AAPOR members have been particularly concerned with two types of government activity: (1) regulations that limit or interfere with the available options for data collection; and (2) government activities—principally within the Bureau of the Census—that facilitate the practice of survey research. A third type of government activity, government regulation of research as a business, has been a higher priority of industry trade associations than it has been of AAPOR. This chapter discusses some of the more prominent and enduring local, state, and federal government activities and the AAPOR response to them.

A Rare Opportunity for AAPOR Action

Shortly before the 1973 annual conference, President Nixon had nominated as director of the Bureau of the Census Vincent Barabba, described by the press as “a Republican political pollster and press agent” and elsewhere in the same story as having “strong Republican political ties but no professional background” (New York Times, 5/15/73). The Senate had scheduled but had not yet begun confirmation hearings. Many at the conference feared for the integrity of the Census Bureau and saw a political appointee with no relevant experience to be a threat to public opinion research.

At the business meeting that year, Leo Bogart proposed as a resolution that AAPOR express its views on this matter publicly. Others at the business meeting agreed, and the next day, Council put the finishing touches on a letter that read in part:

The integrity and accuracy of Census data are vital to our political and economic systems, and to the practice of public opinion research. It is essential that the Bureau of the Census remain free of political influence

1. In this chapter, the term “government” may refer to local, state, or federal departments or agencies. The context should be clear from the text.
and that it should continue to attract professional personnel of the highest caliber. Its Director must be an individual who can command the respect and confidence of its staff and of users of the Census data . . . (Executive Council Minutes, 1973)

Once Council had agreed on the text, members were not comfortable about where and how to disseminate the statement. Eventually, Harold Mendelsohn and Leo Bogart were appointed to distribute the resolution as they saw fit. At the September 1973 meeting of Council, Mendelsohn reported that the AAPOR statement had been read into the record of the confirmation hearings for Census Bureau director, along with statements from other professional organizations.

Despite AAPOR’s protest, Barabba was confirmed. Still, the incident is of historical importance. It illustrates what has proved to be an uncommon occurrence: the opportunity for a large proportion of members to express themselves on an important and pressing issue. It also demonstrates how ineffectual AAPOR has been as an interest group in Washington. AAPOR has generally been more effective when taking the initiative itself, such as developing a code of standards and procedures for their implementation—and less effective when responding to government actions.

Barabba, it should be noted, was an effective Census Bureau director. He served from 1973 through 1976 and agreed to return to the Bureau for a second term from 1979 to 1981 to oversee the 1980 Decennial Census.

### Professional Society Compared with Trade Association

Regulation and oversight by local, state, and federal governments has been a reality for survey research almost from the start. However, industry trade associations—e.g., the Council of American Survey Research Organizations (CASRO), and the Marketing Research Association (MRA)—have spent more time and energy attempting to shape and monitor government regulation than has AAPOR. Partly because regulations are written to have an impact on companies rather than on individuals, industry trade groups—unlike AAPOR—support paid staffs, such as association managers and assistants, tax specialists, and attorneys on the staff or on retainer. These staffs make sure that members do not lose interest in pending legislation, and one of their main
purposes is to anticipate and respond to perceived regulatory threats. In an industry association, the staff is there to create a positive business climate for members, and a successful staff is one that can show members both vigilance and victories in dealing with governmental threats to their well-being. AAPOR has no such staff.

There has been relatively little government interference in survey research. As individuals, public opinion researchers have not been preoccupied with government regulation of their work. And for research organizations, government demands are certainly no more of a burden than what the government requires of other enterprises. (When researchers become managers, their main preoccupation with government becomes the same as that of managers of any other business or institution: taxes and conditions of employment.) Whether we are thinking of AAPOR or of a survey research industry association, the threat of regulation has been more compelling than the reality. Council minutes document that AAPOR’s response to perceived regulatory threat has often followed this pattern: an initial expression of concern, the appointment of a committee to investigate, and then a waning of interest, with renewed attention whenever the same potential threat again becomes salient.

From the first “Green River” ordinance of 1931 (discussed later in this chapter) to the “junk” phone call bills of 1988, the targets of government regulation have nearly always been some other and substantially different activities than public opinion research. However, the continuing need for overtures to strangers makes public opinion research vulnerable to any legislation intended to protect the privacy and security of individuals. Because public opinion researchers usually rely on a network of interviewers who work part-time and at a distance from company offices, they are effectively in the same category as the businesses that are the main targets of tax and labor law legislation. Thus, over the years, there has been proposed or enacted legislation at all levels of government that could limit the data collection options for public opinion researchers. The purpose of such legislation has principally been the protection of an individual’s right to privacy.

