

# Public Management of Big Data: Historical Lessons from the 1940s

Margo Anderson

“At its core, public-sector use of big data heightens concerns about the balance of power between government and the individual. Once information about citizens is compiled for a defined purpose, the temptation to use it for other purposes can be considerable, especially in times of national emergency. One of the most shameful instances of the government misusing its own data dates to the Second World War. Census data collected under strict guarantees of confidentiality was used to identify neighborhoods where Japanese-Americans lived so they could be detained in internment camps for the duration of the war.”

– Executive Office of the President, *Big Data: Seizing Opportunities, Preserving Values*, May 2014<sup>1</sup>

## George Orwell’s Insight

In 1949 George Orwell published the dystopian novel *1984*. In the novel, set in Britain, “Big Brother” controlled all in “Oceania.” The state was all-seeing, all-knowing, rewriting history as necessary and eliminating or reeducating people seen as threats to the social order. The novel has been enormously popular, and the term “Orwellian” has come to signify in the public imagination the threats from overwhelming state surveillance and control of the daily lives of ordinary people.



Evacuees were housed in barrack-like camps run by the VWar Relocation Authority (VRA). This Dorothea Lange photograph shows the camp in Manzanar, California, during a dust storm.

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<sup>1</sup> Executive Office of the President, *Big Data: Seizing Opportunities, Preserving Values*, May 2014, 22, [http://www.whitehouse.gov/sites/default/files/docs/big\\_data\\_privacy\\_report\\_5.1.14\\_final\\_print.pdf](http://www.whitehouse.gov/sites/default/files/docs/big_data_privacy_report_5.1.14_final_print.pdf) (accessed July 15, 2014) (hereinafter Big Data).

Thus it is not surprising that the term “Orwellian” has been used to characterize the U.S. National Security Agency’s collection of transactional information in phone calls and internet communications. The recent revelations of these activities remind us of the power of the state to collect and process information. Does such data collection make us freer, safer, or happier? Or does it threaten our privacy, constrain our freedom, or control our activities? When Edward Snowden’s revelations were first published in 2013, the Obama administration and many in Congress defended the practice. But some months later, one court called the collections “almost Orwellian.”<sup>2</sup>

Similarly, in the 1960s the U.S. Bureau of the Budget (BOB) (today it would be the Office of Management and Budget, or OMB) and prominent American social science organizations proposed the creation of a federal data center to take advantage of the recent availability of mainframe computer capacity to centralize and organize the disparate data collection systems of the federal government. At the time, the government’s records for social security, tax collection, draft registration, alien registration, and a host of other federal programs were all separate systems. Administrators in the federal government and social science researchers saw the possibilities of merging these data systems for administrative and research purposes.

When Congress and the public got wind of the proposal, they objected strenuously to the creation of such a “monster” and “octopus,” considering it an “Orwellian threat to personal privacy.” BOB scrapped the project.<sup>3</sup>

Orwell’s world is not ours. There were no computers yet in 1949, no social media, not even much in the way of universal telephone access. Yet somehow Orwell’s vision still resonates and directs us perhaps to look back at his world and try to see why.

What Orwell did see in the 1930s and 1940s was the rise of Stalinism and Fascism, the Great Depression, and the carnage of the Second World War. He saw the rise of what came to be called “mass society,” the destabilization of Europe, the decolonization of European empires, and the start of the Cold War. In this context,

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<sup>2</sup> *New York Times*, June 9, 2013; *New York Times*, Dec. 16, 2013; *New York Times*, Dec. 25, 2013.

<sup>3</sup> See Rebecca Kraus, “Statistical Déjà vu: The National Data Center Proposal of 1965 and its Descendants,” available at U.S. Census Bureau History Working Papers, <http://www.census.gov/history/pdf/kraus-natdatacenter.pdf> (accessed July 5, 2013) and published in the *Journal of Privacy and Confidentiality* 5:1 (2013), 1–37, Available at: <http://repository.cmu.edu/jpc/vol5/iss1/1>.

elites around the world mobilized new instruments of surveillance, propaganda, and control. Total war swept up everyone and everything in its path.

The United States was not isolated from these events, though World War II did not destroy the economic infrastructure of the nation as it did in much of Europe and Asia. On the contrary, entry into the war finally pulled the United States out of the Depression, and the war has come to be seen as perhaps America's last "good war."

At the time, though, it was much less clear how it would all turn out. The country was blindsided by the Japanese attack on Pearl Harbor on December 7, 1941. And the capacity of the state to fight the war and deal with internal security threats was not clear at the time. Americans generally supported strong measures to keep the nation safe.

Thus, part of Orwell's message was that the very instruments that democratic regimes had invented to protect themselves could become instruments of their own democratic downfall. And ever since, attacking a proposal to collect information on people and target them for surveillance as "Orwellian" is a particularly potent charge.

But what of the reality? Did the United States ever make an earlier start down the road toward total surveillance of ordinary Americans? Or did the "Orwellian" challenge only emerge later, during the data bank debates of the 1960s, or after the terrorist attacks of September 11, 2001, and the systems put in place to combat terrorism? Was there already a "dark side" of federal surveillance in the 1940s?

