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INTERNATIONAL OFFICE
CENTRAL AND EASTERN EUROPE
Budapest, Hungary

May 18, 2010

Via U.S. Mail and Facsimile (434-293-9632)

The Honorable Tom Perriello
313 2nd Street, SE, Suite 112
Charlottesville, VA 22902

**Re: Call for Formal Investigation into Fourth Amendment Violation by
Census Worker in Albemarle County**

Dear Congressman Perriello:

The Rutherford Institute has been contacted by a resident of Albemarle County whose family and home were allegedly subjected to unreasonably intrusive acts by federal agents purporting to carry out the work of the Census Bureau. As the elected representative for this region, we call on you to press for an immediate investigation into this matter in order to safeguard your constituents from any further infringements on their persons, property or rights.

County resident Susan Broadwater lives in the Raintree subdivision with her 19-year-old son. According to Ms. Broadwater, on or about May 10, a male Census Bureau worker knocked on the front door of her residence at 1641 Brightfield Place in Charlottesville. Ms. Broadwater being asleep and the front door being temporarily inaccessible, her son directed the worker to meet him at the basement door, whereupon he informed the Census Bureau worker that Ms. Broadwater was not available, suggested that the worker return at a later time, and proceeded to close the door. The Census Bureau worker, insistent that the son answer the questions, stuck his foot in the door and illegally entered the premises of Ms. Broadwater's home.

Having gained entry to the house, the Census Bureau worker subsequently began to vigorously question Ms. Broadwater's son, who is half Chinese, especially about his

ethnic heritage. The Census Bureau worker allegedly remarked that the son looked Hispanic or Latino and repeatedly asked whether any persons of Hispanic, Latino or Mexican descent lived in the house. Despite being informed that only two persons live in the house, neither of whom are Hispanic or Latino, the Census Bureau worker continued to question the young man concerning the presence of any Hispanic or Latino persons in the house, including inquiries as to the presence of any Latino, Hispanic or Mexican babies in the house over the age of 1.

Ms. Broadwater, understandably upset by this incident, has yet to receive any acknowledgment that the incident is under investigation. Nor has she been given any explanation or apology for this Census Bureau worker's intrusive behavior and his seeming fixation with conducting discriminatory (and highly inaccurate and invasive) racial profiling on those of Hispanic heritage.

For a government agent to enter a private citizen's home without invitation and against the wishes of the resident not only indicates a trespass but raises grave constitutional concerns. Under the Fourth Amendment to the United States Constitution, citizens have an expectation of privacy in their homes that may be breached by the government only with a warrant or if there is some exigent circumstance justifying the entry without consent. In the absence of either requisite, the reported incident at Ms. Broadwater's home indicates a blatant violation of the Fourth Amendment by this Census Bureau worker.

The federal government has a duty to ensure that fundamental privacy interests are not in any way infringed upon during its efforts to carry out the decennial census. This duty is further burdened by a responsibility to ensure that Census Bureau workers, temporary or otherwise, have a clear understanding of the department protocol and constitutional restrictions against governmental invasions of privacy.

Unfortunately, we have reason to suspect that the reported incident at Ms. Broadwater's home may be the "tip of the iceberg." Published and privately reported accounts of similar encounters between private citizens and government Census Bureau workers suggest that some Bureau workers may be adopting a *modus operandi* in obtaining information from citizens that borders on harassment. Individuals claiming to have been hounded by the Census Bureau report receiving numerous telephone calls and home visits in an attempt to obtain information that goes beyond the head count authorized by the Constitution.

Such behavior is not helped by reports that the Census Bureau has instructed its Census workers to "stay alert and report any sign of hostility from homeowners expressing anti-government sentiment or other potentially dangerous behavior."¹ Clearly,

¹ Hope Yen, "Six Census Workers Die in Traffic Accidents," Associated Press (May 4, 2010), <http://www.time.com/time/nation/article/0,8599,1986661,00.html>.

the collection of such information is wholly beyond the mission and authority of the Census Bureau.

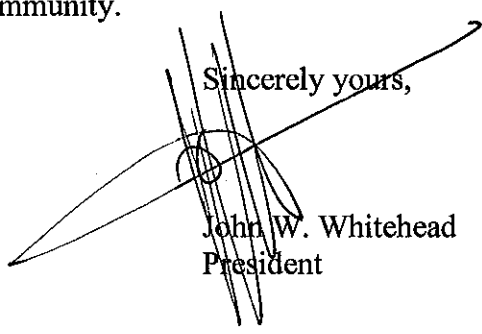
Moreover, with more than 636,000 temporary census workers² presently canvassing the country, the potential for abuse and impersonation is high. For example, a Census worker in Indiana was recently brought up on burglary and rape charges after breaking into a home he had earlier canvassed and attacking two women while they slept.³ In Houston, one man was killed and his family members beaten after someone pretending to be a Census worker gained entry to his home.⁴

Incidents such as the aforementioned have understandably contributed to a heightened distrust of Census Bureau workers. Accordingly, a government policy, tacit or stated, that advocates Census enumerators employing aggressive tactics and/or invading the privacy of law-abiding American citizens can only serve to aggravate this tension and could, in certain cases, result in outright violence.

Thus, in light of the foregoing and in an effort to protect your constituents from potentially aggressive behavior and possible violations of their constitutional rights by Census Bureau workers, we urge you as our appointed representative to take the necessary and appropriate actions to investigate this incident at Ms. Broadwater's residence with undue haste.

I look forward to hearing back from you about this matter of great concern to the Charlottesville-Albemarle community.

Sincerely yours,



John W. Whitehead
President

² Leslie Neigher, "Crime Takes Its Toll: The Census and Violence, on Both Sides of the Clipboard," CBS/Associated Press (May 17, 2010), http://www.cbsnews.com/8301-504083_162-20004943-504083.html.

³ Kjerstin Ramsing, "Woman raped by census worker," FOX 59 WXIN (May 11, 2010), <http://www.fox59.com/news/wxin-women-raped-by-census-worker-051110,0,3578244.story>.

⁴ Tiffany Craig, "HPD: Man killed in home invasion after suspect poses as census worker," KHOU.com (May 9, 2010), <http://www.khou.com/news/local/Fake-census-worker-invades-home-kills-owner-93242534.html>.