Public opinion research has typically collected data by interviews, most of them face-to-face until 1980, and lately more by telephone. Public opinion interviews almost always require interviewers and respondents to be persons who were not previously known to each other. Some prospective interviewees may regard the request for an interview or the content of an interview as unwelcome intrusions on their time or on their privacy.
In the context of survey research, the legal protection of an individual's right to privacy has been expressed in several ways: for example, restrictions on visiting households, limits on telephone interviews, or setting the maximum interview duration. The author believes that regulation to protect the privacy of the individual has so far had little impact on the quality or the cost of research findings. Regulation to protect privacy has been, almost without exception, intended as a remedy for something other than the practice of public opinion research. In fact, by usually not being the main object of an executive order or a bill in a state legislature, the survey research industry is not likely to be among the first to learn of a potential threat to its well-being. (A principal industry trade association, CASRO, has paid special attention to what is happening in state legislatures in order to identify unwanted actions.) At the same time, such regulation is not welcome to public opinion researchers because it certainly offers no added benefits to research and occasionally may have been a deterrent to it.

Another area of government regulation is more of an industry issue than a professional one: the treatment of part-time interviewers, for tax and labor law purposes, as independent contractors rather than employees of the organization that engages them. The employment status of interviewers is discussed later in this chapter.

**Regulation by Localities**

Cities and towns were the first government entities to deny interviewers access to households. A now famous ordinance enacted by the town of Green River, Wyoming, in 1931 has become the basis for a genre of legislation. Between 1935 and 1939, Green River legislation was the model for similar restrictive acts in over 400 communities (Reynolds, 1983).

The original measure, and those that followed, specified criminal penalties for door-to-door peddling, or taking orders for merchandise, without the prior consent of the owners or occupants. The Green River text applied to "solicitors, peddlers, hawkers, [and] itinerant merchants." Local authorities have stretched the language of the Green River type of bill to include survey research interviewers.\(^2\)

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2. In the private sector, a more recent development with the same consequences has been the increasing number of controlled-access apartment buildings. In a 1982 national survey, Response Analysis Corporation found that 7 percent of a national sample of households were living in a controlled-access building.
Although there continues to be a legal question about the validity of punishment for solicitation or for creating a "nuisance" (the two anchors for Green River type of legislation), Green River ordinances have been upheld many times and even in instances where local legislation has been contrary to state law. In localities that have blanket ordinances restricting solicitation, interviewing for public opinion research is permitted—if at all—as an exception to such ordinances. The courts in these communities have also made exceptions for some religious or veterans groups. A test seems to have been whether exceptions still leave intact the original intent of the legislation—to protect citizens from danger (Reynolds, 1983).

**AAPOR Concern and Initiatives Regarding Access to Survey Respondents**³

From the start, AAPOR recognized that the prevention of restrictions on access to respondents was its proper business, and there has been no question at any time about AAPOR's point of view: there should always be unhindered opportunities for legitimate interviewing. This position has been justified as a professional and business concern, and also as a matter of civil liberties (minutes, 1971 annual business meeting).

Until the mid to late 1970s, face-to-face, in-home interviewing was the predominant source of data for public opinion research. Thus, any attempt to limit door-to-door interviewing has been a salient topic among AAPOR members. The first notice in Council minutes of such an initiative was in March 1956, when Robert Bower, Public Relations Chair, "reported on banning of survey interviewers in Rye, New York." Minutes of the 1966 business meeting show that Bruce Neal, in making his report as Standards chair, "called membership's attention to a proposed Oregon law which would require interviewers to explain the survey's purpose to respondents in thirty seconds." Three years later, the minutes from the business meeting in May 1969 note that "there was some discussion of the possible need for joint activity by the Market Research Trade Association [later renamed the Marketing Research Association], the American Marketing Association, and AAPOR, in determining the local restrictions on survey activity." Early the follow-

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³ Much of the information in this section was supplied by Sidney Hollander during his research for the chapter in this book dealing with AAPOR and survey standards.
ing year at Council, “it was voted that Hollander [then Standards chair] prepare a draft of a memo to AAPOR members asking them to report on instances of ordinances restricting interviewing . . .”

Early in 1971, a member asked for AAPOR assistance in connection with a municipality imposing a restriction on interviewers. The Standards Committee included the following in its report to the membership at the 1971 conference:

An urgent and immediate instance arose a few months ago when a Pulse interviewer was arrested in Collingswood, New Jersey for violating a local ordinance restricting door-to-door activity which specifically includes survey interviewers along with salesmen and others who must be registered and their hours restricted. Sidney Roslow of Pulse has asked financial and legal help in carrying this to the Supreme Court if necessary and to this end his lawyer has agreed with the prosecutor on a set of stipulations under which the interviewer was found guilty by a local magistrate. We are awaiting further information from Pulse’s lawyer on the legal issues, but Council has not decided whether to accede to Roslow’s request for financial aid. It is clearly in our interest to have a test case presented most favorably, but there is a question whether AAPOR should use its treasury—meaning your dues—for this purpose. Your opinions are solicited.

