68 *The Battery Additive Controversy*. The Inter-University Case Program was organized in the 1950's to stimulate the use and writing of case studies as aides to teaching and practice of public administration and policy formulation. Part of its purpose was “to secure widespread acceptance and use of the case study technique as a scholarly tool of research and reporting for use in theses, dissertations, and learned articles.”

Data analysis technique follows a sociologic-phenomenological reading (including use of intuition) of cultural elements as prescribed by Pitirim Sorokin. (Sorokin 1957)

Methodology

This dissertation is grounded in the neo-idealistic tradition of sociology. This tradition assumes that the purpose of social science research is the development of understanding. As suggested by Gregersen and Sailer (Gregersen and Sailer 1993), when researching in the chaotic domain, where explanation is not possible, the only attainable scientific goal is understanding.

The plan for this research is to convey the four fundamental lessons set out by Feagin, Orum and Sjoberg:

1. Observations and concepts about social action and social structures are grounded in natural settings studied close at hand.

2. Information is provided from a number of sources and over a period of time, permitting a holistic study of complex social networks and of complexes of social meaning and social action.
3. It will furnish the dimensions of time and history, and examine continuity and change in patterns
4. It will facilitate theoretical innovation and generalization.(Feagin, Orum et al. 1991)

The case study method is appropriate here because the full array of contextual conditions is too rich to reduce to specific variables. In addition, these multiple variables are believed to be directly pertinent to the phenomenon of study. Indeed, the phenomenon and its context are not always distinguishable (Yin 1989). The single case study design is appropriate because it is a critical case testing a well formulated theory—modernist orthodox public administration theory—and it suggests comparisons to heterodox, subjectively-based theory, including postmodern discourse theory. As such, application of case study methodology here meets criteria set out by Yin.(Yin 1989)

Second, it is an extreme and revelatory case. The struggle over Census 2000 is front-page news involving Congress, the Clinton administration, and elite technocrats. It includes a legal/constitutional debate and Supreme Court case and is intertwined with the impeachment of the President and the rise and fall of Speakers of the House. The debate involves questions of political representation, and hence, power and the distribution of wealth. The legitimacy of the census itself, as well as the autonomy and current and future support of the Census Bureau, may hang in the balance.

The study focuses on public administration as politics rather than public administration as process of procedures and management techniques that control personnel or organization. As defined by Harold Stein, in *Public Administration and Policy Development: A Case Book*, the concept of

administration as politics refers to the administrator's understanding and pursuit of objectives and relations with the social environment outside the agency that affect or are capable of affecting its operations. Public administration as politics in this context has an essentially external orientation. Writing in the late 1940's, Stein understood the "cumulatively centrifugal pressures" on public administrators caused by the Constitution, our customs, traditions, and the size and complexity of our land and society. Stein wrote that there is no formula to provide the right answers to administrators when dealing in the realm of executive-legislative antithesis and relations, analysis and answers must actually follow two paths—tactics and values. He also wrote that tactics and values are subject to analysis and evaluation. Tactical skill involves timing, public relations and ability to mobilize friends. Stein emphasized the importance of tactical skill, noting that "there is no virtue in endangering person, agency, or program by clumsiness or tactlessness; there is no virtue...in cleaving to a policy that lacks formal legislative sanction and meets with explicit legislative repugnance."

Values, according to Stein, are not hard-and-fast principles. Instead, like tactics, they are judgements about what is right, what to emphasize, and what to play down.

In our society and particularly in our national government, it is doubtful that any administrator can long survive, no matter how adroit a manipulator, if his decisions reflect values that are sharply at variance with the general standards of society or the goals which society seeks.(Stein 1952) p. xvii

This study analyzes the complex path of tactics and values in the context of contested paradigms in public policy. The case of Census 2000 is a demonstration of how social priorities in the external political environment can change over time and how tactics and values play out in the American political system. In particular, the emphasis on egalitarianism and individualism as values has shifted since the 1970's, and this is crucial to understanding the paradoxes, contradictions, and shifting loci of power delineated in the Census 2000 debate.

The research follows Stein's direction that the student of public administration is to be concerned

with a form of interaction: a general process of cultural absorption that political scientists undergo. Stein emphasized that public administrators must constantly bear in mind that it is their task to pour new wine into old bottles without spoiling the wine or breaking the bottles. To accomplish this feat, public administrators must comprehend that our whole way of looking at the world has changed since the eighteenth century when our governmental institutions were crystallized. Our institutions were designed within a rationalist epistemology, but our culture has moved well beyond the paradigms of the eighteenth century. The job of the public administrator is to find a way to work within 18th century institutions and 21st century culture.

The ends of the case also follow Stein in the development of an attitude towards public administration that has room for both dispassionate analysis and critical judgement. The case makes a generalization as it relates to the decisions of statesmen and policy makers, unlike scientific generalization, which constitutes an inconclusive hypothetical system that is internally complete and logically consistent. Social science variables cannot be isolated, and its “facts” are loaded with values. Generalizations from cases of this type are both tentative and complex; they deal with tendencies, values and consequences. Generalization, according to Stein, is possible for both internal stresses of the administrative process, and for the strains of the political environment. Therefore generalization serves a function related to understanding, to help prevent what Santayana had in mind when he said, “ Those who cannot remember the past are condemned to repeat it.”

The primary data gathering strategy utilized an ethnomethodological approach. As described by Hunt,

Fieldwork is a method of gathering in-depth data about meaning, structures, moral codes, and social behaviors of particular cultural groups and the individuals who compose their membership. It is characterized by intensive interaction between researchers and subjects. (Hunt 1989) p.11

In this approach, the researcher becomes the primary instrument of inquiry. All data are mediated through the researcher and are thus subjective. The researcher’s experience structures the

narrative. Congruent with postmodern theories of relativism and positionality, the researcher does not assume an omniscient or invisible stance from which “objectivity” is to be attained.

The methodology has similarities to that described by Wolf V. Heydebrand in “Organization and Praxis.” Praxis is grounded in the possibility of self-transformation through understanding, explanation and critique; i.e., through interaction with the object.(Heydebrand 1983) Heydebrand is searching for and advocating a method that “might help to interpret *and* change the social world without playing out critique and change against interpretation and explanation.”

Much of the data for this research were collected through participant observation and interaction at the Census Bureau as a mid-level manager and twenty-one-year career employee. The researcher is a survey statistician, with experience working on the 1980, 1990 and 2000 censuses. In addition data were culled from a variety of official documents distributed widely at the Census Bureau and to the public (both in paper and electronic form). A particularly timely source of information on political events came from “Census 2000 News Alerts” which are Internet and Fax messages from a project called the *Census 2000 Initiative* which is discussed in the case (Chapter Four.) Finally, news coverage of the case was monitored closely throughout 1997 and 1998. It provides a view of not only of the unfolding of various elements in the drama (the resignation of Director Riche, the politicians objections, the court hearings) but also their reconceptualization by the media for public consumption.

Observations from the author’s attendance at census advisory committee meetings, at Congressional and Monitoring Board hearings, and notes and briefings from peers who attended other related meetings were used. Key observations from these various data sources were routinely entered into a diary for a period of two years (1997-1998). In addition, open-ended interviews were held with high level Census Bureau executives and other individuals who are especially knowledgeable of the case at a policy level. A selection of key documents and newspaper article citations are included in the bibliography and the names and titles of individuals interviewed are included in Appendix A.

Congruent with field interview procedures, the pool of subjects was developed by preparing a list of the ten high level people who in the researcher's opinion could shed light on the interview declaration, and therefore were most important to interview. Each person interviewed was shown the list and asked if it represented the appropriate collection of key high level persons knowledgeable about the case and if there were other people with similar policy and decision-making knowledge and experience who should also be interviewed. They were also asked if anyone should be deleted from the list. Each name had to be recommended by at least two people for inclusion in (or deletion from) the list. The first people interviewed, who first reviewed the list, were high level Census Bureau executives who were still working at the Census Bureau in 1998, and who had also participated in the Undercount Steering Committee for the 1990 Census. All interviews took place in 1998, most during the winter and spring, before key court cases were initiated.

The data gathered were used to help develop the case study and also provide insight into the case paradigms that are analyzed in Chapter Five. The interview declaration to which the subjects responded was: "What I am interested in is how the Census Bureau moved to the decision to use sampling and adjustment for the 2000 Census—I am interested in everything that comes to mind."

This case is part of an unending story of political controversy surrounding the "calculus of power" in the United States government. However, this particular case is bounded by the passing of legislation at the beginning of the decade—The Decennial Census Improvement Act of 1991—and is considered complete upon the issuance of a Supreme Court decision on the two cases against the census plan in early 1999. However, its focus is on the 1997-1998 period of the heightened controversy between the Congress and the Census Bureau.

The inherent limitation of this type of research, as described by Stein, is that it is not the "whole story." It is only the pieces that came to the attention of the researcher, that were judged

important, and were reconstituted by the author's mind, and only to the degree that the author's language creates in the reader's mind a common understanding with the author. Therefore the case represents a sufficiently practical recreation of reality, but not "absolute truth." (Stein 1952)

CHAPTER THREE

The Census in History

Overview

The Future is bound to surprise us, but we don't have to be dumbfounded.

-Kenneth Boulding

This chapter is a rereading of census history. Many accounts of census history are written from a modern perspective, focused on administrative, scientific and technological achievement. They document the march of progress and population growth e.g.(Halacy 1980)(Scott 1968)(Wright 1943). The quest for becoming modern has been a significant theme in such histories. Carroll Wright and William Hunt wrote in 1900 that the constitutional requirement for a regular periodical enumeration of its inhabitants, “ in a modern sense of the term...can not truthfully be called a census,”(Wright 1900) and the constitutional provision was for political reasons wholly. Wright and Hunt go on to document how the census became modern by expanding the types of information collected and adopting improvements in methods. If Census Bureau executives had their way, the 2000 census would become another historic chapter of technological modernization in this text. There is, though, another way to read the census history. It can be read as a power struggle over which values are used as a basis for distributing political representation and the resources that attach to such representation.

The historical background shows that the census is a way to exercise a weapon of power. It has always been a device of power and politics and this is its archetype. But within recent memory, the Census Bureau has lost its realization of this, its historical memory has lapsed. But in the postmodern environment, this archetype of the census as a weapon of power is constellated in the structuring of events.

Former census executives such as Daniel Levine and Barbara Bailar have stated that the census was not “political” prior to 1980. They believe the census became political with the advent of Federal revenue sharing programs and growth of other types of grants-in-aid. Also civil rights laws and reapportionment decisions stemming from the Great Society initiatives of the 1960s added a further political aspect to the census. Continuing into the 1970s, culminating in the 1980 Census, the differential undercount of minorities, and ensuing legal battles over these have brought further politicization. In these executives’ views, the census became political when public policy began to focus on the use of census data, including data on race, in Great Society programs, and civil rights law.

This seems a shortsighted, bounded view of history, and perhaps is limited by the personal time span of these executives’ careers. The Decennial Census has throughout American history been an essential part of political process and very much controlled by Congress as part of the larger apportionment and representation issue. The key to understanding the political nature of the census is the concept that “census results change the calculus of legislative power.”(Melnick 1980) A closer look at the politically charged history of population enumeration will shed light on the matter.

The discussion here builds on Margo Anderson’s 1988 book, *The American Census: a Social History*. Her comprehensive work, documenting the intertwined nature of the social, political and economic history of the nation and the American census, is an invaluable resource. Anderson suggests that a highly complex and continuous politics of population exists in the United States, and that the census is an apportionment tool for magnifying the controversies. She observes through the lens of history that,

Issues of race and region, growth and decline, equity and justice have been fought in census politics over the centuries, although because decades may pass between flare-ups of particular issues, the participants are often unaware of relevant earlier debates.(Anderson 1988)

A lack of historical perspective on the part of census administrators, as well as a lack of depth of understanding of the constitutional design and inherent instability of the U.S. political system has perhaps contributed to the difficult situation that the Census Bureau faces with the Congress for Census 2000. As Anderson has observed, the constitutional design of the American political system, in linking apportionment and political power to population, is inherently unstable because of American demographic dynamism. Each decade, as the nation grows and changes, the character of the Congress changes. In earlier periods the size of the Congress and electoral college also changed. It is this constant change and shifting of power which places stress on the system and inevitably erupts in power struggles in the Congress over each census -- as Anderson's study clearly indicates.

Another important factor (which is not discussed by Anderson), is the shifting in tendencies in the polity between the values of egalitarianism versus individualism and anti-statism. This shifting can probably be tied to the demographic change that Anderson focused on. During periods of egalitarianism, such as Roosevelt's administration, public policy works towards equalizing and redistributing wealth. Power is centralized at the federal level in large bureaucracies which administer programs to benefit disadvantaged groups. During periods of individualism or retrenchment, which characterizes the current period of Republican dominated discourse, the locus of power and wealth promotes decentralization, to the states and localities. Individual achievement is valued.

Together, both the concept of demographic change and of philosophic shift as they play out within the constitutional design of government are important to understand census politics of the past and present. They are perhaps equally useful in predicting the future. The constitutional design linking apportionment of political power to population size is grounded in systems thinking. Thus, social change is to be handled systematically. The framers envisioned a government structured on the machine model, having checks and balances, and automatic

methods to adjust to change. Change, such as demographic and apportionment realignments, could be slowed down by the checks in the system. If the Congress added states from territories, these could alter or diminish or enlarge certain centers of party power. If Congress failed to reapportion the House, or the courts did not intervene on instances of malapportionment, or exclusionary practices, these too could alter the political power structure. When issues of census methodology or apportionment methodology are unresolved due to a tangle of interests in Congress, the administration and the courts are also able to alter political power, but their interventions can take time.

However, this is what the framers intended because they feared the “passions” of men. The tendency of the constitutional design is conservative, and thereby hinders change. The political system is designed to counteract passion (or rapid change) and maintain “the constitutional equilibrium of the government,” as Publius states in Madison’s Federalist No. 49, “The passions ought to be controuled and regulated by the government.”(Cooke 1961) Based on this rereading of U.S. history, the proposal by the Clinton administration and technocrats to use sampling for the apportionment count constitutes a “passion” of the type that the framers would likely receive skeptically and cautiously. In this reading, it is not accurate to say, as some have, that the framers would endorse an inclusionary census that used sampling to ensure everyone was counted. They intentionally designed an exclusionary census clause in the constitution as a political expedient. A look at significant episodes in U.S. history will bear this out.

The span of American political controversy about the census encompasses all historical periods and is woven together by common threads of race, class and regional conflict. The decennial census administrators of the past and present have no claim to a moral high-ground on these issues. Inherent political conflict as it relates to the census began with the initial constitutional debate about the census clause and the inclusion of slaves in the count, each one equated to three-fifths of a person. *The Federalist* No. 54 explains the compromising expedient which “regards them as inhabitants but as debased by servitude below the equal level of free inhabitants, which

regards the *slave* as divested of two fifth of the *man*.”(Cooke 1961) The census clause was also deliberately used as the basis for excluding American Indians for one hundred years because of the reference in the clause to “Excluding Indians not taxed.” This was interpreted to mean Indians civilized and integrated into American society were to be enumerated (although few were), but those on reservations or maintaining tribal membership were not enumerated. (Alterman 1969) From these two examples, we see that “personhood” was a highly-charged political concept.

Conflict continued through Civil War era sectional debates involving the census questions and census data. In the 20th century, the progressive era and rural-urban immigration debates involved the accuracy of census counts in 1920, questions of immigration restriction, and the failure to reapportion the Congress. Conflict during the Depression centered around counting the unemployed and the politics of unemployment numbers. During the 1960s debate surrounded a census question on religious affiliation, as the question was opposed by Jews and Christian Scientists. From the 1970's through the present, debates surround the census minority undercount, as it bears on the efficacy of the welfare state. The American census has always been intertwined with the political struggle with the “alien other.” This has been expressed in historical struggles over how to count and consider for political apportionment, such marginalized Americans as slaves, American Indians, and immigrants.

Ancient and Symbolic Meaning of the Census

The census can have other meanings beyond its historical-constitutional context as a tool to determine political representation. The idea of the census may also have a symbolic meaning at a deep level of the human subconscious. Using Jungian psychoanalytic theory, this may be revealed through a review of ancient accounts of census-taking or numbering. For this reason the historical overview includes a biblical account of the census and other accounts of census taking which predate the American census.

The concept of the census is historically linked to state building. State building, as Charles Tilly (1975) has emphasized, has entailed a series of extractive and repressive tasks such as organization of the military, tax system and police. The development of statistical systems represents an auxiliary task of the same kind. Censuses, conscription and tax assessment are all extractive-of men, money and information.(Alonso and Starr 1987) At a subconscious level censuses may be associated with loss of freedom and rights of the individual, tribe or clan, for the benefit of the state. Even the term statistics indicates its historical association with knowledge of the state. In seventeenth and eighteenth century Germany a number of university professors developed the field of *Staatenkunde*, the systematic study of states, an early form of comparative politics.

Interestingly, the word “census” and “censor” are related. The Roman censor, a kind of big brother, combined in his office the duties of counting people and guarding public morals; a double function guaranteed to produce incurable categorizing.(Mitroff, Mason et al. 1983) This tie between the census and moral judgement of the citizen is expressed in modern times too. A Melvin Maddocks 1980 editorial in the *Christian Science Monitor* (December 1, 1980) says the counted citizen has the uncomfortable feeling of not only being measured, but somehow judged.

Public projects for counting or surveying are known to have been undertaken over four thousand years ago for purposes of taxation in Babylon, China and Egypt. At the time of Exodus, about 1500 B.C., records were compiled to determine the military strength of the Hebrews. This was done again by King David in 1017 B.C. Around 550 B.C. Rome instituted district censuses for taxation and military purposes, and Julius Caesar extended them to the entire Roman Empire. Peruvian records show early Inca accounts for military purposes.

One of the most significant censuses ever taken, because its implications spread over the western world and were felt for centuries and even today, is the census taken by King David. Even after the first census of the United States, the undercount was ascribed to fears related to the “sin of

David,” and also fear of taxation. According to the first book of Chronicles, the idea of King David’s census was born when “Satan stood up against Israel and provoked David to number Israel.” David called Joab, his army commander, and instructed him, “Go, number Israel...and bring the number of them to me, that I may know it.” Joab sensed the evil of the endeavor and asked, “...why doth my lord delight in this thing?” “ Why will he [David] be a cause of trespass to Israel?” The census was never finished “because there fell wrath against Israel.” In 1995 the nationwide census of Israel was boycotted by ultra-Orthodox Jews who feared unleashing the biblical plague. Rabbis have banned participation in past censuses citing the prohibition in Jewish law against counting “the Children of Israel.” The bible records that 17,000 Jews died of bubonic plague as punishment after King David insisted on holding a census.(Press 1995)

Hyman Alterman’s analysis of this biblical account is that David sensed that an enumeration would be a sinful act, and that he possibly committed a sin of pride. (Alterman 1969) In the pre-modern world of fragmented tribal society, the modern inclinations of David, to be all-knowing, like God (and perhaps like a centralized government in the process of state building) were thought to be evil.

Such associations may unconsciously underlie the negative feelings connected with today’s census. Is it possible that like David, one of the Census Bureau’s motives for Census 2000 is pride, an historically unsuccessful tactic when operating in the realm of values? Interestingly, a retired Census Regional Director suggested that pride and a longing for the (1940s) days of Morris Hansen, when the Bureau was a world leader in the development of sampling methodology is what is behind the Bureau’s present state of affairs. He even called the Bureau “narcissistic.”

To continue exploring these parallelisms, the Bible also contains a warning against numbering in Revelations Chapter 13. The warning concerns the number of the Beast, or the Antichrist. Revelations warns about all men being given a mark that allows them to buy and sell. Even in the

present day this warning is interpreted by some as a prohibition against participation in universal numbering and administrative records systems, like the social security number, the census, credit cards, and bar code numbering. Thus, big-government may be symbolic of the Antichrist. In fact, an Internet publication warning “666 IS COMING” describes the issuance of social security numbers to every child through a government program called “ENUMERATION AT BIRTH! [and clarifies] To Enumerate means to “ASSIGN A NUMBER!”(Watkins 1996) When some politicians describe the 2000 Census design as “cloning” they may be evoking deep symbolic associations with the Antichrist because cloning pits science against nature, as well as against certain traditions, or moral and religious values.

Even the biblical account of the birth of Jesus in Luke 2 (1975) can be read as having negative overtones relating to the idea of the census. Mary and Joseph had to return to Bethlehem (the city of David because Joseph was of the house or tribe of David) to be taxed or counted in the census, and as a result, Jesus was born in a stable. The story seems to be saying something about the relationship between the state and the tribe, similar to the Book of Chronicles account of the census of King David. The John H. Hayes *Introduction to the Bible* states that during the census ordered by Augustus (at the time of Jesus’ birth), a Jewish patriot named Judas in Galilee “upbraided his countrymen for being willing to pay tribute to Rome (via a census) and for tolerating any mortal master, since God was their lord.” The rebellion was so severe that over two thousand of the captured rebels were crucified by the Romans. The high priest Joazar took a leading role in the revolt, siding with the Romans, and seeking to persuade the people to submit to the census. “This Judas...was the founder of a sect -- the Zealots--which was associated in general with the doctrine of the Pharisees...stressing the absolute sovereignty of Yahweh over his people and the freedom of the Jews, and was to influence Jewish life for years to come.”(Hayes 1971)

Thus, the power of religious values and attitudes towards the relationship between the census and taxation continued, and were reflected in a letter President Washington wrote in a July 1791 to

Gouverneur Morris about the first census,

the real number of inhabitants will greatly exceed the official return, because, from religious scruples, some would not give their lists; from apprehension that it was intended as a foundation of a tax, others concealed or diminished theirs...(Alterman 1969)p.205

It is clear from this brief overview of ancient texts of Western thought, regarding the census and numbering, that at a symbolic level the census today likely stirs feelings related to the idea of big brother. It can symbolize threats to traditional institutions (religious, cultural and tribal institutions versus the state) , personal freedom (military conscription), and property (economic extraction via taxation.)