The World War II evacuation and incarceration of the West Coast Japanese ancestry population, misnamed as the "Japanese internment," provides a concrete example from Orwell's time of the issues he saw—the power of the government to use its data capacities to harm the very citizens it was supposed to protect.<sup>4</sup> That example merits historical investigation to understand both what happened at the time and what lessons we can draw for big data issues today. This paper reviews research that I and William Seltzer have conducted on the data issues from the evacuation and incarceration of the Japanese ancestry population during World War II. We first provide background on the available federal data systems around 1940 and an overview of the events leading up to the evacuation and incarceration. The paper

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<sup>4</sup> Roger Daniels, "Words Do Matter: A Note on Inappropriate Terminology and the Incarceration of the Japanese Americans," in Louis Fiset and Gail Nomura, eds., *Nikkei in the Pacific Northwest: Japanese Americans and Japanese Canadians in the Twentieth Century* (Seattle: University of Washington Press, 2005), 183–207.

then reviews the historical research of the Commission of Wartime Relocation and Internment of Civilians in the 1980s that reopened the question of the legality and legitimacy of the evacuation and incarceration. That research found that the program was not justified by “military necessity,” the rationale provided in the 1940s. The paper then reviews our research into the involvement of the Census Bureau in the evacuation and incarceration program and related proposals for population surveillance. It concludes with a discussion of how the analysis of the events of the 1940s can inform current debates about big data stewardship and thus suggest policies that protect against the threats that Orwell saw.<sup>5</sup>

### **What the Federal Government Knew about Americans in the 1940s**

As World War II broke out in Europe, the United States certainly had instruments of surveillance and record keeping on Americans. J. Edgar Hoover’s FBI was fighting organized crime and communism at home. The Army and Navy had their intelligence arms (G2 and the Office of Naval Intelligence, or ONI). The Secret Service protected the president. The Army’s Provost Marshal General’s Office provided plant protection for vital war industries. The Office of Strategic Services (OSS), soon to be the Central Intelligence Agency (CIA), was one of the innovations of World War II.<sup>6</sup>

This was a substantial infrastructure, with substantial record-keeping capacity, but it was not coordinated and deployed in the Orwellian sense of total coverage of the population. In fact, the opposite was the case in terms of records on ordinary Americans. The federal income tax system affected only a small proportion of households. The United States had never built a national vital registration system or population register, leaving the registration of births and deaths to the states. Only in 1933 did all states institute birth registries. As World War II began, some 50 million native-born Americans had no proof of identity in the form of a birth certificate, needed for work in defense industries.<sup>7</sup>

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<sup>5</sup> A collection of the papers referenced below can be found at Margo Anderson and William Seltzer, *Official Statistics and Statistical Confidentiality: Recent Writings and Essential Documents*, <https://pantherfile.uwm.edu/margo/www/govstat/integrity.htm>.

<sup>6</sup> Athan G. Theoharis, *The FBI and American Democracy: A Brief Critical History* (Lawrence: University Press of Kansas, 2004); Jeffery M. Dorwart, *Conflict of Duty: The U.S. Navy’s Intelligence Dilemma, 1919–1945* (Annapolis, MD: Naval Institute Press, 1983); John Patrick Finnegan and Romana Danysh, *Military Intelligence* (Washington, DC: Center of Military History, United States Army, 1998); United States, *The Office of Strategic Services America’s First Intelligence Agency* (Washington, DC: Public Affairs, Central Intelligence Agency, 2000) (available at <https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/books-and-monographs/oss/index.htm>)

<sup>7</sup> A. W. Hedrich, “Delayed Birth Registration,” *American Journal of Public Health Nations Health* 32, no. 4 (1942), 365–68.

Nor had the United States bothered to track the lives of the millions of immigrants who had peopled the nation. Only in 1940 did the Smith Act require aliens to register and obtain a proof of identity, what we call today the green card. If anything, the federal government had precious few records on individuals or tools of surveillance at the ready as World War II loomed.<sup>8</sup>

There was one exception to this lack of record keeping on Americans: the census. The framers mandated in the Constitution that the national government count the population every 10 years for the purpose of apportioning representation among the states in Congress, starting in 1790. And in the very first census statute, and in every one since, Congress required that every household respond to the census, supplying name, address, and other personal information.

The American population census began as a tool for political apportionment and grew into a general purpose decennial accounting of the social, economic, and political life of the American people. The census grounds the survey research arm of the federal statistical system. It has been the source of technical development of statistical methodology, geographic mapping and Geographic Information Systems (GIS), machine tabulation and computerization, and the rules and procedures for best practices in survey research. The U.S. government also preserves the individual census records. With the exception of the schedules of the 1890 census, which burned in the early 1920s, the federal government has archived the original population census forms from every decennial census.

Long before Orwell wrote, Congress and the statisticians recognized that all that information about individuals could be misused and developed standards for what today are known as data stewardship and statistical confidentiality. Codified between roughly 1880 and 1930, federal statute mandates that the information provided to a census official cannot be used for “taxation, regulation, or investigation,” or to “harm” an individual, group, or organization.<sup>9</sup>

Here is the problem that raises the issues that Orwell saw. Despite the statutory ban on using the census to “harm,” during World War II army and civilian officials used the 1940 census as the data source to round up the Japanese ancestry population on the West Coast in 1942. They placed over 100,000 people in concentration camps

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<sup>8</sup> “Alien Registration,” *Population Index* 6, no. 4 (Oct. 1940), 250–51.

<sup>9</sup> Margo Anderson and William Seltzer, “Challenges to the Confidentiality of U.S. Federal Statistics, 1910–1965,” *Journal of Official Statistics* 23, no. 1 (2007), 1–34.

for most of the duration of the war. This use of 1940 census data was well known at the time. The Army's *Final Report* on the evacuation program, published in 1943, baldly noted that the 1940 census was the "most important single source of information prior to the evacuation," and the Census Bureau was given full credit for running special tabulations that "became the basis for the general evacuation and relocation plan."<sup>10</sup>

### **Rounding Up Japanese Americans in 1942**

A basic time line of events encompassing the closing months of 1941 and the first year of the U.S. involvement in the war can help us understand the legal and political implementation of the confinement.