The minutes of the 1971 business meeting also include an expression of hope that AAPOR would do more to fight local ordinances that hamper or prohibit interviewing. At that meeting, President Baxter said that AAPOR would be glad to file a friend-of-the-court brief in any such cases. (However, as far as the author can determine, AAPOR did not participate with Pulse in its protest.)

AAPOR records for the early 1970s indicate continuing attention to restrictions imposed on residential face-to-face interviewers. It is not clear whether such concerns were fueled by specific incidents or by AAPOR acting for the general good of its membership. In the spring of 1973, Hope Klapper, then chair of the Standards Committee, called a meeting of representatives of several organizations “to look into problems of access, and possibly broadening the scope to include restrictions caused by (1) ordinances and regulations; (2) fear, on the part of both interviewer and respondent; (3) abuse of the survey approach by salesmen.” Neither record nor recollection confirms that such a meeting was held. Again, early in 1973, AAPOR’s president, Sidney Hollander, obtained from the National Institute of Municipal Law Officers a copy of its “Model Ordinance on Peddlers,” which provided a means
Consequences of Reduced Access: Lower Response Rates

Council minutes and other records that reflect an increasing AAPOR concern over local restrictions on interviewing seem to parallel a continuing decline in response rates, first observed in the mid-1960s. At that time, interviewers were becoming progressively less willing to work in what they perceived as dangerous urban neighborhoods. There were also fewer and fewer daytime doorbells answered, as the proportion of working women continued to increase. By the mid-1970s, the facts of increased difficulty in gaining access to respondents had become institutionalized: decreasing response rates had become an accepted reality. Personal interviewer surveys conducted by the Survey Research Center at the University of Michigan provide useful data. The National Election Studies and the Survey of Consumer Attitudes show an increase in nonresponse of 18 and 13 percentage points respectively from the early 1950s through the late 1970s (Steeh, 1981).

By 1975, the disappointing performance of interviewers (and the field services that supervised them) were often reported without apology or explanation, as though there were no possible remedies. As by James Davis has written, (1987): “Declining cooperation is a myth that functions as an alibi for complacency in field effort.” More and more research organizations accepted reduced access to respondents as irreversible. Private and academic organizations that utilized area probability sampling found that it was costing them more to achieve acceptable response rates. Often their solution was to maintain the rhetoric of area sampling, while actually doing sample implementation in creative—but less credible—ways. For example, sample locations continued to be specified (i.e., down to the block level) but interviewers were allowed substantial control over respondent selection. Some organizations began weighting those at home to compensate for the not-at-homes.

It took a federal government executive order in 1976, specifying a minimum response rate of 70 percent on many types of contracted surveys for the federal government, to demonstrate that when the need exists, research companies and field services are indeed capable of achieving higher response rates.
Overall Effects of Restrictive Ordinances on Survey Research

The Green River ordinance illustrates an earlier observation that regulating the practice of public opinion research has rarely been a primary objective of restrictive legislation. The “junk phone call” bills that are the Green Rivers of the 1970s and 1980s are likewise intended to regulate activities other than survey research. Thus, CASRO, and the law firm it retains, have been successful in some states where junk phone call legislation is pending, by contacting appropriate legislators in these states, explaining the potential unintended damage to the practice of survey research, and offering text for a bill that excludes survey research interviewers from the intent of the legislation.

It is impossible to estimate the effect on research reliability, findings, or costs of this fifty-year (or longer) attempt in some localities to restrict “solicitor” access to households. The logic that there must have been some observable damage is unaccompanied by information on the degree of success of such ordinances in impeding interviewers from completing their assignments. By and large, Green River ordinances have been inconvenient, but not deterrents to the satisfactory conduct of studies that depend on interviews.

Today, the protection of privacy from unwanted telephone calls has supplemented—but not replaced—earlier concerns about restricting interviewer access to households. Local ordinances had the earliest impact on public opinion research, and have continued through to the present. However, along with more emphasis on regulating solicitation by telephone, there has also been a shift away from local legislation and toward state and federal regulation. This is the subject of the next section.

State and Federal Regulation

States and the federal government have been increasingly active during the past fifteen years in protecting individuals from unwanted intrusion in the forms of telephone solicitation to households for goods,

4. See also Albert E. Gollin’s “A Review of Legal Initiatives Aimed at Restricting Research in the United States,” published by the New York chapter of AAPOR in 1985. (A full citation is provided in the reference list that concludes Gollin’s chapter in this history concerning AAPOR and the media).
services, charitable contributions, and the like; and from the "burden" of supplying information to government agencies. Research has been among the targets of federal government measures aimed at reducing respondent burden. The contract and grant programs of state and federal agencies account for millions of interviews annually, conducted by commercial, academic, and other nonprofit survey research organizations. Government-sponsored surveys usually exercise control over interviewers' behavior through "specifications" concerning the way that the work is accomplished. In addition, there are several aspects of research as business that are regulated by federal and state governments. Examples include classification of interviewers for tax and labor law purposes, and the requirement (sporadically enforced) that research companies be subject to state income tax in states where they conduct interviews.

