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UNCLE SAM'S WAY-TOO-NOSY SURVEY

By MEGHAN CLYNE

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WHERE'S the outrage?

With all the recent ob sassing over the "rights" of terrorists in Guantanamo, and the idea that President Obama's Supreme Court nominee should support "the constitutional right to privacy," you'd expect the civil-liberties crowd to be inflamed by the federal government forcing Americans to disclose sensitive information about their finances, health and lifestyles.

You would be wrong.

Recently nearly 3 million Americans were sent the American Community Survey. An annual supplement to the decennial Census, the 28-page survey pursues obnoxious nanny-state details such as whether your home has a flush toilet, what kind of fuel you use for heat and how much you spend on everything from electricity and flood insurance to your mortgage and property taxes.

Then come the really nosy questions, ranging from your college major and your health insurance to how you spend each day at the office. The survey even asks what time you leave for work, down to the hour and minute.

It also asks whether, "because of a physical, mental or emotional condition," you have difficulty "concentrating, remembering or making decisions," "walking or climbing stairs," "doing errands alone such as visiting a doctor's office or shopping" or "dressing or bathing."

So much for keeping government out of the bedroom. The survey also demands your current marital status; whether you've been married, widowed or divorced in the last 12 months, *and* how many times you've been married. If you're a woman between the ages of 15 and 50, you must also answer whether you've given birth in the last 12 months. The Census Bureau says this "measure of fertility" is used to "carry out various programs required by statute, including . . . conducting research for voluntary family planning programs." What was that about a "woman's right to privacy"?

It's tempting to toss the survey in the circular file, but recipients are *required by law* to respond. According to the Census Web site, the fine for nonparticipation can be as much as \$5,000, and filing false information can pack a \$500 punch.

Why all this intrusion? The Constitution allows for the "enumeration" of Americans for the purposes of taxation and apportioning political representation -- but this survey isn't part of the head-counting. The information is used by the government to spread around your tax dollars and justify federal bureaucracies; it can also be distributed to private businesses.

The feds say the data will stay secure, but after recent episodes in which personal records were compromised by the State and Veterans Affairs departments, some skepticism is understandable.

Jim Harper, a privacy expert at the Cato Institute, calls the survey "a classic example of mission creep over the decades -- this constitutional need to literally count how many noses are in the United States has

turned into a vast data-collection operation." Toss in the push for the 2010 Census to be run out of the White House, and it adds up to a real intrusion into private lives, with the goal of further expanding government's reach.

There is spirited opposition to the survey, ranging from libertarian bloggers to Rep. Ron Paul, who has called it "insulting." Yet civil-liberties groups are strangely quiet.

NARAL didn't respond to a request for comment and an American Civil Liberties Union spokeswoman said last week that she "couldn't find anyone to talk." But an organization fact sheet says the survey is not unconstitutional, adding that the Census "serves a vital role in our democracy . . . it determines apportionment for voting, as well as helps allocate other government benefits such as anti-poverty programs."

So, we shouldn't listen in on terrorists to save American lives -- but intrusions into *your* privacy to support causes the left likes are just fine.

The good news is that I called the help number on my form and a Census representative finally conceded that the government was unlikely to pursue punishment if I didn't respond, saying it would be "a waste of time and money."

Maybe that's enough to risk telling the government what to do with its survey. But if you do end up facing a harassing Census-taker -- well, don't count on the civil-liberties crowd for help.

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