- December 7, 1941: Surprise Japanese attack on U.S. naval fleet at Pearl Harbor. The next day, the United States declared war on Japan and against the remaining Axis powers by the end of the week.
- February 19, 1942: President Franklin Delano Roosevelt issued Executive Order 9066 authorizing the U.S. Army's Western Defense Command to remove people from the West Coast theater of operations on the grounds of "military necessity."
- February 26, 1942: Dr. Calvert Dedrick, Chief of the Statistical Research Division of the Census Bureau, was deployed to the Western Defense Command to assist in the implementation of the evacuations mandated by Executive Order 9066. He remained in San Francisco and worked as part of the administrative staff of the evacuation program until the spring of 1943.
- Late March 1942: Congress passed enforcement legislation to prosecute anyone who resisted the evacuations. The administration set up the War Relocation Authority to administer the relocation and housing of the evacuees.

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<sup>10</sup> U.S. Army, Western Defense Command and Fourth Army, *Final Report: Japanese Evacuation from the West Coast, 1942* (Washington, DC: U.S. Government Printing Office, 1943), 352. For general background, see for example, Roger Daniels, *Concentration Camps: North America. Japanese in the United States and Canada during World War II*, rev. ed. (Malabar, FL: Robert E. Krieger, 1981); Morton Grodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago, 1949); Jacobus tenBroek, Edward N. Barnhart, and Floyd W. Matson, *Prejudice, War and the Constitution: Japanese American Evacuation and Resettlement* (Berkeley: University of California Press, 1954); U.S. Commission on Wartime Relocation and Internment of Civilians (CWRIC), *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians* (Washington, DC: U.S. Government Printing Office, 1982); Michi Nishiura Weglyn, *Years of Infamy: The Untold Story of America's Concentration Camps*, Updated edition (Seattle: University of Washington Press, 1996). (Original edition published in 1976); Greg Robinson, *By Order of the President: FDR and the Internment of Japanese Americans* (Cambridge: Harvard University Press, 2003); Peter Irons, *Justice at War* (New York: Oxford University Press, 1983).

- Late March 1942: Congress passed a provision in the Second War Powers Act permitting individual-level information in census data collections (previously deemed confidential) to be provided to other government agencies, including the surveillance agencies, for “use in connection with the conduct of the war.”
- By August 1942: Over 100,000 Japanese Americans had been incarcerated, first in “assembly centers,” then later moved to “relocation centers”—really concentration camps—with most held under guard until late in the war. Two-thirds were American-born citizens of Japanese ancestry. They were not “enemy aliens” as designated by international law and had not been accorded any court proceedings or review to demonstrate their “loyalty” before their relocation to the camps.
- In 1943: Legal cases filed by evacuees reached the Supreme Court, which upheld the legality of the evacuation, despite the lack of evidence of subversion or wrongdoing by the Japanese American plaintiffs.



By May 1942, scenes of entire families, men, women, and children, tagged for “relocation,” represented the human toll of evacuating, without any further judicial investigation, more than 100,000 people from the West Coast. Dorothea Lange took this photograph of the Mochida family of Hayward, California.

In other words, at the time, the policies were authorized by federal courts, the presidential administration, Congress, and public opinion.

### Looking Back in Later Years

Fast forward 40 years. In the 1970s and 1980s a redress movement began to lobby for a reexamination of the wartime policies. Congress created the Commission on Wartime Relocation and Internment of Civilians (CWRIC), which reviewed the policy and found the roundup not “necessary” from a military standpoint. The commission concluded that the policy was the result of “race prejudice, war hysteria and a failure of political leadership.” CWRIC undertook extensive research and collected testimony from survivors and from perpetrators. Once CWRIC and other historians took a hard look at the “wartime relocation,” commentators also labeled the policy Orwellian.<sup>11</sup>

<sup>11</sup> CWRIC, *Personal Justice Denied*, 18. For Orwellian comparisons, see the review essay, for example, Geoffrey S. Smith, “Doing Justice: Relocation and Equity in Public Policy,” *The Public Historian* 6, no. 3 (Summer 1984), 83–97, at 96.



Census Bureau Brain Trust, Census Advisory Committee, 1940. Calvert Dedrick is third from the left.

After World War II, many actors and agencies began to express doubts about the evacuation and incarceration program. Proponents and participants renounced earlier positions, including U.S. Supreme Court Justice Tom Clark, Supreme Court Chief Justice Earl Warren, Los Angeles Mayor Fletcher Bowron, and officials from the Social Security Administration,

Federal Reserve Bank, U.S. Army, and the Justice and Interior Departments. Officials from the U.S. Navy, Immigration and Naturalization Service (INS), and Federal Bureau of Investigation (FBI) had been dubious even at the time.<sup>12</sup> In the late 1980s, Congress provided token monetary settlement to survivors, and George H. W. Bush issued a presidential apology to survivors. Court cases were reopened and reversed.