In recent years, the survey research industry has been most concerned about one legislative issue at the state level: telephone calls for solicitation purposes, and their consequences for the conduct of legitimate surveys. In December 1986, Diane Bowers, executive director of CASRO, addressed a conference of the American Marketing Association on the topic, "Survey Research and Legislation: A Look Back and a Look Ahead." During the past eight years, Bowers has become an authority on the legislative problems that threaten the business of research. She reported the following activity in state legislatures during 1986:

- Thirteen bills were introduced that would regulate telephone solicitation for sales purposes.\(^5\)
- Sixteen bills were proposed to regulate unsolicited calls that use automatic dialing devices or recorded message players.
- Seven bills would restrict unsolicited calls to individuals who do not wish to receive them.

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5. An example of this type of legislation is the Florida "asterisk law," which became effective in October of 1987. Telephone customers may have an asterisk beside their listing in the phone book. The asterisk means "No Solicitation Calls," and legally bars unsolicited sales calls to these numbers. The Florida law extends even to telephone customers who do not choose to use the asterisk to screen their calls; solicitors who call must identify themselves and their messages immediately, and must ask within thirty seconds if the recipient wants to continue to hear the sales presentation.

The CASRO attorney provided some text for the bill that should exempt telephone interviewers from the effects of the law. I am grateful to Ms. Bowers and the CASRO office for this and other information on legislation.
• A final group of bills would restrict the calling time of day for unsolicited calls.

Some of these bills were not acted on and are no longer pending. Some of the others include language ("for sales purposes only") that indirectly exempts research, and in one state, Washington, a telephone solicitation bill was passed during 1986 that explicitly exempts survey research interviewing.6

As is illustrated by this account of the current regulatory climate for research practitioners, the "Green Rivers" will be with us in one form or another as long as there are privacy norms for social behavior; as long as the self-interest of particular groups—e.g., door-to-door salespersons—results in such norms being frequently disregarded; and as long as the practice of survey research appears to be another way in which such norms can be violated.

The Employment Status of Interviewers

Research organizations and government agencies (the Departments of Treasury and Labor) continue to disagree about the appropriate labor category and tax treatment of some interviewers. During the past decade, since telephone interviewing has become a principal method of data collection, the industry has found more justification for classifying its interviewers as company employees. Even now, however, there are substantial numbers of interviewers who do not report for work to a company facility and whose work day is not controlled by a company supervisor. It is those individuals whose employment and tax status is in dispute. The instances noted below of AAPOR attention to the employment status of interviewers: 1955, 1968, and 1975, occurred during a period characterized by face-to-face, in-home data collection, when interviewers typically worked part-time, may have interviewed for more than one research company during the same day, and adjusted their working hours to their convenience as well as to their responsibilities.

6. Subsequent correspondence with the CASRO office suggests that in recent years there has been even more concern about telephone solicitation in the state legislatures: In both 1987 and 1988, the CASRO office followed over 60 bills, CASRO monitored about 80 such bills. As of 1990, nearly two-thirds of the state legislatures have introduced bills to regulate telephone solicitation calls for sales purposes, some explicitly including provisions to limit the conduct of survey research. (Source: May 29, 1990 private correspondence from Diane Bowers, Executive Director of CASRO).
Early in 1955, Robert Carlson reported to AAPOR Council, and later to the membership, that he had met several times with representatives of the New York State Employment Service. Carlson’s purpose was to “assist in formulating criteria for the selection and classification of persons seeking work as attitude and research interviewers” (minutes, annual business meeting of 1955). This report is the first recorded instance of AAPOR attention to the employment status of interviewers.

In 1968, when Sidney Hollander was Standards chair, he reported a request from an AAPOR member, Herbert Kay,

\[\ldots\text{that AAPOR write a letter to the Wage and Hour Division, U.S. Department of Labor, stating that survey interviewers are paid, independent contractors, not employees}\ldots\text{Council authorized Hollander to write [such] a letter.}\]

In 1975, the IRS ruled that for payroll and tax purposes, interviewers are classified as employees and not as independent contractors. In response to this ruling, interested organizations responded in different ways. The Market Research Association (MRA), most of whose members specialize in data collection, organized a task force and looked for support among other interested organizations, including AAPOR. At the AAPOR Council meeting, Vice-President Irving Crespi reported the MRA initiative and advised Council not to join in this activity, “since it is essentially a business and not a professional matter.” At the same meeting, Mervin Field moved that Council ask MRA “for clarification of what they wanted from AAPOR,” and the motion carried. Later Council minutes do not include any further information about participating with MRA.

