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Census probe unconstitutional - posted by fjl, on: 2010/3/19 16:20

In regard to the census form I received in the mail, I have filled out the number of persons living at this address accurately and honestly. Using the census to probe into my personal life is unconstitutional. Therefor, I choose not to respond to any additional questions as per my constitutional right.

Pursuant to Article I, Section 2, Clause 3 of the Constitution, the only information you are empowered to request is the total number of occupants at this address. My "name, sex, age, date of birth, race, ethnicity, telephone number, relationship and housing tenure" have absolutely nothing to do with apportioning direct taxes or determining the number of representatives in the House of Representatives. Therefore, neither Congress nor the Census Bureau have the constitutional authority to make that information request a component of the enumeration outlined in Article I, Section 2, Clause 3. In addition, I cannot be subject to a fine for basing my conduct on the Constitution because that document trumps laws passed by Congress.

Interstate Commerce Commission v. Brimson, 154 U.S. 447, 479 (May 26, 1894)

"Neither branch of the legislative department, still less any merely administrative body, established by congress, possesses, or can be invested with, a general power of making inquiry into the private affairs of the citizen. Kilbourn v. Thompson, 103 U.S. 168, 190. We said in Boyd v. U.S., 116 U. S. 616, 630, 6 Sup. Ct. 524, "and it cannot be too often repeated, that the principles that embody the essence of constitutional liberty and security forbid all invasions on the part of government and its employees of the sanctity of a man's home and the privacies of his life. As said by Mr. Justice Field in Re Pacific Ry. Commission, 32 Fed. 241, 250, "of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves, not merely protection of his person from assault, but exemption of his private affairs, books, and papers from inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value."

Note: This United States Supreme Court case has never been overturned.

Right to Remain Silent Resident