The Constitution

The United States was the first nation to institute a periodic national census and use it as an apportionment mechanism. This is due to the influence of the philosophy of Enlightenment thinking of the framers of the Constitution. Article 1, Sections 2 and 9 of the Constitution introduced a fundamentally new tool of representative government.(Anderson 1988) The significance of use of the census statistics for apportionment was recognized by the French statistician Moreau de Jonnes, who declared that the United States presented a phenomenon without parallel in history: “that of a people who instituted the statistics of their country on the very day when they founded their government, and who regulated by the same instrument the census of inhabitants, their civil and political rights, and the destinies of the nation.”(Eckler 1972)

The Constitution made population the measure of power and tax capacity, and the framers knew the country was experiencing rapid and differential growth. Article 1 of the United States Constitution provides for congressional apportionment among the states “according to their

respective Numbers..” Before each census, beginning in 1790, Congress debated a bill on how the census would be taken. This process stems from paragraph 3 of section 2 of the Constitution,

The actual Enumeration shall be made within three Years after the first meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

But the core of the debate surrounding Census 2000 is related to the part of the census clause defining who should be counted, or included and represented in the polity:

Representatives and direct Taxes shall be apportioned among the several States which may be limited within this Union, according to their respective Numbers, which shall be determined by adding the whole number of free Persons, including those bound into service for a term of years, and excluding Indians not taxed, three fifths of all other Persons.

As Cam Stivers suggests, the history of citizenship is about inclusion in the polity.(Stivers 1996) Stivers quotes Patterson, who maintains that it is no accident that both the United States and ancient Athens grounded their democracies in slavery and the exclusion of the alien other:

We, the politically free body of men, always, it would seem, tragically require the *them* who do not belong: the ignoble, the nonkith, the nonkin, the people we do not marry, the alien within -- the serf, the Jew, the slave, the Negro, the people who cannot vote- who demarcate what we are, the domestic enemy who defines who *we* love.(Patterson 1991)

Because the census count determined political representation, those excluded from the count - Indians entirely and slaves counted as partial persons - these groups were demarcated as the domestic enemy and excluded from participation in the political community. From a historical perspective, almost every census prior to “modern times” [the U.S. census being considered modern] was limited to taxpayers or potential soldiers. Women, children, and slaves were almost never considered “people” and aboriginal populations were consistently omitted.(Alterman 1969)

In the American constitutional convention there were numerous debates related to the issue of

slavery. Various parts of the Constitution having to do with commerce, taxation, imports, exports, fugitives, and insurrection were compromises resulting from these debates. The “three-fifths” clause was debated first. The fundamental conflict regarding the counting of slaves was believed to not be as strong a moral issue at that time, as it was one having to do primarily with financial interests in the Atlantic coast states wanting to retain control of the legislative process. A population-based form of representative government that included slaves in the population count favored the large southern states. Interestingly, it was Edmund Randolph of Virginia who proposed that a regular census be adopted as the basis for determining changes of population and wealth. The proposal that ultimately became the “three-fifths” clause is attributed to James Wilson of Pennsylvania. Significantly, Wilson was personally opposed to slavery, as was the state he represented, but achieving harmony in the convention was apparently more important to him than that principle.

There are five articles of the Constitution that favor the South and give it special treatment for its peculiar institution. The “three-fifths” compromise, the “dirty” compromise allowing the slave trade to continue and fugitive slaves to be treated like criminals, and two related to taxation and slavery -- all benefited the South. According to historian Paul Finkelman, the debates reveal that the northern delegates could have no illusion about the covenant they were forming with the South. Even though the word “slavery” is never mentioned in the Constitution “its presence is felt everywhere.” Delegates who objected to slavery but ultimately signed the Constitution, and even two who did not (George Mason of Virginia and Elbridge Gerry of Massachusetts) provided arguments that ultimately were not grounded in moral or philosophical opposition to slavery, but rather were practical and political. (Finkelman 1987)

The Federalist No. 54 argued the case for accepting the census clause and basing representation in the lower house on population, along with the peculiar provision for including slaves as three-fifths persons, which benefitted the South. *The Federalist* stated the anti-slavery (or anti-southern) position as the position that supported considering slaves as property, not persons, so

that they would be included in the estimates of taxation, and excluded from representation. *The Federalist* also presented the Southern point of view that slaves should be admitted into the census according to their full number, regardless of policies of particular states towards their own inhabitants. Publius asked for moderation on all sides and adoption of the compromising expedient because slaves “partake of both these qualities; being considered by our laws, in some respects as persons, and in other respects as property.” The central focus of this Federalist argument was on what is the proper measure or scale of representation. The key question hinged on whether it was property and wealth or people. The central concern was the calculation of power, not the moral issue of slavery. According to William Wiecek, “The federal number clause provoked surprisingly little debate in the ratifying conventions.” In the South it was considered practical and at best, an immense concession in the South’s favor. In the North, Federalists “faintly apologized for it, along the lines of Madison’s *Federalist* 54.”(Wiecek 1977)

The writings of Benjamin Franklin, possibly one of the first American demographers, reveal one founder’s thoughts on demography and the polity. His work supports the argument that the slavery issue was one having to do with economic and cultural interests rather than moral concerns. Franklin was an advocate of American population growth from the viewpoint of political economy, and he used statistics for insight into the strength of society and governments. He believed slavery to be an adverse factor for American population growth; he claimed that whites who had slaves were enfeebled, and not generally prolific compared to whites in Northern colonies, where slaves were few. Franklin thought that America should be populated by Anglo-Saxons who adhered to the Puritan Ethic: thrift, hard work, and simple living. Further, he believed that blacks and “tawneys”(non-Anglo-Saxons) should be excluded. He confessed to prejudice, “for such a partiality is natural to Mankind.”(Cassedy 1969)

Still, the constitutional compromise did not end the controversy. Debate surrounding issues of what groups to count, and how much and what type of information should be collected about the alien others, continued from the Constitutional debates throughout the nation’s history.

The 1800's and the Institution of Slavery

Between the time of the first census in 1790 and the Civil War, census data were implicated in the politics of slavery. Errors in the 1840 census resulted in data showing high rates of insanity among free blacks and the data were used in support of slavery. The attempted expansion of data collected on slaves proposed for the 1850 census was stopped by pro-slavery politicians who did not want information made widely available about their “peculiar institution.” During the 1850's each side of the sectional debate used census data to support its pro or anti-slavery position. The “prejudices and fallacies born in the statistical debates of the 1850's haunted sociological and political analysis of black American life well into the twentieth century.” (Anderson 1988)

In the 1870 census many people believed that omissions were the result of outright bias, and undercounting and over counting were viewed as a political conspiracy of the northern reconstructionists.(Mitroff, Mason et al. 1983) From 1790 to 1910, Congress was the final arbiter of the correctness of census counts, and during this period the size of the House of Representatives was not limited. It was after the Civil War that population changes became a more serious point of controversy. As early as 1840, the American Statistical Association issued a report that criticized the accuracy of census results (1844) and this issue was debated in a Congressional committee. During the 19th century there were at least four appeals to change the apportionment based on arguments about the quality of the enumeration. These were Alabama (1823), California (1852), California (1860), and Nebraska (1882).(Melnick 1980) Although there apparently was no challenge to the 1870 census count, Carolyn Maloney (D-NY) testified as part of the 2000 Census debate that Samuel J. Tilden rather than Rutherford B. Hayes should have been elected president in 1876 due to an error in the 1870 census that resulted in improper distribution of votes in the electoral college.(Maloney 1998) The error in the 1870 census was discovered later by scholars. The 1870 census is also noteworthy in that it failed to maintain statistics on suffrage restriction and civil rights, as part of the effort to change the political structure of the South during reconstruction. Francis Amasa Walker, superintendent of the 1870

and 1880 censuses (he served until 1889) is implicated in this failure because he was responsible for the publication of census statistics, and coincidentally, he later became an outspoken racist after leaving public office.

In 1852 a Senate committee issued a report complaining about the accuracy of the seventh census.

Such results are incredible as correct statements of facts, and can only be accounted for by a negligence of inquiry, which might perhaps have been anticipated from the minuteness of information sought, the number of questions to be asked and answered, and the improbability that competent persons would undertake the duties to be performed for the compensation allowed.(Kennedy 1852)

Power Shift Beginning in the Progressive Era and the Growth of the Welfare State

The period of the late nineteenth century and early twentieth century has been compared to the current time because it was an era of political and social retrenchment following the period of reconstruction. It was also a time when those in power looked towards the future and saw a threat to the existing power structure in the changing demographic trends. A critical decision had been made when Congress resolved after the 1910 census to maintain the House at 435 members due to considerations of cost and unwieldy size of the Congress. This meant that reapportionment would become a zero-sum game. Until that time, Congress had mitigated the declining power of the older rural areas of the country by increasing the size of the House after each census so that no state would lose seats. Republicans had secured control of the national government from 1896 to 1910. By 1920, the rising power of urban areas began to threaten Republican hegemony.

Significantly, Congress decided not to use the 1920 census results for reapportionment. This was a period of political turmoil and labor strife due to dramatic changes in social and demographic characteristics of American society, a shift from rural to urban society. “A series of race riots and ethnic battles resulting from the rapid migration of the war years also wracked the nation.”

(Anderson 1988) Margo Anderson called this period the “Tribal Twenties.” Preliminary apportionment figures showed that states with rapidly growing urban centers would benefit from reapportionment. For the first time the Census Bureau reported that a majority of Americans lived in urban places. There seemed to be no way to avoid the transfer of power to the cities, immigrants and growing urban working class. The Republican controlled Congress reacted by radically restricting immigration and refusing to reapportion the House of Representatives.

The Census Bureau was not untouched by this debate. A leading theorist of the immigration restriction movement during the late 1800's, Francis Amasa Walker, who had been Census Superintendent for the 1870 and 1880 censuses, opposed immigration from southern and eastern Europe, believing in the superiority of northern and western European stock. After his death in 1897, other major census statisticians, such as Assistant Director Joseph Hill, Director S.N.D. North, and chief clerk William Rossiter, promulgated Walker's ideas.(Anderson 1988) Walker is quoted as describing southern and eastern Europeans as “beaten men from beaten races” arguing that they would undermine American institutions and social values.(Walker 1899) In response to anti-immigration arguments, Congress passed the National Origins Act in 1924 (which cut immigration to 165,000,) using the 1890 census as the base for determining quotas based on national origin. The Census Bureau was to provide the official statistics on national origins for the full implementation of the law, which it did in 1929. These data were seriously suspect and based on studies of surnames. Herbert Hoover announced the official “scientific” national origins of the U.S. population. According to Anderson, these events set U.S. immigration policy “in a kind of racist concrete for a generation and ended America's role as a haven for European immigrants.” It was not until the 1960's that the assumptions of the National Origins Act were seriously challenged and immigration laws rewritten.(Anderson 1988) (Ironically, during the mid-1990's, Census Bureau Director Martha Farnsworth Riche honored Francis Amasa Walker and his administrative achievements by naming the new Census Bureau conference center after him.)

After the protracted debates surrounding the 1920 census, the Congress decided to give the

Census Bureau greater latitude to develop new procedures (coincident with the Bureau's support of the immigration restrictions movement.) Up through the 1920 census the Congress passed a census act for each census which specified the procedures, pay rates, and questions asked. However, beginning with the 1930 census these were left to the discretion of the census director under authority granted to the Secretary of Commerce. Since then only major modifications in census procedure have been legislated. These include allowing the use of sampling [except for apportionment] (1940), requiring a census of housing (1940), separating the census of agriculture from the population census (1950) and changing the date when census reports are due (1980).

The 1929 stock market crash, the Great Depression and rising unemployment resulted in greater public attention to the results of the 1930 census in the hope that it would clarify the unemployment situation. Conversely, the Bureau had placed a low priority on producing unemployment data from the census. There had been an inattention to unemployment statistics by the Hoover administration because Hoover believed the responsibility for "business cycles" was in the realm of business managers, not government. However, the Bureau was pressured to quickly tabulate and release unemployment statistics, which it did in June 1930. The figures were severely criticized for being too low. At that time, the Census Bureau was a Republican bastion, staffed by patronage appointments. Only five employees were ranked as professional statisticians and the average age of supervisory and official staff was 56.

Franklin Roosevelt's election in 1932 marked a shift in Federal government responsibility toward creating a Welfare State with his "New Deal" programs. There was a crisis atmosphere in Washington when a "Committee on Government Statistics and Information Services" (COGSIS) was created to serve the statistical needs of the Departments of Agriculture, Commerce, Labor and Interior, and to modernize the Federal statistical system. COGSIS New Dealers channeled administrative reform proposals to Department of Commerce officials. As a result Bureau leadership was drawn from the ranks of professional statisticians and social scientists. There were also several attempts to introduce a special mid-decade census to test sampling methodology, but

politically “no good could be served in mounting an expensive national effort to produce data that would not reflect favorably on the administration. The statisticians call for a census to test sampling methods was lost in the larger political arena.”(Anderson 1988) As the Census Bureau officials do today, in the 1930's they found themselves facing a political stalemate. “They could prove neither to themselves, to the politicians, nor to the nation at large that they were making major progress in statistical research on population until they conducted a census in conjunction with sample surveys.”(Anderson 1988)

But despite this impasse, the growth of new welfare programs prompted the continued study of “population problems.” New Dealers greatly expanded the use of grant-in -aid programs . For instance, in 1930 these comprised 3 percent of the Federal budget (100 million -- of which 60 percent went for highway aid.) They grew to \$2 billion and constituted one third of the Federal budget in 1936, and census data were used in the formulas to make the grants. New population policy stressed providing measures that might be used to “balance” or “equalize” social conditions. This reflected the egalitarian philosophy which was strong among the New Dealers. Therefore the role of the statisticians was no longer to provide apportionment data for reallocating political power, but rather to give a concrete basis for new measures related to social conditions in the populace. By the 1940's the Census Bureau had accomplished most of the New Dealers' goals for the agency. Sample survey techniques were developed and proven, personnel had changed and the research division was “at the cutting edge” of probability sampling and survey research.

With the advent of World War II Bureau officials understood they had to play an aggressive role in mobilizing the government for war, so that on the one-hand they could both effectively participate but also to promote the position of the Bureau in the executive branch.(Anderson 1988) To that end they provided detailed tabulations on the Japanese population for the internment program. They also projected draft quotas and provided data to plan military installations and analyze the impact of defense industries. It was as a result of comparing draft

registration figures to the 1940 census that a 13 percent undercount of black males was first measured. Also during the war years the Bureau sponsored several projects to build electronic computers, most notable the UNIVAC, the first nonmilitary computer, which was ordered to process the 1950 census. This time period, and the sequence of events and experiences during the war years, led to the advancement of systems theory and economics as a dominant theoretical orientation in government, the academy, and in business. The Census Bureau was a full participant in this shift to computerization and systems thinking, and the science of sampling and survey design became its core technology.

Census data were upgraded in response to greater demands for data from public officials. The data were used increasingly for social and economic analysis and in funding formulas for the growing grant-in-aid programs. By 1960 Federal aid paid for 15 percent of total state and local government spending; money involved in the programs amounted to \$10 billion in 1964. Census population data were used in approximately 60 percent of programs analyzed in the 1970s. (Anderson 1988) In 1972 Congress and the Nixon administration passed Federal Revenue Sharing legislation which allocated Federal funds to all states and 39,000 local governments on the basis of formulas that employed census data. Anderson describes this situation as a new set of census apportionment mechanisms designed to distribute economic power.

During the period of the 1960s the “reapportionment revolution” took place. The impetus was the 1962 Baker vs. Carr case and Supreme Court ruling that malapportioned state legislatures were unconstitutional because malapportioned legislatures over represented rural areas. Civil rights legislation relied on census data for administration, including the Voting Rights Act of 1965. Accurate apportionment and civil rights law application required accurate census data for small geographic areas.

It was during the planning phase for the 1970 Census that census officials and policy makers recognized that the differential census undercount of minorities and the urban poor had the effect

of denying representation to the uncoun­ted. During the 1970 Census the Bureau relied on publicity campaigns and coalitions of civil rights groups to encourage cooperation with the census. Several Federal lawsuits, charging that the mail census methodology would fail to reach Hispanic Americans and other non-English speaking urban populations, were filed against the Bureau. The courts dismissed the suits because the Bureau had the authority and expertise to determine the method of enumeration and there was no evidence that a mail census would produce an undercount. The 1970 census was subjected to severe criticism by the U.S. Commission on Civil Rights for the count of Hispanics, and for the continuing differential undercount of minorities. It was found that blacks were missed at a rate of 7.7 percent compared to 1.9 percent of whites. The Bureau responded in the mid 1970s by creating several minority advisory committees which are still functioning and have significant influence. These committees were and continue to be strong advocates of changes in census procedures. When the Bureau is not sufficiently responsive to them, they go to Congress or the media to press their proposals. For instance, in response to minority pressure, the Bureau expanded its race and ethnic questions and added a separate question on Spanish/Hispanic origin in 1978 for the 1980 census. (Anderson 1988)

Up until the mid 1970's Census Bureau staff had not seriously considered the possibility of adjustment of the census for the undercount. But during the mid-1970s people such as Robert B. Hill, research director of the National Urban League, raised the issue with the Census Bureau minority advisory committee. In 1973 Dr. Hill was in the research department of the Urban League, where researchers developed a formula for correcting the (1970) undercount for cities and states. They wanted to stimulate the Census Bureau statisticians to experiment with this technique. (Hill 1998) Former Bureau Director Vincent Barabba (who was a Nixon appointee, with a background in Republican political campaigns) described this new adjustment dialogue as the Bureau "being sensitized to the political nature of it." Barabba stated that after Hill suggested adjustment "we would argue about how it would get you further from the truth and towards the truth." (Barabba 1989) Dr. Hill traces the 2000 decision to adjust the census for undercounts to a

conference on census undercount held by Vince Barabba in 1980. It was the consensus of most statisticians in the conference that there are technically feasible and acceptable methodologies for adjustment.(Hill 1998)

Counter to pressures in favor of adjustment, the Federation for American Immigration Reform (FAIR) believed that illegal aliens should not be counted for purposes of apportionment. In December 1979, FAIR and several congressmen filed suit in federal court asking the census to separate legal and illegal aliens in the count. The court dismissed the case because during the 1920' s Congress had considered the question of whether to exclude illegal aliens for apportionment and decided not to do so. However, the issue of the impact of illegal aliens on apportionment continues to the present day, and is part of the questions before the Supreme Court for Census 2000.

Litigation and Minority Undercount 1980 - 1990

There were other pressures brought to bear on the Census Bureau during the 1980s. A total of 54 lawsuits were filed charging the 1980 census undercounted the population. Actually, the issues raised on both sides are still pertinent for the 2000 census, and still unresolved after almost 20 years. The major suits argued that a census undercount would result in hidden “malapportionment” and violate the Fourteenth Amendment, which mandated the allocation of House seats so that each person would have an equally weighted vote. The plaintiffs also argued that the Bureau had the capability to make an adjustment. The Bureau responded that the argument was inappropriate because the census results were not yet complete and fully analyzed. There was no generally accepted method of adjustment of counts below the national level. The related issue for Census 2000 raised by the Congress is that the method proposed by the Bureau has not been adequately tested. The Bureau argued in 1980 that there is a constitutional requirement to conduct an actual enumeration for apportionment. Because of this it held adjustment was not legal. As we know, the Bureau today has changed its position, and the

Republican leadership have adopted their former defense. At that time the Bureau also asserted that adjustment could not be calculated within the time frame set up by Congress for reporting the count. In fact, this is still an issue for 2000, because some Bureau staff, Republican Congress members, and the GAO believe that lack of time is a fatal flaw in the 2000 plan for adjustment.