In response to the 1975 IRS ruling, the chair of the then recently founded CASRO, Sanford Cooper, appointed an ad hoc committee to review the history of the payroll status of interviewers, and recommend a policy for the organization. Cooper also engaged a labor law attorney to prepare a statement for CASRO members. The committee’s recommendation, when it came, took into account the “safe harbor” provisions of the IRS statement and recommended challenges to the ruling under specified conditions.

Of these three organizations, the more vigorous responses were from the two trade associations, MRA and CASRO, for whom the IRS ruling was a bread and butter issue because all members of both of these associations are businesses, whose costs are directly affected by the IRS classification of interviewers.

The issue of whether interviewers are employees or are contractors is no longer the concern that it once was. The issue was most salient as
long as most data collection called for interviewers to work away from their employers' facilities, on their own schedules, and with no direct supervision. These employment characteristics are associated primarily with "door-to-door" interviewing, which has been a steadily decreasing part of data collection during the past decade. The two interviewing modes that have accounted for an even larger part of data collection in the 1980s are interviews by telephone and central location interviewing. The latter are face-to-face interviews in shopping malls or other high-traffic areas. Typically, an interviewing company is located on the premises, and has an arrangement by which it is the only company permitted to interview in the area. In both telephone and central location interviewing, there is no question about interviewer status: interviewers are employees who work on company premises, whose schedule is controlled, and whose work is directly supervised.

Relations With the Federal Government

While restrictive laws enacted or proposed by state and local authorities have been seen to affect the practice and the business of public opinion research, a more complex relationship has evolved between survey research and the federal government: not just regulation, but reciprocity. Each party has valued the other as a resource: the government calling on the findings of public opinion research and the views of its practitioners to inform government policy and legislation; and public opinion research utilizing government-sponsored information to assist in the conduct and interpretation of surveys.

A second distinction between state/local and federal relationships to research is that state and local government initiatives, whether regulating employment, taxation, or marketing practices, have been positioned against companies who market through large numbers of sales representatives, paid on commission, who sell door-to-door or in group gatherings in households and through direct marketing by telephone. Research companies were and still are mostly unintended tar-

7. Although there has been a decreasing proportion of door-to-door interviews compared with the alternatives described in the next paragraph, there are still a substantial proportion of studies with federal government and other sponsors that require in-home interviews, with households and respondents selected by area probability sample designs. A number of research organizations, both private sector and university-based, continue to train and supervise staffs of interviewers for residential interviewing.
gets of such legislation. However, some of the most influential of federal
government actions—establishing and monitoring performance stan-
dards—have been those directed specifically at the practice of survey
research.

The role of the federal government as research monitor grew out of
its role as a sponsor of enormous amounts of survey research. The fed-
eral government has become a principal source of support for survey
research in academic settings, and a significant part of the revenues of
some survey research companies.\textsuperscript{8}

Before elaborating on the federal government as regulator, resource,
and monitor, this account must acknowledge a prolonged episode of
uncertainty and distrust between the federal government and its con-
stituents, growing out of the anticommunist hysteria that followed
World War II. At the time, AAPOR members were hardly alone in ex-
periencing threats to individual security and intellectual freedom. But
the effect on AAPOR members was profound.

\section*{Security and Intellectual Freedom}

During the McCarthy era, AAPOR and its members were deeply
concerned with issues of intellectual freedom. Some were active defend-
ants against charges or innuendos of disloyalty, while others were sym-
pathetic, outraged, and/or intimidated.

AAPOR’s first confrontation with security matters concerned a sur-
vey researcher named Laszlo Radvanyi. Radvanyi, Hungarian by birth
and citizenship, was director of the Scientific Institute of Mexican Pub-
lic Opinion. As Herb Hyman remembered it, Radvanyi “came out of
nowhere” to attended the 1946 conference in Central City, Colorado,
at which AAPOR was founded, and became a member of the new as-
association. He returned to Mexico, and in time published three volumes

\textsuperscript{8} Although various World War II federal agencies (the Office of War Information,
Office of Price Administration, etc.) contracted for survey research services, Peggy Wei-
denhamer cites the Research and Marketing Act of 1946 as a basis for modern research
sponsorship by the federal government. The Department of Agriculture made its first
research awards in the late 1940s. There was enough federal government activity by the
early 1950s to warrant an executive order establishing a mechanism for the review of
sample designs and data collection plans for federal government contracts to research
companies, implemented by the Bureau of the Budget (later OMB). A big boost to gov-
ernment-sponsored survey research came in the 1960s, with the evaluation studies that
were a part of the Johnson administration Great Society programs in education, job
training, health, and the delivery of economic and social services.

