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ATTORNEY GENERAL RAOUL DEFENDS CENSUS AGAINST FEDERAL ATTEMPT TO EXCLUDE UNDOCUMENTED IMMIGRANTS

Chicago — The United States Supreme Court today heard argument in the case brought by Attorney General Kwame Raoul, along with a coalition of states, cities and counties, against federal attempts to illegally leave millions of undocumented immigrants out of the apportionment base that establishes the number of members in the House of Representatives that each state receives.

Despite numerous losses in its efforts to politicize the 2020 Decennial Census, the federal government is seeking to again violate basic constitutional and statutory commands. Raoul and the coalition argue in the case that the administration must count the “whole number of persons” residing in the country for apportionment, as the U.S. Constitution and the Census Act unambiguously require.

“An accurate census count is fundamental to our democracy, and all residents deserve to be represented fairly and accurately” Raoul said. “The federal government’s efforts to prevent undocumented immigrants from being counted in the census would result in an undercount that could negatively affect states for year to come. I will continue to fight unconstitutional efforts to undermine the integrity of the census.”

In July, Raoul and the coalition filed a lawsuit against the federal government after it announced that it would leave millions of undocumented immigrants out of the apportionment base that follows the decennial census count. The lawsuit sought to stop the federal government from violating the longstanding constitutional and statutory requirement to count the “whole number of persons” residing in each state for apportionment, without regard to immigration status. In August, Raoul and the coalition filed a motion for summary judgment, which was granted in September by a three-judge court that held that the president’s plan to exclude undocumented immigrants from the apportionment base was unlawful.

In today’s argument, Raoul and the coalition assert that excluding undocumented immigrants from the apportionment base will lead to the loss of congressional seats and presidential electors in the Electoral College, especially for states with large immigrant populations, and will degrade the quality of census data that states and local jurisdictions rely on to perform critical governmental functions. Additionally, excluding immigrants can reduce resources to state and local jurisdictions.

The U.S. Constitution and Census Act clearly state that, for purposes of apportioning members of the House of Representatives among the states, every person residing in the United States on Census Day – or April 1 this past year – must be counted. Raoul and the coalition argue that excluding undocumented immigrants from the apportionment base violates Article I Section 2 of the U.S. Constitution, the 14th Amendment, and the Census Act. Additionally, this exclusion conflicts with long-recognized Supreme Court precedent. Raoul and the coalition ask the Supreme Court to require the president and his administration to adhere to their obligation to base congressional apportionment on “the whole number of persons in each state” and to forbid them from excluding undocumented immigrants from the apportionment base, just as the lower court did.

Joining Raoul in today’s case are the attorneys general of Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin. The attorneys general are joined by the cities of Central Falls and Providence, R.I.; Chicago; Columbus, Ohio; New York; Philadelphia and Pittsburgh, Pa.; Phoenix, Ariz.; Seattle, Wash.; and the city

and county of San Francisco. Additionally, Cameron, El Paso, and Hidalgo Counties in Texas; Howard County in Maryland; and Monterey County in California have joined the lawsuit, as well as the bipartisan U.S. Conference of Mayors.