The Bureau had developed its position against adjustment in a series of workshops and conferences in 1979 and 1980. The main point to support the Bureau's decision against adjustment was the quality of results of the 1980 census. When the final 1980 population count was 4 million above what had been estimated, the Bureau decided that quality of enumeration was felt to be good enough to make adjustment unnecessary. (Counter to this position, some internal Bureau staff believe the 1980 census contains a high level of duplicate enumerations). The 1980 Census litigation only went as far as the U.S. Court of Appeals. This court determined that the appropriate standard of review was a narrow one, and that the question was: Had the Bureau acted in an arbitrary and/or capricious manner in its decision regarding how to conduct the census and in deciding not to adjust? The decision of the court was a clear "no" on both counts in *Green v. Klutznick* 1980. (Mitroff, Mason et al. 1983)p.76

The 1980 census was a watershed in terms of both litigation issues and in the measurement and highlighting of demographic trends. These trends continue and are correlated to the matters in current litigation issues. Demographically, exurban regions experienced growth for the first time since 1820, while highly urbanized areas lost population. For instance, New York lost 700,000 the largest population loss in U.S. history. Also notable is that average household size shrunk to 2.75, and family households headed by women grew to 51 percent. Other changes that are significant are the growth in minority numbers. The black population grew by 17 percent and the Hispanic population by 61 percent; however some of the gain is attributed to improved methods of enumeration of minorities. (Anderson 1988)

As Choldin documented in his case study of the years leading up to the 1990 census, during the

years 1980 to 1985 the bureau's leadership insisted in Judge Sprizzo's courtroom (in *Cuomo v. Baldrige*) that the results of the 1980 census could not be adjusted but at the same time they were working to lay the scientific groundwork for a possible adjustment in 1990. (Choldin 1994) Barbara Bailar, Associate Director for Standards and Methodology and Kirk Wolter, Chief, Statistical Research Division, began planning this work in May 1980. A new post enumeration survey was designed and successfully tested in 1985. The Bureau then established a deadline for itself, in early 1987, to make a decision on the statistical and operational feasibility of adjustment. The decision process was to choose whether to go forward with the 1990 census having the infrastructure and plan in place to make adjustment possible, and then to review the outcome of the 1990 census before making the final decision to adjust it. Therefore the 1990 census would potentially be a "two number census." It could result in an unadjusted number and an adjusted number.

Coincidentally, in 1987 the final outcome of the New York lawsuit against the 1980 census was decided in favor of the federal government and against New York's request for adjustment. Judge Sprizzo ruled that it could not be demonstrated that census administrators had been "arbitrary and capricious" in their decision not to adjust the census. The Census Bureau had listened to experts on both sides of the argument, and had chosen not to adjust. The issue was not whether census administrators had made the best choice or the correct choice, just that they had not been arbitrary and capricious in making their decision. (Choldin 1994)

1990 Census: Minority Undercount and Litigation

Following all of the litigation and rancor of the 1980 census, a number of key internal Census Bureau staff favored planning for statistical adjustment as part of the 1990 census, although there was a split between the more theoretical statisticians and those more operationally inclined. However there was a decision in 1987 by the Department of Commerce political appointees,

under the Republican administration of President Reagan, not to have an adjustment of the 1990 census. The politically appointed Census Bureau Director Keane opposed the decision and stated that it was made for political reasons, but his opinion was overridden by higher level Administration officials, including Commerce Secretary Verity. This decision was followed by resignations of key Census Bureau staff (Dr. Barbara Bailar, Associate Director for Statistical Standards and Methodology, and Kirk Wolter, Chief of Statistical Research Division), and by the filing of a lawsuit in 1988 in favor of adjustment of the 1990 census by the cities of New York, Los Angeles, Chicago and Houston (and other cities intervened;) the states of New York, California (other states intervened); the NAACP, US Conference of Mayors, National League of Cities and others. The Department of Commerce entered into an agreement with the plaintiffs, which became an Order and Stipulation on July 17, 1989. This included the appointment by the Secretary of a Special Advisory Panel to advise the Secretary on matters relating to adjustment.

The position of the Congress on this issue was not definitive at that time. The census oversight subcommittee chairman Sawyer (D-Ohio) supported adjustment of the 1990 Census but apparently did not have the votes in Congress to pass legislation to require it. It was believed that if Title 13 were opened to clarify the authority of the Bureau to use sampling for the apportionment count, an attempt would be made to add other unwanted changes to the bill, such as a prohibition on including illegal immigrants in the census counts, and the bill would get bogged down and never pass Congress. Thus, the prospect of adjustment was stalled.

The results of the 1990 Census were controversial and litigious due to an undercount of minorities that was even higher than 1980, and a high cost that was due in part to a low mail response by the public. Only 63 percent responded and this necessitated a requirement to conduct door-to-door enumeration for nonresponse follow-up of 35 million households. There were a total of 20 lawsuits involving the 1990 census. Most revolved around the undercount, which had gone from 5.4 percent in 1950 to 1.2 percent in 1980 and to 1.6 percent in 1990. In terms of specific population groups, it ranged in 1990 from 5 percent for Hispanics and American Indians, 4

percent among Blacks, 2 percent among Asian and Pacific Islanders and 1 percent among non-Hispanic whites.

A decision not to adjust the 1990 census was made by Bush administration Secretary of Commerce Mosbacher in 1991 after he reviewed the advice of the “Special Advisory Panel” which had been established as a result of the New York lawsuit, and information from other advisors. The Secretary had received three reports providing recommendations on adjustment and rationales for each position. The recommendations were mixed. The Census Bureau internal undercount steering committee voted seven to two to adjust. The Commerce Under Secretary recommended against adjustment. The Special Advisory Panel was split 4 - 4 along party/affiliation lines. The Secretary decided against adjustment for a variety of reasons, not just technical reasons, and these are published in the Federal Register dated July 22, 1991. One of his major points was that adjustment did not improve accuracy of the population distribution among the states and cities as opposed to improvement of absolute numbers nationwide. This point was supported by the Supreme Court ruling afterwards.

Many Bureau career executives and the Republican Director Barbara Bryant did not agree with the Secretary’s decision. However, the adjustment lawsuits did not prevail in court; the courts found that adjustment of the census was not required by law. The Supreme Court rendered its decision of March 20, 1996 in *Wisconsin vs. City of New York*. The decision read, “The Secretary’s decision not to use that adjustment was well within the constitutional bounds of discretion over the conduct of the census that is provided to the Federal Government.” Yet, the question of statistical adjustment was still not definitively settled. The decision avoided a formal ruling on whether the reference in the Constitution to “actual enumeration” precludes the use of statistical adjustment. Significantly, Chief Justice Rehnquist, who wrote the opinion, noted, “We do not decide whether the Constitution might prohibit *Congress* [emphasis added] from conducting the type of statistical adjustment considered here.” Rehnquist may be reminding us that the ultimate issue is whether Congress, not the executive nor judicial branches, has the

authority to determine Census methodology -- especially as related to the use of sampling for the apportionment count. The view that the issue relates to Congressional authority to determine whether sampling should be used (not authority of the Commerce Secretary or the Census Bureau) is supported by a Congressional Research Service (CRS) report, *Legal Issues for Census 2000* (1993) which states that the legislative history of Section 195 of Title 13 indicates that the Congress “did not authorize the use of sampling for apportionment.”(Lee 1993) Therefore under this interpretation, the Commerce Secretary and the Census Bureau do not have the authority to use the methodology unless Congress delegates such authority. This CRS report was widely distributed at the Census Bureau in 1993, but the Bureau did not change its strategy to pursue sampling and adjustment for the 2000 census apportionment count without a change to Title 13.

Summary

The ancient meaning and the symbolism of the census are related to the concepts of repression and extraction that centralized/federal types of government imposed on an older tribal society. The census was also historically exclusionary -- as was the American census at its inception when the constitutional convention excluded Indians and as part of a compromise agreed to count slaves as partial persons. The American census is inherently political because it figures into the “calculus of power” as part of the decennial congressional apportionment mechanism. The American census results are historically controversial and census accuracy has frequently been the subject of congressional debate. It is a creature of Congress because the Constitution gives the Congress broad authority over the conduct of the census. A great deal of litigation has surrounded the census to force adjustment of the count, starting with the 1980 census. The litigation has not been successful because broad power to make decisions about census methodology was delegated at the founding of our country from the people, through the Constitution, to the Congress. Ultimately the Congress is responsible and accountable for the census. Congress has delegated significant responsibility for administration of the census to the Secretary of Commerce through Title 13, however, Congress maintains oversight and budgetary

control, as well as apparently, control over major methodological decisions, such as the use of sampling for the apportionment count.

This brings us back to the census archetype, which is a weapon of political power. People who are dissatisfied with census results have not understood this archetype and instead have mistakenly used modernistic means to affect it; focusing on litigation and pressuring administrative agencies to change procedures. Modernistic methods are ineffective for two reasons; the environment is postmodern, not modern and the object of control is not a scientific endeavor (or arcane endeavor as the press likes to call it), it is a weapon of power.

CHAPTER FOUR
The Case of Census 2000
Introduction

On February 28, 1996, Dr. Martha Fransworth Riche, Director of the Census Bureau, formally unveiled the official plan for Census 2000 at an event she called a “roll out” at the Commerce Department in Washington, D.C. The plan contained a fundamental change to modern census taking. Sampling and adjustment of the “actual head count” was to be an integral part of the next census. Not quite two years later, the lead story on the Washington Post’s January 12, 1998, Federal Page read “Embattled Census Director Quits.” According to the Post, Director Riche had been “fighting” the Congress for two years over how to conduct the 2000 census count. She was frustrated by the political “battle” and by the prospect that it would continue for two more years. “This is going to be a brutal fight,” said Rep. Thomas C. Sawyer (D-Ohio), former chair of the House subcommittee on Census and Population.(Vobejda 1998) Similarly a New York Times editorial four days later stated that Riche had to “battle fierce political opposition.”(1998) These warlike metaphors refer to an ongoing disagreement between the Clinton administration and the Republican leadership in Congress over the administration’s plan to combine headcounts with statistical estimates to arrive at a national population count. The New York Times editorial on Riche’s departure concluded that “ The politics that drives this debate now threatens to undermine what should be a politically neutral government task.”

Dr. Riche took office in 1994, the day before the electoral victory that gave the Republican party the control of Congress. She is an economist and former editor of American Demographics magazine. She came to her position as Census Director, appointed to the post by President Clinton, by way of a demographic think tank, the Population Reference Bureau. Her ties were to

the scholarly community, but in her new role, she was caught between the scholarly scientific community, and two dialectically opposed sides of the political community. One, the Clinton Administration and a coalition made up primarily of Democrats in Congress, minority groups, and large cities, ardently supported the plan. However, another faction composed of House Republicans, led by Speaker Newt Gingrich, closed ranks against it. Republican party leadership saw the plan as a threat to their slim, newly won Congressional majority, and a threat to Republican control of state redistricting after 2000 as well. As a result, Riche's entire tenure at the Census Bureau was marked by controversy, and the controversy over the census plan continued and even heightened in the months after her resignation.

Preface

The Decennial Census Improvement Act of 1991, Public Law 102-125 was enacted by the Democratic Congress, sponsored by Subcommittee on Census chair Thomas Sawyer (D- Ohio) to kick-off the planning for Census 2000 and set its direction. It mandated that a study be undertaken by the National Academy of Sciences-National Research Council to analyze:

1. Means by which the Government could achieve the most accurate census possible;
2. Ways for the Government to collect other demographic and housing data

Among the matters to be considered was the appropriateness of using sampling methods. The National Academy project was supported by funds provided by the Census Bureau under contract of over 1 million dollars.

In addition to the Decennial Census Improvement Act, a second act also directed the Bureau towards substantial change in the way it develops its census address file. In 1994, Congress passed the Census Address List Improvement Act which allows the Postal Service to share information with the Bureau. It also allows the Bureau to share the census address list with local governments so that they can point out differences with their own information.

The environment within the Census Bureau in the early to mid 1990's was characterized by tight budgets and shortages of resources, especially staff. There were offers of early retirement and “buy-outs, “ a freeze on promotions and hiring, frequent instances of operating under “Continuing Resolutions” (without an appropriations bill passed on- time by Congress), budget cuts, and after Republican control of the House, even attempts to dismantle the Department of Commerce -- of which the Census Bureau is a subsidiary agency. Between January 1993 and November 1994, the first two years of the Clinton administration, the Bureau had no director due, at least in part, to the difficulty of finding a candidate who could pass the “nanny test” and delays in the appointment process introduced by the “nanny test.” The “nanny test” (having to do with the appointee’s lawful employment of household workers) sank President Clinton’s appointments of Zoe Baird and Kimba Wood to the post of attorney general.

Standing in tension to the chaotic environment in and around the Census Bureau and the Federal Government in general were the enormous expectations of numerous census stakeholders, including these two new statutory requirements. The stakeholders included the Congress, in particular Sawyer’s subcommittee, and the pro-adjustment litigants. The Administration became a heavyweight stakeholder in favor of fundamental change when Republican George Bush lost the presidency and the Clinton Administration came to power in 1992. Clinton’s power base included the same groups who were represented by the pro-adjustment litigants. Most of these stakeholders were demanding “fundamental change” affecting many aspects of census operations. Yet this “fundamental change” was being demanded of a conservative bureaucracy operating with inadequate resources in a chaotic environment. The Census Bureau’s historical process for designing census improvements was one of cautious and incremental approaches, including thorough scientific testing and operational feasibility testing and evaluation before adoption.

This period initially coincided with the directorship of Bush Administration appointee Dr. Barbara Everitt Bryant. There are interesting similarities in background between the two directors most closely associated with the Census 2000 design, Barbara Bryant and Martha Riche, (who were

also the first women directors of the Census Bureau.) Director Bryant, like Riche, had ties to the scholarly and scientific community. Prior to becoming director, both had worked in research organizations. Like Riche, Bryant had no apparent political background; both were appointed through connections with friends who were involved in politics. Bryant's undergraduate degree was in a quantitative science, physics, while Riche's was in the economics. Bryant, like Riche, had been a magazine editor earlier in her career. Because of her interest in writing and editing, Bryant pursued a doctorate in communications research, while Riche had a doctorate in a somewhat related field, literature and linguistics. Seemingly, both individuals had moved from quantitative science undergraduate interests to fields involving analysis of science in their subsequent careers. (Specifically Bryant was a senior vice president in a medium sized marketing survey research company, while Riche was employed in a small think tank.) The science, writing and research organizational world views of these two directors had significant consequences for the Census Bureau. Both Bryant and Riche placed a high value on research, science and relationships with the professional statistics community. But the census director's job is one of the "60 toughest science and technology jobs in Washington" according to *The Prune Book*, sponsored by the Carnegie Commission on Science , Technology and Government. The Census Bureau has over 10,000 employees, is headquartered in Suitland, Maryland, and is supported by 12 regional offices, two data processing centers and three telephone survey centers.

Beyond some similarities in the backgrounds of the two directors most involved in the census 2000 issue, there were two striking differences in their public "persona." Barbara Bryant was a small, white haired conservatively dressed, grandmother of five. She was sixty-something and frequently referred to herself as a grandmother in public forums. This may have worked to her advantage as she was never attacked in the course of her directorship of the Bureau and seemed to have good relationships with her superiors at the Department of Commerce. In the masculine dominated world of politics, Barbara Bryant's persona may have evoked subconscious associations of motherhood and the respect that comes with it. In short, Bryant appeared nonthreatening. Bryant liked the job of Director and stayed until the very end of her (and George

Bush's) term, until January 1993. She would have liked to stay longer, as she observed: " Oh, I would have very much liked to have had at least another 2 years..."(Bryant 1993)

Martha Riche was quite different. She was in her early fifties, of the generation of Gloria Steinem. She did not wear the uniform business suit of a professional woman. She wore sweaters and skirts and sometimes had an "off-beat look " including the dangling earrings she always wore in public appearances (which she even referred to in describing herself.) She owned shares in race horses and frequented race tracks. She was constantly traveling; she was independent, a widow with no children. In the world of politics, such a persona may have been a disadvantage.

Planning for Fundamental Change

Planning for the 2000 Census had begun at the Bureau over a year before Bryant became director. Bryant took an active interest in the project and the 21st Century Decennial Planning Staff initially reported to her through the Office of the Deputy Director, Louis Kincannon. The staff adopted the direction of a need to create "fundamental change" in methodology with no dissent. Possibilities for fundamental change were developed and refined from 1988 to 1993 by working with various groups inside and outside the organization. In fact, fundamental change was being considered within the Bureau before the 1990 Census was even taken and the results known.

Using what was called a "zero-based approach" 15 census designs were considered during the early 1990's and most included the use of sampling or administrative records or both, although it was generally accepted that administrative records would not work as a basis for census taking for technical reasons. During the course of three years, planning came full circle to where it began. An evolving paperwork exercise of deconstructing and reconstructing and deconstructing the census occurred. "Building block" census operations or components were consolidated and developed into designs, designs were rejected and disassembled, then put back into categories -- as the players in this process changed. Finally as the clock ticked and the 1995 census test design

deadline approached, decisions had to be made about various elements to test and, “New uses of sampling and estimation” was selected among a limited number of others. Robert Tortora, the new Chief of Statistical Design and Methodology of the Bureau, who had been brought to the Bureau by Dr. Bryant’s Associate Director for Research and Methodology, Dr. Robert Groves, wrote the report that set out a limited number of design aspects to be tested in May 1993.(Rowland 1996) Even though Dr. Tatora wrote the report, Dr. Bryant has publically stated in Congressional testimony, and in her book *Moving Power and Money*, that she was responsible for the decision to use sampling in census 2000 because she began the research program in 1991. Dr. Riche continued to move the census plans along the path she set to adjustment and a one-number census .

Also during this period, under Dr. Bryant’s direction, the Bureau’s major internal research impetus was focused on questionnaire design and mailing procedures. This initiative is not considered a “fundamental change” to census design. As Sandra Rowland concludes in her paper documenting census activities of the Bureau during this period, “The initiative to improve questionnaire design rather than to initiate discussions with Congress early in the decade to pave the way for more fundamental changes in the census design may have been a tactical oversight in census planning. Unfortunately this oversight remained throughout 2000 census planning.”(Rowland 1996)

The Bureau “opened” the planning process by involving various task forces and committees. These were focused on Federal agency program needs and other data user needs. This is a traditional approach the Bureau has used for “input” since the 1970’s. As part of the census design process, the Bureau has also traditionally relied on review and support of its plans by the National Academy of Sciences (NAS). National Academy panels in the past have reviewed the 1980 and 1990 census designs as well as other Bureau programs. Thus there is a relatively long history of a symbiotic relationship between the NAS and the Census Bureau. During the early 1990’s the NAS reviewed and documented their analysis of census design alternatives in two reports. The 1994

report, *Counting People in the Information Age* was commissioned by the Bureau to evaluate alternative census methods. The 1995 report, *Modernizing the U.S. Census*, was commissioned by the Congress through the Decennial Census Improvement Act of 1991.

The Tenure of Dr. Martha Farnsworth Riche

The defining moments marking the beginning of the heightened controversy surrounding the 2000 census plan occurred during the month of November 1994. Two events mapped a collision course between the Census Bureau and the Congress. The first was the Clinton Administration appointment of Dr. Riche as Census Director and the second was the election of a majority Republican Congress. “Who is Martha Farnsworth Riche?” This question was not asked at the beginning of her tenure, but rather at the end; by herself, the press and her friends and coworkers. A person who knew Dr. Riche well described her to a New York Times columnist as a person essentially out of place in the world of politics: “ She comes out of a research and scientific environment...” Riche described herself to the same columnist as a person who likes to reinvent things, “modernizing them.”(Holmes 1998) She also described herself to staff as a “lone wolf.”(Cummings 1998)

Organizational Turbulence

It was widely reported in the media that Riche’s tenure was marked by controversy in the highly-charged political environment. But during the initial period of the Clinton Administration when the Bureau was headed by Deputy Director Harry Scarr, and continuing through Dr. Riche’s tenure, the Bureau experienced its share of turbulence within the internal organizational environment. The internal dynamic had a pattern which has been likened to a game of “musical chairs” involving people and positions.

As events unfolded in the early to mid- 1990s, doubting and dissenting voices regarding the sampling plan, as well as others who crossed paths with the wrong person, moved out of public view. Two examples are the Associate Director for Decennial Census and an attorney in the General Counsel's office. The Associate Director for the Decennial Census in 1990 had opposed the use of sampling and adjustment for the 1990 census count, was reassigned to a lower level position afterwards, and subsequently retired. (In 1998 he became a consultant to the House-Republican side of the Census Monitoring Board.) The long-time Census Bureau attorney (deputy chief counsel for the Census Bureau, under the Office of the General Counsel, Department of Commerce) voiced concerns about Constitutional- legal issues of sampling for the apportionment count, and recommended amending Title 13 to clarify the Bureau's authority to use sampling. He was relocated to the Department of Commerce where he eventually lost his job in a one-person/one position Reduction-in-Force (RIF) in 1996. After an appeal to the Merit Systems Protection Board (MSPB) failed, he took his case to the U.S. Court of Appeals, Federal Circuit (Case 97-3413) and was reinstated after two and one half years and returned to the Census Bureau in the fall of 1998.(Anonymous 1998)

Quite a number of apparently retaliatory staff moves took place during Riche's tenure but things seemed to start to settle down during 1997/1998. John Thompson, a mathematical statistician, eventually became the Associate Director for Decennial Census, the top census position in the agency, in May 1997. In September 1997, Jay Waite, also a mathematical statistician, was drafted from the survey design side of the Census Bureau to fill the number two position, as Assistant Director for Decennial Census (also called Chief-Operating Officer for the Census). All of the movement at the top, coupled with top-down decision making (which was criticized by the Inspector General) had a dampening effect on internal dialogue about how the census should be conducted. The placement of staff below the executive level mirrored the situation discussed above. When Jay Waite began working in his new census position, he described his situation as one of having to manage a football team where all the players were in the wrong positions.

