

HCR

62

(9)

COMMITTEE REPORT

HOUSE

3/19/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HCR 62

"Relating to the federal census."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Charles P. Ryan Do Pass
Malone Do Pass as amended
Kels G. Anderson " "
Burchinal
Patrick W. O'Connell " "
P. C. O'Connell

Charles P. Ryan

CHAIRMAN

AMENDMENT

OFFERED IN THE HOUSE:

By: JUDICIARY COMMITTEE

To: _____ HOUSE BILL No. HCR 62

SENATE BILL No. _____

PAGE: 2

LINE: see below

page 2

line 3-7

Delete all material and replace with:

BE IT RESOLVED by the Alaska State Legislature that all citizens of Alaska are urged to answer those questions on the federal census which are necessary to enumerate the people of the State of Alaska for purposes of apportionment of the House of Representatives in Congress, the apportionment of the state legislature, and the apportionment of other taxes, duties and contributions set forth in the United States Constitution; and be it

page 2

line 11

Insert after "answer" the word other

page 2

line 12

Delete: "private affairs and their right to be left alone" and Insert after "their" the phrase right to privacy

Proposed amendment to House Concurrent Resolution 62

page 2 lines 3 - 7 Delete all material

Replace with:

BE IT RESOLVED by the Alaska State Legislature that all citizens of Alaska are urged to answer those questions on the federal census which are necessary to enumerate the people of the State of Alaska for purposes of apportionment of the House of Representatives in Congress, the apportionment of the state legislature, and the apportionment of other taxes, duties and contributions set forth in the United States Constitution; and be it

Don't count on us

If awards were ever offered for complaining, we Alaskans would probably be the all-time champions.

We complain about the weather.

We complain we don't have enough money.

If we have enough money, we complain we must pay too much tax on it.

We complain when government doesn't take action immediately on any given issue.

We complain if government takes action immediately on any given issue, saying "adequate public input" was not allowed.

We complain about everything the Legislature does.

We complain about people who complain too much.

The list goes on. Face it; Alaskans are picky. We want things done our way. Period. The only problem arises when two Alaskans get together. Then another axiom comes into play. Often, no two Alaskans can agree on a subject.

The result is sometimes funny but always interesting. Just this morning, two Empire staffers, both true Alaskans, debated for 15 minutes on whether this year's school budget was this year's or next year's. We lost track of the logic after the first volley, so the outcome will blissfully go unreported.

Another, perhaps more pertinent example was the objection raised recently in the Legislature over the U.S. census forms. The forms are "too nosy," according to some state lawmakers. The result was a resolution introduced in the House telling federal bureaucrats to get their noses out of Alaskans' private business. The resolution was aimed at questions such as:

- How many flush toilets do you have?
- How many times have you been married?
- Are you married to your housemate?
- Do you have a physical or mental health condition?
- Do you have air conditioning?

Now, the flush toilet question was bordering on invading any person's privacy. Some of us remember the days when we didn't even have a private outhouse but shared one with the neighbors. Considering it was in Fairbanks during the winter, the experience was something we would just as soon not repeat, especially on a census form.

If the toilet question was questionable, the one about housemates and mental condition are just too much. Even a non-Alaskan would agree the proper answer to such questions should be a simple, courteous "none of your business."

The folks at the Census Bureau say they haven't received many complaints about the nosy questions. We would like to send ours and those of the Legislature to the census people via special delivery. Count us if you must, but leave all the silly questions out of it.

There is, however, one good thing about the census forms. We are only confronted by them once every 10 years.

Berry's World

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MEMO

To: Representative Brian Rogers

From: Douglas Pope

Re: HCR 62 and related matters

I have prepared this memorandum for you at your request. It is my understanding that you intend to read all or part of it into the record as testimony at House Judiciary or other committees before the Alaska State Legislature.

I perceive HCR 62 as being directed at protecting legitimate privacy interests of the citizens of Alaska from illegitimate intrusions into their lives by some of the inquiries on the federal census forms. Census officials, in Alaska and nationally, have given a variety of responses. They have pointed to statutory and constitutional authorization for the census, and, with regard to privacy concerns raised by some individuals and institutions, have responded that the answers to the census are confidential.