By and large, CWRIC got to the bottom of the story, but the report left many questions about the role of the Census Bureau unanswered. The most serious charge for the Census Bureau was the claim that the agency provided lists of Japanese Americans by name and address to the military to facilitate the evacuation. A World War II history book, citing memoirs and an interview with a man named Henry Field, said they did. The bureau claimed the charges of complicity were factually incorrect and that they hadn't released names and address information to the Army.<sup>13</sup>

In testimony before CWRIC and in written statements, Census officials did not deny lending technical support in the form of planning the evacuation using small area tabulations, but said it was within the agency mission. Calvert Dedrick, the Census

<sup>12</sup> For evidence of key actors expressing a change of heart after the event, see CWRIC, *Personal Justice Denied*, 375–76 (Earl Warren); 376–77 (Fletcher Bowron); 378 (Tom Clark). For concerns at the time in the Justice Department and White House, see *Ibid.*, 375–77 (James Rowe); Smith, “Doing Justice,” 97 (Edward Ennis of the Alien Enemy Control Unit of the Justice Department). For the doubts about the advisability of the evacuation at the time, see CWRIC, *Personal Justice Denied*, 73 (J. Edgar Hoover); Lt. Commander Kenneth Ringle of the Office of Naval Intelligence in Los Angeles, *Ibid.*, 52ff.

<sup>13</sup> John Toland, *Infamy: Pearl Harbor and its Aftermath* (Garden City, NY: Doubleday, 1982); Bruce Chapman, Letter to Raymond Okamura, dated Oct. 21, 1982, in U.S. Commission on Wartime Relocation and Internment of Civilians (CWRIC), “Papers of the US Commission on Wartime Relocation and Internment of Civilians,” Microfilm of documents in National Archives Record Group (RG) 220.18.25, 35 reels. (Sometimes referred to as CWRIC microfilm).

Bureau statistician who ran the bureau effort for the Army in San Francisco, testified before the CWRIC in 1981 and defended his role. Dedrick and the bureau also claimed that Congress had overridden the “statistical confidentiality” provisions of the census statute when they amended it in the Second War Powers Act in March 1942. Critics of the Census Bureau, particularly in the Japanese American community, were not convinced, but they did not take the matter further at that time.<sup>14</sup>

The limitations of these examinations of the role of the Census Bureau derived partially from the fact that they were carried out by persons who lacked knowledge of population statistics operations and the history of the Census Bureau, but who were independent of the bureau, or who had such knowledge, but were not independent of the bureau.

These things stood in the 1980s and 1990s.<sup>15</sup> Meanwhile scholars focused on the issues of the use of population data systems for human rights abuses, including in the Holocaust, the Rwanda genocide, and South African apartheid. In the 1990s, prompted by this work, William Seltzer and I teamed up to revisit the questions left unanswered in the CWRIC report. He had authored several important studies on these matters and had experience in the operational aspects of population data systems.<sup>16</sup>

Returning to the archival records of the Census Bureau (Record Group 29) in the National Archives, we discovered significant new material on the bureau’s involvement with the Japanese evacuation and incarceration. Notably, Census Director J. C. Capt bragged in early January 1942 about all the work the bureau had done for the military in the month since Pearl Harbor. In the verbatim transcript of the January 1942 Census Advisory Committee meeting, Capt commented, “We’re by law required to keep confidential information by individuals. But in the end, [i]f the defense authorities found 200 Japs [*sic*] missing and they wanted the names of the Japs [*sic*] in that area, I would give them further means of checking individuals.”<sup>17</sup>

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<sup>14</sup> Calvert Dedrick, Opening Statement of Calvert L. Dedrick to CWRIC, Nov. 2, 1981; Calvert Dedrick, Testimony before CWRIC, Nov. 3, 1981, pp. 170–90. Photocopy of transcript; Ray Y. Okamura, “The Myth of Census Confidentiality,” *Amerasia Journal* 8, no. 2 (1981), 111–20; Roger Daniels, “The Bureau of the Census and Relocation of the Japanese Americans: A Note and a Document,” *Amerasia Journal* 9, no. 1 (1982), 101–5.

<sup>15</sup> I made a small mention of the issues in *The American Census* (New Haven: Yale University Press, 1988), 194.

<sup>16</sup> William Seltzer, “Population Statistics, the Holocaust, and the Nuremberg Trials,” *Population and Development Review* 24, no. 3 (1998), 511–52; William Seltzer, “Excluding Indians Not Taxed: Federal Censuses and Native-Americans in the 19th Century,” Paper presented at the 1999 Joint Statistical Meetings, Baltimore, MD, August 1999. Our first joint paper was William Seltzer and Margo Anderson, “After Pearl Harbor: The Proper Role of Population Data Systems in Time of War,” Paper presented at the Annual Meeting of the Population Association of America, March 2000, Los Angeles, CA.

<sup>17</sup> Anderson and Seltzer, “After Pearl Harbor.”

In other words, one month after Pearl Harbor, and a month-and-a-half before Franklin Roosevelt issued Executive Order 9066, Census Director Capt had informed the military (the Navy in this instance) of his willingness to use the questionnaires from the 1940 census to identify Japanese Americans for surveillance and/or military control.

### **The Role of the Census Bureau and the Census in the Evacuation**

The discovery of this new material prompted us to look systematically at the explanations given in the CWRIC report about the role of the census in the evacuation and incarceration. We framed a number of questions:

Who was Henry Field?

What was the Second War Powers Act all about?

Did Congress repeal the confidentiality of census responses and thus encourage the use of microdata in the census for surveillance and military control?

What did Dedrick and his staff do in San Francisco?

How was the evacuation done?

Were microdata released?

Why was the historical record so ambiguous and confused?