There were many other management staff moves and about three reorganizations of the decennial management structure during the early to mid 1990's. In addition, because most top level executives (those in non-Decennial Census positions) during Dr. Bryant's and Dr. Riche's tenure were recruited from outside the organization, the message communicated to the career staff was that they were "inbred" and "parochial." This had quite an effect on staff morale. There was a perception by staff that dissenting opinions were neither wanted nor tolerated during this period.

Census Planning, Communication and Credibility

Dr. Riche began planning activities by reacting to criticism and public perception concerns about the census plan. One criticism was that the census plan was too costly. Other criticisms were directed at the sampling methodology. Between 1996 and early 1997, three sample design changes were made to the plan. Riche initiated focus groups and found that the proposed 30 percent sampling of the basic headcount was too large an amount to be acceptable to the general public (at that point the level of sampling was 30 percent, a figure suggested by the National Academy of Sciences.) Dr. Riche decided to reduce it to 10 percent because her focus groups indicated that to be an acceptable level from a public-perception perspective. Bob Marx, then the Associate Director for Decennial Census, also undertook a "reengineering" of the census design from the point of view of saving money. However, an Inspector General's report dated September 15, 1995 entitled "Inadequate Design and Decision-Making Process Could Place 2000 Decennial Census as Risk," critically assessed the Bureau's readiness for the 2000 census. It found the Bureau's planning process and organizational structure "not up to the task," and the census design the Bureau was pursuing as a result of the Riche/Marx reengineering, was "unsubstantiated ." It was not derived as a result of the 1995 test census results, and key decisions had been made without test data. The IG further stated that "the design was developed at the management level, with little input from program staff. The selected design was not derived using a systematic approach, rendering important components questionable."(1995)

After the “reengineering” of the design, minority interest groups became critical of the Bureau on technical issues related to how sampling would be implemented in nonresponse follow-up. The Bureau’s response to them was receptive and their criticism was engaged. Race and Ethnic Advisory Committee (REAC) questions submitted by Dr. Robert Hill (the same person who initially raised the adjustment proposal in the 1970s) led to more Bureau analysis of the data so as to understand the implications of different designs. Subsequently the Bureau changed some methodological strategies and amended other decisions to gain support relatively late in the decade. However, the Bureau continued to have problems with the Republican controlled Congress and seemed to lack a Congressional strategy. Along the way both the advisory committees and congressional staff accused the Bureau of “a conspiracy “ to withhold information about its plans from them.

Poor communication was identified as a major reason for the difficulties with Congress. Daniel Levine, a former Deputy Director of the Census Bureau, stated in March 1997 that the sampling issue is a tragedy for which the Census Bureau and the Administration are to blame in that they should have rationalized it better. (Rowland 1997) Edward J. Spar, executive director of the Council of Professional Associations on Federal Statistics (COPAFS) and a Census 2000 advisory committee member, stated in a January 1997 article in *Business Geographics* that the Bureau needs to develop a clear statement telling why sampling is the best approach, how it will work, why it can be accomplished, why it believes the approach is constitutional, and what the final product will look like. He ended with the sarcastic comment that “we only needed these answers yesterday.”(Spar 1997) Barbara Bailar, former Associate Director of the Census Bureau stated at a June 3, 1997 Washington Statistical Society meeting that Census 2000 sampling for Nonresponse Follow-up at 90 percent of all households was not well explained. The impression given was, “If that’s all you’re willing to sample, then there must be something wrong with it.”(Rowland 1997)

During this period the Bureau also suffered credibility problems in several areas because major

data it produced were released with significant errors and had to be retracted. It got so bad that Paul Harvey, the conservative radio commentator, mentioned in April 1997 that the Bureau had been wrong on several important matters and that government and business had learned to ignore Bureau reports.

Credibility concerns were also raised by the Republican Congress. An error in the proposed 1990 adjustment estimates made by the Census Bureau would have inappropriately moved one Congressional seat. Congress further raised credibility issues with the placement of the census as number one on the list of high risk government programs in a February 1997 GAO report. The Bureau did not address the concerns raised by GAO, so it was cited a second time as having increased risk in July 1997 by House subcommittee chairman Dennis Hastert (R-Ill.) in a letter to Bureau Director Riche.

Credibility issues seemed to reach their peak in the summer of 1997 when a legislatively mandated "Thirty Day Report to Congress," to respond to various concerns of the Congress, including providing all information related to sampling, contained an error in the estimate of variance for block level test census data produced using estimation. Block level data are very important to Congress because Congressional districts are delineated using these data. The error was discovered by GAO, and the report had to be recalled. Then yet another management move took place, and the chief of the division responsible for the error was transferred to another position.

Coalescing of the Republican Opposition

A series of events in the 1996 - 1997 period made Republican opposition to the census plan clear. Prior to 1996 Republicans were not paying much attention to census sampling plans. They became involved about the time of the "official" roll out of the plan at the Department of Commerce in February, 1996. Prior to the roll out, the appropriations subcommittee, chaired by Congressman Harold Rogers (R-KY) was primarily concerned with the census long form,

respondent burden and census costs. In July 1996, Clark Bensen, of Polidata, a conservative political data analysis organization, (and consultant to the Republican National Committee), drew attention to the potential impact of the census plan on Congressional redistricting. He presented a paper at the National Committee of State Legislatures meeting in St. Louis in July 1996 and reportedly made predictions about the dire effects the new method would have, and that up to two dozen Republican seats could be adversely affected. This was followed up in an article in the August 22, 1997 issue of the conservative political weekly, *Human Events*. The article referenced a report by the Statistical Assessment Service which raised serious questions about “troubling margins of error” in the census plan. The article also stated that “ Statistical errors in the count, accidental or deliberate, could result in as many as 24 GOP seats being lost, according to electoral strategists.”(Lambro 1997) These words “ a loss of 24 seats -- spread like wildfire .”(Lowenthal 1998)

In September 1996, during the second session of the 104th Congress, the Committee on Government Reform and Oversight led by Chairman William F. Clinger, Jr., released a report entitled *Sampling and Statistical Adjustment in the Decennial Census: Fundamental Flaws*. The report recommended that the Bureau should not use sampling for the apportionment count in Census 2000 and that Congress should work to clarify existing Federal statutes with regard to the use of sampling in the census for apportionment purposes.(1996)

Next, in February 1997, the Government Accounting Office (GAO) issued a report of high risk government programs vulnerable to fraud, waste and abuse and listed 2000 Census planning as the number one high risk program due to “ problems with Census Bureau statistical sampling.” This report was accompanied by a letter to Director Riche from Bernard Ungar, Associate Director of the GAO, notifying Riche of the designation of the census as being at a high risk of incurring high costs and unsatisfactory results.

On April 16, 1997 the Senate Governmental Affairs subcommittee, chaired by Fred Thompson (R-Tenn) held a hearing on the constitutionality and legality of sampling in the census. Then in May 1997, House and Senate leadership of the Congress sent a letter to Census Director Riche stating their opposition to census plans for the use of sampling in the 2000 census.

In July, 1997 Congressman Dennis Hastert, Chairman of the subcommittee on National Security, International Affairs and Criminal Justice -- which was the census oversight subcommittee at that time, sent two letters to Dr. Riche. Both letters had a negative tone and contained warnings related to measures that would compel compliance to the requests made by Congress of the Bureau. The first complained about the unwillingness of the Bureau to make information available to GAO auditors, and also that subsequently the Bureau had only made information available to the GAO under the condition that it not be shown to Members of Congress and their staffs. The second stated that Riche had failed to comply with Title VIII of PL 105-18 by not providing the Congress the specific information required by law. It stated that important supporting information was missing from the "Riche Report" -- (The Thirty Day Report to Congress) and requested additional information related to sampling formulas and error rates.

The single minded, ideological nature of the Republican Congressional opposition to Census plans, if not clear already, gained momentum in the summer of 1997. Congressional leadership attached a rider to flood and disaster relief legislation, and held up passage of relief to flood victims along the Red River in the upper-Midwest, in order to preclude the Census Bureau from continuing its research on use of sampling in the census. Another policy initiative attached to the same legislation would have precluded government shutdowns. However, the relief delay to flood victims became politically unpopular, as the media, (and the Democrats,) continued to dramatize the victims' stories on the nightly news. Clinton vetoed the bill, 20 moderate Republicans broke ranks and Republican leaders ended up embarrassed and compromised. They then reworded the rider to require a report by the Census Bureau to Congress instead and Clinton signed the bill on June 14, 1997. Soon after, there was an attempt by some Republican House members to remove

Newt Gingrich from his Speaker of the House position. He survived the coup, however, and remained Speaker for two more big appropriations battles, both of which included Census sampling as a major issue. In this 1997 battle, Republicans said they had learned not to use disaster relief legislation as a vehicle to set policy. Yet they continued to use appropriations legislation as a vehicle to negotiate and buy time or request alternatives, but not to resolve, the core policy issue of sampling for the apportionment count.

Gingrich devoted significant space in his book, *Lessons Learned the Hard Way*, (Gingrich 1998) to the census 2000 debate. In the book he explained the reason for the “mistake” of using the flood relief legislation to set policy on the census and government shutdowns, was because people got confused about major policy paths converging at the same time and because they had whipped themselves into a do-or-die commitment without giving enough consideration to what comes next. This is an incredible admission for a Speaker of the House to make. His excuse for this is related to the chaos of politics in the contemporary world. He lists having to deal with so many Members and Senators, the Administration, the media, governors and grassroots organizations, that there is no time for creating effective policy strategy. He also complained about having to involve large numbers of people in decision-making and explained that legislative hierarchies are relatively flat.

The summer of 1997 was the first time the Bureau staff began hearing of the Congress’ “blank check” offer. The Congress had requested a cost estimate from the Bureau for a census with a full nonresponse follow-up and no Integrated Coverage Measurement (ICM) operation. The Bureau provided a figure of \$4.2 billion. During a Census Advisory committee meeting in July 1997, Kristine Simmons, a staff member of Senator Fred Thompson’s Committee on Governmental Affairs, referred to the \$4.2 billion figure and stated that “ the leadership is committed to funding a full census without sampling -- a blank check.” (In February, 1999 the Census Bureau revised the cost estimate for the non-sample census to \$7 billion.)

Next, House Republicans again attached wording to census appropriations legislation for fiscal year 1998 that would jeopardize the use of sampling, while the Senate attached wording similar to the final compromise wording in disaster relief legislation that precludes the Bureau from making plans that would be “irrevocable.” The House version won out in a complex series of events, including personal negotiations between the White House and Speaker Gingrich. House Republicans took advantage of another opportunity, a foreign trade bill (Fast Track) supported by President Clinton, but opposed by labor and a majority of House Democrats, to make a deal about the census and other issues, in return for Republican support of the trade bill. These negotiations took place with the November 4, 1997 elections as a backdrop. The election results did little to effect the “status quo” but they were not a good signal for the Census Bureau, where officials had been hoping for a return of the Democrats to power in the Congress.

The passage of the census appropriations bill was late, and the Bureau began operating under a continuing resolution, which meant it had to operate at the Fiscal Year 1997 funding level -- inadequate for the “ramping up” needed for the decennial census. The Bureau was not able to hire staff, open temporary offices, begin large procurements or conduct the dress rehearsal census. A compromise was finally reached during the week of November 10, 1997, as Congress prepared to go out of session. The President finally signed the bill on November 26, 1997, almost two months into the new fiscal year.

H.R. 2607, the FY 98 appropriations bill for the Departments of Commerce, State and Justice, was a nightmare for the Census Bureau’s autonomy. First it set out a constitutional case and Title 13 (Census Act of the U.S. code) case against the Census Bureau, and it invited any person (including any Representative or Senator in Congress; and either House of Congress) aggrieved by the use of any statistical method in violation of the constitution or any provision of law, to file a civil action (and the case would be underwritten by government funding.) Second, it provided funding over and above that requested in the President’s budget to plan and prepare for a census without the use of statistical methods, therefore putting the Census Bureau on two tracks, in that

to comply with the law it now had to prepare for a traditional census as well as an adjusted census. Third, the legislation provided for a census oversight board, allocated four million dollars in FY 98 to pay associated Board staff and expenses, and gave the Board authority to require Federal agencies to provide funded staff on detail. The Board was also granted access to any files, data, information, etc. from the Census Bureau. The Board would consult with Congress, provide congressional staff any information that the Board had access to, and prepare interim reports and a final report by September 1, 2001. The appropriations bill also put Congress on record asserting that the use of statistical sampling “poses the risk of an inaccurate, invalid and unconstitutional census.”

The newly-created oversight board was very slow in materializing. Even though the legislation establishing it (HR 2267 Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998) required it to produce an initial report by April 1, 1998, the board was only beginning to function by June 1998 and had its first meeting July 8, 1998.

In contrast, a new census oversight subcommittee, which was authorized at the same time as the monitoring board, immediately became active. The census subcommittee under the Democratic congress had been disbanded after the 1994 elections and its functions absorbed by another committee. So there had been no subcommittee solely focused on the census for about three years, from November 1994 until November 1997. Census staff give this as a reason for the poor communications with Congress during this period.

The new subcommittee Chairman, Dan Miller (R-FL) holds a Ph. D in Marketing and Statistics, is a staunch fiscal conservative, and “is committed to reducing the size and scope of the Federal government.”(Dwyer 1997) Subcommittee staff director Thomas B. Hofeller is credited by some people with formulating the Republican party-wide opposition to the census plan. Even Congressional representatives of states such as Arizona, that potentially would benefit from the

Census plan by gaining population, representation in Congress, and money, support the opposition. Newt Gingrich is a very public supporter and leader of the party opposition, yet he supported a statistical adjustment of the 1990 census because it potentially would have benefitted Georgia.(Gingrich 1991) Clearly, the Republicans in the House have achieved a remarkable degree of unanimity in this effort.

The census plan is opposed at a very basic ideological level by appeals to the established order and tradition (of Republicans), and maintaining the power of Congress, as well as eliciting distrust of elite technocrats and Federal bureaucracy. Republicans believe that the slim majority they have in the House, as well as power in state senate and house representation is threatened by the Census sampling plan. Gingrich was quoted by the New York Times as stating melodramatically that sampling is a “dagger pointed at the heart” of Republican control of the chamber. Also Jim Nicholson, national chairman of the Republican National Committee, sent a memorandum to state chairmen urging them to join the fight against sampling, saying that it could jeopardize 24 House seats, 113 state Senate seats, and 287 state House seats.(Holmes 1998) According to the New York Times, most experts contend that Mr. Nicholson and others exaggerate the political consequences of sampling.

The activism of the 1996-1997 period, which fostered a concerted, well orchestrated opposition by the Republican party is in marked contrast to that of House Democrats and the Democratic Administration. A seemingly small number of House Democrats and their allies began to support the Census plan at about the same time as Republican opposition coalesced. A group known as the Census Caucus, headed by Carolyn Maloney (D-NY) and co-chaired by Christopher Shays (R-Conn), were two of the few voices in the House raised initially in support the census plan. President Clinton had promised House Democrats in November 1997 that he would make the census fight a major priority. But Clinton remained silent in public on the subject until a June 2, 1998 public event in a low-income Hispanic community in Houston, Texas which was orchestrated by the White House to focus attention on the issue. One Census Bureau executive

staff member speculated that the Administration may be holding the Census sampling plan as a bargaining chip in reserve, to be exchanged for a higher priority item in future negotiations with the Republican controlled Congress.

An active organized effort that seemed to take a prosampling slant was that of the “2000 Census Initiative.” The “2000 Census Initiative” is spearheaded by TerriAnn Lowenthal, former chief of staff of the census oversight subcommittee of Rep. Thomas Sawyer (D-OH) under the pre-1994 Democratic- dominated Congress. As described in its brochure:

The 2000 Census Initiative works to raise awareness among key stakeholders about the value of an accurate, fair and comprehensive census and the data it produces. We are a resource for individuals and organizations that care about the 2000 Census. Key stakeholders include the Leadership Conference on Civil Rights, National Community Action Foundation, U.S. Conference of Mayors, Council of Professional Associations on Federal Statistics, Kids Count, and many more.

The Census 2000 Initiative is a project launched in 1996 by the Communications Consortium Media Center (CCMC). CCMC is a non-profit, foundation funded organization which specializes in using communications tools in support of public policy issues on the “progressive” side, e.g. on issues concerning family, children, population. It started with a grant from the Annie E. Casey Foundation and now gets funding from other major foundations. Because it is non-profit, it cannot lobby elected officials directly. Instead, the project provides regular broadcasting of “New Alerts” about the census, by fax and electronic mail. These serve to keep stakeholders informed of what are primarily political events in the Congress and other major public events related to Census 2000. TerriAnn Lowenthal, the Senior Project Consultant, is a ubiquitous and well connected figure in attendance at Congressional hearings, monitoring board hearings, Census advisory committee meetings, and in meetings of major data user organizations.

Another communication strategy that seemed to be successful was Dr. Riche’s “roll-outs” and editorial boards. After the census design “roll out” at the Department of Commerce, Director

Riche took her “roll out” concept on the road and staged similar “events” in a number of cities across the country. Whenever she traveled, she took the opportunity to hold “editorial boards” which were meetings with the local press. This tactic likely contributed to the Census 2000 plan having largely favorable media coverage. A staff member at CCMC who tracks census media coverage estimated that census sampling has a 4 to 1 rate of favorable media coverage.

1998 -- A Year of Surprise and Transition for the Bureau

Tumult for the Congress and the Administration

The new year began at the Census Bureau with the resignation of Director Riche, which was officially announced on January 12th, 1998. The media attributed her resignation to her on-going battles with Congress. The possibility of her resignation had been rumored for some time within the Bureau because it was believed that she had health problems. In fact, the New York Times report of her resignation stated that Riche’s doctor had told her in November that she was suffering from physical and mental exhaustion.(Holmes 1998) However, Dr. Riche provided numerous reasons for her resignation. She told the Census Regional Directors at a meeting on January 13th that she was leaving for lifestyle reasons and spoke of her fifty-minute commute. She then described herself as a lone wolf and said it was difficult for her to work in large organizations, which is why she left the Bureau of Labor Statistics 15 years ago. She then borrowed the well-known words of Martin Luther King, “Free at last, free at last” to explain that now “I will go back to being who I am.”

On January 27, 1998 Dr. Riche made closing remarks to a general meeting of Census Bureau employees. Her remarks made a quite an impression. Electronic mail after the meeting documented what some employees thought they heard Dr. Riche say (or imply) and asked others for confirmation. Much of the content of Dr. Riche’s remarks were understood as derogatory towards the staff themselves. Riche reportedly said the staff were “old” and cited the average tenure of employees at 20 years compared to private sector information firms where most

remained for only 5 years. She said the Bureau was like Peyton Place, and the staff were parochial nerds. Since the Bureau is like a “Model T,” she had tried to fill jobs with people from outside the agency. Further, she said she could no longer successfully represent the Bureau externally because there had been “too many times” when she was caught using bad information. She attributed this to the bad communication flow from the workers to the managers. From the context of these notes it seems that over the two week period between her initial departure announcement to the press and her final in-house remarks, the blame shifted from the personal toll the job took on her, to the staff’s inadequacies.

The next surprise came in the form of Dr. Riche’s replacement. James F. Holmes, the Census Bureau regional director from Atlanta, and a career staff member of the Field Division, was immediately made acting director. This was an astonishing jump over four layers of executives above the regional director level. The move resulted in considerable chagrin among the senior executives at headquarters, several of whom were vying for the top spot. The practical minded field staff, who are in personal contact with the public on a daily basis, are held in relatively low esteem by headquarters theoreticians. Since several of the field regional directors had raised serious concerns about the census plan’s lack of feasibility and consequential high failure risk, the appointment of the regional director seemed to some as if the inmates were taking over the institution.

However political forces immediately set to work to overshadow Holmes’ appointment. The next day the Washington Post featured a story and photograph of Barbara Bryant, the former director; the Republican political appointee was an avid pro-adjustment advocate, and was now a candidate to replace Riche, a nomination put forward by the Congressional Census Caucus. Only two sentences of the article were devoted to the newly appointed acting director, who had a long and distinguished career at the Census Bureau, and who was the first African American to hold the position.

Yet, the surprising selection of Jim Holmes as acting director was indicative of a major change in leadership and thinking at the Department of Commerce. William M. Daley (of the Chicago Daley dynasty) had become head of the Department of Commerce where he replaced Ronald Brown after his untimely death in a plane crash. Robert Mallett, formerly of Washington, D.C. municipal government, was his new deputy. Because the flamboyant Under Secretary for Economic Affairs, Everitt C. Erhlich, who had previously had a good relationship with Dr. Riche, had also resigned, he was replaced by Lee Price, the Senior Economist, as acting Under Secretary. Lee Price had political experience on Capital Hill and had personally handled the negotiations with Gingrich's chief of staff during the FY 98 budget negotiations. Subsequently, Robert Shapiro, of a Clinton associated think tank, *The Progressive Policy Institute*, became Under Secretary .

