

Should You Resist the United States Census?

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5/22/15 UPDATE: In preparation for making an audible “spoken discourse” version for LibertyUnderAttack.com, I realized that my thoughts on this article’s topic have changed drastically, and in more ways than one. The original last two paragraphs have been scrapped, and more accurate guidance is provided in order to better answer the question that is this article’s very title. Editorial changes have included correcting the grammar, and a few sentences from the original version of this article have been rewritten in order to clarify ideas more easily for the sake of the reader. Otherwise, the content from the original version has not been changed.

Many [Patriot Rockstars](#) within [the carnival](#) seek to rile up their audiences on all sorts of non-problems. With all of the genuinely occurring tyranny that affects our daily lives, why would the Rockstars prefer to illustrate some alleged misdeeds of government, instead of what [the State](#) actually does to harm us on a nearly daily basis? I think it is because the Rockstars want to financially profit from generating false hope into a smorgasbord of non-solutions, thus appeasing their audiences while simultaneously avoiding the wrath of the enemy rebel government.

According to the 1787 United States Constitution’s Apportionment Clause ([Art. I § 2 cl. 3](#)):

“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.”



Without getting into the validity of the [16th Amendment](#)’s granting unto the United States Congress a newer enumerated power to levy an unapportioned [income tax](#), the “Enumeration” here mentioned in the Apportionment Clause is what became the decennial United States Census. Now, what is rather interesting here is that not only is it a constitutional duty for the Union to conduct a census of the population every decade for the apportionment of representation and direct taxes, but also that *there is nothing prohibiting* the central government from conducting *more than one census* during an interim period. The federal Constitution itself is, more or less, silent on this issue, yet the Patriot Rockstars seem to think that *their* interpretation is the correct one (that is, [you are only constitutionally obliged to provide your name](#),

address, and the number of people living in your household), despite the fact that the Constitution delegates to Congress' statutory lawmaking authority as to *how* the census is to be conducted, regardless of how invasive their questions may be upon [individual privacy](#).

Speaking of the privacy issue, I have heard these claims over the years that the questions on the Census, about what your race and age are, is supposedly unconstitutional. Perhaps before the Rockstars look foolish by opening their big mouths and making unsubstantiated assertions and acting as if they were true, they should have abided by their own due diligence and performed some *basic* fact checking. Anyone who even bothered to look at previous censuses would see that as far back as [the 1790 census](#), age and race were asked, as they have been throughout American history; in fact, I would encourage all of you to [look at each census between 1790 – 1940](#) and ask yourselves whether the [2010 census short-form](#) was more or less intrusive than, say, [the 1930 census](#), for instance.

What is remarkably humorous about the Rockstars fretting about how the Census invades privacy, is that they fail to mention [the larger implications](#) of it, especially with regards to employment. To just be able to get hired so that you are able to benefit from wage labor (that is, by trading your labor for wages), your prospective employer demands to know so many incredibly minuscule details about you that it is *absurd*, yet, I don't see the voluntarists expressing their grievances over *that* one anytime soon. Or how about the tax assessors' records for your home? Believe it or not, the number of toilets in your house is *already* "public information." Flapping your gums about what is a nearly irreversible [fait accompli](#) does not help anyone become freer.

But, ah, some may point out, if you want to resist tyrannical government, maybe you should seriously consider committing [civil disobedience](#) anyway, regardless of the privacy invasiveness or constitutionality of the Census. Unfortunately, the Rockstars have bungled this one up too, many of whom are inconsistently claiming that [anyone who resists the census may be liable from \\$1,000 to \\$5,000](#), or maybe [even up to \\$10,000](#). Seeing as there are no source citations I can find substantiating these numbers, I am left to draw the inference that these various self-proclaimed Internet political pundits just *made them up* out of thin air (very similar to, in a sense, how the Federal Reserve "issues" the currency through [fractional reserve lending](#)). The only reliable source I can find regarding penalties for resisting the Census are explicitly spelled out in [Title 13 United States Code § 221](#):

“(a) Whoever, being over eighteen years of age, refuses or willfully neglects, when requested by the Secretary, or by any other authorized officer or employee of the Department of Commerce or bureau or agency thereof acting under the instructions of the Secretary or authorized officer, to answer, to the best of his knowledge, any of the questions on any schedule submitted to him in connection with any census or survey provided for by subchapters I, II, IV, and V of chapter 5 of this title, applying to himself or to the family to which he belong or is related, or to the farm or farms of which he or his family is the occupant, shall be fined not more than \$100.