In several years of research, we discovered that Henry Field wasn't the doddering old fool portrayed by his critics. His papers were in the Franklin D. Roosevelt Presidential Library in Hyde Park. He was a much more politically connected character. He belonged to Chicago's Field family (owners of the Marshall Field Department Store), dined at the White House several times during the war, according to FDR Library records, and was an unpaid "agent" in an unofficial White House spy unit that FDR set up to gather national security intelligence outside the official structures of the FBI, ONI and G2.<sup>18</sup>

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<sup>18</sup> See for example, Wilton M. Krogman, "Henry Field on Track of Man," *Chicago Daily Tribune*, Oct. 25, 1953, H4. For his papers, and the correspondence on census statistics on Japanese American population, see Papers of Henry Field, Subject: Japanese in the United States, 1941, Box 44, Franklin D. Roosevelt Library, Hyde Park, NY (hereinafter FDR Library). For the finding aid, see [http://www.fdrlibrary.marist.edu/archives/pdfs/findingaids/findingaid\\_field.pdf](http://www.fdrlibrary.marist.edu/archives/pdfs/findingaids/findingaid_field.pdf). For his social contact with the President, see, for example, Franklin Roosevelt Day by Day, Apr. 3, 1941, Oct. 8, 1942, <http://www.fdrlibrary.marist.edu/daybyday/daylog/april-3rd-1941/>, <http://www.fdrlibrary.marist.edu/daybyday/daylog/october-8th-1942/>. For Roosevelt's informal intelligence units that reported directly to the White House, see Joseph E. Persico, *Roosevelt's Secret War: FDR and World War II Espionage* (New York: Random House, 2001).

The correspondence in the FDR Library showed that Field had been in contact with Department of Commerce Undersecretary Wayne Taylor and Census Director Capt requesting 1940 census information on Japanese Americans before Pearl Harbor. He continued his contacts after the war broke out. In November 1941 Field asked when the tabulations of Japanese by small areas of the West Coast would be published. Taylor responded that they were planned for publication in early 1942, but this could be accelerated if paid from outside funds. Taylor told Field to contact Capt around late November 1941. The bureau did not produce the tabulations before the Pearl Harbor attack, but it is well known that Capt began publishing the tabulations starting December 9, that is, less than 48 hours after that attack.

The December 9 report on Japanese Americans based on the 1940 Census, “Japanese population of the United States, its territories and possessions,” was followed immediately by reports on the “Japanese population by nativity and citizenship in selected cities of the United States” on December 10, and “Japanese population in the Pacific Coast States by sex, nativity and citizenship, by counties” on December 11. Additional preliminary 1940 census reports on the Japanese Americans were issued on December 19 and on February 2, 1942.<sup>19</sup>

These reports used the standard form for releasing state population bulletins, the main format the bureau used to release data by state on a flow basis. They encompassed both tabular data and short commentaries in the form of a press release from Census Director Capt.

The media were quite used to receiving such publication notices from the Census Bureau, and not surprisingly, the reports were picked up and quoted in the press shortly after their release.<sup>20</sup>

The reports provided the first detailed results on the distribution of the Japanese American population in the United States since the publication of the 1930 census. They showed a total of 126,947 “Japanese” in the continental United States and an additional 157,905 in Hawaii. Of these, 47,305 in the continental United States were foreign-born and thus “aliens ineligible for citizenship.” In Hawaii, 37,353 were foreign-born. In

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<sup>19</sup> U.S. Bureau of the Census, *Bureau of the Census Catalog of Publications, 1790–1972*, (Washington, DC: Government Printing Office, 1974), items 1286, 1287, 1288, 1291, 1292, 1293.

<sup>20</sup> See for example, *Los Angeles Times*, Dec. 12, 1941, p. 8; *New York Times*, Dec. 13, 1941, p. 15; Dec. 30, 1941, p. 6; *San Francisco Chronicle*, Dec. 17, 1941, p. 15; *San Francisco Examiner*, Dec. 16, 1941, p. 1B; Dec. 17, 1941, p. 5; Dec. 24, 1941, p. 1A.

other words, both in the continental United States and in Hawaii, a large majority of the “Japanese” were American citizens (63 percent in the continental U.S. and 77 percent in Hawaii). The reports further revealed that 112,353 of the Japanese ancestry population lived in the three West Coast states of California, Oregon, and Washington. Capt noted that “California alone had 93,717, or 73.8 percent of the total Japanese in the United States and 33,569 alien Japanese or 71.0 percent of the total.”<sup>21</sup>

The reports also detailed the concentration of the Japanese population by city and county on the West Coast. Capt reported that of the 18 cities in the United States with 500 or more Japanese Americans, all but one (New York City) were in the West Coast states. He noted that Los Angeles County contained “over one-third of the State’s total Japanese” with 36,866. In Oregon, he continued, “Multnomah County [Portland area] had more than half of the Japanese in the State,” and “in Washington, King County [Seattle area] had two-thirds of the Japanese” in the state. The city of Los Angeles had the largest Japanese American community at 23,321, of which 63 percent were native-born American citizens. Japanese Americans encompassed about 1.5 percent of the total population of 1.5 million in the city of Los Angeles. The next largest urban concentration in California was in San Francisco, with 5,280. The 1940 census count for the Japanese American population in Seattle was 6,975.<sup>22</sup>

The production of census tabulations of this type, on its face, is uncontroversial, and appeared to be routine data production from the 1940 census results. Capt was quite proud of his quick response to the Pearl Harbor attack. As he told his Census Advisory Committee in early January 1942, “we didn’t wait for the declaration of war [which took place on Monday afternoon]. On Monday morning we put our people to work on the Japanese thing.”<sup>23</sup>

Capt did not tell his Advisory Committee that he had been in discussions with Henry Field and Wayne Taylor since late November about producing data on the Japanese population to assess the threat of sabotage and subversion on the West Coast. He also did not mention that the distributions of the tabulations to the media were not the only ones he made.