Some of the new leadership at the Department did not get along well with Riche or with the other executive staff at the Bureau. In fact, there had been a rumor of a vote of "no confidence" in the Census executive staff by Commerce leadership during the fall preceding Riche's departure. So the selection of "practical leadership" over the academic and theoretical leadership which had previously been the norm, offered a ray of hope to some Bureau staff who believed the census was in deep trouble. According to a member of the director's staff, Commerce officials were reacting to their perception that the Census Bureau executive staff were "nudnicks" and had "read them the riot act."(Bounpane 1998)

The selection of Jim Holmes was seen as a threat by those who supported Riche's agenda. There were significant contrasts. Riche's management and leadership tendencies had been centralizing and controlling. Jim Holmes represented the fragmented, localized, decentralized perspective of field management. This was a clash of world view at a broad paradigmatic level. Holmes liked to characterize his and the field organization's view of the world as being "at the bottom of the food chain." Thus, Holmes personified the process of an "alien other" of the Census Bureau organization assuming a key position. If the upper echelon of Bureau leadership included the racial and cultural domestic enemy, the alien within had arrived at the nerve center of the

operation.

Jim Holmes had previously been courted for executive positions at headquarters but had turned them down for at least two reasons. He had an open disdain for working at headquarters and his family was opposed to moving from Atlanta to Washington. He had apparently been offered the political appointment of the directors' job, and had turned it down. At a Race and Ethnic Advisory Committee meeting in the summer of 1998 when he announced that Dr. Prewitt's name had been submitted by the Administration for Senate approval, he said, "That would have been my name going forward," but my wife decided "That's not for us."

During Jim Holmes' tenure the Bureau moved forward on development of the traditional census plan, along with the sampling plan, and conducted a dress rehearsal census in three sites: Sacramento, California, where the sample census was used; Columbia, South Carolina where a traditional census was taken; and on the Menominee Indian Reservation in Wisconsin. All three were considered operational successes but statistical evaluations of their accuracy were not scheduled for release until the following year. The 1998 dress rehearsal was the first time the sampling and adjustment plan proposed for 2000 was tested.

The selection of Holmes was a continuation of a pattern established by the new set of Commerce officials. When the new Commerce officials were appointed in 1997/1998, they had immediately begun making strategic alliances with census regional directors. They understood that the success of the census was ultimately in the hands of the field staff, so they wanted to have direct lines of communication with them, circumventing the headquarters executives. For example, Richard M. Daley, Secretary of Commerce, met alone with the regional directors on several occasions and Robert Mallett, the deputy secretary, and others, began visiting all of the regional offices and attending regional directors' meetings, often without informing Census Bureau senior officials at headquarters

The Anti-Sampling Lawsuits

Jim Holmes soon learned that he, along with William J. Clinton and William M. Daley, would go down in history as a defendant in two major court cases. During Holmes' tenure the Census Bureau learned that its legal case under Title 13 for using sampling for the apportionment count was not necessarily going to withstand the scrutiny of the high courts. The first lawsuit was filed on February 12, 1998 in Federal District Court for the Eastern District of Virginia by the Southeastern Legal Foundation, a conservative public-interest law firm. This was known as the Glavin case, Glavin being the president of the Southeastern Legal Foundation. The case stems from taxpayer challenges in six states; Connecticut, Massachusetts, Minnesota, Ohio, Pennsylvania, and Wisconsin, because sampling would likely cause their states to lose seats in the House and voting strength would be diluted by lowering the population counts for some communities while increasing others.

The second case was filed on February 20, 1998 in Federal District Court in the District of Columbia, by the U.S. House of Representatives. This was known as the Newt Gingrich case. Initially, legal experts speculated that the law suits would be found not to have "standing," because they seemingly asked the court to issue a before-the-fact opinion about the constitutionality of the sampling procedure. The experts were wrong.

A three judge panel heard oral arguments on June 11, 1998 in the House of Representatives lawsuit. The panel consisted of Douglas H. Ginsburg, U.S. Court of Appeals and Royce C. Lamberth of U.S. District Court were both Reagan appointees. The third judge was Ricardo Urbina of the U.S. District Court, a Clinton appointee. The Glavin suit was also heard by a three-judge panel in District Court for the Eastern District of Virginia. That panel consisted of Chief Judge Claude M. Hilton, and judges Jackson and Widener. On August 24, 1998 the first panel rendered their unanimous ruling against the Census Bureau, because the census plan is in violation

of the Census Act (Title 13.) (1998) On September 23, 1998 the second Federal Court ruled against the Census Bureau in the Glavin Case. (1998)

The opinion in the House of Representatives case, written by Judge Lamberth, is 76 pages long and quite detailed. It addresses issues related to the standing and ripeness of the case, and then describes the legislative history of Title 13 to explain the court's findings that the plan for a one number census using sampling is in violation of that statute.

Standing and ripeness basically relate to the certainty of an injury occurring to the House of Representatives under the census plan. The court found that the the House of Representatives has a right to receive the apportionment count. To receive an adjusted or sampled number results in an "informational injury" to the House, and the injury was certain to occur under the census plan. The court also found that this suit is an "extremely rare case." Therefore it fits the rigorous demands of Article III where a House of Congress can claim that existing law, as interpreted and implemented by the Executive Branch, injures it. The injury to the House is imminent and impending, and therefore not too speculative for Article III purposes.

The heart of the case is in the interpretation of the two provisions of the Census Act, sections 141 (a) and 195 regarding whether it is permissible to use sampling for the apportionment count. The interpretation ultimately determines whether statistical adjustment to the initial headcount is permissible or proscribed. Section 195 was amended in 1957 to make various census activities "more modern." Section 195 allows the Secretary of Commerce to authorize the use of sampling "except for determination of population for apportionment purposes..." Section 141 was amended in 1976 to allow for a mid-decade census that used sampling. (However the Congress has never funded a mid-decade census.) The court found that section 141's reference to the use of sampling relates to "the myriad of demographic data that the Bureau collects in conjunction with the decennial enumeration," and cannot be read as an authorization to use sampling for congressional apportionment. The court found that the legislative history and the plain language of the Census

Act leave no doubt as to the purpose underlying Congress' promulgation of the 1976 amendments to the act. The judges in the Glavin case came to the same conclusion, but by a somewhat different line of reasoning. Judge Hilton's opinion was only 28 pages long -- compared to the 76 pages of the Lamberth opinion.

The Justice Department appealed the cases to the Supreme Court. On September 10, 1998 the Supreme Court agreed to hear the first case and set oral arguments for November 30, 1998. A decision was initially expected by early 1999. On October 8, 1998 the Supreme Court agreed to expand its study of whether the Clinton Administration can use sampling and the Justices agreed to simultaneously review the House of Representatives and Glavin cases.

A New Director

During the spring of 1998, Dr. Kenneth Prewitt's name surfaced as the likely Administration appointee to fill the director's job vacated by Martha Farnsworth Riche in January. Prewitt was described as an "intellectual" and "a New York City academic." (Mercurio 1998) Like Bryant and Riche, he came from a research organization. The Washington Post described him as "a Democrat who has taught political science and had written textbooks on American government..." (Broder 1998) His career focus for the last 20 years had been working in foundations on international research. He had headed a survey research organization for four years during the 1970's. He once chaired the political science department of the University of Chicago.

His public statements about sampling began by being more balanced than his predecessor's. During his confirmation hearings in October 1998, he promised to make his own independent determinations as to whether the current plan for Census 2000 will work. He also stated, "If the legal-political process allows a sampling design for Census 2000, the bureau will bring to bear the most sophisticated and careful design within its powers." But "if sampling is precluded by legislative or judicial action, the bureau will count to the very best of its ability." (Gribbin 1998)

Prewitt officially began his tenure as Director in November 1998. At an advisory committee meeting on November 5th, Prewitt introduced himself as ,”an academic through and through.” He then listed his different jobs in various places around the United States and overseas. He explained that he had worked more in international activities which were “science -based development in health programs.” He observed that “ the census debate is disconnected from the thing itself, these huge metaphors swirl around out there and have nothing to do with the conduct of the census.” According to Prewitt, the task of the director is to get the political ego and the financial debate connected to the census itself. Prewitt then joked about the Bureau’s mandate from Congress to plan the Census on a dual track, noting that we were told, “when you get to a fork in the road -- take it! It gets very painful, you can only take it for so long.” He then started down the soundbite-metaphor path himself, and began slipping away from the more balanced perspective he presented during his confirmation hearing, contrasting the two census plans as one being “scientific” and the other “antique.”

After being in the job for about a month, both the *New York Times* and the *Washington Post* ran relatively long and supportive stories about Dr. Prewitt. Both highlighted Prewitt’s academic and research background, along with his desire to keep politics out of the census, as positive attributes. The stories were titled; “Census Chief’s Dream: Grand Tally Minus Politics,”(Holmes 1998) and “Trying to Keep Science From Taking Leave of the Census.”(Vobejda 1998) Prewitt was talking straight politics/administration dichotomy theory, touting the Bureau’s professionalism and complaining about politics. Speaking of people in the Capitol, he made this profound observation, “ They are more preoccupied with the politics of this than the science and professionalism of it (the census).”(Vobejda 1998) *The Times* article surmised that “Keeping the Census Bureau squarely in the research world-and out of politics-is now the challenge Mr. Prewitt faces.”

The impression given by the reporting of the census debate and the metaphors engaged, is that

the Members of Congress were alone in their opposition to the sampling plan and opposition was purely political. But that is strictly not the case. At the Census subcommittee hearing on September 17, 1998 expert witnesses testified on both sides of the debate. Although the majority of the statistics and data user community appear to support the sample census plan, at least in concept, a few members of the statistics community oppose the plan for technical reasons. Notably Leo Breiman, Professor Emeritus of Statistics, University of California at Berkeley, had been an expert witness on the side of the Census Bureau during litigation after the 1980 census when the Census Bureau was defending its decision not to adjust. He had not changed his opinion, and was now testifying against the Census Bureau because of its plans to adjust.

The American Statistical Association (ASA) also appeared to step back from support of the census plan and instead issued statements that support the theory of sampling as a general scientific principle; the ASA “ expresses no opinion on details of the specific proposals put forth by the Census Bureau for employing statistical sampling.”(Moore and Association 1998)

The Presidential Scandal, Impeachment Debate, and the November 1998 Elections

The Presidential sex-scandal and impeachment drama provided the backdrop for the period surrounding the time Prewitt’s name was first proposed for the Census Director position, through his confirmation hearings, and first days at the Bureau. The media and the Republican Congress’ attention was riveted on the Presidential scandal and special prosecutor’s investigation as a consensus developed among Republicans to pursue impeachment hearings.

The continuing investigation of President Clinton by special prosecutor Kenneth Starr had resulted in revelations about a sexual relationship between the President and a White House intern, Monica Lewinsky. The President initially denied the relationship, and later acknowledged it as an “inappropriate relationship” in a nationwide telecast on August 17, 1998. Coincident with this event, the *Atlanta Journal and Constitution* carried an editorial linking the Census 2000 sampling controversy to the lack of credibility of the President. It asserted that “ the estimating and calculating would be left in the hands of the administration that has already demonstrated its

willingness to manipulate the meaning of words, and its considerable skill in doing so; we have no doubt would be equally clever at juggling numbers.”(1998)

Republicans campaigned for the 1998 elections expecting to gain from Clinton’s problems, but instead suffered unexpected losses. In fact, 1998 was the first time since 1934 that the President’s party gained seats in the House in a midterm election. Voter turnout was only 36 percent, the lowest level since 1942, and was down from 39 percent in 1994. The Republican majority in the House shrank to five and the Senate majority was unchanged, resulting in the narrowest majority in 33 years.

The election results were interpreted by some media pundits as voter dissatisfaction with House Republican single minded pursuit of ideological goals with their perceived failure to govern. Meanwhile, Republican policies appeared to have popular support and were being adopted in many places at the state level. For instance, Washington State abolished affirmative action in higher education admissions in this election. Wisconsin is promoting “school choice,” and welfare reform mandates are widespread. Yet the Congress had failed to develop and pursue a meaningful legislative agenda. As a result, House Speaker Newt Gingrich faced another challenge to his leadership. This time he stepped down from the Speaker position and announced he would resign his House seat as well.

Republicans traced their failure, in part, to the bloated \$520 billion spending bill. The giant Omnibus spending bill (HR 4328) passed in late October was largely a product of closed door negotiations between the White House and members of the Republican leadership, in particular Newt Gingrich, Speaker of the House and Senate majority leader Trent Lott. It was compared to a “Great Society” spending bill, and a quarter of the \$80 billion budget surplus went into it. Democrats received a number of concessions in the bill, including an extension of the date for a decision on census sampling to June 15, 1999. This date represented a rollback from the Republican proposed date of March 1, 1999. In addition, House Republicans authorized an

additional \$179 million budgetary allocation to the Census Bureau, over and above the President's request, in order to fund traditional census planning.

The extension of the deadline for a final decision on the census design was very bad news for the Census Bureau, even though it had been negotiated by the White House in response to pressure from Democratic sampling plan supporters in Congress. The Census Bureau was simply not up to the task of balancing, planning, and managing for two different census designs. Given the need for experienced staff to handle this complex mandate, a "blank check" would not solve the problem. In reality, the same core staff were working on both designs as well as dealing with the highest levels of oversight the Bureau had ever experienced. Everyone seemed to be suffering from stress and a number of staff were complaining of high blood pressure. The staff were being pulled in too many directions and needed a decision sooner rather than later.

By fall 1998, there were at least three significant issues which cast doubt on the efficacy of sampling for adjustment among staff working on these operations. First, there was little expectation among Bureau staff that the Supreme Court would issue a ruling that would resolve the political problems. Second, there had been significant delays in the Integrated Coverage Measurement (ICM) processing and preparation operations in the dress rehearsal (Bailar 1998) which cast doubt on the Bureau's ability to meet the rigid schedule in 2000. Third, continuing work on cost estimation for the ICM showed that the sampling for adjustment operations would be unlikely to save money even though this had been advanced as a reason for using them. Therefore the arguments that sampling was legal, feasible and cost-effective were losing credibility.

Director Prewitt had agreed to be "a lightning rod" for the Bureau in order to get a decision on the census plan. His public strategy to accomplish this mission, seemed to be to join the battle of war-like metaphors that made up most of the public discourse about the Census 2000. In virtually all of his initial public statements since becoming director, he likened his situation to General Schwarzkopf's trying to plan for Desert Storm based on two strategies, one using ground troops

and one using air power, and being told the final decision was not his to make.(Lowenthal 1998)

Prewitt testified before the Monitoring Board on November 6th, 1998 and used his Desert Storm analogy. He also spoke about the debilitating effects of oversight on senior staff who were constantly responding to requests for information by oversight groups and were therefore distracted from their “real” job of planning and managing the census. He listed the following activities in the last year: 22 formal congressional hearings, 27 formal requests from the Monitoring Board, 8-10 briefings of staff, 8 audits by the OIG and 3 audits by GAO. Prewitt asked the Monitoring Board “ What is the proper balance, how do I set priorities?” The Board members did not respond, either to the heroic evocation of Desert Storm, or to the oversight burden statistics he presented. Instead the Board began discussing the possible benefits of yet another census methodology that was not being planned for use in 2000, administrative records. It seemed incredible that the Monitoring Board was so out of touch as to suggest an unplanned, untested methodology so late in the decade, when the current sampling method was being criticized for being untested.

A Third Way - The Two Number Census

A third way of dealing with the issue of a sample/adjusted versus nonsample census began to be discussed openly at the time that the Federal Courts ruled against the Census Bureau plan. At a census subcommittee hearing in September, Chairman Miller suggested that sampling could be used to produce data for distributing federal aid but called on the Census Bureau to abandon its plan to use sampling for the apportionment count.(Lowenthal 1998) Similarly, former Census Bureau director Vince Barabba was quoted in an article in the Washington Post in early October, suggesting that sampling be dropped for 2000 for apportionment purposes but kept in the plan to

adjust numbers used for funding formulas for government grants to states and localities. He suggested that Congress review the question of sampling for apportionment early in the next decade. (Broder 1998) Commerce under secretary Robert Shapiro also suggested a similar solution at a Census Advisory Committee meeting in September, should the Supreme Court uphold the lower court rulings. But he also suggested that the adjusted data could be used for statehouse redistricting as well as for distribution of federal aid. (Lowenthal 1998) Then in mid November, Herbert A. Sample, a journalist who followed the census controversy, published an article suggesting that democratic leaders were rethinking their strategy. Lawyers representing House Democratic leader Richard Gebhardt (D-Mo) indicated that the two number census was being analyzed as a prime option should the Supreme Court bar sampling. The Administration's thinking on this issue was also evolving. Solicitor General Seth Waxman did not address the issue of a two number census in his first anti-sampling brief on October 5th, but did so in his second brief on October 20th.(Sample 1998)

The two number census is not a new idea. In fact it had been initially planned for the 1990 census. But it was not adopted for the 2000 census because during early planning for 2000 under Director Barbara Bryant and Deputy Director Harry Scarr, Bureau executives decided against it. They believed that it was their responsibility to plan for a census that would preclude the potential political rancor that would accompany two numbers, where winners and losers would fight for the use of one number or the other, whichever benefitted them most. As Bryant stated in her "Oral History,"

What do I think now, going into 2000, is first of all, we can never do it this way again; having two numbers out there is just impossible. States become pitted against States, mayors become pitted against their own Governors--that sort of thing. We've got to find some way to build adjustment into the census-taking process, and I think we can improve accuracy by doing it.(Bryant 1993)

The Supreme Court

The Supreme Court heard oral arguments on November 30, 1998. Justices Rhenquist and O'Connor made statements that seemed to support the Republican position that an "actual enumeration" is a count, not an estimate. The court appeared to be divided over whether sampling could be used. Justices Scalia, Ginsburg, and Souter complained about the Court being injected into a dispute between two political branches of government. Scalia chastised Republicans, saying that the House did not have the political will to stymie the President on this issue.

The standing of both cases before the court was questioned. Several justices expressed some doubt about the standing of the House case, and believed the House had not shown that it would be hurt by the Bureau's proposed census estimates. There was less discussion about the legal standing of the private plaintiffs in the Glavin case -- organized by the Southeastern Legal Foundation. There was some confusion over whether these private parties must show that their states were likely to lose a Congressional seat if sampling were used in order to establish a possible harm.(Lowenthal 1998)

The court appeared uncertain on how to proceed because of the speed required. If they reverse the lower courts, finding the summary judgement inappropriate, there would be no definitive resolution before June, by which time the court's term would end. It appeared unlikely that the Supreme Court would issue a definitive constitutional ruling. The only question actually before the court is whether sampling can be used for apportionment. Any ruling would likely not address other issues such as adjustment of counts used for state redistricting .(Greenhouse 1998)(Biskupic 1998) As the Washington Post concluded, " not much is clear" as a result of this hearing and a ruling was not expected until spring. Director Prewitt observed the hearing and in public comments said he thought it was 50-50, there was no way to judge based on the hearing how the decision would come out.

With the year 2000 just 13 months away, nothing in the debate had been clarified by the Court.

Then, just twelve days later, on December 12, 1998, the House Judiciary Committee voted along strictly partisan lines, issuing four articles of impeachment against President Clinton. This action made Clinton only the second president in history to face impeachment, following Andrew Johnson's impeachment trial in 1868 -- which was also a highly partisan event. Public opinion polls indicated that 60 percent or more of Americans oppose impeachment of President Clinton. This action seemingly guaranteed that the three branches of government would be tied up for months in impeachment hearings, and thus the Census Bureau feared it would be left to muddle through with no attention to its needs for a decision.

At the same time that Republicans were moving towards impeachment, the new House speaker designate Bob Livingston (R-La) was planning to move the census oversight responsibility from the Government Reform and Oversight Committee, chaired by Dan Burton (R-Ind) to the House Oversight Committee chaired by Bill Thomas (R-Calif.), where the GOP had a much stronger majority at two to one. The current committee, Government Reform and Oversight, was never considered ideal by GOP lawmakers because two moderate Republicans on the committee, Reps. Christopher Shays (Conn.) and Connie Morella (Md.), support sampling.(Mercurio 1998)

But Bob Livingston's career as Speaker designate was short-lived as he announced his resignation from the Speakership on December 19, 1998. During the incredibly chaotic days as the House prepared to vote on impeachment and the President launched an air offensive against Iraq's President Saddam Hussein, Larry Flynt of Hustler magazine began to prepare to release information on four extramarital affairs by Bob Livingston, along with sexual disclosures about other lawmakers and senior officials. As the Washington Post assessed the situation; "In short, at a moment of grave constitutional crisis, one of America's leading pornographers has inserted himself into the House debate over whether to impeach President Clinton for lying under oath about sex."(Kurtz 1998) But in a broader context, the two sides are preoccupied by what is frivolous; nattering about morality and hairsplitting legal distinctions, while America's military bomb Iraq and add to the "century's bloody toll."(Powell 1998)

By the end of the dizzying day, Saturday, December 19, 1998, the President had been impeached by the House of Representatives on two articles (perjury and obstruction of justice) by a mostly partisan vote which was 98 percent Republican. The three-day war on Iraq was declared over by the President, and his job approval rating rose to 72 percent while the stock market remained bullish and continued to set records. Bob Livingston had resigned as Speaker designate following an admission on the House floor (in advance of media revelations) regarding his sexual misconduct. Dennis Hastert (R-Ill) then became the front runner for the House Speaker position. He is a former wrestling coach but more significantly, the former subcommittee chairman responsible for census oversight in the Committee on Government Reform and Oversight in 1997, before a separate subcommittee was formed with the passage of the FY 98 appropriation bill. He is a census critic, and the author of darkly worded and demanding letters to Martha Riche during the summer of 1997 (referenced previously in the section on the “Coalescing of Republican Opposition.”) Hastert’s district represents the outer western suburbs of Chicago west through a rural territory of small towns and farms. When he became Speaker designee, Hastert promised to build bridges across the aisle, and significantly , “not just to pass legislation, but to **ensure common-sense ideas and principles become law.**”(Emphasis added)(Walsh 1998) The Census 2000 proposal is not one that is considered a “common sense” idea by Republicans. Under Hastert, the proposal to move the Census Subcommittee died and instead the membership of the subcommittee was proposed to be reduced to four Republicans and two Democrats, down from a five to three split.