After AAPOR had invited Radvanyi to attend the 1949 conference, President Elmo (Budd) Wilson learned that the U.S. State Department would probably not grant him a visa, and that AAPOR would then have to decide whether to make an appeal in his behalf. The State Department informed Wilson that the rejection was “ideological” but refused further comment.

At Council in April 1949, Paul Sheatsley moved and Hyman seconded that Wilson first find out if Radvanyi intended to apply for a visa, and if so, that Wilson be empowered to enter an appeal if the visa were denied. Council approved “without dissent.” The minutes record Sheatsley’s observation that the ideological beliefs of a member have nothing to do with his competence or the contribution he was expected to make to a scientific meeting. As it happened, Radvanyi declined the invitation (Sheatsley, private communication).

Within a few years, the academic community felt the repressive impact of “McCarthyism,” and every AAPOR member during the 1950s was acquainted with colleagues whose careers, research interests, and personal wellbeing had been disrupted by charges of disloyalty to the government. The tardy, drawn-out discussion and the seeming reluctance of Council to take a stand on the issue of intellectual freedom—long after other organizations had publicly asserted themselves—is more than puzzling; it borders on the bizarre. Why was AAPOR unwilling to support the values of most of its members?

The record picks up again in April of 1954, when outgoing president Samuel Stouffer recommended that Council make a systematic inquiry into “present problems of research in government, including both the attitudes of high-level government officials toward research and the security and other problems faced by researchers themselves.”

To look into the feasibility of Stouffer’s recommendation, incoming President George Gallup was to ask Elmo Roper to chair a provisional committee to determine whether there should be such an inquiry. Herbert Hyman, Samuel Stouffer, and Jack Riley volunteered to serve as members.

Minutes of Council meetings in June and again in November of 1954 show that the same issue came up each time and that Gallup still had not appointed a provisional committee. In late January 1955, Council again discussed what the minutes now refer to as a “proposed committee on scientific freedom.” At that time, Council agreed that AA-
POR should issue a formal statement of its stand on academic freedom. Gallup agreed to ask Elmo Roper to chair an ad hoc committee, including Gallup and Stouffer, to prepare such a statement. The statement was to be presented for a membership vote at the annual conference three months later.

At the conference, in April 1955, events were different from what Council had approved in January. The committee was actually chaired by Archibald Crossley, not Roper. In Crossley's lengthy report, he described himself as "a one-man ad hoc committee to obtain and report data about security investigations." Crossley's report was based on interviews with AAPOR members, and with government officials. Crossley said he had also assembled as much other information as time permitted. Among the conclusions to his report, Crossley suggested that the new Council, or a committee appointed by Council, "keep in touch with the situation, and recommend to the membership, if and when it sees fit, any appropriate action that should be taken by the Association."

Crossley made no reference to a committee on academic freedom, nor to any statement of an AAPOR position being brought to a vote of the membership. Is this an instance of Council putting off the need to take a controversial position? Does this reflect an association badly divided over the issues? Or perhaps Gallup simply procrastinated, and it would be a mistake to read anything profound into his delays. At any rate, these academic freedom issues gave AAPOR a rare opportunity—a time of crises—to support the values of most of its members. Unfortunately, the Association did not "show up" when it was needed.

AAPOR and Congress

In their fascination with and intimidation by public opinion research, their appreciation of opinion research as a resource, and their vindictiveness over the published results of polls that may have unfavorably affected their election campaigns, many members of Congress—particularly in the House—have introduced legislation about public opinion research. None of this legislation was ever brought to a floor vote.

Following is a sample of such legislation that has concerned Council.

Hagen: Polls for policy. In April of 1953, Harry Alpert reported to Council that Congressman Harold Hagen of Minnesota had introduced a bill "providing for voluntary questioning of qualified voters of
each State to aid the federal government in the formulation of policy.” Alpert made the same report at the annual business meeting the following month. Council resolved that the AAPOR president appoint one or more members to meet with Congressman Hagen to discuss with him “alternative means of achieving his goal.” Ray Robinson of the Washington AAPOR chapter did meet with Mr. Hagen, and then advised Council that AAPOR should do nothing, since the bill would most likely die in committee. It did.

Nedzi: Truth-in-polling. Congressman Lucien Nedzi of Michigan introduced a bill in February 1971 providing that “whoever conducts a public opinion poll relating to any election for Federal office or to any political issue the results of which are intended to be disseminated to the public shall, no later than seventy-two hours after the first dissemination... file with the Librarian of Congress the following information...”

In an account of this legislation, Sidney Hollander points out that the text of the bill then cites eight items, most of them corresponding to the AAPOR code’s “Standards for Minimal Disclosure.” Hollander goes on, “Because of this close similarity, Council passed the following resolution at a subsequent meeting that year:

Be it resolved that AAPOR supports legislation consistent with AAPOR’s Standards of Disclosure.”