In a constitutional republic the laws and regulations adopted by the legislative and executive branches of government are subservient to constitutional directives. If a question on the census illegitimately intrudes on the privacy of an individual the law and regulations authorizing those census questions are in conflict with the right to privacy recently recognized in the federal constitutional document. The questions in the federal census regarding physical and mental health conditions and pregnancies are most clearly in

conflict with the right to be left alone. It is my conclusion that those are not legitimate areas of inquiry in the census. The response by federal officials that the answers are confidential reveals a misconception and a narrow view of the right to privacy. That right protects unnecessary intrusions into our lives. It guarantees that, unless there is a legitimate governmental interest, we will be left alone. Confidentiality cannot cure the defect of the unnecessary intrusions referred to above, it only reduces the circle of persons with access to the answers and does not diminish the injury of the initial intrusion.

There are surprisingly few cases wherein the compulsory answers to the census have been challenged on constitutional grounds. Certain questions on the 1900 census were challenged as exceeding the scope of the authority of the census as set forth in the constitution. In that case the court did not object to the citizen's premise that a general government must find authority to conduct the census, however, it found that the constitutional authorization did not limit Congress to a census of the population, but permitted it to also order "the gathering of other statistics" if "necessary and proper." Certain questions on the 1960 census were challenged as in violation of the Fourth Amendment protections against illegal searches and seizures. The court ruled against that objection. The only case found in which a citizen successfully defended himself against a prosecution for refusing to answer census questions involved

the 1970 census. The citizen had been a leader in a much publicized "census resistance" movement. He raised a number of unsuccessful defenses, including personal detriment or incrimination (he lived in a group house in violation of zoning regulations) and challenged the census on constitutional grounds, but prevailed only because he was able to satisfy the standard of discriminatory enforcement by showing that the only persons who were prosecuted in his state by the Bureau, despite the Bureau's knowledge of other violations, had been publicized as belonging to the census resistance movement.

It appears that the precise question of whether certain questions on the census violate the right to privacy implicit in the federal constitution has never been asserted nor ruled upon. In my judgment the most obvious reason explaining why this question has not been raised or adjudicated before is attributable to the recent development of the right to privacy in federal case law. Although the U.S. Supreme Court recognized that the right to privacy was an unenumerated right of the federal document in the late 1960's, the broad reaching effect of the right and its guarantees did not begin its current stage of development until a landmark 1972 Supreme Court decision. It is indeed an appropriate time in our nation's history for citizens to assert an important right and object to certain questions on the census that they believe to be in conflict

with their right to belief alone. The Bureau has been requested by several groups, including the ACLU, to state a policy with regard to persons who refuse to reply to all or part of the census questionnaire and to persons who support or encourage potential resisters. Apparently the Bureau's representatives have been somewhat reluctant to make a definitive statement but the gist of their reply is as follows:

If a person refuses to give any information beyond name and address, or refuses to answer certain specific questions, despite repeated reassurances and explanations and despite reminders that full response is required (in the Bureau's view) by statute, no further action is likely. (Such a person would probably be included in the census "headcount" provided that at least the name and address and basic demographic data are given.) Assuming that this is an individual protest, without fanfare or publicity, the Bureau would prefer simply to get on with the business of taking the census, and not be diverted into "persecuting" anyone.

If, however, a person chose to make a public "display" of resistance, or to encourage others, or to create an organized resistance, the Bureau would request the advice of its counsel regarding prosecution under the sanctions imposed by law.
January 10, 1950, memo of the American Civil Liberties Union.