On January 8, 1999 the Senate began meeting to set the rules for its trial of the President to begin on January 11th. Therefore the presence and involvement of Chief Justice of the United States William H. Rehnquist was required to serve as President of the Senate, and this potentially would contribute to a delay of a Supreme Court decision on the census among the many matters before the court. But surprisingly, on Monday January 26, 1999, in the midst of the impeachment trial, the court issued its ruling. By a five to four vote, the court affirmed the federal court’s finding in

the Glavin case. The Supreme Court decided that federal law (Title 13, The Census Act) prevents the Clinton administration from supplementing the census headcount with statistical estimates for the purpose of apportionment of Congress. Justice Sandra Day O'Connor wrote the opinion for the court which found that Title 13 banned the use of sampling for congressional apportionment, but required that sampling be used for such purposes (other than apportionment) if feasible."(1999) O'Connor cited a long legal history as the context for her decision. She cited that the Census Bureau itself had concluded that the Census Act as amended clearly continued the historical precedent of using 'actual enumeration' for purposes of apportionment in court cases in 1980, and did not adopt the contrary (legal) position until Assistant Attorney General Dellinger's memorandum of 1994. O'Connor was joined in this opinion by Chief Justice Rehnquist and Justices Antonin Scalia, Anthony M. Kennedy and Clarence Thomas. The dissenting justices were John Paul Stevens, David H. Souter, Ruth Bader Ginsburg, and Stephen G. Breyer. They argued that the 1976 amendments to Title 13 authorized the use of sampling for apportionment of the House of Representatives.

The split of the justices was along predictable ideological lines. The conservative block consists of Rehnquist, a Nixon appointee; Scalia, O'Connor and Kennedy who are Reagan appointees; and Thomas who is a Bush appointee. The liberal wing consists of Ginsburg and Breyer who are Clinton appointees; and Stevens who is a Ford appointee and Souter who is a Bush appointee.

O'Connor's opinion addressed the Glavin case only and found that the Court's affirmation on Glavin also resolves the substantive issues in the House of Representatives case, therefore that case no longer presents a substantial federal question and was dismissed. Of the nine justices, only O'Connor did not make a statement regarding the constitutionality of sampling. In a separate opinion written by Justice Scalia, and joined by the Chief Justice, and Justices Thomas and Kennedy, the four conservatives did find that "It is in my view unquestionably doubtful whether the constitutional requirement of an 'actual Enumeration,' Art. I s2, cl. 3, is satisfied by statistical sampling." This opinion is ominous for the likely future cases if the court continues for long with

its conservative majority.

But with a liberal majority a different finding would be likely. The four liberal justices concurred in part II of Steven's dissent that the term 'actual Enumeration' does not purport to limit the authority of Congress to direct the 'Manner' in which census counts should be made. Stevens went on to state that "it is perfectly clear that the use of sampling will make the census more accurate...the proposed method is a legitimate means of making the 'actual Enumeration' that the Constitution commands."(1999)

The story of the politics of the decennial census is an unending one. The Supreme Court ruling did not end the controversy. Within hours of the decision, Clinton administration officials and Democrats in Congress began discussing a proposal for the census to produce two sets of numbers, an apportionment count, and an adjusted number for use in state legislative redistricting and funds distribution. Matthew Glavin, who had taken his case against sampling to the Supreme Court, vowed that the administration would find itself in court again if sampled numbers are used for redistricting.(Vobejda 1999) Television pundits such as those featured on *Washington Week in Review* in the week following the decision, stated that a major battle would continue in Congress since the Census Bureau was only funded to operate until June. It therefore seems appropriate to draw a boundary on this case study at a point of uncertainty as the census continues to be a mirror of the times. The times are fragmented, tribal, chaotic, dialectically partisan and filled with uncertainty.

CHAPTER FIVE

Interpretations of the Case Paradigms.

Men who hold incommensurable viewpoints should be thought of as members of different language communities and their communication problems be analyzed as problems of translation. (Kuhn 1962)

The census debate is in essence about *who* (meaning whose values and whose paradigm) will control the weapon of power that the census represents. Will it be the elite technocrats who are allied with the Administration and the traditional democratic power bases in large cities and minority communities; or the Republican majority in Congress? Control is elusive in a postmodern environment. At the time of the Supreme Court decision, neither side was a clear winner or loser. But the concept of the “one number census, right the first time,” was dead. The unifying monad became a victim of postmodernity.

A careful analysis of the language and ideas used and shared by the major speakers will help to lay bare the underlying beliefs that are framing the debate. From the way this debate is framed from within the Census Bureau, and also reported in the media, the technocrats on the one hand, took the lead representing the other groups who also had a major stake in adjustment. For this reason, the group of elite technocrats is the focus of this analysis; and is described in contrast to one other major group, the Republican Congress. The Republican Congress took the lead on the other side in the sampling debate, but they are not alone in opposing sampling. There are also some academics who oppose sampling for the apportionment count as do representatives from rural areas (local officials, media and interest groups) and states expecting to lose representation, such as Wisconsin. However, of all the members of these two groups, House Republicans and elite technocrats, are the chief objects of scrutiny because the issue they differ over and the way they

express that difference is domain specific. That is, it is a dialogue that distinctly reflects or is aptly characterized by TerriAnn Lowenthal, a knowledge system that operates “strictly inside the beltway -- people outside don’t understand it.”(Lowenthal 1998)

An axiology of each of the two selected group’s paradigms can be delineated from statements made by members of the two sides of the census debate or through well known ideas that they espouse. The description that results from this is not unlike one that explains what it is like traveling in a foreign country and attempting to describe how the inhabitants think and feel, by contrasting them along different paradigmatic dimensions. Statements and ideas from representatives of both groups were gleaned from personal interviews, from media reports and books, and are used to help explore what is meant by each category or dimension. A summary at the end of the chapter describes the symbolic meaning of some of the key concepts and suggests that an understanding of dialectics might be useful in the comprehension of this debate.

The Paradigm of Traditional Census Advocates -- The Republican Congress

The paradigm of the Republican Congress is a constellation of beliefs described under eight headings below. These relate to their identity with the institution of Congress as legitimately elected representatives of the people as well as their identity as members of the Republican party, and their sense of the decision-making power of Congress. They seek to preserve tradition and the status quo. As politicians they understand that truth is negotiated through debate, and there is no such thing as neutrality or perfection. They represent a specific set of interests of their constituents. To them, money has the value that only they can determine.

1. Identity -- To be in Congress is to hold legitimate power.

Members of Congress are elected, through a legitimate institutional and traditional process

defined by the Constitution, to wield and negotiate power on behalf of their constituents. The identity of House Republicans is closely tied to their political party, their ideology, and their acute sense of political process as they are always running for election. Their livelihood depends on successful navigation of the political world. To be successful in such an environment, one must be “tuned in” on all frequencies, which is to have a holistic way of knowing. They “know” by staying in face-to-face contact with their constituents. Rep. Jack Kingston (R-Ga) is quoted speaking about the importance of home district related work:

“I don’t believe the action and the brainpower is in D.C.” Lawmakers need to spend time with constituents, “ When we go back home, we’re face-to-face (with the voters). They ask you hard questions, put you in your place.”(Kamen 1998)

Ideologically, House Republicans, particularly the new generation and breed led and described by Newt Gingrich were “ fed up with liberalism.” They also “were not ordinary politicians but rather fervent and determined people. They arrived in Congress very much a unified class, ready to bring about a lot of serious changes.”(Gingrich 1998) Their “Contract with America” had three themes or goals:

- Strengthen the Family (tradition)
- Balance the Budget (fiscal conservatism)
- Replace the Welfare State (antistatism and antifederalism)

2. Deference to expertise -- The power to decide is vested in elected officials

The expert’s role is to provide options to politicians, who then decide. Congressional Republicans believe that Congress is charged by the Constitution with responsibility for the census and that they have not delegated the authority to use sampling for the apportionment count to the executive branch. Their public statements emphasize that experts do not have legitimate power because they are not elected. They claim to prefer simple concepts and common sense to complexity. They are often overtly skeptical or suspicious of what they do not understand, rather

than awed by it. Republican opinion of “expertise” is reflected in this statement by Congressman Dan Miller (R-FL), chair of the Census Oversight Subcommittee, (who has a Ph. D in marketing and statistics and comes from an academic/teaching background.)

For reasons I do not fully understand, the Clinton Administration used the ‘Hillary Health Care Model’ for designing the 2000 Census. They decided to design a complicated, untested Census plan that was created by ‘experts’. And since the idea was sanctioned by well-meaning experts, they just figured there was no reason to explain it or to sell it to average Americans and certainly no reason to work with the Congress...Well ‘expert panels’ weren’t elected by the people. Professional statisticians are not constitutionally responsible for directing the census. Academics do not have the responsibility for deciding how taxpayer’s dollars are spent. That is Congress’ job. (Miller 1998)

Miller again attacked expertise in the August 3, 1998 debate on H.R.4276 the FY 99 appropriations bill.

It is just plain wrong to not count 27 million people, and say we have all these fancy computers with all these academic intellectuals up here who know how to clone people and create a virtual population of America. It is just not right.(Miller 1998)

Ann Azari, Chair of the Department of Commerce Census 2000 Advisory Committee and Mayor of Fort Collins, Colorado has a strong sense of both paradigms since she has been a public administrator as well as a politician. She is a strong advocate of the Census plan but clearly has insight into the Congress’ position. She said in an interview that:

Congress is speaking from strong values... many people who come to Congress don’t trust methodologies that don’t absolutely make sense to them, like 1-man, 1-vote (does.) It’s difficult to justify sampling for Nonresponse follow-up as more accurate than enumeration... People in Congress said this needs to be Constitutionally based. They were insulted, they interpreted sampling as a disregard of the Constitutional mandate.

Azari spoke further on the idea that politicians like to be given options, but in this case, Congress was given only one option by the Census Bureau:

Personally I was troubled by this, as a person who has been in public administration and worked with elected officials, I always like to have options, not be told this is the only option... from the perspective of officials “What are the options, what are the costs?” It didn’t happen this way. People dug in their feet, it happened on all sides.

3. Truth and the nature of social reality -- Truth is “found” through political debate

To politicians and lawyers (many Members of Congress are lawyers) truth and reality are negotiated. Vince Barabba discussed his view on the process of searching for an answer on census methodology as follows:

I have always felt this is not a question of sampling or not. First, it is an improved search for truth. Second, there is no right answer. The narrow statistical look assumes away the complexity of life. I don’t share the belief in the “optimized solution.” I don’t think that how you get close to the truth is to write a formula and you have the answer...When you get into the courts, it is not a matter of right -- were you neither capricious nor arbitrary and did you fulfill the wishes of Congress? (Barabba 1998)

4. Welfare Economics versus Interest Group Politics -- Politicians represent specific interests and constituents.

Politicians operate in the world of interest group politics as contrasted to a welfare economics or utilitarian world view which is about furthering the welfare of all members of a society in accord with the greatest good for the greatest number. In an interesting reversal, Republicans view the Census Bureau as being susceptible to interest group politics. Jane Cobb, a member of the professional staff of the House Committee on Government Reform and Oversight said in an interview that :

As the Census Bureau got better at identifying groups that are undercounted--those groups began to put pressure on the Democratic Congress and the Census Bureau to find some redress...when it set up the 2000 Advisory group- it was totally made up of these

disparaged groups--so it continues the pressure. All it really cares about is the promise of sampling to address the undercount and not the constitutional purpose to reapportion the House of Representatives. The Bureau has deprioritized the Constitution as well to satisfy these groups--they bring enormous pressure.(Cobb 1998)

5. Money; the relationship between more money and improved results -- Money has the value that politics gives it, it is a means to power

Politicians see money as having no reality in and of itself. Instead, it is what they make it worth and it is a means to power. Congress offered the Census Bureau a “blank check” to do traditional enumeration. But Congressman Dan Miller (R-Fl) stated that if the Bureau didn’t use sampling “it might actually have to go out and do the hard work that the American taxpayer is paying it to do.”(Miller 1998) His sarcastic comment implied that technologically-assisted statistical work is not “real,” and that technocrats are lazy and want to take the easy way out of taking the census.

The symbolic role of money and costs changed as the nation’s budget came into balance and as the House reverted to a Republican majority. Then the budget became their money. Early in the decade the political pressure was on controlling costs and Representative Hal Rodgers (R- Ky) sent a letter to the Bureau about controlling costs and was skeptical of Bureau budget numbers. Then the situation reversed and Speaker Newt Gingrich (R-Ga) sent a letter to Dr. Riche in May 1997 and “basically the letter said Bureau is risking a good census trying to save money.”(Lowenthal 1998)

6. Neutrality and discourse -- There is no such thing as neutrality, there are only political interests.

The discourse of politics denies “any” outcome and refuses the notion of open discourse because politicians want debate, and to be given options. Also since politicians must constantly be on the alert reading the political environment, they want and need constant contact, “lawmakers and their staffs don’t like surprises, stay in contact day-in and day-out.”(Olezek 1998)

Ann Azari, Chair of the 2000 Census Advisory Committee and Mayor of Fort Collins, Colorado, spoke at length in an interview on her view of the special relationship that the Census Bureau needs to have with the Congress:

The thing I regret is the assumption that nobody really cares that the census is done right, that its politics. Some people fell victim to this thinking and made villains out of people. This is sad for all of us.

Responsibility for the census is a constitutional authority that Congress has. The census is the only domestic responsibility mentioned in the Constitution as an activity of the Congress. Because of that authority, the census is a little different than other things we do as government administrators. When responsibility for the census was delegated to the Bureau, along with it came the responsibility for a special working relationship between the Congress and the Census Bureau.

It is critically important that we never forget that the Census Bureau is in a unique position with respect to its relationship to the Congress. The Census Bureau should be proud of it. They need leadership that understands that special place in the life of our national government that the Census Bureau holds. The Census Bureau needs a great deal of communication with the Congress. That is tough to do because of the different philosophies between political interests. In that environment, the Census Bureau needs to hear, to listen to all kinds of voices.

The Census Bureau needs to have a sense of national trust to work with Congress irrespective of changing times. It deserves the kind of leadership that is never off this page. While the Census Bureau is part of the Administration of the President, and part of the Department of Commerce, the Administration and the Department of Commerce also have to have a special understanding with regard to the role of this agency, irrespective of political parties in power.

In this case, because of the sampling debate, Congress can't be cast in a "good guy - bad guy" position, it has got to be a partner.(Azari 1998)

7. Newtonian versus post Newtonian quest for perfection -- There is no such thing as perfection, but rather imperfection and common sense is reality

Republican politicians are not interested in theoretical perfection but rather in what makes

common sense. Errors in the census are normal and expected; the quest for perfection through science does not make sense to them at a practical level.

Newt Gingrich believes that the founding fathers intended for an “actual enumeration” and that while the Census Bureau “cannot get an absolutely perfect count, they do their best.” The 98.6 percent accuracy of the 1990 Census “might be considered phenomenal for a government with a 21 percent error rate in its administering of the earned income credit program and an 11 percent error rate in the IRS’s handling of tax returns.”(Gingrich 1998)

There are some statisticians who agree. Dr. Freedman, a University of California Berkeley statistician who opposes the Census plan said: “Given the size and diversity of the nation’s population, the census has reached its practical limit of accuracy. Sampling is no panacea. Its hard to believe it’s going to make things better.”(Sample 1998)

8. Attitude towards risk, change, conservation versus progress -- Preservation of the status quo, tradition, and traditional/legitimate institutions of government (those mentioned in the Constitution-which the Federal bureaucracy is not).

The Republican attitude is towards preservation of the status quo. Several themes voiced in the debate reflect this. One theme is the risk of the sampling plan. Another relates to the Constitution, stemming from a verbatim understanding of the clause in the Constitution which uses the words “actual enumeration.” As Newt Gingrich observed:

Republicans are committed to what the Constitution says. A statistical adjustment would be unconstitutional. The Founders had created the most stable and equitable political system the world has yet witnessed, and we are loath to allow a group of statisticians to tamper with it.(Gingrich 1998)

The attitude towards risk is demonstrated by Representative Dan Miller (R-FL) statement in Congressional testimony related to the FY 99 Census appropriation:

This time they are going to take a sample five times larger [than in 1990],but they are

going to do it in half the time. It is very unrealistic. In fact the whole plan is extremely risky and is moving towards failure. The General Accounting Office and the Inspector General have both warned this is a high-risk plan and the risk of failure is very high.(Miller 1998)

However the subtext underlying many of Miller and Gingrich's objections is not the fallibility of the method itself, but its potential outcome. The frightful risk that Republicans see, is the risk of having the Democratic Clinton administration at the helm of a statistically adjusted census. As Newt Gingrich wrote in his book *Lessons Learned the Hard Way*:

...we are convinced that 'statistical adjustment' will inevitably lead to 'political adjustment' (quoting Lord Acton)"...power tends to corrupt and absolute power corrupts absolutely" is just as true for the census as for any other form of power. Having the power to define population as the basis for both representation and for federal funding is an enormous concentration of power.

Gingrich tied this concentration of power to the Secretary of Commerce, Bill Daley:

...the specter of putting someone so closely connected to the Chicago Democratic machine in charge of the census with a statistical adjustment was too chilling even to contemplate. In Chicago you at least had to have been alive once before you could vote as a dead man. Imagine giving the machine the power to invent virtual people while refusing to count the real ones!(Gingrich 1998)

In these words there is a blatant accusation of potential fraud, masked in a language of cyber-fakery: "specter," "virtual" "giving the machine the power."

The Paradigm of Sample Census Advocates - The community of elite technocrats

This community includes members of the Census Bureau staff, many members of Census Advisory Committees as well as members of the data user community and the professional statistics community. They share a constellation of beliefs or tendencies described under eight headings

below, which are the same headings used in defining the paradigm of the Republicans in Congress. However the viewpoints under each differ markedly from those of the Republicans. To this community power is knowledge and knowledge is expressed in numbers. For them, expertise is neutral power to make decisions, truth and reality exists and is represented by numbers. Their ethics are utilitarian, their discourse is “science” and it is neutral, and they believe a perfect number can be achieved through science. They avoid risk except in the quest for perfection through science.

1. Identity -- Power is knowledge is numbers

The identity of this culture is tied to the professional statistics and academic community. This group shares a belief in value-free science, rationalism, and professionalism. In particular, they hold strong beliefs about, and highly value, the science of sampling. Their professional work and therefore professional identity is tied to the production of analysis or use of statistics. They have college degrees and research specializations that cluster in the fields of statistics, economics, sociology and demography and many hold advanced degrees. These fields are reflected in the membership lists of the Census Bureau Advisory committees, as well as in the membership lists associated with the National Academy of Sciences panels on the census. As the Census Bureau described itself in the 1997 *Report to Congress*, “The Census Bureau is staffed by many of the world’s preeminent professional statisticians and demographers; it is a professional organization with a long history of scientific integrity.”

2. Deference to expertise -- expertise is neutral power to decide

Authority springs from the heads of experts. If politicians do not defer to them, it is because of a power struggle of political interests pitted against neutral expertise. Statisticians (and those who support their position) see Congressional opponents as only interested in preserving their power; while the neutral efforts of Census Bureau statisticians have been blocked by politicians trying to

preserve their domain.

Everett M. Ehrlich, former Under secretary of Commerce for Economic Affairs (1993-1997), and a current member on the Administration side of the Census Monitoring Board, wrote an article in the *Washington Post* saying that the truth about the debate is that it is between “Republicans and scientists” not Republicans and Democrats. He likened opponents of the sampling plan to “descendants of Galileo’s church prosecutors, who found competent science politically objectionable.”(Ehrlich 1998) In other words, Republicans have married superstition and politics to fend off truth and science.

3. Truth and the nature of social reality -- Truth and reality exist

Statisticians see truth and social reality as being “out there,” needing to be described and represented by numbers. The language of numbers is the language they speak and control. As scientists they believe truth results from following a structured process, their process. In an interview with Barbara Bryant who was Census Bureau Director under President Bush, she described how the 2000 census design came about, “I feel its been a stream of research that began with the adjustment research for 1990 -- each step building on the last.”