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<sup>21</sup> U.S. Bureau of the Census, “Japanese population of the United States, its territories and possessions,” Series P-3, No. 23, Dec. 9, 1941 (item 1286, *Census Catalog*).

<sup>22</sup> U.S. Bureau of the Census, “Japanese population in the Pacific Coast States by sex, nativity and citizenship, by counties,” Dec. 11, 1941, Series P-3, No. 25 (item 1288, *Census Catalog*).

<sup>23</sup> U.S. Bureau of the Census, Transcript of the Census Advisory Committee, Jan. 9–10, 1942, 20; General Records of the Census Advisory Committee (item 148); U.S. Census Bureau, RG 29; National Archives Building, Washington, DC (hereinafter NAB). For further detail, see Seltzer and Anderson, “After Pearl Harbor.”

Henry Field used his connections to high officials in the White House, State, War, and Navy Departments to make sure that Capt sent the tabulations in typescript form to the appropriate policymakers, with notes that he had been advised to do so. On December 10, for example, Capt provided the December 9 releases to Harold B. Hoskins, executive assistant at the State Department. On December 13, Hoskins in turn requested that Capt send additional copies of these data to officials in ONI, Army Military Intelligence (G-2), and the FBI. On December 11, Henry Field transmitted these tabulations to Undersecretary of State Sumner Welles; on December 17, Capt forwarded additional tabulations to Welles at Field's request. On December 18 Army Military Intelligence in Washington telegraphed the tabulations in the releases to the Western Defense Command in San Francisco.<sup>24</sup>

In other words, at a minimum, Field alerted the senior leadership of the bureau of White House interest in identifying West Coast Japanese Americans and started the process of communication between Capt and the surveillance agencies on the issue.

### **On the Mechanics of Evacuation**

After additional research in the records of the Western Defense Command, we concluded that, despite Henry Field's claim, the bureau was basically correct in saying that it did not release wholesale the names and addresses of Japanese Americans in the spring of 1942 to facilitate the evacuation. What the Census Bureau did do was provide small area tabulations and technical expertise to plan and map the 107 exclusion areas that the Army used to round up the Japanese Americans.

The details of the procedures used are detailed in the Army's *Final Report* of the evacuation, which Dedrick wrote. Tom Clark, a Department of Justice official involved with the evacuation at the time and future Attorney General and Supreme Court Justice, described something of the process in his oral history:

We took over . . . [the Whitcomb Hotel] in San Francisco and organized a group that would handle the relocation. . . . This group consisted of people from each of the agencies of the Government, for example Milton Eisenhower was for Agriculture, Governor [M. S.] Szymczak was from the Federal Reserve Bank, Mr. [John J.] McCloy was the Under Secretary of War; he was there. Then we had the people that took the census. . . . We took over this hotel and put these people in there and the census people began to find where the citizens of

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<sup>24</sup> Records of the Department of State, RG 59, Decimal File, 811.5011/261-1/2; 811-5011/266-1/2; FW80.20211/642; 800.5011/265; 740.00115PW/419, National Archives at College Park, MD. (Hereinafter NACP).

Japanese descent lived. Fortunately, the census had only been taken the year before, 1940, and so they brought their own files out there. We got some big sample tables like salesmen use and they put the raw reports out on the table. Inside of, oh, 60 days they could tell us exactly the city blocks where the people of Japanese descent lived. It was amazing, their office figures from the 1940 census was within 1/2 of 1 percent of the actual figures.<sup>25</sup>

A map showing the plan for the first evacuation of Bainbridge Island in Washington state in March

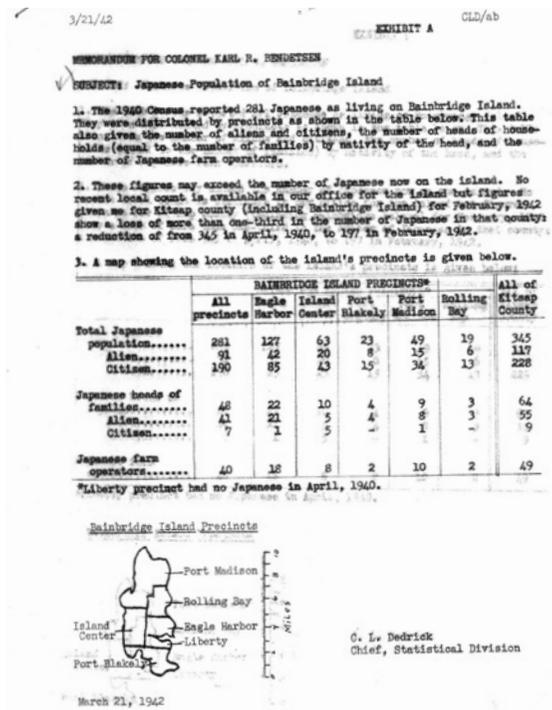
1942, hand-drawn by Director of Statistical Research Calvert Dedrick, accompanied the military instructions on how the 300-odd people were to be “removed.”<sup>26</sup>

## The Functioning of the Disclosure Provisions of the Second War Powers Act

We also discovered that as early as the fall of 1939, when war broke out in

<sup>25</sup> Oral History Interview with Tom C. Clark, Washington, DC, Oct. 17, 1972, and Feb. 8, 1973, by Jerry N. Hess, pp. 58–59, Harry S. Truman Library, Independence, MO, available at <http://www.trumanlibrary.org/orallhist/clarktc.htm>.