The motion passed. Hollander draws two conclusions from the incident: that Council did not object to legislation that regulated a part of the polling process, as long as it was consistent with AAPOR standards; and second, that Council did not want to pass judgment on Nedzi’s bill.

Leo Bogart recalls that Nedzi appeared at an AAPOR Conference to defend his proposed legislation, at the invitation of Sidney Hollander, Leo adds: “Sid Hollander invited him, picked him up at the airport, and treated him very well.”

Nedzi and AAPOR had more to do with each other than in AAPOR’s other brushes with Congress: the following year, Nedzi held hearings on his bill. Hollander, then AAPOR president, and Robert Bower, an AAPOR past president and at the time president of the National Council on Public Polls (NCP), both testified. The bill apparently was not reported out of committee.

Goodell: A “Polls Procedure Disclosure Act.” This bill would have enabled a candidate whose contest was the subject of a published
poll to require publication of the procedures used by the poll (*Congressional Record*, 1970). The bill was introduced the month after Senator Charles Goodell (New York) had lost his Senate seat, a circumstance forecast by the *New York Daily News* pre-election polls that fall. Goodell complained to AAPOR about the procedural weaknesses of the *Daily News* polls, but AAPOR took no action. Congress did not act on the bill.

**Murphy: A congressional office for polling.** In 1974, Congressman Morgan Murphy of Illinois introduced a “Voluntary Public Opinion Act.” The intent of this ambitious bill was not only to improve the quality of congressional polling of constituents, its main purpose, but also to make the procedures for such polls a standard for all political polling. Congressman Murphy sent a copy of the bill to AAPOR. At the August 1974 Council meeting, Standards Chair Mervin Field suggested that the motivation for much constituent polling is less a search for truth than a device for supporting a congressman’s position. In this light, the proposed legislation seemed a bit naive. In a reply to Congressman Murphy, President Herbert Abelson offered AAPOR’s assistance to strengthen the bill, and suggested convenient mechanisms for AAPOR participation. AAPOR heard no more about the bill. If its motives were genuine, its time had not come.

Several times over the years, Council minutes record discussions about assistance that AAPOR could be giving to legislators. For example, in January 1973, in connection with government action on social issues, Laure Sharp emphasized the need for Congress to have relevant survey findings available. Ira Cisin called on AAPOR to facilitate getting survey findings to legislators. Richard Baxter went further: he saw AAPOR as able to offer legislators names of experts in particular fields.

In 1973, Council approved a one-day workshop in Washington for congressional aides and candidates for office. A committee consisting of Robert Bower, Ira Cisin, Phill Davison, Reuben Cohen, and Herbert Abelson met in Princeton, organized the tasks, and went to work. (Leo Bogart was also due at the meeting in Princeton, but his new car broke down on the turnpike.) Bower at that time was president of the NCPP, which had been formed by AAPOR members who regularly conducted polls that were used by the media.

The workshop did not materialize. At Council late in 1973, Bower explained that legislative assistants could not afford the fee, and the National Science Foundation would not support the workshop. In fact,
the first successful workshop of this type was sponsored by the NCPP about ten years later. AAPOR had recognized the need, but at this time was not able to satisfy it.

Statistical Resources for Research

The federal government, principally through the Bureau of the Census, has been a source of information for sampling statisticians, and a pioneer in the development of survey research methods to improve sampling, analysis, and quality control of sample surveys. The Bureau periodically collects data on population characteristics, which are essential to many aspects of the design and conduct of public opinion research.

AAPOR has consistently supported initiatives to maintain and strengthen the Bureau of the Census as an independent and vital agency of the government. Among AAPOR activities:

• In 1957, AAPOR representation, through Cisin, on the National Council Planning the Decennial Census.
• In 1967, formal protest against the Betts Bill (HR10952), which would have limited the number of questions on the 1970 census. (At Council in 1969, Robert Bower reported that congressmen had introduced over fifty bills to limit some aspect of the 1970 Census.)
• President Raymond Bauer’s appointment, in 1967, of Al Biderman as AAPOR representative on the U.S. Census Advisory Group, to assist in the planning of the decennial Census and interim studies.
• Since 1979, AAPOR participation in the Committee of Professional Associations on Federal Statistics (COPAFS), composed of delegates from a number of organizations whose members use federal statistics. President Cohen cited that COPAFS “plans to report activities of the Federal government related to statistical data collection and to appraise and assess federal statistics programs.”

Federal Performance Standards

Since 1952, the federal government has implemented standards of performance for survey research. Such standards apply to research con-
tracts of those agencies that operate within the Executive Office of the President. Only contracts (i.e., not research grants) are reviewed. At the June 1952 business meeting, Harry Alpert informed the membership that the Bureau of the Budget had published “Statistical Standards for Government Surveys,” available from the Government Printing Office. Since that time, the Bureau of the Budget (later reorganized as the Office of Management and Budget) has reviewed research designs and questionnaires of Federal government contractors prior to the start of data collection.

