AUTHORIZING THE FIRST CENSUS — THE SIGNIFICANCE OF POPULATION DATA

TEACHER VERSION

Subject Level: High School History
Grade Level: 11-12
Approx. Time Required: 45-60 minutes

Learning Objectives:
• Students will be able to understand primary sources.
• Students will be able to identify and explain the short- and long-term impact of the 1790 act authorizing the census.
Activity Description

Students will analyze excerpts from the 1790 legislation that allowed for the administration of the first decennial census and from the congressional debate on the matter to increase their understanding of the political, economic, and social changes that took place after the American Revolution. They will also use this context to consider the challenges of collecting census data today.

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Approximate Time Required: 45–60 minutes

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Topics:
- American Revolution
- Early Republic

Skills Taught:
- Examining primary sources
- Making comparisons
Material Required

- The student version of this activity, 7 pages

Activity Items

The following items are part of this activity. Items, their sources, and instructions for viewing them online appear at the end of this teacher version.

- Item 1: Chapter II – An Act Providing for the Enumeration of the Inhabitants of the United States
- Item 2: Excerpt of Congressional Remarks During the Census Debate

For more information to help you introduce your students to the U.S. Census Bureau, read “Census Bureau 101 for Students.” This information sheet can be printed and passed out to your students as well.

Standards Addressed

See charts below. For more information, read “Overview of Education Standards and Guidelines Addressed in Statistics in Schools Activities.”

Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects

<table>
<thead>
<tr>
<th>Standard</th>
<th>Strand</th>
<th>Cluster</th>
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<tbody>
<tr>
<td>CCSS.ELA-LITERACY.RH.11-12.2</td>
<td>RH 11-12 – History/Social Studies</td>
<td>Key Ideas and Details</td>
</tr>
</tbody>
</table>

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

UCLA National Standards for History: U.S. History Content Standards

<table>
<thead>
<tr>
<th>Era</th>
<th>Standard</th>
</tr>
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<tbody>
<tr>
<td>3 – Revolution and the New Nation (1754–1820s)</td>
<td>Standard 3: The institutions and practices of government created during the Revolution and how they were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights</td>
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</tbody>
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UCLA National Standards for History: Historical Thinking Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Description</th>
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<tbody>
<tr>
<td>Standard 2: Historical Comprehension</td>
<td>Reconstruct the literal meaning of a historical passage. Students will read an excerpt from the congressional debate on the 1790 Census to understand the benefits of the census and how it later developed.</td>
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</tbody>
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Bloom’s Taxonomy

Students will *understand* some of the challenges of running a centralized government.
Teacher Notes

Before the Activity

Students must understand the following key terms:

- **Apportionment** – the process of dividing the 435 seats in the U.S. House of Representatives among the 50 states according to each state’s population, which is determined by the decennial census; at the conclusion of each census, the results are used to calculate the number of House memberships to which each state is entitled.
- **Enumeration** – a count of the population
- **Federalist** – supporter of establishing a stronger central government through the U.S. Constitution
- **Anti-Federalist** – opponent of establishing a stronger central government through the U.S. Constitution

Students should have a basic understanding of the following ideas and concepts:

- The American Revolution and the post-revolution challenges of unification
- Early Republic
- Taxation and representation in a new democracy

Teachers should explain to students the timing and context of the first census in 1790: more than a year after George Washington became president and shortly before the first Congress ended, as part of legislation to fulfill the requirements of Article I in the brand-new U.S. Constitution. The U.S. Congress gave responsibility for the 1790 Census to U.S. marshals — law enforcement officers for the U.S. Department of Justice in each judicial district — under this legislation, which guided census collections through 1840. The act required that every resident be counted, that the population data be posted in two of the most public places in each district, and that the total counts be sent to the president.

Teachers could get additional information about the legislation at this web page ([www.census.gov/history/www/through_the_decades/overview/1790.html](http://www.census.gov/history/www/through_the_decades/overview/1790.html)).

Teachers should lead a class discussion on the political, economic, and social changes that the United States faced as a new nation in the late 1700s — particularly the debate on representation in the legislature. Teachers should then ask students to brainstorm concerns that Americans in the 1790s might have had about the role of government in their lives.
Teachers could set up a carousel activity, during which groups of students rotate through stations around the classroom, responding to a question displayed on chart paper at each station. Possible questions include:

- What major political issues did the United States face as a new nation in the late 1790s?
- What major economic issues did the United States face as a new nation in the late 1790s?
- What major social issues did the United States face as a new nation in the late 1790s?
- What major debates emerged during the writing of the U.S. Constitution?
- What did the Federalists worry about most as the new nation developed?
- What did the Anti-Federalists worry about most as the new nation developed?

During the Activity

When interpreting the historical language in Item 1 for question 2, teachers could refer students to the web page on the 1790 legislation, mentioned earlier.

