

If we continue to take it by the conventional enumeration methods, one of the problems is to be sure that each enumerator does tell the farmer of this option. You cannot be sure that he takes the extra time to do that, but you could have publicity which gets this across to farmers.

Mr. GALLAGHER. And you would welcome this suggestion to carry out this type of campaign, publicity campaign?

Mr. ECKLER. I think we would welcome any suggestions the committee wants to give us, Mr. Chairman.

Mr. GALLAGHER. We would like to give you that one.

The special inquiry feels that in the interest of efficiency as we have seen it, there has been a breakdown in this area of concern, and that if we could at least make it a part of the consideration of the census taking, that in the long run we would be serving the country, I think, in a better respect.

Could you advise whether or not, and for the record would you state the law under which the confidentiality of census information is protected?

Mr. ECKLER. Yes.

Basically, it is title 13 of the United States Code; section 9 of that title gives the provisions regarding confidentiality.

Would you like to have that submitted for the record, Mr. Chairman?

Mr. GALLAGHER. Yes; we would like to have it made part of the record.

Mr. ECKLER. You do not want me to read it here?

Mr. GALLAGHER. No. We would like to have you submit that for the record.

Mr. ECKLER. All right, we will be glad to.

(The document referred to follows.)

§9. Information as confidential exception

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, may, except as provided in section 8 of this title—

(1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports. No department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any such establishment or individual. Copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records.

Mr. GALLAGHER. Are there any exceptions to confidentiality of census information?

Mr. ECKLER. There is in title 8, or rather, section 8—I was conferring with Mr. Erickson.

Mr. GALLAGHER. That is different than the old section 8?