A White House Executive Order in 1976, derived from the Federal Reports Act of that year, enlarged on the OMB mandate. At Council in October of 1976, President Irving Crespi reported that the “White House has ordered a 10 percent cut in the number of forms that citizens are required to fill out... this includes government-supported surveys.” The new Executive Order added response rate requirements and other data quality standards to the OMB review process.

In her 1984 AAPOR presidential address, Laure Sharp suggested that “the Federal government has taken a number of actions in recent years which assumed that respondents needed to be protected from the survey takers.” After acknowledging the many factors that have increased the difficulty of achieving satisfactory response rates (e.g., fewer persons at home and available; interviewer fear of crime), Sharp observed that the federal government has strongly influenced the climate for conducting surveys in the 1980s by its emphasis on respondent burden.

Sharp saw the relatively new practice of paying respondents for their time as a symptom of this changing climate, and later explained:

But I think that the main reason why the research community has become defensive in its dealings with the public and no longer operates on the assumption that most Americans will voluntarily participate in surveys is the Federal government’s emphasis on reduction of respondent burden, defined only in terms of interview length.

Thus she suggests a new construct around surveys: researchers imposing a burdensome task on respondents, with interviewers as their agents. This author agrees with Ms. Sharp that “there is no supporting evidence for the... claim that the growing length of survey instru-

ments, proliferation of surveys, and too frequent requests for survey participation have led to greater unwillingness on the part of respondents to participate in surveys” (Sharp, 1984).

Discussion

An examination of four decades of minutes from Council and from annual conferences has shown that AAPOR interest in the climate of regulation has been high, but also shows that there has been a lot of talk and relatively little action. The AAPOR charter, its form of organization, and the priorities of its members determined from the start that AAPOR would address some issues better than others. The circumstances did not favor AAPOR effectiveness in dealing with government regulation.

The following explanations are suggested for the lack of activity in this area:

AAPOR is not organized to do much about government initiatives. The capacity to act on short notice, in a timely manner, and with appropriate information, is usually a requirement of effectiveness in influencing legislation. The limited number of Council meetings and the authority structure established by the by-laws are not conducive to an active AAPOR role in influencing proposed legislation or executive orders.

With an AAPOR central office whose activities are limited to membership mailing and dues collection; with all decision-making authority vested in the Council (and little in the officers or membership); and with Council meetings spaced throughout the year for convenience in handling the society’s business, there is no way that AAPOR could be particularly effective in influencing the actions of government.

AAPOR represents individuals, not organizations. AAPOR has always been a source of professional identity, and a forum for persons with common professional interests. AAPOR thus represents the interests of members as individuals. Most of the effects of government regulation are not as high a priority of individuals as they are of companies and institutions that manage contracts and grants.

The interests of AAPOR members overlap but are by no means identical. Different membership segments want AAPOR to utilize its resources in different ways. The common professional interests of members are largely the methodology and techniques and standards of public opinion research. And even within these areas of interest, there
are differences between members who conduct research and those who use research. When it comes to government regulation of research, we are hardly energized by the same things, and some of us are not energized at all. The segmented AAPOR membership gives AAPOR richness and diversity of views, but dissipates energy that in other circumstances could be mobilized to influence government.

**Political action is specifically excluded from the AAPOR charter.** The only formal reference to an interaction between AAPOR and the government is in the certificate of incorporation: “No substantial part of AAPOR’s activities shall be devoted to attempting to influence legislation by propaganda or otherwise.”

**Other voices.** For many years AAPOR was the only spokesman for public opinion research. Currently, three other organizations—whose interests are generally consistent with AAPOR’s—monitor and attempt to influence government activities that affect survey research. These are CASRO, whose membership is composed of “full service research” companies; the NCPP, whose member organizations conduct polls for publication and for broadcasting; and the MRA, most of whose members specialize in data collection services. With respect to government regulation, these associations have overlapping interests with AAPOR, and in conducting their own business they satisfy many of the needs of AAPOR members. The very existence of these trade associations emphasizes the uniqueness of AAPOR as a professional society, and permits AAPOR to better attend to what it was established to do, and what it does well.

If AAPOR were to be organized now instead of some forty-plus years ago, would it provide mechanisms for surveillance and response to legislation that are more like those of trade associations? Probably not. The social and political issues that push the limits of survey research methodology, the increasing reliance on findings from public opinion studies in every sector of society, and the need for the profession to have a public identity, all continue to pose new challenges to AAPOR just as they did when it was founded.

**References**


Public Opinion Quarterly 45:40–57.

Notes

3 Reynolds, loc cit.
6 Hyman and others. “Back in the Olden Days.” Program at the 1985 AAPOR Conference.
7 Correspondence with Paul Sheatsley.