After the Activity

Teachers should lead a class discussion on the relevance of the 1790 legislation to today’s census.

Extension Idea

- Teachers could have students read the types of questions asked on the 1790 Census (www.census.gov/history/www/through_the_decades/index_of_questions/1790_1.html) and on the 2010 Census (www.census.gov/2010census/about/interactive-form.php) and write a paragraph discussing the similarities and differences. Teachers could then have students identify and justify a question they think should be added to future censuses.
Student Activity

Click [here](#) to download a printable version for students.

Activity Items

The following items are part of this activity and appear at the end of this student version.

- Item 1: Chapter II – An Act Providing for the Enumeration of the Inhabitants of the United States
- Item 2: Excerpt of Congressional Remarks During the Census Debate

Student Learning Objectives

- I will be able to understand primary sources.
- I will be able to identify and explain the short- and long-term impact of the 1790 act authorizing the census.

The framers of the U.S. Constitution established in our founding document a national census count to ensure fairness in political representation in the new democracy: Article I of the U.S. Constitution calls for an enumeration of the U.S. population every 10 years.

The country's first enumeration began in 1790 — more than a year after the inauguration of President George Washington and shortly before the second session of the first Congress ended. To fulfill Article I, Congress assigned responsibility for the 1790 Census to U.S. marshals — law enforcement officers for the U.S. Department of Justice in each judicial district — under legislation that guided census collections through 1840. This act required three major things: that every resident be counted, that completed census data be posted in two of the most public places in each district, and that total counts be sent to the president.

Read the excerpt of the authorizing legislation, from Item 1: Chapter II – An Act Providing for the Enumeration of the Inhabitants of the United States, and answer questions 1–3.

1. In 1790, marshals carried out orders from federal judges, the U.S. Congress, or the president, and they provided representation of the federal government in their districts.
   a. Why do you think Congress chose marshals to carry out the first enumeration instead of another group?

   Given that marshals and their assistants were local representatives of the federal government at the time, they were qualified to carry out the first enumeration. Their role in the existing government likely made them familiar with the different households and locations in their districts. Marshals also would have brought a level of legitimacy and authority to the first enumeration.
b. What might have been some potential drawbacks to this approach?

   Student answers may vary but could include: Marshals were trained in law enforcement, not statistics, and they may have been less objective than a third party because of their familiarity with a district.

2. Into what original six categories were residents placed? Which group of people was to be omitted?

   The 1790 Census asked for the name of the head of household, as one category, and for the number of people in each of the following additional categories:

   • Free white men, 16 and older (including the head of household)
   • Free white men, younger than 16
   • Free white women (including the head of household)
   • All other free people
   • Enslaved people

   The legislation omitted “Indians not taxed” from the census count.

3. The U.S. government, as a new body, faced several challenges during the time of its first enumeration. Choose at least two of these challenges, and explain how the information the census gathered might have helped to address them.

   Student answers will vary but could include any two of the following:

   • A lack of a national military, addressed by the enumeration of men both younger and older than 16 to get a sense of its potential strength
   • The need to allocate representation in Congress based on population, addressed by counting the numbers of free and enslaved people
   • The need to assess taxation levels for each state to pay to the federal government, addressed by identifying the comparative population of each state
   • The need to determine the proportion of federal funding each state might receive, also addressed by identifying the comparative population of each state
   • The need to establish infrastructure systems and government services, addressed by identifying the varying makeup of populations in each state
4. Review Item 2: Excerpt of Congressional Remarks During the Census Debate, which includes remarks by President James Madison when he served in the U.S. House of Representatives.
   
a. Explain the main points of this excerpt in your own words.
   
   **Student answers will vary but could include:** The excerpt highlights the importance of having a census — to understand the number of people and their occupations in a district, as well as the makeup of the nation. Rep. Livermore identified concerns ("apprehensions") that the census might divide people into classes that were too specific and that enumerators might worry about the government using the census data to raise taxes in their district. He argued that these factors would make the enumeration process even longer and more expensive than was already planned. In contrast, Rep. Madison focused on the many benefits of the census, including most notably that any laws created would reflect the true makeup of society, rather than estimates.
   
b. How is this excerpt relevant to the overall debate about the first enumeration?
   
   **Student answers may vary but could include:** that it helps with understanding the challenges and ultimate goals of the census.
   
c. How do you think James Madison envisioned the questions in future censuses?
   
   **Student answers will vary but could include:** that Madison would have supported questions about people’s occupations because this information would help Congress “accommodate our laws to the real situation of our constituents.”

5. Thinking about current political, economic, and social challenges compared with those from 1790 or other historical time periods, how does census information help the government address such challenges today?

   **Student answers will vary but could include:** Similar to 1790, census data today are used to determine apportionment in the U.S. House of Representatives and can help the government and agencies make decisions that affect the American people. For example, current unemployment statistics might help inform the government’s adjustment of economic plans.

