

## Rejoinder

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Former Census Bureau Director Charles Louis Kincannon adds very useful commentary on the general issue of statistical confidentiality. He eloquently describes how statistical confidentiality is essential to the issues of trust, data quality, and usability of official statistics. We strongly endorse his statements in this regard. We also applaud the explicit acknowledgment (footnote 1) that there is evidence in the archival records of the Census Bureau (Record Group 29 in the National Archives) of “microdata disclosures of both demographic and economic data” during World War II. This acknowledgment, to our knowledge, is the first clear statement by a senior official of the bureau that such records exist.<sup>1</sup> In addition, we thank Kincannon for pointing out that the two documents noted in his footnote 1, one of which we cited in Seltzer and Anderson (2000) as “US Census Bureau, 1942b” in connection with the Bureau’s role in the round-up of Japanese Americans in 1942, also provide numerous instances of disclosures of micro data pertaining to businesses beyond those listed in our table A.<sup>2</sup>

We do, however, wish to clarify some of our points in light of Kincannon’s mischaracterizations of our argument.

We do not “suggest” that the Census Bureau or any of the other agencies in the federal statistical system engaged in an explicit corporate “cover-up” of the documentary record of micro data disclosures related to business statistics. We do suggest that our evidence revealed that officials in the statistical system who were forced to release micro data against their principles and against their best efforts to stop it tended to try to minimize the damage to the statistical system. One way they tried to do that was to say as little as possible about the release. On that point we quote from Office of Statistical Standards staff member Peyton Stapp. Stapp was attempting to minimize the damage from the forced disclosures by the Bureau of Mines (Interior Department) to the Department of Justice in 1958. Stapp did not wish to put in writing a detailed objection to the disclosure; he proposed to handle the issue by phone: “Such a procedure... avoids acquiescence in any previous violation and also avoids calling any attention to such cases. The fewer people who know about this Interior case the better, for it if were widely known an indeterminate amount of damage to the statistical system

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<sup>1</sup> As recently as December 2006, with reference to micro data disclosures during World War II, Deputy Director Hermann Habermann stated that “According to the documentary evidence, the U.S. Census Bureau did not violate the confidentiality provisions of the Census law” (Habermann 2006, 601). Habermann’s statement is technically correct but misleading. Section 1402 of the Second War Powers Act changed the Census law to permit micro data disclosures for use “in connection with the conduct of the war.”

<sup>2</sup> The full cites of the two documents are “Exhibit A - Work done on reimbursable basis by Bureau of the Census for war or other agencies charged with execution of some phase of the war program. December 1941 through November 1942.” December 4, 1942. Mimeographed. War Work Reports folder; National Defense; Papers of Philip Hauser (item 146); US Census Bureau, Record Group 29; National Archives Building, Washington, DC and “Exhibit B - Gratuitous (sic) work done by Bureau of the Census for war or other agencies charged with execution of some phase of the war program. December 1941 through November 1942.” December 4, 1942. Mimeographed. War Work Reports folder; National Defense; Papers of Philip Hauser (item 146); US Census Bureau, Record Group 29; National Archives Building, Washington, DC.

would (sic) be done.” Our point was that the effect of such a decision was to lose the memory of the original disclosure. As we put it, over the years the evidence of disclosures “has either been forgotten, deliberately hidden, obfuscated, or otherwise lost to later generations of officials in the statistical system and the general public.”

Relatedly, we do not in this paper “gratuitously raise doubts about the Census Bureau’s former leaders” because the archival records are problematic. (Actually, the archival records available are rather extensive.) We did raise questions about whether the current leaders in the federal statistical system, both inside and outside the Census Bureau, would face the implications of the documentary record which we have compiled, and which Director Kincannon has now augmented. We also suggested that the practices of former officials like Stapp made it difficult for current officials to learn about disclosures in the past, and that the solution to that dilemma is archival research into past practice.

The current paper focuses explicitly on disclosures of confidential business data. In other recent papers and comments, for example, Anderson and Seltzer (2006), Anderson and Seltzer (2007) and Seltzer and Anderson (2007), we discuss the parallel history of disclosures of personal data on individuals. In those papers we did raise concerns about the sometimes proactive role of former Census Director J. C. Capt and other senior Census Bureau staff in disclosures of micro data pertaining to individuals during the World War II period and in the subsequent systematic denial that such disclosures ever took place.

The larger point of many of our recent papers on the broad subject of federal statistical confidentiality is that in times of war and economic crisis, the pressures to divert the statistical system to administrative action can be immense. As Director Kincannon noted, we saw just those pressures resurface after the September 11 attacks. We think there is a good deal more to be learned from the documentary record about how to protect the statistical system. After the breaches of World War II, it took the officials in the system almost 20 years to restore the statistical confidentiality standard. Thus, we call for additional research into that archival record, and we call on members of the statistical community to acknowledge the breaches of the past so that we can protect against them in the future.

## References

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Seltzer, W. and M. Anderson. (2007), "Census Confidentiality under the Second War Powers Act (1942-1947)" (with Margo Anderson). Paper prepared for presentation at the session on "Confidentiality, Privacy, and Ethical Issues in Demographic Data," Population Association of America Annual Meeting, New York, NY, March 29-31. Available at <http://www.uwm.edu/~margo/govstat/integrity.htm>

