



**For Immediate Release**  
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**LDF Files Amicus Brief Challenging Trump Administration’s Memorandum  
Excluding Undocumented People from 2020 Census Count**

Yesterday, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and law firm Milbank LLP filed an amicus brief urging the U.S. Supreme Court to affirm a lower court ruling in *Trump v. New York*, in which the U.S. District Court for the Southern District of New York barred the Trump Administration’s attempt to exclude people without documented immigration status from the Congressional apportionment base.

“The Fourteenth Amendment unambiguously requires equal political representation for all people in the United States, mandating that Congressional apportionment be based on the ‘whole number of persons in each State,’” said LDF Assistant Counsel Zachery Morris. “This Administration is attempting yet once again to limit the political power of Black people and other communities of color, who are immigrants or live in proximity to immigrant communities. It is critical—and legally required—that the apportionment base derived from the decennial Census count of all people accurately reflect our country’s makeup so that political representation and billions of dollars of government funding can be allocated equitably.”

LDF’s brief argues that the text, history, and spirit of our Constitution, as well as two centuries of practice, require that all people be counted for purposes of apportioning Congressional representatives, regardless of citizenship status. The amicus brief also recognizes that this effort is this Administration’s most recent attempt to circumvent the Supreme Court’s rejection in 2019 of a citizenship status question on the decennial Census, and identifies the harmful repercussions that distorted apportionment would have on Black communities. LDF also previously filed an amicus brief against the Trump Administration’s unsuccessful effort to include a citizenship status question on the once-a-decade Census count. The Administration’s 2020 memorandum would deprive Black people and other communities of color—who are already undercounted every Census cycle—of the equal political representation to which they are guaranteed under the Constitution.

“The Supreme Court must reject this Administration’s effort to target people it disfavors, here undocumented immigrant communities, and deny them and the communities they live alongside their right to representation,” said LDF Deputy Director of Litigation Leah Aden. “The presidential memorandum is part of a years-long strategy to misuse Census data to manipulate redistricting and limit the political participation of communities of color. A Reconstruction Amendment in our Constitution clearly forbids this.”

Read LDF’s amicus brief [here](#).

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. LDF has been completely separate*

*from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).*