6. What possible issues do you think the U.S. Census Bureau encounters today as it continues to collect and process data about the U.S. population?

   **Student answers will vary but could include:** The tasks of the Census Bureau are likely much larger and more complex today than they were in 1790, as the population has grown and the Census Bureau has expanded its surveys of the population beyond the decennial census. Collecting survey responses from so many people could also be a challenge, despite advances in technology. Some Americans today are also probably concerned about the government’s collection and use of personal data, preferring to maintain their privacy.
FIRST CONGRESS.  Sess. II.  Ch. 9.  1790.

and for other purposes," passed the sixteenth day of September last, shall, with respect to the inhabitants and citizens of the state of Rhode Island and Providence Plantations, be revived, and also that the fourth section of the said act shall be revived, and both continue in force until the first day of April next, and no longer.

Approved, February 8, 1790.

Chap. II.—An Act providing for the enumeration of the Inhabitants of the United States (a)

SECTION I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts to be taken; omitting in such enumeration Indians not taxed, and distinguishing free persons including those bound to service for a term of years, from all others; distinguishing also the sexes and colours of free persons, and the free males of sixteen years and upwards from those under that age; for effecting which purpose the marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their assistants shall respectively take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal shall be, "I, A B. marshal of the district of... do solemnly swear (or affirm) that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, according to the directions of an act of Congress, intituled "An act providing for the enumeration of the inhabitants of the United States," according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of... and make due return thereof to the said marshal, according to the directions of an act of Congress, intituled "An act providing for the enumeration of the inhabitants of the United States," according to the best of my ability." The enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshals by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall be made in a schedule, distinguishing the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in manner following, that is to say: The number of persons within my division, consisting of appears in a schedule hereunto annexed, subscribed by me this day of 1790

A. B. assistant to the marshal of

(a) The acts providing for taking a census of the inhabitants of the United States, subsequent to this act, have been: 1800—Act of February 26, 1800, chap. 13; act of April 13, 1800, chap. 23; 1830—Act of March 26, 1810, chap. 17; act of May 1, 1810; act of March 3, 1811, chap. 29; act of March 3, 1811, chap. 44. 1850—Act of March 3, 1823, 1830—Act of March 3, 1830, chap. 28. 1840—Act of March 2, 1839, chap. 19; act of February 26, 1840, chap. 5; act of January 14, 1841, chap. 2; act of September 1, 1841, chap. 17; resolution September 1, 1841.
Item 1: Chapter II, An Act Providing for the Enumeration of the Inhabitants of the United States (Continued)

Schedule of the whole Number of Persons within the Division allotted to A. B.

<table>
<thead>
<tr>
<th>Names of Free white males heads of families, and upwars, in years.</th>
<th>Free white males under sixteen, males, including heads of families.</th>
<th>All other free persons.</th>
<th>Slaves.</th>
</tr>
</thead>
</table>

**Sect. 2. And be it further enacted,** That every person failing to return, or making a false return, shall forfeit the sum of two hundred dollars.

**Sect. 3. And be it further enacted,** That the marshals shall file the several returns aforesaid, with the clerks of their respective district courts, who are hereby directed to receive and carefully preserve the same: And the marshals respectively shall, on or before the first day of September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every marshal failing to file the returns of his assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from said returns, to the President of the United States, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the President of the United States, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

**Sect. 4. And be it further enacted,** That every assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country; and where such persons reside in a city, or town, containing more than five thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marshals shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dol-

Assistant falling to make a return, or making false return, penalty on.

Marshals to file return, with the clerks of the district courts, and transmit the aggregate amount thereof to the President, on or before the 1st of Sept. 1791; penalty for failing so to do.

Forfeitures how recoverable, and discovered.

Assistant's rate of compensation to.

Marshals, their compensation.
Item 1: Chapter II, An Act Providing for the Enumeration of the Inhabitants of the United States (Continued)

FIRST CONGRESS. Sess. II. Ch. 2. 1790.

... the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

Sec. 5. Be it enacted, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family; and the name of every person, who shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States.

Sec. 6. And be it further enacted, That each and every person more than sixteen years of age, whether heads of families or not, belonging to any family within any division of a district made or established within the United States, shall be, and hereby is, obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use, and the other half for the use of the United States.

Sec. 7. And be it further enacted, That each assistant shall, previous to making his return to the marshal, cause a correct copy, signed by himself, of the schedule, containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars, provided proof of a copy of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal, he shall forfeit the compensation by this act allowed him.

Approved, March 1, 1790.

"Indians not taxed" refers to Indians living on reservations, tribal lands, or in tribal relations who are not subject to federal taxation. They were not counted and therefore did not count toward apportionment. Those living "in civilization" were counted under "All other free people."
Item 2: Excerpt of Congressional Remarks During the Census Debate


www.census.gov/schools/resources/historical-documents/congressional-remarks.html

Click the link above to view the excerpt online.