

Steve Marshall
Alabama Attorney General



For press inquiries only, contact:

Mike Lewis (334) 353-2199

Joy Patterson (334) 242-7491

Page 1 of 2

Attorney General Steve Marshall Files Brief with U.S. Supreme Court in Support of President Trump’s Order to Exclude Illegal Aliens from Census Count for Congressional Apportionment

The Court Has Fast-Tracked the Trump Administration’s Appeal of a Lower-Court Decision and Will Hear Oral Arguments on November 30

(MONTGOMERY) – Today, Attorney General Steve Marshall filed an amicus brief with the U.S. Supreme Court in the case of *Trump v. New York*, which centers on President Donald J. Trump’s order to exclude illegal aliens from being counted for purposes of congressional apportionment.

“President Trump has the legal authority to order the exclusion of illegal aliens from the Census apportionment count, and, in fact, the Constitution requires that result,” said Attorney General Marshall.

In May 2018, Attorney General Marshall and Congressman Mo Brooks, R-Huntsville, jointly filed suit against the U.S. Department of Commerce and Census Bureau to prevent them from including illegal aliens in the Census apportionment count. Attorney General Marshall and Congressman Brooks argued that Alabama would likely lose a congressional seat and an Electoral College vote that the State would otherwise maintain if the Census apportionment count included only citizens and lawfully present aliens.

On July 21, President Trump issued a memorandum directing the Secretary of Commerce, in preparing census data, to provide information permitting the President to carry out the policy of excluding from the apportionment base those who are not in a lawful immigration status. Within days, New York and other state and local governments, as well as numerous activist groups, filed federal lawsuits challenging the memorandum. A three-judge district court in New York issued an order on September 10 blocking the Trump Administration from implementing the memorandum, and the Administration appealed to the Supreme Court.

“President Trump acted in accordance with the Constitution and the American interest,” Attorney General Marshall added. “The decision by the lower court to block the policy of the United States should be reversed forthwith by the Supreme Court.”



“Under the Constitution, illegal aliens are not counted when determining how to divide up political power among the States,” Attorney General Marshall continued. “The Census determines political representation for the body politic – ‘the People.’ Illegal aliens stand outside the body politic, having neither affirmed allegiance to our country nor been recognized by it as lawfully residing here. Thus, including them in the apportionment dilutes the representation afforded to citizens and lawfully-present aliens who do form ‘the People.’ Any apportionment that includes illegal aliens thus violates the Constitution’s process for apportionment and promise of equal representation.”