But the public image of the Census Bureau may be more important than the notion of being in control of the truth and the scientific process. A retired Census Bureau executive, former Deputy Director Daniel Levine, seems to be more of a traditionalist himself and understands the role of politics in public policy. He said in an interview about adjustment methodology (capture/recapture), “some groups you never catch (illegals, homeless), you can delude yourself that this problem is solved (by sampling) there is enough data around to bury people. It’s good research, but the Bureau has to have a public image.” Danny Levine is saying that it isn’t enough for the Bureau to have data to win its point. It needs a public strategy and it needs to maintain an image of legitimacy. He was critical that the Bureau’s fight had cast doubt on the whole technique

of sampling, not just its use in the census.

He then went on to talk about politics and truth; “(Former Associate Director Barbara) Bailar resigned because of politics; there is nothing wrong with politics-we live in a political system. Its not a question of right, its a question of an approach.”

4. Welfare Economics and Interest Group politics-- Statisticians think of themselves as utilitarians, but the line blurs

In general, bureaucrats/statisticians believe that government’s role is to further the welfare of all people but as statisticians they do focus on and defend their statistical categories. The statisticians themselves (or their predecessors) have participated in the creation these categories under liberal/democratic administrations since the categories hark back to Great Society and Roosevelt era liberal government welfare programs. Therefore, the line blurs between politicians representing specific interest groups and statisticians responding to pressure from groups represented by “statistical categories.” It might be argued that the group identities were manufactured as a result of ideologically founded government programs, and they persist today because of them. Kenneth Prewitt, Director of the Census Bureau, wrote in “Public Statistics and Democratic Politics,”(Prewitt 1986) that important scholarship rests on the assumption that public statistics are not politically neutral. In fact, measures of economic growth or stagnation, and of population change, are closely intertwined with public funding and public policy.

5. Money -- Money is real and positively correlated with progress

The agency believes money is real and assumes that there should be a correlation between spending more money and achieving greater accuracy. It claimed that if more money were spent in Census 2000 on traditional enumeration methods, the result would not be improved accuracy over 1990, therefore this should not be done. The National Academy of Science panel concurred.

Much of the argument was framed in the language of economists. Key people on the technical side of the debate are economists. Martha Riche's undergraduate degree is in economics. The chair of the National Academy of Sciences census panel, Charles L. Schultze, has a Ph.D. in economics, was director of the Office of Management and Budget under President Johnson and chaired the Council of Economic Advisors under President Carter. In an interview Schultze repeatedly spoke of the costs and of "diminishing returns" of census methodology, that traditional methodology was "out in the flat of the curve of diminishing returns." (Schultze 1998)

6. Neutrality of discourse and path of delivery -- The discourse of science is neutral

The discourse of science is flat and uninvolved, it can go to any (true/factual) outcome, it is neutral. But it is also pedagogic or patriarchal. It teaches, it informs, it educates, it communicates, it tells.

David Mc Millan, a democratic congressional staffer with a relatively long history working on census issues, and an advocate of the sampling plan for 2000, is quoted as saying the following about the Bureau's "telling" of the 2000 census sampling plan:

People (Congress/staff) on the receiving end of the communication from the Census Bureau didn't understand what they were being told. The Bureau cannot just point to the National Academy of Sciences report as a rationale for using sampling. Sampling for Nonresponse Follow-up and Integrated Coverage Measurement are unintelligible." (Rowland 1997)

Former Deputy Director Daniel Levine is also critical of the Bureau for the way it wraps up concepts which are misleading or confusing. He says he doesn't support the strategy the Bureau used this decade. The "One Number Census," which built the post census measurement of undercount into census operations, and sampling for nonresponse follow-up, was not "transparent," it was "devious." According to Levine:

What the Bureau has done is to confound and confuse people as to the use of the word “sampling.” Now it’s a bad word, when it used to be the hallmark of the Bureau. They brought sampling into question which they shouldn’t have done...They wrapped them all up, no one understands.

Levine went on to critique another group of words or concepts the Bureau wrapped up for 2000, the census goals of “Cheaper, Faster, Better:” He said, “These terms are mutually exclusive, they can’t be consolidated. The Bureau was never clear on what it wanted to do.” Levine called these words “obfuscation.” He believes that Bureau leadership failed to articulate issues and communicate them to “the hill.”(Levine 1998)

7. Newtonian versus post Newtonian quest for perfection -- Sampling is progress over counting

Newton’s universe was mechanical, operating according to fixed laws, and in that universe reason produces progress and happiness. Similarly, statistics works according to rules and formulas, and produces progress over counting via scientific techniques such as sampling.

According to Census Bureau analysis, accuracy of the census improved each decade from 1940 to 1980. In 1990, the measurement of undercount increased for the first time since 1940 to 1.8 percent, up from 1.2 percent in 1980. The Bureau has interpreted Court rulings on constitutional wording related to actual enumeration as “ a constitutional command” to take the most accurate census possible. Sampling offers the possibility of a more accurate census, therefore the Bureau believes it must use sampling to improve the count.(1997)

Former Census Director Barbara Bryant stated in her 1995 book that sampling offers “ a balance that would be ideal, what’s cost-effective and what can get be funded.” She believed the research since 1990 along with the National Academy recommendations “ should pay off in making the 2000 census more cost-effective and accurate.” She believed that because it was “cost-effective” it would get Congressional support and therefore Congressional funding. She then qualified this

statement to say that “this can only happen if the Census Bureau is unfettered by lawsuits and controversies engendered by those whose agenda is greed - getting the most money and power - rather than the most accurate count possible.”(Bryant and Dunn 1995) Therefore Bryant set up a dichotomy of options, sampling to continue the quest for perfection through improved efficiency and accuracy, or greed to get the most power and money.

8. Attitude towards risk, change, conservation versus progress -- Change the methodology and nothing else

Attitude towards risk is a complex matter to understand in relationship to the Census Bureau. The Bureau may lack skill in assessing risk and a number of people have stated that the Bureau underestimated the political reaction to their proposal for Census 2000. The Bureau got itself into a high risk situation (risking the ability to implement the 2000 Census, and risking the health and sanity of staff, the future of the Bureau itself, and the legitimacy of its core technology, sampling) by being too conservative in pursuing their high risk proposal. Bureau executives did not seem to even understand that their proposal was high risk.

Dr. Prewitt’s book, written in 1973, sheds light on the behavior of Census Bureau executives. *The Ruling Elites* (Prewitt and Stone 1973) quotes Ralph Miliband’s *The State in Capitalist Society* which makes the point that elite/executive bureaucrats are conservative. If they pursue reform, their value or spectrum of thought for reform is weak compared to their strong conservatism.

The structure of bureaucracy also operates to maintain the status quo...Bureaucrats are specialists at sitting still and not effecting change and their ideological conservatism is not due to chance. Loyalty oaths and recruiting and advancement procedures for upper-level civil servants assure a “spectrum of thought of which strong conservatism forms one extreme and weak reformism’ the other.”(Miliband 1969)p.120-124

The Bureau’s proposal for Census 2000 was a “reform” proposal. But their efforts to win

acceptance for it were “weak” because Bureau executives were strongly conservative in their actions. The Bureau stayed within its “Great Society” policy subsystem of liberal Democrats, minority groups, big cities, academics, and the Federal and state bureaucracy data users. It did not venture out to interact with Republicans, other conservatives, the legal community (aside from Democratic political appointees at Department of Justice) or to try to explain the census proposal to the public. For example, it was not until late in 1998 that the Census Bureau released a multimedia presentation, video presentation, and a draft “fact sheet” for internal use only, to explain census sampling in lay terms. The Bureau had no public relations plan; it had not developed a way to respond to criticism in the media or to the frequently outrageous charges and rhetoric of House Republicans. It had not developed strong, proactive organizations in its Congressional Affairs Office or its Public Information Office.

In contrast to current performance of Bureau executives, Vince Barabba’s opinion on how the agency can operate successfully is contained in a response to a question in his oral history:

You’ve got to be politically astute and apprise the political entities of the consequences of their decisions before they get locked in. That is one of the reasons the director should be a manager with some political sensitivity, rather than a great statistician. Now, if he is a great statistician and is politically sensitive, that is good too, but being a great statistician is not dealing with (the) question...

You have to find a way to deal with it (the census) in the political arena. Now, you want to do it as objectively and honestly as you know how, but I would argue that there are a lot of my predecessors who made decisions about how they were going to report out the census, and how they were going to conduct it, that were far more blatant than some of the things that were dreamed up by the Nixon administration.(Barabba 1989)

The Values and Symbolism Embodied in Two World Views

The census debate seems to embody the “culture war” being fought between the 1960's liberal baby boomer generation, which Bill Clinton represents, and the conservative generation of Richard Nixon and Ronald Reagan and their progeny, which the House Republican leadership represents. The war has revealed itself in governmental institutions in our society; in the

impeachment trial in the Senate, in recent Supreme Court rulings, and in the census debate. Both sides of the dialectic are about values and world views. In understanding and valuing difference, rather than seeking privilege for one over the other, the actors involved have a better chance at achieving what Vince Barabba described as “consensus in action”:

The basic premise is that a strongly held point of view has something to offer; how do I capture that? Consensus is complete agreement, not in principle, but in action. “In these circumstances, this is the best decision.”(Barabba 1998)

The debate can also be understood at a deeper psychological level of symbolic meaning. There is obvious symbolic meaning in several of the key concepts in the debate as well as in the dialectical division of viewpoints. The symbolic meaning of the concept of the census itself was discussed in the historical overview as being symbolic of centralized government authority in conflict with traditional tribal authority. There are strong symbolic associations with the concepts of “number”, “money,” and “power,” as well as in the dualistic nature of the forces of power. An understanding of these symbolic meanings can shed more light on the two world views.

Symbolically, “number” is a fundamental principle from which the objective world proceeds. The world of numbers is equated with the world of reason but numbers also have symbolic qualities. Statisticians understand numbers as they relate to the world of reason, while politicians understand them for their symbolism.

Money is imbued by liberal economists with the consumerist expectation that spending money results in “joy.” This is in contrast to the fiscal conservative’s expectation that the spending of money results in pain. Money is perhaps the primary symbol of power in patriarchal society today and its linguistic derivation is from Roman worship of the Great Mother under the name of Juno Moneta: Juno the Admonisher. The Goddess is the giver of all of earth’s riches, land, food and precious metals and gems dug out of her bowels.(Walker 1988) It is a symbol of attachment to

the world, to the earth and therefore to the Jungian concept of prima materia. From a psychoanalytic perspective it is closely associated with excrement.(1986) This symbolic meaning of money is perhaps closer to the politician's understanding than that of the economist or statistician. Money is the material of power in its most basic form. One example of the Republican political association of power and excrement is demonstrated by a statement about the impeachment of President Clinton by the Rev. John Neuhaus, editor of the conservative magazine *First Things*. "It would be an enormous emetic - culturally, politically, morally - for us to have an impeachment. It would purge us."(Powell 1998)

In contrast to money, the symbol of power for the statistician is solar. The sun is the world door, the entrance to knowledge. The sun overcomes chaos and darkness and is, in most traditions, a universal Father. The sun represents the Logos, the divine essence in man.

The two cultures can be understood as opposites in a dualistic universe; sun and earth, order and chaos. The concepts of dualism and dialectics are well known in philosophy and appear in the Chinese Taoist concepts of yin and yang which together symbolize all complementary opposites in powers and qualities. Dialectics is also important to the work of Heraclitus, Karl Marx, Georg Hegel, Mao Tse-tung Carl Jung, and feminist-difference theorists such as Mary O'Brien, and organization theorists such as J. Kenneth Benson and Wolf Heydebrand. Also, the marketing theory of former Census Bureau director Vince Barabba stresses listening to values of communities, customers and the enterprise and balancing them. In an interview he spoke of dialectics and said his book showed the value of a dialectical approach to decision-making.(Barabba 1995)

It is essential to comprehend and acknowledge the deep differences that separate the two world views. This is the critical first step which was taken as part of the 1980 census planning but forgotten or ignored for 1990 and 2000. The Census Bureau is facing serious consequences for this loss of institutional memory. A way of looking at the framing of the Census 2000 debate is to

look at it, as Kuhn suggests, in terms of different language communities. In this way the problem can be dealt with as one of translation, not one of who is right or who is the most powerful. In a postmodern society, science is not a privileged discourse and political power is fragmented. Therefore the modern ways of addressing the census issue are not working. No resolution is forthcoming, what lies ahead instead is the potential for a confusing, degraded census and unending rancor.

CHAPTER SIX

Conclusion

The Census 2000 case study is a microcosm of the political and social environment of the late 1990's. It reflects the crisis of modernism as it plays out in relationships between public agencies, customers and clients of the agencies, and the political bodies that direct the agencies. It serves an example of what McSwite describes as the legitimacy problem of public administration. The Administrative Man or Woman of Reason would rather have power with a weak rationale for his or her legitimacy ("Trust me, I'm a professional") than be completely legitimate, as a collaborator, but required to share power.

The world is too unstable to put the census under the realm of reason. Reason needs to be supplanted with relationship and connection. In the postmodern environment the agency needs to create a critical mass of relationship, and use collaborative problem solving so that it can get something accomplished. Therefore this conclusion focuses on the people in administrative leadership positions where the women and men of reason attempt to wield their power and how to move their concern from power to a postmodern understanding of ethics. At the root of the problem is a need to find a way for public administrators to be open to "the other," and supplant "reason" with relationship and connection.

My concern is for a postmodern understanding of leadership as leaders must understand and embrace alterity. Alterity concerns the "moral other" and clearly every administrative act affects another person. The features of a postmodern moral stance are; openness to the other, preference for diversity, opposition to metanarratives (Big T Truth), and opposition to the established order.(Farmer 1995)

In opposing the established order, meaning established institutions and practices of justice, the administrator could focus on latent intent, where the intent is control. In the condition of postmodernity, public administrators must have a heightened level of sensitivity to the role and responsibility of the agency in the political system in order to avoid becoming its victim in the struggle for power and control. Bureaucratic legitimacy is always in question but it is now complicated by conditions in which representative democracy, as described by Fox and Miller among others, is neither representative nor democratic. In such an environment the agency may be used as a pawn to circumvent democratic political process while believing itself to be operating neutrally, representing the public interest.

“Latent intent” is the dark-side of the legitimacy, authority and politics/administration dichotomy argument. When administrative agencies wear the mantle of neutral professionalism, and believe that they represent the welfare of all without surfacing their own assumptions and prejudices, the agency can be taken over by a political agenda coincident with its own “neutral/professional” one. This is most likely to occur in serving the interests of the President’s administration. Rosenbloom and Ross explained the perdurability of the theory of administrative neutrality by concluding that the politics-administration dichotomy served the interests of executive power. Executives claim independent responsibility for efficient economical, and effective management of administrative affairs and the theory therefore supports expansive claims for executive autonomy and power. The dichotomy probably cannot survive where executive power is under the serious challenge it is today. It is a doctrine of executive domination. (Rosenbloom and Ross 1994) While administrative agencies cling to this paradigm in the way they operate, they are also caught up in an unstable political environment, and the clash between the two can be devastating:

Sovereign will formation is not happening. Lacking sovereign will formation, top-down bureaucratic rule is but petty autocracy. Worse, the postmodern condition ...deprives the culture at large of any robust basis in shared reality from which the sovereignty of the whole people might be reasserted. Increasingly we traffic in symbols without experiential referents. (Fox and Miller 1995)

In this environment the agency can fall prey to political leaders' attempts at shortcuts to democratic political process. Farmer suggests a focus on administrative practice, (such as, in this case, statistical practice,) to understand how it can be used indirectly by a power group in society as a method of control.

Peter Skerry gives support to this concept of "latent intent" by criticizing that today political leaders increasingly focus on employment of institutional weapons of political struggle that neither require nor encourage popular mobilization. Skerry believes that the case of census adjustment, is an example of the Democratic party attempting to use the institution of the census to bring about electoral power shifts, rather than mobilizing minority voters to build their power base. Skerry believes Democrats opted for a circuitous route of assault on the census, where success would bestow real but marginal benefits on demobilized minorities, compared to the alternative of minority voter mobilization. (Skerry 1992) In addition, the necessary but risky legislative work of revising Title 13 while the Democrats were in control of Congress was deemed too difficult to accomplish and prone to failure. Therefore, when such legislation was introduced by Congressman Sawyer in the 102nd Congress in 1991, it was not acted upon.

Republicans also have been exploring every circuitous route imaginable. They have been unable to out-negotiate the Clinton Administration during the appropriations process to preclude the use of appropriated funds for sampling for the apportionment count. Instead they handed their problem off to the Supreme Court, while simultaneously trying to impeach the President. In addition, they are exhausting and diverting the Census Bureau staff with high levels of oversight and mandated planning for two census designs and other legislative initiatives related to census methodology.

All of this occurred because both parties lack political will and no one involved in this debate was willing to deal with the issues inherent in the dialectically opposed world views. Administrative agency leaders need to develop the ability to both identify these kinds of traps and navigate

around or through them. This case demonstrates that when the agency finds itself in the position of taking the place of political will, it encounters a serious risk that a high price will be extracted by opposing political forces for as long as there is political memory. Political memory is long.

How will agencies transform their leadership, or find leaders, who are political navigators in a postmodern world?

A leader who is a navigator in the postmodern world is someone who functions through relationship, connection, and feeling rather than total reliance on reason. When those in positions of power and influence search for candidates to fill top agency positions, they should look for them by being open to the “other,” because this type of individual is unlikely to be a technocrat. One way of being open to the “other” in looking for leadership is for the professional organizations who either put forward or give opinions regarding professional qualifications of candidates for top jobs in science and technology fields in government to look “outside the box.” In the recent past, Census Bureau directors have primarily come from the ranks of researchers and academics. Candidates should be sought who have credentials that demonstrate an ability to work through relationship and make connections to “the other.”

Navigation by “feeling” requires an analytic strategy for understanding the environment and the world of science and research which is holistic. This type of analysis follows the thoughts of Evelyn Fox Keller’s *Reflections on Gender and Science* (Keller 1995) ; *A Feeling for the Organism: The Life and Work of Barbara McClintock*.(Keller 1983); and Mary Schmidt’s “Alternative Kinds of Knowledge and Why they are Ignored.”(Schmidt) These refer to a kind of “bottom-up” knowledge such as craftsmen working with their hands have, (or field staff who knock on doors), being attuned to qualitative phenomena that seem to emanate from the object, and overcoming the subject/object dichotomy typical of the scientific attitude. As Schmidt states, this kind of knowledge is scorned by bureaucracy because bureaucracy disaggregates knowledge.

At the same time, science dismisses knowledge embedded in feelings. In an alternative view of science the observer assumes an attitude of humility and an open attentiveness that allows one to “listen to the material” in an inquiry based on respect rather than domination.

Vince Barabba is a good example of a leader who can navigate and analyze from feeling. He therefore began his statistical career as an “alien other.” He faced an ugly confirmation process when appointed as director of the Census Bureau under President Nixon because the professional statistics community believed he was unqualified and feared the politicizing of the agency . Barabba’s nomination was opposed by the American Statistical Association, the American Psychological Society, the American Economic Association, and other professional organizations. Now he is a highly regarded member of the statistics community and has demonstrated the agility necessary to navigate and succeed in the world of big corporations such as General Motors and Xerox, as well as in government in both a Republican and a Democratic administration, and the professional statistics community. He is generally regarded by Census Bureau staff as the most successful director in recent memory. Since his two terms as Census Bureau director, he has served as president of the American Statistical Association and vice president of the American Marketing Association, and is an elected member of the International Statistical Institute. Yet, Vince Barabba was at first labeled an “alien other” by the professional statistics community. But Barabba was successful because he could embrace “the other.” His oral history and book on the 1980 census are full of examples of this quality . As one example powerfully demonstrates, he formed the first race and ethnic advisory committee of the Census Bureau and he even recruited Black Panther party leader Bobby Seale as a member. Barabba described his ability in this area as “having a high tolerance for pain.”(Barabba 1989)

Change is needed in what the agency values in its managers beyond technicism. This relates to the postmodern concept of opposition to metanarratives or Big “T” Truth; in this case the metanarrative of modernism, science and rationalism. To accomplish this means changing organizational culture, which is a tall order. This issue relates to a postmodern preference for

diversity and recognition that no privileged discourse (such as the discourse of science and statistics) exists. It is getting down to little “t” truth by coming to an understanding of what everyone’s “vital interests” are instead of staying in one position and butting heads the way the Census Bureau and the Congress did. Leaders need an understanding of how dialectical tension can be used in a positive way, as a vehicle for transformation and for “carrying the human project forward.”(White and McSwain 1990) This seems critical yet is completely absent from theory and practice today.

In combination with working from an ethical stance of alterity, building relationships, getting down to “vital interests,” small “t” truth, and using holistic knowledge, agency leaders need to attain a level of competence in constitutional heritage. Following John Rohr’s theory of legitimacy of public administration and his teachings on ethics, public administrators should be educated to attain an understanding of constitutional history and insight into its meaning. (Rohr 1986) Such insight is a place to look for guidance, as well. Such competence would have helped the Census Bureau executives comprehend their place in the scheme of government and understand what they needed to do, avoiding some of the bad advice it seems they took.

