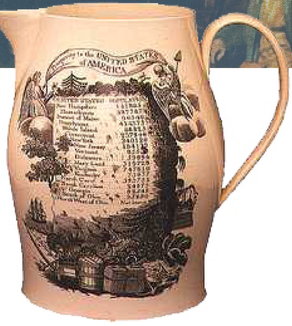
United States® Census 2020

The Census and the United States Constitution



Made in England for the American market, this creamware jug commemorates the first census of the United States taken in 1790. Courtesy, Smithsonian National Museum of American History, https://www.si.edu/object/nmah_582423

How old is the U.S. Census?

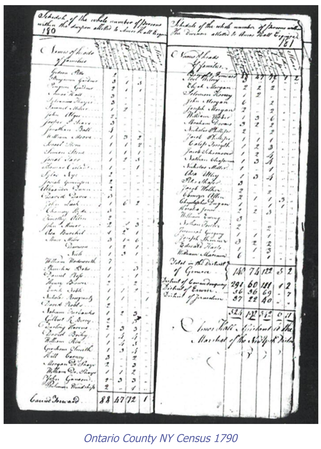
The first U.S. Census was conducted in 1790, as mandated by the U.S. Constitution. Article 1, Section 2 of the United States Constitution originally stated:

Representatives and direct taxes shall be apportioned among the several States which may be included within this union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. 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.

Why do we need to count people?

Counting people through means of a census is not new or unique to the United States. Nations have been counting their people for centuries. The earliest known census dates back to the Babylonians in 3800 BCE.

The Constitution clearly mandates a population count in the country every ten years, making the United States the first country ever in history to require a "regular periodical enumeration of its inhabitants." However for over 230 years, how people have been counted in the United States has changed greatly due to evolving laws of the country and even politics.



Ontario County NY Census 1790

Who decides the number of representatives for each State?

"Apportionment" is the core reason for the census in the United States. It is the act of giving each state in the Union a "portion" of legislative seats in the House of Representatives – solely based on population numbers.

The "apportionment formula" devised by early policymakers, including Thomas Jefferson, Alexander Hamilton and Daniel Webster, ensured equal representation for each state according to the number of people living in it. After the 1940 Census, the Huntington-Hill method (a version of the Webster method) was used and continues to be used to this day! The number of seats in the House of Representatives since the 1930 Census has remained at 435 despite the growing U.S. population: meaning the constituent base of each Representative has been increasing in size – and likely in diversity!

Counting Numbers, Not Names (Title 13)

Since Congress first delegated its census-related authority to an Executive Branch official, it has retained for itself an active oversight role. The most significant exercise of that authority occured in 1976 when Congress made substantial changes to Title 13 of the United States Code. Under the provisions of Title 13, the Secretary of Commerce is prohibited from sharing census data that includes information with personal identifiers. The census cannot be used to obtain any data "except for the determination of population for purposes of apportionment of Representatives in Congress among the several States." All other information obtained by the Census Bureau is derived from the annual American Community Surveys, which are only a statistical sample of the entire population.

www.census.gov

Census challenge:
Which Amendment to the U.S. Constitution changed the way in which people are counted for the Census?

Find out more about the history of the U.S. Census by visiting our online exhibit at: **https://bit.ly/2nVeTK7**