To this end a federal official directing the census in Alaska has inferred that any person urging other persons not to answer all the questions on the census could be prosecuted under the criminal laws of the United States. It is apparent from my research, and the inference related above, that the Bureau considers that the act of urging persons who refuse to answer certain questions in the census, if they legitimately feel the questions intrude on their private affairs,

is the sort of encouragement that could lead to prosecution under the criminal laws of the United States. It is my conclusion that this inference is suggesting a reckless course of action for the federal government. Such a course would invariably collide with the guarantee of free speech as long as the urging was directed to specific questions that either arguably or demonstrably invade the right to privacy. However, only a person with substantial economic means or an attorney would have the necessary resources to stand up to the power of the federal government in a situation that is suggested here. To the extent that HCR 62 is an attempt to utilize resources of the state to protect legitimate privacy interests of its citizens its intent is admirable.

ACTION FOR A VOLUNTARY CENSUS:

People who oppose the questions on the 1980 Census are taking action to end this disgraceful measure once and for all. They are fed up with government interference and the consequences of it.

DO YOU WANT TO DO SOMETHING?

We recommend that you write letters *right now* to your two Senators and your Congressman demanding that they support and encourage those bills already introduced in Congress to make the non-head count questions strictly voluntary. We urge you to have your friends do the same. Also, you might write letters to the editor of all the local papers asking that citizens join in this protest.

If such legislative action doesn't come soon enough, thousands of Americans are expected to refuse to answer the Census. They will return this questionnaire with an attached ACTION CARD (enclosed) detailing their refusal to be coerced. If many people take this line, the legislators may push a bill through making the Census voluntary; if not for this one, then for the next one.

The fine for refusal to answer can be \$100 to \$500. This was levied *only twice* in 1960 and in 1970 cases against Census resisters were dropped in court. If thousands say NO to the Census, then the government would probably find the costs of prosecution prohibitive. Some people plan to resist at first and only comply under protest, when they are sure the fine is to be levied.

The ACTION CARD gives the three choices you may decide to make. It should be marked and one half returned to us so that we may know how many are joining this protest. The other half goes back to the Census Bureau with your questionnaire. If you can, we would appreciate a small contribution for our fight on the legal front.

We will be taking this case to federal court when the government makes the move to fine the first person who refuses to answer the questions. We will take this case as high as possible in testing the constitutionality of the Census questioning and its invasion of the individual's right to privacy. If we win, there will be no fines for the rest of the resisters.

Are you willing to strike a blow for individual freedom? THOUSANDS ARE!! Will you help them throw a roadblock in front of an onrushing government little concerned with what your rights mean to you? **STAND UP FOR YOUR RIGHTS!**



an educational project from:

CENSUS RESISTANCE '80
Box 1984
Warminster, PA 18974

THE CENSUS



**Big Brother
is
Snooping**

Many citizens are resisting these intrusions, here's how

BIG BROTHER WANTS TO KNOW ABOUT YOU!

Along about the end of March 1980 you, if you are an "occupant" of a dwelling, will receive in the mail an official government Census form. You will be required to fill out a minimum of nineteen questions, many of which violate your right to privacy. Twenty per cent of you will have to sit down and fill out sixty-five questions which delve even deeper into the personal affairs of your household.

The Census is taken every ten years by the United States government as provided in the Constitution. The Constitutional purpose of the Census is to "enumerate" the population so that seats in Congress can be allocated among the states in proportion to the number of residents in each state.

But the Census goes far beyond this Constitutional provision for a simple head count, and it is these additional aspects of the Census which prompt a chorus of protests from all people who value their privacy and freedom from governmental interference and snooping.

Why, these people ask, should a citizen be compelled to answer these questions under penalty of law—a fine from \$100 to \$500.

The government claims that only compulsion will make the gathering of these additional statistics possible.

DRAWING THE LINE:

There is a basic philosophical issue which underlines the dispute about census questions and the criminal penalties. It has been stated in a variety of forms, but fundamentally it comes down to this:

Where should the line be drawn between the government's alleged need for information and the individual's right to privacy—the right to keep information to himself (as upheld by the Bill of Rights) and to refuse to give answers to the Census Taker's questions?

