

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
2157 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6143

Majority (202) 225-5051  
Minority (202) 225-5074

April 27, 2009

The Honorable Gary Locke  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Dear Secretary Locke,

The Committee on Oversight and Government Reform has direct legislative jurisdiction over the Census. It has come to the Committee's attention that Kenneth Prewitt will enter (or may already have entered) into an employment relationship with the U.S. Department of Commerce regarding the 2010 Decennial Census. The exact nature of this relationship is unclear and the Committee requests clarification.

The Commerce Department's potential hiring of Mr. Prewitt is disquieting for a number of reasons. Mr. Prewitt was previously the Director of the Census Bureau from 1998 – 2001 and according to media reports, was widely considered to be President Obama's initial nominee for Census Director.<sup>1</sup> Mr. Prewitt, however, withdrew his name for unknown reasons and another appointee, Robert M. Groves, has been nominated by the President and will soon begin Constitutionally-required Senate confirmation proceedings. It is important to note that Mr. Prewitt has been widely quoted<sup>2</sup> in the news media supporting Mr. Groves, and has participated in conference call briefings for that very purpose.<sup>3</sup>

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<sup>1</sup> Ed O'Keefe, *Clinton-Era Census Director Coming Back?*, WASHINGTON POST, Feb. 13, 2009.

<sup>2</sup> See, e.g., Eliza Newlin Carney, *Countdown To Census Disaster*, THE NATIONAL JOURNAL, March 23, 2009, and Ed O'Keefe, *With 2010 Census Looming, Obama Chooses Survey Expert to Run Bureau*, WASHINGTON POST, April 3, 2009, at A17.

<sup>3</sup> THE WASHINGTON DAYBOOK, *Former Census Director Ken Prewitt; Leadership Conference on Civil Rights (LCCR) President Wade Henderson and census expert Terri Ann Lowenthal holds a conference call briefing, beginning at 2:30 p.m., to support the anticipated nomination of Robert Groves as director of the U.S. Census Bureau*, April 3, 2009.

Mr. Prewitt's eagerness to serve as Census Director and his subsequent withdrawal from consideration make his prospective reentry into operations of the 2010 Decennial seem like a backdoor way of allowing him to run the Census Bureau without having to be confirmed by the Senate. For these reasons, it is easy to interpret the Department's current machinations to hire Mr. Prewitt as a circumvention of Congressional oversight, including the Senate's Constitutional Advice and Consent authority over Presidential appointments, set forth in Article II, Section 2 of the U.S. Constitution. Mr. Prewitt's back door entry into the management of the Census Bureau via his hiring by the Commerce Department would be a blatant disregard of the entire Senate confirmation process and an affront to the Senate's Constitutional Advice and Consent prerogative.

In order to assuage any concerns that the hiring process the Department used to employ Mr. Prewitt's services may have been for the purpose of circumventing Congressional oversight, the Committee respectfully requests the following answers and information, in writing:

- 1) A detailed explanation as to why Mr. Prewitt has been hired by the Department, including:
  - a. job title,
  - b. detailed job description,
  - c. salary,
  - d. to whom he will be reporting and who will be reporting to him (please include a detailed organization chart of the Department of Commerce that displays Mr. Prewitt's position with your response),
  - e. the physical location of Mr. Prewitt's office (will he be working at the Census Bureau's main office in Suitland, MD or in the Commerce Secretary's suite in DC),
  - f. on what projects specifically Mr. Prewitt will be working, and
  - g. the Bureau's preexisting needs and reasons for this hire;
- 2) Will Mr. Prewitt have any management role over the Census Bureau, or the 2010 Decennial? If not, what are his duties?
- 3) Will Mr. Prewitt have any policy or decision-making role regarding the 2010 Census Coverage Measurement Program?
- 4) A detailed description of Mr. Prewitt's employment status (including number of hours and days worked per week). If contractual, the Committee requests a copy of his employment contract); and
- 5) A detailed description of Mr. Prewitt's relationship with the Presidentially-appointed and Senate-confirmed Census Director, including whether Mr. Prewitt's employment will diminish or affect the role of the Census Director.

*The Honorable Gary Locke*

*April 27, 2009*

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As Census Day 2010 fast approaches, it is vitally important that the conduct of the Census be performed efficiently and transparently, in order to produce a fair, accurate and trustworthy enumeration. The Committee appreciates your efforts in achieving this shared goal. Please submit the requested information to the Committee no later than Friday, May 1, 2009. Should you have any questions or need any additional information please contact Chapin Fay at (202) 225-5074.

Sincerely,



Darrell Issa  
Ranking Member



Patrick McHenry  
Ranking Member  
Subcommittee on Information  
Policy, Census and the National  
Archives



Lynn A. Westmoreland  
Member of Congress



Jason Chaffetz  
Member of Congress