<sup>26</sup> Calvert L. Dedrick to Col. Bendetsen, Mar. 21, 1942, War Department, U.S. Army, Western Defense Command, Civil Affairs Division, Wartime Civil Control Administration, RG 338, Unclassified Correspondence, Box 15, File 093, Evacuation of Bainbridge Island, NACP. This is also available in the Bancroft Library as Calvert L. Dedrick to Col. Bendetsen, Mar. 21, 1942, Bancroft Library, University of California, Berkeley, CA. Banc MSS 67/14c FILM, Reel 12, frame 215. For further background, see William Seltzer and Margo Anderson, “Using Population Data Systems to Target Vulnerable Population Subgroups and Individuals: Issues and Incidents,” in *Statistical Methods for Human Rights*, Jana Asher, David Banks, and Fritz S. Scheuren, eds. (New York: Springer, 2008), 273–328.



Calvert Dedrick to Col. Karl R. Bendetsen, March 21, 1942. This memorandum with table and map became the model for defining the 107 exclusion areas the Army used to evacuate Japanese Americans. It identified the number of Japanese Americans by alien status and the number of households, including farm operators, for each precinct on Bainbridge Island, Washington. The island was the first area to be evacuated by the army about a week later.

Europe, Franklin Roosevelt's Justice Department drafted legislation to open the confidential responses collected by the Census Bureau to the surveillance agencies. The draft bill proposed

that the records of the Bureau of the Census, including the individual reports, shall be available to the Federal Bureau of Investigation of the Department of Justice, Office of Naval Intelligence of the Department of the Navy, and the Intelligence Division of the Department of War in connection with violations of the laws against espionage and other matters relating to the national defense whenever, in the opinion of the Attorney General, the Secretary of War or the Secretary of the Navy, the public welfare would be served by according such access to said records.

At the time, the Census Bureau strenuously objected to the draft bill on the grounds that it would dampen response to the 1940 census. The proposal was shelved in 1940 but revived in the spring of 1941, and it ultimately led to the provision that repealed confidentiality in 1942 in the Second War Powers Act.<sup>27</sup>

Section 1402 of the Second War Powers Act covered economic and population data, and it permitted other agencies of the federal government to request access to confidential information collected by the bureau. The provision was used extensively, particularly for economic planning during the war.<sup>28</sup> Individual-level information from the 1940 census was also released to the FBI and the Secret Service, though it would require further research into the practices of the FBI and Secret Service to determine if the census information was used operationally, once supplied. The most extensive request for 1940 census population data that we discovered came from a 1943 Secret Service request. In this case, the Secret Service requested a list of the names and addresses of Japanese Americans residing in metropolitan Washington, DC, ostensibly because of a threat on

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<sup>27</sup> The text of the draft bill is in the President's Official File: 3b-3c, Department of Commerce, Box 6, Folder: Commerce Department, 1939–1940, Census Bureau, FDR Library. The subsequent objections from the Census Bureau and discussions within the administration are available in the records of the Census Bureau and the Bureau of the Budget. See Dedrick to Rice, Dec. 5, 1939, Entry 210, General Records Maintained by Calvert Dedrick, Box 210, Folder: Rice, Dr. Stuart A., RG 29, NAB; Dedrick to Austin, Dec. 5, 1939, Records of the Bureau of the Budget, Entry 20A, History of General Legislation, 76th–79th Congress, 1939–1946 (39.1) (Legislative History of Unenacted and Vetoed Public Bills), Box 27, Folder C158(1)-(5), Commerce Department, Census Bureau #2, RG 51, NACP. For a mention of this episode, see Kenneth O'Reilly, "A New Deal for the FBI: The Roosevelt Administration, Crime Control, and National Security," *The Journal of American History* 69, no. 3 (Dec. 1982), 638–58. For more detail on the confidentiality legislation, see Anderson and Seltzer, "Challenges."

<sup>28</sup> Margo Anderson and William Seltzer, "Federal Statistical Confidentiality and Business Data: Twentieth Century Challenges and Continuing Issues," *Journal of Privacy and Confidentiality* 1 (Spring 2009), 7–52.

the President's life. We discovered the trail of memos and a copy of the actual list of Japanese Americans the bureau provided in the records of the Commerce Department and the Henry Morgenthau papers at the FDR Presidential Library.<sup>29</sup>

### **Second Thoughts about Building Population Surveillance Systems**

Even as the evacuation of the Japanese ancestry population moved to full implementation in late spring 1942, with calls to build additional wartime population surveillance and control instruments, the first signs appeared questioning the advisability of these policies. Officials at the Western Defense Command in San Francisco and some census officials were so pleased with their new initiatives using census data for the war effort, that they commissioned a study to propose a full-scale population registration system "for military and civilian" purposes. Census Bureau staffer Forrest Linder was deployed to San Francisco and prepared a 35-page report with sample forms for further consideration in Washington by war agencies and officials in the statistical system.<sup>30</sup>

On its face, Linder's "Memorandum Relating to a General Population Identity Registration for Military Purposes" read as a technical document covering a range of identity, administrative, and statistical functions that could be accomplished by different sorts of population registration systems, including instituting a universal civilian identity card. However, Linder also included a discussion of the "political and psychological dangers" of such an identity system. "Traditional American thinking regarding freedom of action and thought," he warned, "might consider a mandatory identification register as an infringement of that liberty and the beginning of an American 'gestapo.' The political implications or effects of a compulsory identity registration might be considerable, unless a substantial part of the public clearly saw the necessity for it. Also, the possibilities of 'blacklist' inherent in an identification system are certain to arouse the opposition of labor groups."