The place to draw the line between the government and the individual is right here on this Census. The line is clear in the Constitution and its Bill of Rights. The line is between freedom and compulsion. That is why more and more Americans, backed by many Congressional leaders from both parties and of all persuasions, are now asking that all the questions beyond the head count questions be made *voluntary*.

These are some of the questions the government may expect you to answer (under penalty of law, remember) which are none of their business:

"What is your racial and ethnic background?"

"Do you have a flush toilet?"

"What is the value of your property?"

"Did you raise and sell any crops on your land in 1979?"

"What are your fuel costs?"

"Do you have air conditioning?"

"How much are your mortgage payments?"

"How do you travel to work?"

"What was your total income in 1979?"

"Have you served in the Armed Forces?"

"If this is a girl or woman, how many babies has she ever had, not counting stillbirths?"

"Did this person work at any time last week?"

"Has this person been married more than once?"

"If you pay by the month, what is your rent?"

And so on. Asked one congressman, "In our Republic, can criminal penalties properly attach in a statistical survey for non-compliance to such items?" His own answer, "Clearly not."

Now maybe you like to answer questionnaires, or don't consider that your privacy is invaded by such queries. Fine, but why should those who do not want to answer these questions, who don't wish their privacy invaded, who feel that THE GOVERNMENT HAS NO RIGHT TO ASK SUCH QUESTIONS, be made to do so, and made subject to penalties?

(Incidentally, there will be two by-products of the Census which you may not like. "Junk" mail results from government making these statistics available to commercial interests. And taxes will never go down as the statistics are pulled every which way to justify more and more government spending.)

The real issue is not the drift of the questions but the right to require an answer to questions at all. Do we wish to stand by and let government continue to get bigger and more powerful? Do we want to avert the spectre of a Big Brother snooping into every nook and cranny of our lives?

If you wish to help strike a blow for freedom of the individual, then read the reverse side of this brochure which tells you how to fight back!



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of the Census
Regional Office
Seattle, Washington 98109

U.S. Bureau of the Census
Field Division
Calais I Building, 3rd Floor
3201 C Street
Anchorage, AK 99503

TO WHOM IT MAY CONCERN:

Please enter these facts into the record at the Judicial Committee hearing in Juneau, March 26 at 7:30 p.m.

The Census Bureau is bound under the law to carry out the asking of questions passed by Congress.

The Census Bureau does not use the questions for itself, but compiles them for use by other agencies.

The Privacy Act guarantees that the answers given on the Census are confidential.

The Legislature may not wish to pass a resolution that supercedes the Federal Government.

ARTICLE I of the Constitution of the United States states:

There shall be a census taken, in such a manner as Congress shall direct by law.

In 1973 and 1974 the Census Bureau held 70 public meetings. They asked the public:

1. What questions would you like asked on the 1980 Census?
2. What sort of data would you be interested in?
3. What statistics would be needed by the State and Federal agencies?



TO WHOM IT MAY CONCERN
Page 2

The questions are evaluated by the Census Bureau and then the Secretary of Commerce reviews them. Both the Census Bureau and the Secretary select the most important and relevant questions. These questions are then sent to Congress which votes on each question before the questions are allowed to be placed on the Census form. Therefore each question on the Census form is directed by law through the Congress.

CONTACTS MADE:

District Attorney's Office, Anchorage	277-8622
Attorney General's Office, Anchorage	276-3550
U.S. Attorney General's Office, Anchorage	271-6071

Thank you,

Jacqueline S. Russell
District Manager

CENSUS 80 APRIL 1 INFORMATION

protects the confidentiality of your answers. For the next 72 years -- or until April 1, 2052 -- only sworn census workers have access to the individual records, and no one else may see them."
--from the front of the 1980 Census questionnaire

LAW AND PROCEDURES PROTECT RIGHT TO PRIVACY

The Census Bureau strictly adheres to Title 13, U.S. Code (the census law), which says that census information must be handled with absolute confidentiality. The following questions and answers highlight the Census Bureau's commitment to protect the public -- all persons and business organizations whose names appear on census questionnaires -- from unauthorized disclosure.