What I am suggesting is building a bridge between the seeming dualities which the new Blacksburg Manifesto (Wamsley and Wolf 1996) calls “emergence” and “coherence.” The “bridge” may be a concept as simple as administrators learning to use both sides of their brains and learning to share power. The understanding of the law, the Constitution, and political process works towards coherence in public administration. Openness to the “other” works towards “emergence” or change and transformation.

We live in a postmodern society. It is characterized by a strengthening of the values and politics of the right; a politics of scandal and deadlock; total exposure of public figures; mistrust and violence towards government; ambivalence of the electorate; identity politics, multiculturalism; and hyper-

reality. Public administrators need to step back and ask themselves, as Ingraham and Romzek suggest regarding government reform activities to meet the challenge of this environment, “Have we asked the right questions about how to change and what needs to change?”(Ingraham and Romzek 1994) In a postmodern society, administrators need to change more than the technology that supports their work. The environment is a sea-change in cultural as well as in political-economic practices, since around 1972.(Harvey 1990) To learn to navigate at sea, using all of our faculties, is the challenge of postmodernity to public administrators.

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APPENDIX A

Dissertation Interviews

Interview declaration -- this is the introductory question to the interview. There are no other questions:

“ What I am interested in is how the Census Bureau moved to the decision to use sampling and adjustment for the 2000 Census -- I am interested in everything that comes to mind.”

Key high level persons - the most important to interview to shed light on the interview “declaration”

Census Bureau Career Executives -- all of the executives interviewed had spent their entire professional careers at Census.

Paula Schneider -- Principal Associate Director of the Census Bureau, the second highest level career executive at the Census Bureau with direct line responsibility for the 2000 Census. Interviewed February 4, 1998 at the Census Bureau.

Charles Jones --retired, former Associate Director for Decennial Census for the 1990 Census, and previously chief of Statistical Methods Division. Interviewed January 8, 1998 at the Census Bureau. Currently working as a consultant to the Census Monitoring Board, for the Republican/House of Representatives side of the board.

Peter Bounpane-- Special Assistant to the Deputy Director, former Assistant Director for Decennial Census for the 1990 Census. Interviewed January 28, 1998 at the Census

Bureau.

Daniel Levine -- retired, former Deputy Director of the Census Bureau for the 1980 Census. Interviewed February 6, 1998. Currently employed by WESTAT, and interviewed at WESTAT.

Dr. Barbara Bailar-- retired, former Associate Director for Statistical Standards and Methodology for the 1980 Census. Interviewed by telephone, March 12, 1998. Currently employed by National Opinion Research Corporation (NORC.)

Congress

Jane Cobb -- Republican Congressional staffer, Interviewed February 5, 1998 at the Rayburn House Office Building. Author of *Sampling and Statistical Adjustment in the Decennial Census: Fundamental Flaws*, Fourteenth Report by the Committee on Government Reform and Oversight, 1996. (Otherwise known as the “Cobb Report”)

Terri Ann Lowenthal, Democratic Congress (House)- former staff chief to Congressman Sawyer’s (D-Ohio) subcommittee on census and population, (involved in the issue since 1987 under former subcommittee chair Dimelly D- Ca.) and currently working as an independent, senior project consultant for “Census 2000 Initiative” sponsored by the Communications Consortium Media Center. Interviewed October 24, 1998 at the Willard Hotel.

Advisory Committees

Ann Azari, Mayor, Ft. Collins, Colorado, Chair of Census 2000 Advisory Committee.

Interviewed by telephone April 18, 1998.

Dr. Robert Hill-- proposed adjustment in 1970s as a staff member of the Urban League. Current member of the Race and Ethnicity Advisory Committee to the Census Bureau for Census 2000. Professor of Statistics at Morgan State University. Interviewed April 12, 1998 at Morgan State University in Baltimore, Md.

Former Census Bureau Directors

Vincent P. Barabba - Director under Presidents Nixon and Carter (May 1973-September 1976 and July 1979-January 1981.). Currently works for General Motors. Interviewed by telephone February 6, 1998.

Dr. John G. Keane - Director under President Reagan (March 1984 - January 1989) Currently Dean of the Business School at Notre Dame University. Interviewed by telephone, February 25, 1998.

Dr. Barbara Everitt Bryant - Director under President Bush for the 1990 Census ((November 1989 - January 1993.) Currently a professor at the University of Michigan. Interviewed April 24, 1998 at the Cosmos Club, Washington, D.C.

Dr. Martha Farnsworth Riche - Director under President Clinton (November 1994 - January 1998.) Interviewed on her last day at the Census Bureau, in her office, January 30, 1998.

Other Professionals/policy makers in statistics community

Dr. Charles L. Schultze -- Chair of the Panel on Census Requirements in the Year 2000

and Beyond, of the National Academy of Sciences-National Research Council. Former Director of the Office of Management and Budget under President Johnson and Chair of the Council of Economic Advisors under President Carter. Interviewed April 27, 1998 at the Brookings Institution where he is a senior fellow.

APPENDIX B

Calendar of Select Events in the Case Study of Census 2000

February 1980 -- First Census Undercount Conference convened under Director Vincent Barabba. The Census Bureau decided not to adjust the 1980 Census. The decision was made under the Democratic administration of President Carter.

1987 Census officials proposed the 1990 census use dual systems estimation to adjust for the undercount. The proposal was supported by Census Director Dr. John (Jack) G. Keane but the proposal was vetoed by Commerce Department officials under the Republican administration of President Reagan.

July 1991 Secretary of Commerce Mosbacher (of the Republican administration of President Bush) announced his decision not to adjust the 1990 census, in response to lawsuits initiated as a result of the 1987 decision not to adjust the 1990 census.

The Congress (Democratic) passes the Decennial Census Improvement Act of 1991, PL. 102-125 mandates a study of the fundamental requirements for the 2000 census by the National Academy of Sciences-National Research Council. The bill is sponsored by Congressman Sawyer (D-Ohio) chair of the Census House oversight subcommittee and a strong proponent of census adjustment of the 1990 census.

November 3, 1992 Bill Clinton (D) elected President. Appoints Ronald Brown Secretary of Commerce (died in plane crash and replaced by William Daley of the controversial

Chicago Daley family.) Appoints Dr. Martha Riche as census director November 1994.

The Bureau had no director for almost 2 years.

December 1992 Lame duck republican Director Bryant (Bush appointee) announced the Census Bureau would not adjust the intercensal population estimates because of legal advice from the Department of Commerce general counsel's office concluded that adjusting the estimates would lead to many law suits.

November 1994 Congressional Election , Contract with America, Republicans gained control of the House and Senate, Gingrich Revolution (Newt Gingrich becomes Speaker of the House.)

One organizational consequence is that during committee restructuring, the Census oversight subcommittee was abolished as a separate House subcommittee.

At the same time, Dr. Martha Farnsworth Riche is confirmed as Census Bureau director.

1995 The National Research Council report *Modernizing the U.S. Census* is published (as a result of PL 102-125, Decennial Census Improvement Act of 1991.) It recommends a redesigned census using statistical estimation. The chair of the panel on census requirements responsible for the report is Charles L. Schultze, an economist who held high level positions in two Democratic administrations (Presidents Johnson and Carter.)

1995 November 13-19 and December 15 Government shutdown for 21 days in 1995/ Jan 1996 due to failure of the Congress and the Administration to pass a budget for fiscal year 1996. President Clinton meets Monica Lewinski, a White House intern due to the shutdown, because interns are staffing the White House.

February 1996, the Census Bureau released its plan for a "One Number" statistically adjusted Census 2000

March 20, 1996 Supreme Court decision on adjustment of 1990 census. *Wisconsin v. City of New York et al.* The Secretary of Commerce's decision **not** to adjust the 1990 census for the undercount was found to be reasonable and well within the constitutional bounds of discretion

over the conduct of the Census provided to the Federal Government. Chief Justice Rehnquist noted: "We do not decide whether the Constitution might prohibit **Congress** from conducting the type of statistical adjustment considered here."

September 24, 1996 House Committee on Government Reform and Oversight published a report on the 2000 Census sampling plan that was highly negative, known as the "Klinger Report" written by Jane Cobb.

February 7, 1997, GAO report of high risk programs vulnerable to fraud, waste and abuse lists the 2000 Census planning as the number one high risk program due to "problems with Census Bureau Statistical Sampling."

May 1997 House and Senate Leadership send letter to Census Director Riche stating opposition to census plans for use of sampling in 2000 census.

June 9, 1997 President Clinton vetoes Disaster Relief Bill (HR 1469) because of two Republican riders, one banned the Census Bureau from using sampling in the 2000 Census, the other prevented government shutdowns in budget battles.

July 17, 1997 Release by the Bureau of 30 Day Report to Congress documenting details of the Census plan required by the compromise rider on the flood relief bill.

August 15, 1997 release of corrected 30 Day Report to Congress by the Bureau (

corrected error in block level coefficients of variation).

Week of November 3, 1997 Census appropriations bill compromise is under negotiation by the White House and Republican Congressional leadership (along with other key issues holding up appropriations for Commerce, State and Justice Departments.) The President was cutting deals on the census and other issues in return for support for “Fast Track” trade legislation. The compromise put the Census 2000 planning on two tracks, sampling and non-sampling. An oversight panel is to be appointed to monitor and advise the Congress. A final decision on 2000 census methodology is to be delayed until at least March 1999, after results of the 1998 dress rehearsal are evaluated and /or a decision from the Supreme Court on expected lawsuits. The President and Congressional leadership agreed to H.R. 2607, but the Bureau continued to operate under a Continuing resolution into Thanksgiving week , because the President was tied up with issues in other bills; (Defense appropriation and line item veto issues.)

Election day, November 4, 1997 , Washington Post headline on November 6th declares “ Election Solidifies GOP; For Democrats, Little to Cheer in “Status Quo” Results.” The off-year victories added impetus to their long term conversion of the Solid South while maintaining their fragile foothold in urban areas of the northeast.

House of Representatives creates a new subcommittee on the Census under the Government Reform committee at the same time that it passed HR 2607, the FY 98 appropriations bill covering the census. Subcommittee chair is Rep. Dan Miller (R-FL), who holds a Ph.D. in Marketing and Statistics

November 26, 1997 the President signed the FY 98 Appropriations Act for Commerce , Justice and State.

January 12, 1998 Census Bureau Director Riche announces her resignation. Newspapers attribute it to the fight with Congress.

January 30, 1998 Director Riche's last day, James Holmes, Atlanta Regional Director named Acting Director.

January 31, 1998 Washington Post reports that the House of Representatives Census Caucus are proposing Barbara Bryant (Director under Bush who supports adjustment) to replace Riche.

February 12, 1998 A lawsuit is filed against the Census Bureau related to 2000 Census plans, by the Southeastern Legal Foundation, in Alexandria court (US District Court for the Eastern District of Virginia.) Plaintiffs include the president (Galvin) of the Atlanta-based Southeastern Legal foundation, and Rep. Robert Barr (R-Ga) among others (a number of private citizens from various States across the country.)

February 20, 1998 A second lawsuit against the Census Bureau is filed in US District Court for the District of Columbia , US House of Representatives is the plaintiff.

May 1, 1998 The media reports that President Clinton is expected to pick Kenneth Prewitt, president of the Social Science Research Council, for the job of Census Bureau Director, to fill the vacancy left by Martha Riche in January 1998.

June 2, 1998 The first public "event" is staged by President Clinton to focus attention on Census sampling. Clinton came to Houston to "get the debate outside the beltway" to "put a human face on the census and its consequences." He spoke to a group gathered at Magnolia Multi-Service Center in Houston's poor Hispanic East end community.

June 11, 1998 Oral arguments are heard in the *House of Representatives* lawsuit by a special three judge panel; Douglas H. Ginsburg U.S. Court of Appeals and Royce C. Lamberth, Ricardo M. Urbina of U.S. District Court. (Ginsburg and Lamberth were appointed by Reagan. Urbina was appointed by Clinton.)

July 8, 1998 First meeting of the Monitoring Board held at the Census Bureau

August 5, 1998 In a party line vote, the House rejected an attempt by Democrats to provide full funding for the 1999 fiscal year for the decennial census as part of the Commerce, State, Justice, and Judiciary appropriations bill. The House wants to limit Census Bureau funds to half of the fiscal year (until March 31.) The House wants the President, in March 1999, to request the remaining amount and provide an estimate of the total cost of the 2000 census, at which point Congress would vote whether to release the funds and as part of that process, make the decision on whether sampling will be used. Clinton recently promised the House Hispanic Caucus and Democratic Caucus that he would veto any legislation that includes the contested census language.

August 7, 1998 The second lawsuit challenging constitutionality and legality of sampling, (Galvin v. Clinton) was heard by a 3-judge district court panel in Roanoke, Va.

August 17, 1998 Monday night - President Clinton made a four minute speech to the nation to accept responsibility for lying about his "inappropriate relationship" with Monica Lewinski (and also assailed special prosecutor Kenneth Starr for about half of the time.) Polls say that majority of Americans want Clinton to finish his term and do not favor impeachment or resignation. Several significant newspapers subsequently carried editorials linking an untrustworthy administration to the census sampling plan, including the Atlanta Journal.

Newt Gingrich predicted Clinton's situation would help Republicans in the November election because Democrats would have a low turnout.

This same week it is announced to executive staff that Kenneth Prewitt, Census Bureau director designee, will come on board as a consultant in September.

August 20, 1998 (7:30 PM) The US (Clinton) launched Cruise missiles against terrorist sites in Afghanistan, Sudan in retaliation for the bombings of two US embassies in Africa. Planning for the strikes occurred in the midst of the Lewinski sex scandal crisis. There was a similarity between these events and the movie "Wag the Dog" in which the war was faked but the object was to get the sex scandal off the front page." Clinton's foreign policy adventure sailed forth into a movie cynicized air."

August 24, 1998 - A federal court ruled unanimously on the House of Representatives lawsuit, that the Census Bureau may not use sampling in compiling the 2000 headcount. The court finds that the use of statistical sampling to determine the population for the purposes of the apportionment of representatives in Congress among the states violates the Census Act." Also issued an order permanently barring the Census Bureau from using any form of statistical sampling. Judge Lamberth said in the first part of his opinion that the House of Representatives has legal standing to sue, "has a concrete and particularized interest in its lawful composition. In sum, the injuries (from the new census) are now imminent." The Justice Department is appealing the ruling to the Supreme Court. The Supreme Court agreed to hear the case and set oral arguments for November 30, 1998.

September 16, 1998 HJR 128 Continuing Resolution for Fiscal Year 1999 passed by House and Senate as joint resolution making continuing appropriations running through

October 9, 1998. There are divisive issues in FY 99 appropriations- IMF contributions to replenish drained resources from Asia and Russia financial crisis; House approved abortion restrictions that President says he will veto; census; managed health care. Only one of 13 spending bills have gone to president for signature (a small non-controversial one.) Several of controversial bills will wind up in an Omnibus package. The government was kept running on continuing resolutions through October 21, 1998.

September 23, 1998 The Clinton Census 2000 sampling plan was rejected by a second federal court. The US District Court in Eastern Va.(Richmond) sided with the Southeastern Legal Foundation in its suit against the Clinton Administration.

October 4, 1998 A full page ad is run by Larry Flynt/Hustler magazine in the Washington Post offering up to 1 million dollars to anyone will to give story/documentary evidence on their own adulterous sexual encounter/affair with a member of congress/senate or other high ranking government official--if they publish the story.

October 5, 1998 The House Judiciary committee votes along party lines to open a formal impeachment inquiry--making Clinton only the third president to face a serious threat of being removed.

October 9, 1998 The Supreme Court agreed to expand its review of whether the Clinton Administration can use sampling for Census 2000 by simultaneously reviewing the House of Representatives case and the Galvin case stemming from taxpayer challenge in 6 states.

October 21, 1998 The President signed HR 4328 Omnibus spending bill, Senators complained it was largely a product of closed door negotiations between the White House

and top GOP leaders, Sen. Majority leader Trent Lott (R-Miss) and Newt Gingrich (R-Ga). A quarter of the \$80 billion budget surplus will go to new spending in the bill. Conservatives complained that their leaders knuckled under to pressure from the White House. Democrats added the language in the bill to extend the date for a decision on sampling to June 15, 1998 as a compromise between 6 months of spending republicans wanted and the full year democrats wanted. The Census Bureau received an extra \$179 million above the President's budget for traditional census planning.

At the same time the Senate also confirmed Dr. Prewitt as Census Bureau director. November 3, 1998 Election Day - In the new 106 th Congress, Democrats added 5 seats in the House. The new totals in the House are GOP 223, and Democrats 211 (with 1 independent). The 105th Congress had been 228 GOP, 206 Democrats. The Senate is unchanged at 55 GOP, 45 Democrats. This election was the first time since 1934 that the President's party gained seats in House in midterm election. Republicans lost a net of one governorship. In California Lt Governor Gray Davis (D) beat Republican Dan Lungren by 20 percent. Voter turnout dropped to lowest level since 1942, 36 % eligible voters compared to 39% in 1994.

November 6, 1998 As a result of the poor GOP performance in the elections, Newt Gingrich announced he will not run for Speaker again and said he will resign from the House.

November 30, 1998 The Supreme Court heard oral arguments on the two cases against the Census Bureau plan for 2000. How the Court will decide was very unclear from the hearing.

December 12, 1998 The House Judiciary Committee voted along party lines, approving

four articles of impeachment.

December 18, 1998 Hustler magazine publisher Larry Flynt said he would release details of extra-marital affairs of House speaker designate Robert Livingston and others. This prompted Speaker designate Livingston (R-La) to admit (the day previously) to having extra-marital affairs and he stepped down as Speaker and also resigned from the House and asked President Clinton to do the same.

December 19, 1998 The full House voted to impeach the President on three articles, and the three-day war on Iraq was declared over by President Clinton.

Dennis Hastert (R-Ill) became the new Speaker designate.

January 6, 1999 Dennis Hastert became Speaker of the House, a back-room operator and a protégé of Republican leader Robert Michel (of Newt Gingrich's revolution) and right-hand man of whip Tom DeLay (R-Tex).

January 7, 1998 The Senate began meeting on rules /preparations for an impeachment trial even though Majority leader Trent Lott (R-Miss) attempted to find other avenues, such as censure, or a four-day trial, conservative members would not compromise.

Public opinion polls show that the GOP has a 2 to 1 unfavorable image and strategists are now worried about the impact of impeachment on the 2000 elections. This provides pressure for a quick and harmonious resolution to impeachment. The GOP is seen as only having an anti-Clinton agenda, and no other policy agenda.

In January 1999 a number of high level staff moves take place under the direction of the

Department of Commerce. All incoming executives are not Bureau career staff but come from other parts of Commerce. The Chief of Human Resources Division is transferred to another agency and another is transferred in; an SES level manager takes over Field Division space and logistics management. An Assistant Director for Communications is selected as is an Assistant Director for Marketing and Customer Liaison. Significantly, William Barron (Deputy Under Secretary at Commerce, formerly a deputy commissioner of Bureau of Labor Statistics and 30 year veteran at BLS) physically moves from Commerce to the Census Bureau, maintaining his DOC position, presumably to run the decennial census, taking over responsibilities currently held by the highest level career executive staff. On January 21, 1999 this move was announced officially over electronic mail, stating that Barron would work closely with Director Prewitt and senior decennial managers on “special projects.”

January 8, 1999 The Senate voted unanimously on rules for the first two weeks of conduct of the impeachment trial.

January 26, 1999 The Supreme Court rules on the Glavin case, a five to four vote in favor of Glavin and against the Administration, affirming the Federal Court’s rulings.

February 1, 1999 President Clinton submitted the FY 2000 budget to Congress calling for an increase of \$1.77 trillion, providing a surplus of \$117.3 billion. The cost of conducting the census was the main item driving up the Department of Commerce budget by 39 percent. The census budget would increase 129 percent, to \$3.07 billion with full-time equivalent employment tripling. This is without taking into account the Supreme Court decision, so the revised number is likely to be much higher.

February 12, 1999 The Senate acquitted President Clinton, the two articles of impeachment failed to win a majority vote. There was no chance of the 67 (two-thirds)

vote to convict Clinton so Senate moderates were not subjected to the same kind of pressure that moderate House members were. Article I alleging perjury was defeated on a 45-55 vote, while Article II obstruction of justice failed on a 50-50 tie. Five moderate Republicans from northeastern states joined 45 Senate Democrats to produce the 50-50 vote.

VITA

Janet Cummings was born and raised in New York City. She earned Bachelors and Masters degrees in Geography from George Washington University, Washington D.C. in 1976 and 1977 respectively. Her research interests were in demography and urban studies and her masters thesis was in political geography. Ms. Cummings began a career as a statistician at the U.S. Bureau of the Census in Washington D.C. in 1977. She worked on the 1980, 1990 and 2000 Censuses. Her expertise is in field data collection. For Census 2000 Ms. Cummings is an Assistant Division Chief in the Field Division where she manages several branches responsible for the census recruiting program, budget administration, management training, oversight liaison, and other programs.

Ms. Cummings earned a Certificate of Advanced Graduate Studies in Public Administration and Public Affairs in 1997 from Virginia Tech. She earned a Doctor of Philosophy Degree in Public Administration and Policy in 1999 also from Virginia Tech.