“(b) Whoever, when answering questions described in subsection (a) of this section, and under the conditions or circumstances described in such subsection, willfully gives any answer that is false, shall be fined not more than \$500.”

There you go, that's your answer: a maximum fine of \$100 if you refuse to answer the census questions, or

a maximum fine of \$500 if you choose instead to lie to the Census Bureau. What we're dealing with here is in the *hundreds*, not thousands, of dollars. I guess the Rockstars couldn't make financial penalties in the hundreds of dollars appear sexy enough, so they had to jack it up to the tune of thousands of dollars, probably for the sake of ad revenue. Now, while it may very well be true that the Census Bureau *might be* lackadaisical in their enforcement of federal law, just realize that whichever civil disobedience route you take, don't *ever* be surprised later if they happen to slap *you* with a fine. As with anything in terms of violating *mala prohibita*, take responsibility for your own actions by understanding that you are trading risk for profit and plan accordingly.

So, should you indeed resist the Census by not filling it out the next time it's mailed to you? As time has passed, my original attitude towards this pivotal question has drastically changed, not just philosophically, but pragmatically as well. In light of the noticeably more dangerous [medical insurance penalty tax](#), I think it has become imperative for us to resist these encroachments upon our [natural liberties](#) wherever we can do so [individually](#), whether legally or through [civil disobedience](#). Due to the synergistic relationship between [eugenics](#) and the Census, in the sense that the latter enables the coerciveness of the former (especially in the context of [involuntary commitment](#)), the sooner this statist nonsense can be nipped in the bud peacefully, the better, since it would reduce the likelihood that it will eventually have to be done so [self-defensively](#).

For instance, [Ian Bernard](#) was successful in [detering two different Census workers](#) by [keeping his own counsel](#), back in May of 2010, without getting fined \$100 for his refusal to answer their questions. Even if he had been, I'm sure he'd be wise enough to [allocate that portion of his savings ahead of time](#) in order to just pay off the crooks on the off chance he was penalized, just as he has done in the past regarding his [numerous parking tickets](#). Whether or not it would be wise to further civilly disobey by refusing to pay the fine, would be to possibly invite something along the lines of a "[contempt of court](#)" charge.

A more legalistic way to resist the Census would be to, presumably first, petition "your" three assigned federal congresscritters for a redress of your grievances, as is recognized by the First Amendment (I wholeheartedly recommend you use the [Under One Banner petition](#) to do this). Should [they ignore you](#), or [condescendingly reply back](#), you now have proof, or otherwise know, that their duty of protection to you is either significantly lacking or non-existent; therefore, your duty of allegiance to them, as explained by Chief Justice Waite in the [1874 Minor v. Happersett case](#), is brought into serious question, since the duty of protection in exchange for a duty of allegiance are, as he described it, "reciprocal obligations."

Once this has been established, your next move would be to unregister from the voter rolls; in Texas, this is legally referred to as [cancelling your voter registration](#). A side benefit from doing this is that you shouldn't [receive a jury summons from the federal judiciary](#) ever again, because unlike the Texas judiciary, the *federales* rely only on the voter registration databases for their jury wheels. Now, as a former registered voter, you quite possibly could have standing, or at least good cause, to litigate in court that you shouldn't be legally coerced into obeying a mandate that necessarily requires you to waive your Fifth Amendment recognized protection against [self-incrimination](#), should you decide to refuse paying the fine of \$100, pursuant to 13 USC § 221.

Think about this argument for a moment – since you legally castrated your ability to enjoy suffrage, you no longer have any vested interest in being "represented" in the federal Congress, besides the fact that you can no longer exercise jury nullification in a federal case as a juror. Of course, you should also factor in the risk of incurring court costs should it go sideways against you, as well as the [opportunity costs](#) you'll incur even if your [litigation strategy](#) prevails in court.

Perhaps you could start off more slowly by giving the Census worker who arrives on your doorstep a copy of [The Improved Bureaucracy Encounter Form](#) (modified for wherever you live, of course), if for no other reason than that see him squirm. I have no reason to believe that handing them such a document violates

mala prohibita, so, worse case scenario, they'll just ignore it; best case scenario, they might even leave you totally alone without you having to tell them the race and age of everybody in your household.