- Q:** Does the name and/or address of anyone on a Census Bureau questionnaire go into any government computer, including those of the Census Bureau?
- A.** No.
- Q.** Are Social Security numbers requested on decennial census questionnaires?
- A.** No.
- Q.** What guarantee does a person or business organization have that information provided to the Bureau, in censuses and surveys, is kept confidential?
- A.** According to Title 13, United States Code, information furnished to the Census Bureau can be used only for statistical purposes and cannot be published or released in any manner which could identify any person or business firm. This law prohibits access to individual census returns by anyone except sworn employees of the Census Bureau. The law calls for a prison term of five years and a fine of \$5,000 for a violation of this secrecy provision by any census employee. Everyone who works for the bureau, even temporarily, must take an oath not to disclose personal information and is subject to this law.
- Q.** Has there ever been a case proven where confidential information has been disclosed by a census employee against the law?
- A.** No. In fact, no employee has ever been formally charged with a violation of the law.

(over)

U.S. Department of Commerce
BUREAU OF THE CENSUS
Census Promotion Office
Washington, D.C. 20231
(301) 568-1200

**We're counting on you.
Answer the census.**

Q. How does the Census Bureau protect personal information collected in the Decennial Census of Population and Housing?

A. The original census forms are photographed on microfilm that is kept under strict security in protected buildings. The information can be retrieved only by authorized persons. The original forms are maintained under tight security, accessible only to sworn Census Bureau employees, until processing is complete. Then the forms are shredded, dissolved in acid, and recycled into pulp.

Q. How long is census information kept confidential?

A. For 72 years. Then the microfilmed census records are turned over to the National Archives for permanent storage. People interested in researching their family background often use these old census records.

Q. What kind of protection is given to confidential facts collected in the Bureau's other surveys such as the economic censuses which cover American business firms?

A. The census forms filled out during the economic censuses are kept under tight security. Only sworn Census Bureau employees have access to them.

Q. When results of an economic census are published, is it not possible to pinpoint a particular enterprise in a small area even without the name or address?

A. No. The computer is programmed not to produce statistics which might allow identification of a firm or corporation under such circumstances.

Q. Do other Federal agencies or courts have the legal power to obtain confidential information about individuals from the Census Bureau for purposes of taxation, investigations, prosecution, etc.?

A. No. The Federal law on confidentiality prohibits the Census Bureau from releasing personal information collected under census law to other Federal agencies for any purposes.

Q. If people want information about themselves - proof of age, for instance - can they look at their own past records?

A. Individuals may obtain facts reported about themselves in the population censuses from the microfilm records at the Bureau's facility in Pittsburg, Kansas. An individual must present proper identification and pay a small search fee. Anyone who falsifies a name to get information is subject to prosecution.

Q. Has census information always been treated as confidential?

A. No. From 1790 to 1870 there was no law about handling census information in a confidential way. The first such law took effect in 1890, and has been revised since then. It is stricter now than it has ever been.

CENSUS 80 APRIL 1 INFORMATION

CENSUS WILL ASSESS
DEMOGRAPHIC TRENDS

Dramatic changes in American family life, income, housing costs, population distribution, and Congressional representation will be revealed by the upcoming 1980 census, along with one of the lowest population growth rates in our history.

Gathering and tabulating more than three billion items of information from the public, the 1980 census will sketch a new and unique portrait of the Nation, revealing not only the number of Americans, but their location, condition, activities and how they are housed.

The census will document the changes indicated in recent years by ongoing Census Bureau surveys, and will spell out in great detail the changes in U.S. society of the past decade.

The American family is one example. The 1980 census is expected to show that:

- The number of husbandless women who are heading families has soared nearly 50% since 1970 to more than eight million.
- The traditional family household of mother, father, and one or more children now accounts for less than a third of the Nation's households, the lowest percentage ever.
- Both husband and wife have earned income in about one-half of the 48 million husband-wife families in the U.S., a new high.
- The number of unmarried couples sharing a household has more than doubled in 10 years.