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<sup>29</sup> Seltzer and Anderson, "Second War Powers Act." For the correspondence between the Secret Service in the Treasury Department and the Commerce Department and the Census Bureau, see Henry Morgenthau, Jr., to Jesse Jones, Aug. 4, 1943, Morgenthau Diary, Book 655, Aug. 10–12, 1943, Microfilm reel 190, frame 198, FDR Library; Acting Secretary of Commerce Wayne Taylor to the Secretary of Treasury, Aug. 7, 1943, General Correspondence, General Records of the Department of Commerce, Office of the Secretary, RG 40, Box 146, 67104-67105; File: 67104/6,8. Stamped on the Document: Files Office of the Chief Clerk. (67104 is the file number for Census), NACP; Taylor to the Secretary of the Treasury (Henry Morgenthau), Aug. 11, 1943, *Ibid.* The August 11, 1943, letter from Taylor to Morgenthau is also available in the Morgenthau Diary, Book 655, Aug. 10–12, 1943, Microfilm reel 190, frame 196, FDR Library. The list of Japanese Americans in the Washington, DC, area from the 1940 census, Japanese Residing in the Metropolitan Area of Washington, DC, Apr. 1, 1940, is a typed listing with handwritten notation "Confidential," Morgenthau Diary, Book 655, Aug. 10–12, 1943, Microfilm reel 190, frame 197, FDR Library.

<sup>30</sup> See Seltzer and Anderson, "After Pearl Harbor." The Linder Report, correspondence, and the reports of the Commission on Vital Records are available in the Papers of Philip Hauser (Entry 146), Records of the Bureau of the Census, RG 29, NAB.

Linder's memorandum and the proposal for a general population registration were taken up in Washington by the Commission on Vital Records of the Office of Emergency Management, where the civil liberties threats versus the surveillance goals of such a registration came into sharp relief. The Commission prepared additional analyses and reports that further elaborated on the goals of the proponents of such a system. On one side of the question, for example, in a series of questions and answers in a November 1942 "Explanation of a National Registration System Adaptation for War Purposes," question six asked, "Will the National Registration System assist in the control of civilian population movement such as the removal of the Japanese from restricted areas, the permission to enter or leave military buildings or zones, or the right of the individual to travel about the country?" The "answer" responded, "The identity number of the person can be tied to a wartime internal passport or it can be absorbed into passes for military zones or war buildings. It is the universality of the identify certificate which makes possible control over population movements. The control can be exercised to the degree which might be necessary for the war effort."

On the other side of the argument, the February 1943 report of the Commission on Vital Records emphasized that "*the primary purpose of a universal registration fixing personal identity is not the detection of the criminal or the person who is disloyal to the country, but to provide a universal means by which the individual who is honest and law-abiding can establish his identity at once*" (emphasis in original). In the end, enthusiasm for such population control waned, and the registration proposal was quietly shelved. Orwell would not get to see an American gestapo-like instrument developed.

In 1947 the repeal of the Second War Powers Act restored the statistical confidentiality provisions of the Census Act. The Census Bureau's War History Project prepared a study of the bureau role in the Japanese Internment, but it was never published. Calvert Dedrick returned to the Census Bureau in 1945. He remained at the bureau for the rest of his career and never spoke publicly about his role in San Francisco until called upon by the CWRIC, where he vigorously denied any wrongdoing. No wonder the historical record was confused to the point that the CWRIC found it difficult to consider the question of the propriety of the Census Bureau actions.

## Implications

With additional research, however, it is now possible to consider the implications of "one of the most shameful instances of the government misusing its own data."<sup>31</sup> We know that census officials and Congress had long recognized the potential for

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<sup>31</sup> Big Data, 22.

risks from disclosure of individual-level data, and had written protections into federal statute to prevent disclosure. We also know that those protections were not strong enough to withstand political pressure when challenged by “national security” concerns from 1939 to 1947.

How did those challenges occur? We know that between 1939 and 1941 the White House exerted pressure in the form of proposals to repeal the confidentiality protections in the Census Act, even to the point of appointing a new census director, J. C. Capt, amenable to repeal in the spring of 1941. The White House renewed informal requests for data in the fall of 1941 (before Pearl Harbor) through backdoor political channels directly to the Commerce Department and the Census Bureau. Capt used his Texas political connections to reintroduce Roosevelt’s confidentiality repeal language in Congress in February 1942, which was enacted in the Second War Powers Act.

Nevertheless, despite the political pressure and the use of the census to evacuate and incarcerate the Japanese American population, there were political limits, even in wartime, to further expansion of the federal statistical system and the census for surveillance and what today might be called “total information awareness.” The proposal for a national population register failed. The pre-war statistical confidentiality standards were restored in the repeal of the Second War Powers Act in 1947. The Census Bureau resisted further weakening of its confidentiality standards in later years. When national proposals reemerged in the 1960s for a “federal data center,” they were quickly rejected by Congress and the public as Orwellian violations of privacy. Over time, fewer and fewer officials knew of the wartime relaxation of standards of data stewardship, and the few who did went silent. As a result, there has been little historical memory of these events. Later generations of data stewards and privacy advocates have by and large been unaware of them until recently. Now that the world of Big Data is upon us, however, this history can usefully inform debates about data stewardship within professional organizations, provide information for training modules for staff, and facilitate discussion among policy makers about how to build 21st-century data infrastructure that serves the public good.

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