As for population distribution, the 1980 census is expected to define sizable population shifts from Northern and Eastern States to the Southern and Western areas. The 1980 census data will measure population shifts by age, race, ethnic origin, and in other ways. For example, annual surveys by the Census Bureau since 1973 have found that blacks moving to the South outnumber those leaving, reversing a trend of more than 100 years. The census will determine whether the Blacks moving into the South are newcomers or returning to the South, where they are settling, and what job skills they bring--detailed information that surveys, by their nature, do not provide.

Income data will be of interest to economists and others. Discounting inflation, there was a 34 percent increase in median family income between 1960 and 1970, but the increase from 1970 to 1978 was only four percent. The big drop can be attributed to economic sluggishness, to the increase in the number of families maintained by single parents, who tend to have a lower average income, and to changing age structure and family composition. Compared to the 1960s, a higher percentage of people are now in their early, rather than mature, earning years.

U.S. Department of Commerce
BUREAU OF THE CENSUS
Census Promotion Office
Washington, D.C. 20233
(301) 568 1200

**We're counting on you.
Answer the census.**

01.11:05

The census will also provide data on poverty, useful for allocating federal funds. Surveys have shown little change in the nationwide number of poor during the 1970s, but there have been changes in their composition and geographic distribution. The census is expected to show a continuing increase in the proportion of poor persons living in families maintained by women, and a decline in the proportion of the poor residing in the South.

The economic impact of the "baby boom" after World War II will continue to be tracked by the census. They have grown to be young adults, ages 18 to 34, and are now in the job market, establishing families, and buying homes, exerting new pressures on the economy because of their number.

Housing is a major aspect of the 1980 census. Government and private industry have a wide demand for the information that will be collected about housing in use, vacant dwellings, and units such as mobile homes. It is expected that the total number of housing units will have increased more than 20% since 1970, twice the rate of population growth.

Housing costs will be of concern. A 1976 Bureau survey found, for example, that the average owner of a mortgaged home at that time was paying 18 percent of annual income for the mortgage, real estate taxes, property insurance, utilities, fuel and trash collection. How the 18 percent figure holds up in 1980, in light of factors such as a 45 percent jump in the average price of a new one-family home over the past four years, will be of wide interest.

A very significant alteration in the Nation's growth pattern will be highlighted by the slowdown of the population's rate of increase since 1970. A growth of only nine percent is projected. If the census bears this out, it will be the smallest increase in any census, with one exception, since the first census in 1790. The exception was the 1940 census, which found the lowest 10-year growth rate as a result of the Great Depression.

The census is the Constitutional basis for reapportioning seats in the House of Representatives, and recent population estimates by the Census Bureau suggest that extensive redrawing of district boundaries will be necessary after the 1980 census. California, Texas, Florida, Utah, Oregon, Tennessee, Washington, and Arizona may gain one or more seats, and New York, Ohio, Illinois, Pennsylvania, Michigan, and South Dakota may lose seats.

In numbers, Census Bureau demographers are projecting a total U.S. population in 1980 of slightly more than 222 million. About eight months after the census has begun on April 1, the first of some 300,000 pages of published characteristics will tell their story.

**Imprisonment
for Debt**

SECTION 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

**Eminent
Domain**

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

**Right to
Bear Arms**

SECTION 19. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**Quartering
Soldiers**

SECTION 20. No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

Construction

SECTION 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

**Right of
Privacy**

SECTION 22. The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

(The addition of this section, as an amendment to Article I, was approved by the voters of the state August 22, 1972 and became effective October 14, 1972.)

ARTICLE II

THE LEGISLATURE

**Legislative
Power;
Membership**

SECTION 1. The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

**Members;
Qualifications**

SECTION 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district

Title and Authority

SECTION 14. When the lieutenant governor succeeds to the office of governor, he shall have the title, powers, duties and emoluments of that office.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Compensation

SECTION 15. The compensation of the governor and the lieutenant governor shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

(The amendment to this section was approved by the voters of the state August 25, 1970 and became effective October 10, 1970. The words "secretary of state" were changed to "lieutenant governor".)

Governor: Authority

SECTION 16. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

Convening Legislature

SECTION 17. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

Message to Legislature

SECTION 18. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

Military Authority

SECTION 19. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel

Martial Law

Execu
treme

Execu
Branc

Reor

Introduced: 3/19/80
Referred: Judiciary

BY THE RULES COMMITTEE
BY REQUEST

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 62

3 IN THE LEGISLAURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 Relating to the federal census.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 WHEREAS art. I, sec. 22 of the Alaska Constitution guarantees that the
8 right of the people to privacy is recognized, shall not be infringed and
9 directs the legislature to implement this section; and

10 WHEREAS art. III, sec. 16 of the Alaska Constitution directs that the
11 governor shall be responsible for the faithful execution of the laws and
12 further directs that the governor and attorney general may, by appropriate
13 court action or proceeding brought in the name of the state, enforce com-
14 pliance with any constitutional mandate; and

15 WHEREAS a citizen's right to privacy is an implicit right guaranteed by
16 the Bill of Rights of the United States Constitution; and

17 WHEREAS the 1980 federal census is currently being conducted throughout
18 the state and will be conducted in all urban areas of the state on April 1,
19 1980; and

20 WHEREAS the legitimate constitutional reasons for the taking of the
21 federal census include the apportionment of the House of Representatives in
22 Congress, the apportionment of the state legislatures, and the apportionment
23 of other taxes, duties and contributions enumerated in the United State
24 Constitution, but do not include unnecessary intrusions into the private
25 lives of the state's citizens; and

26 WHEREAS a significant number of census forms contain questions that
27 infringe upon the privacy interests and rights of Alaska citizens; some of
28 those rights intruded upon include questions regarding the person's income,
29 physical and mental health conditions, reasons for being married more than

1 once, ancestry, and specific questions intruding upon the private rights of
2 women with regard to pregnancies and children;

3 BE IT RESOLVED by the Alaska State Legislature that the governor and
4 attorney general are respectfully requested to protect the private rights of
5 Alaska citizens by bringing an action in the name of the state to enforce
6 compliance with the constitutional rights of all Alaskan citizens to be left
7 alone with regard to their private affairs; and be it

8 FURTHER RESOLVED that the governor and attorney general are respectfully
9 requested to inform appropriate officials of the federal government that the
10 state intends to protect and defend the rights of all Alaska citizens to
11 responsibly refuse to answer questions on the federal census that unnecessarily
12 interfere with their private affairs and their right to be left alone.

**CENSUS RESISTANCE '80
ACTION CARD**

Send this half of card to:

CENSUS RESISTANCE '80
P.O. Box 1984
Warminster, Pa. 18974

Gentlemen:

I join the thousands of other Americans resisting
the 1980 Census by:

- Answering the Census under protest.
- Refusing to answer non-head count questions.
- Refusing to answer any of the questions.

Name _____

Address _____

City _____ State _____ Zip _____

I enclose \$50____, \$25____, \$10____, \$____ towards
the fight to remove compulsion from the Census.
Please send me _____ additional packets at 5 for
\$1.00.

Attach to Census Questionnaire:
UNITED STATES CENSUS BUREAU:

- I have filled out this 1980 Census questionnaire under threat of punishment. I believe it is a violation of my right to privacy.
- I have only answered certain of the questions on this Census. I refuse to answer the remainder because they violate my right to privacy, and are not Constitutionally mandated.
- I refuse to participate in the 1980 Census because the government has no right to compel individuals to answer such questions.

DETACH HERE TO USE



Proposed amendment to House Concurrent Resolution 62

page 2 lines 3 - 7 Delete all material

Replace with:

BE IT RESOLVED by the Alaska State Legislature that all citizens of Alaska are urged to answer those questions on the federal census which are necessary to enumerate the people of the State of Alaska for purposes of apportionment of the House of Representatives in Congress, the apportionment of the state legislature, and the apportionment of other taxes, duties and contributions set forth in the United States Constitution; and be it